

1 **AUTHORIZATION TO PERFORM MARRIAGES**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Carlene M. Walker**

6 **LONG TITLE**

7 **General Description:**

8 This bill clarifies those who are authorized to solemnize a marriage may not delegate or
9 deputize other persons to solemnize a marriage.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits persons authorized to solemnize a marriage from delegating or deputizing
13 other persons to solemnize a marriage.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **30-1-6**, as last amended by Chapter 2, Laws of Utah 1997

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **30-1-6** is amended to read:

24 **30-1-6. Who may solemnize marriages -- Certificate.**

25 (1) Marriages may be solemnized by the following persons only:

26 (a) ministers, rabbis, or priests of any religious denomination who are:

27 (i) in regular communion with any religious society; and



- 28 (ii) 18 years of age or older;
- 29 (b) Native American spiritual advisors;
- 30 (c) the governor;
- 31 (d) mayors of municipalities **§ OR COUNTY EXECUTIVES §** ;
- 32 (e) a justice, judge, or commissioner of a court of record;
- 33 (f) a judge of a court not of record of the state;
- 34 (g) judges or magistrates of the United States;
- 35 (h) the county clerk of any county in the state, if the clerk chooses to solemnize
- 36 marriages;
- 37 (i) the president of the Senate;
- 38 (j) the speaker of the House of Representatives; or
- 39 (k) a judge or magistrate who holds office in Utah when retired, under rules set by the
- 40 Supreme Court.
- 41 (2) A person authorized under Subsection (1) who solemnizes a marriage shall give to
- 42 the couple married a certificate of marriage that shows the:
- 43 (a) name of the county from which the license is issued; and
- 44 (b) date of the license's issuance.
- 45 (3) As used in this section:
- 46 (a) "Judge or magistrate of the United States" means:
- 47 (i) a justice of the United States Supreme Court;
- 48 (ii) a judge of a court of appeals;
- 49 (iii) a judge of a district court;
- 50 (iv) a judge of any court created by an act of Congress the judges of which are entitled
- 51 to hold office during good behavior;
- 52 (v) a judge of a bankruptcy court;
- 53 (vi) a judge of a tax court; or
- 54 (vii) a United States magistrate.
- 55 (b) (i) "Native American spiritual advisor" means a person who:
- 56 (A) (I) leads, instructs, or facilitates a Native American religious ceremony or service;
- 57 or
- 58 (II) provides religious counseling; and

59 (B) is recognized as a spiritual advisor by a federally recognized Native American
60 tribe.

61 (ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine
62 person, traditional religious practitioner, or holy man or woman.

63 (3) Notwithstanding any other provision in law, no person authorized under Subsection
64 (1) to solemnize a marriage may delegate or deputize another person to perform the function of
65 solemnizing a marriage § , EXCEPT THAT ONLY FULL-TIME EMPLOYEES OF THE OFFICE
65a RESPONSIBLE FOR THE ISSUANCE OF MARRIAGE LICENSES MAY BE DEPUTIZED § .

Legislative Review Note
as of 1-23-04 10:23 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0157

Authorization to Perform Marriages

05-Feb-04

11:32 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst