

**AUTHORIZATION TO PERFORM MARRIAGES**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carlene M. Walker**

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

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

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

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

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

- (1) Marriages may be solemnized by the following persons only:
  - (a) ministers, rabbis, or priests of any religious denomination who are:
    - (i) in regular communion with any religious society; and
    - (ii) 18 years of age or older;
  - (b) Native American spiritual advisors;

- (c) the governor;
  - (d) mayors of municipalities or county executives;
  - (e) a justice, judge, or commissioner of a court of record;
  - (f) a judge of a court not of record of the state;
  - (g) judges or magistrates of the United States;
  - (h) the county clerk of any county in the state, if the clerk chooses to solemnize marriages;
  - (i) the president of the Senate;
  - (j) the speaker of the House of Representatives; or
  - (k) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court.
- (2) A person authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:
- (a) name of the county from which the license is issued; and
  - (b) date of the license's issuance.
- (3) As used in this section:
- (a) "Judge or magistrate of the United States" means:
    - (i) a justice of the United States Supreme Court;
    - (ii) a judge of a court of appeals;
    - (iii) a judge of a district court;
    - (iv) a judge of any court created by an act of Congress the judges of which are entitled to hold office during good behavior;
    - (v) a judge of a bankruptcy court;
    - (vi) a judge of a tax court; or
    - (vii) a United States magistrate.
  - (b) (i) "Native American spiritual advisor" means a person who:
    - (A) (I) leads, instructs, or facilitates a Native American religious ceremony or service; or
    - (II) provides religious counseling; and

(B) is recognized as a spiritual advisor by a federally recognized Native American tribe.  
(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

(4) Notwithstanding any other provision in law, no person authorized under Subsection (1) to solemnize a marriage may delegate or deputize another person to perform the function of solemnizing a marriage, except that only full-time employees of the office responsible for the issuance of marriage licenses may be deputized.