

1                                   **SOLEMNIZING MARRIAGES AMENDMENT**

2   2010 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Douglas C. Aagard**

5                                   Senate Sponsor: J. Stuart Adams

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7 **LONG TITLE**

8 **General Description:**

9           This bill allows all employees of the office responsible for the issuance of marriage  
10 licenses to be deputized to solemnize marriages.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ repeals a requirement that only full-time employees of the office responsible for the  
14 issuance of marriage licenses may be deputized to solemnize marriages, thereby  
15 allowing all employees of the office responsible for the issuance of marriage  
16 licenses to be deputized to solemnize marriages.

17 **Monies Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **30-1-6**, as last amended by Laws of Utah 2009, Chapter 296

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

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

27           **30-1-6. Who may solemnize marriages -- Certificate.**

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

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

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

58 (vii) a United States magistrate.

59 (b) (i) "Native American spiritual advisor" means a person who:

60 (A) (I) leads, instructs, or facilitates a Native American religious ceremony or service;

61 or

62 (II) provides religious counseling; and

63 (B) is recognized as a spiritual advisor by a federally recognized Native American

64 tribe.

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

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