

MARRIAGE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill changes who may solemnize a marriage.

Highlighted Provisions:

This bill:

- ▶ provides that all senators and representatives of the Utah Legislature may solemnize a marriage; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-1-6, as last amended by Laws of Utah 2019, Chapter 317

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) 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;

- 30 (iii) a judge of a district court;
- 31 (iv) a judge of any court created by an act of Congress, the judges of which are entitled
- 32 to hold office during good behavior;
- 33 (v) a judge of a bankruptcy court;
- 34 (vi) a judge of a tax court; or
- 35 (vii) a United States magistrate.
- 36 (b) (i) "Native American spiritual advisor" means an individual who:
- 37 (A) leads, instructs, or facilitates a Native American religious ceremony or service or
- 38 provides religious counseling; and
- 39 (B) is recognized as a spiritual advisor by a federally recognized Native American
- 40 tribe.
- 41 (ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine
- 42 person, traditional religious practitioner, or holy man or woman.
- 43 [~~(1) Except for a county clerk, or a county clerk's designee, as provided below, the~~]
- 44 (2) The following individuals may solemnize a marriage [at that individual's
- 45 discretion]:
- 46 (a) an individual 18 years old or older who is authorized by a religious denomination to
- 47 solemnize a marriage;
- 48 (b) a Native American spiritual [advisors] advisor;
- 49 (c) the governor;
- 50 (d) the lieutenant governor;
- 51 (e) [~~mayors of municipalities or county executives~~] a mayor of a municipality or county
- 52 executive;
- 53 (f) a justice, judge, or commissioner of a court of record;
- 54 (g) a judge of a court not of record of the state;
- 55 (h) [~~judges or magistrates~~] a judge or magistrate of the United States;
- 56 (i) the county clerk of any county in the state or the county clerk's designee as
- 57 authorized by Section 17-20-4;

58 ~~[(j) the president of the Senate;]~~
59 ~~[(k) the speaker of the House of Representatives; or]~~
60 (j) a senator or representative of the Utah Legislature; or
61 ~~[(†) (k) a judge or magistrate who holds office in Utah when retired, under rules set by~~
62 ~~the Supreme Court.~~

63 ~~[(2)] (3) An individual authorized under Subsection [(†) (2)] who solemnizes a~~
64 ~~marriage shall give to the couple married a certificate of marriage that shows the:~~

- 65 (a) name of the county from which the license is issued; and
- 66 (b) date of the license's issuance.

67 ~~[(3) As used in this section:]~~

68 ~~[(a) "Judge or magistrate of the United States" means:]~~

69 ~~[(i) a justice of the United States Supreme Court;]~~

70 ~~[(ii) a judge of a court of appeals;]~~

71 ~~[(iii) a judge of a district court;]~~

72 ~~[(iv) a judge of any court created by an act of Congress the judges of which are entitled~~
73 ~~to hold office during good behavior;]~~

74 ~~[(v) a judge of a bankruptcy court;]~~

75 ~~[(vi) a judge of a tax court; or]~~

76 ~~[(vii) a United States magistrate.]~~

77 ~~[(b) (i) "Native American spiritual advisor" means a person who:]~~

78 ~~[(A) leads, instructs, or facilitates a Native American religious ceremony or service or~~
79 ~~provides religious counseling; and]~~

80 ~~[(B) is recognized as a spiritual advisor by a federally recognized Native American~~
81 ~~tribe.]~~

82 ~~[(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine~~
83 ~~person, traditional religious practitioner, or holy man or woman.]~~

84 (4) Except for an individual described in Subsection (2)(i), an individual described in
85 Subsection (2) has discretion to solemnize a marriage.

86 [~~(4)~~] (5) Except as provided in Section 17-20-4 and Subsection (2)(i), and
87 notwithstanding any other provision in law, no individual authorized under Subsection [~~(1)~~] (2)
88 to solemnize a marriage may delegate or deputize another individual to perform the function of
89 solemnizing a marriage.