

Representative Jennifer Dailey-Provost proposes the following substitute bill:

MARRIAGE SELF-SOLEMNIZATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends who may perform a marriage.

Highlighted Provisions:

This bill:

- ▶ allows the couple to be married to solemnize their own 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

30-1-11, as last amended by Laws of Utah 2019, Chapter 420

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.



- 26 (1) As used in this section:
27 (a) "Judge or magistrate of the United States" means:
28 (i) a justice of the United States Supreme Court;
29 (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 (l) a judge or magistrate who holds office in Utah when retired, under rules set by the

61 Supreme Court~~[-]; or~~

62 (m) the individuals entering the marriage if both individuals are:

63 (i) at least 18 years old; and

64 (ii) not in the custody or guardianship of a state agency.

65 ~~[(2) An]~~ (3) Each individual authorized under Subsection ~~[(1) who]~~ (2) that

66 solemnizes a marriage shall ~~[give to]~~ ensure the couple married receives a certificate of

67 marriage that shows the:

68 (a) name of the county from which the license is issued; and

69 (b) date of the license's issuance.

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

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

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

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

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

75 ~~[(iv) a judge of any court created by an act of Congress the judges of which are entitled~~

76 ~~to hold office during good behavior;]~~

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

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

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

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

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

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

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

87 (4) Except for an individual described in Subsection (2)(i), an individual described in

88 Subsection (2) has discretion to solemnize a marriage.

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

93 Section 2. Section **30-1-11** is amended to read:

94 **30-1-11. Return of license after ceremony -- Failure -- Penalty.**

95 (1) The individual solemnizing the marriage or the married couple self-solemnizing
96 their marriage shall, within 30 days after solemnizing the marriage return the license to the
97 clerk of the county that issues the license, with a certificate of the marriage over [~~the~~
98 ~~individual's signature~~] each solemnizer's signature, giving the date and place of celebration and
99 the names of two or more witnesses present at the marriage.

100 (2) [~~An~~] Each individual solemnizer described in Subsection (1) who fails to return the
101 license is guilty of an infraction.