

1 **MARRIAGE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig Hall**

5 Senate Sponsor: Daniel McCay

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7 **LONG TITLE**

8 **General Description:**

9 This bill changes who may solemnize a marriage.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that all senators and representatives of the Utah Legislature may solemnize  
13 a marriage; and

14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **30-1-6**, as last amended by Laws of Utah 2019, Chapter 317

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

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

25 **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 (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 [(†) (2)~~  
 88 ~~to solemnize a marriage may delegate or deputize another individual to perform the function of~~  
 89 ~~solemnizing a marriage.~~

