

MARRIAGE SOLEMNIZATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Mike Winder

LONG TITLE

General Description:

This bill amends provisions related to marriage solemnization.

Highlighted Provisions:

This bill:

- ▶ amends the list of individuals authorized to solemnize a marriage to include the state attorney general, the state treasurer, the state auditor, and members of the state's congressional delegation; and
- ▶ makes technical and conforming 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 2021, Chapter 151

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;

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

58 authorized by Section 17-20-4;
59 ~~[(j)]~~ (m) a senator or representative of the Utah Legislature; ~~[or]~~
60 (n) a member of the state's congressional delegation; or
61 ~~[(k)]~~ (o) a judge or magistrate who holds office in Utah when retired, under rules set by
62 the Supreme Court.

63 (3) An individual authorized under Subsection (2) who solemnizes a marriage shall
64 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 (4) Except for an individual described in Subsection ~~[(2)(i)]~~ (2)(1), an individual
68 described in Subsection (2) has discretion to solemnize a marriage.

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