

**MARRIAGE SOLEMNIZATION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to marriage solemnization.

**Highlighted Provisions:**

This bill:

- ▶ amends the duties of a county clerk as the duties relate to marriage solemnization;
- ▶ amends the list of individuals authorized to solemnize a marriage; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-20-4**, as last amended by Laws of Utah 2015, Chapter 46

**30-1-6**, as last amended by Laws of Utah 2022, Chapter 444

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

Section 1. Section **17-20-4** is amended to read:

**17-20-4. Duties of county clerk.**

A county clerk shall:



28 (1) establish policies to:  
 29 (a) issue all marriage licenses and keep a register of marriages as provided by law; and  
 30 ~~[(2)] (b) [establish policies to]~~ ensure that the county clerk, ~~[or a designee of the county~~  
 31 ~~clerk who is willing]~~ or an employee of the county clerk's office designated by the county clerk,  
 32 is available during business hours to solemnize a legal marriage for which a marriage license  
 33 has been issued;

34 (2) make publicly available and maintain on the county clerk's website educational  
 35 information on solemnizing a marriage, including information regarding:

36 (a) the eligibility requirements to solemnize a marriage, as provided under Section  
 37 30-1-6; and

38 (b) the responsibilities of an individual solemnizing a marriage, as provided under  
 39 Sections 30-1-6, 30-1-11, 30-1-13, 30-1-14, and 30-1-15;

40 (3) execute under the clerk's seal and in the name of and for the county, all deeds and  
 41 conveyances of all real estate conveyed by the county;

42 (4) take and certify acknowledgments and administer oaths;

43 (5) keep a fee book as provided by law; and

44 (6) take charge of and safely keep the seal of the county, and keep other records and  
 45 perform other duties as may be prescribed by law.

46 Section 2. Section 30-1-6 is amended to read:

47 **30-1-6. Who may solemnize marriages -- Certificate.**

48 (1) As used in this section:

49 (a) "Judge or magistrate of the United States" means:

50 (i) a justice of the United States Supreme Court;

51 (ii) a judge of a court of appeals;

52 (iii) a judge of a district court;

53 (iv) a judge of any court created by an act of Congress, the judges of which are entitled  
 54 to hold office during good behavior;

55 (v) a judge of a bankruptcy court;

56 (vi) a judge of a tax court; or

57 (vii) a United States magistrate.

58 (b) (i) "Native American spiritual advisor" means an individual who:

59 (A) leads, instructs, or facilitates a Native American religious ceremony or service or  
60 provides religious counseling; and

61 (B) is recognized as a spiritual advisor by a federally recognized Native American  
62 tribe.

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

65 ~~[(2) The following individuals may solemnize a marriage:]~~

66 ~~[(a) an individual 18 years old or older who is authorized by a religious denomination  
67 to solemnize a marriage;]~~

68 ~~[(b) a Native American spiritual advisor;]~~

69 ~~[(c) the governor;]~~

70 ~~[(d) the lieutenant governor;]~~

71 ~~[(e) the state attorney general;]~~

72 ~~[(f) the state treasurer;]~~

73 ~~[(g) the state auditor;]~~

74 ~~[(h) a mayor of a municipality or county executive;]~~

75 ~~[(i) a justice, judge, or commissioner of a court of record;]~~

76 ~~[(j) a judge of a court not of record of the state;]~~

77 ~~[(k) a judge or magistrate of the United States;]~~

78 ~~[(l) the county clerk of any county in the state or the county clerk's designee as  
79 authorized by Section 17-20-4;]~~

80 ~~[(m) a senator or representative of the Utah Legislature;]~~

81 ~~[(n) a member of the state's congressional delegation; or]~~

82 ~~[(o) a judge or magistrate who holds office in Utah when retired, under rules set by the  
83 Supreme Court.]~~

84 (2) An individual may solemnize a marriage if the individual is:

85 (a) 18 years old or older and is a resident of this state;

86 (b) a Native American spiritual advisor;

87 (c) a judge or magistrate of the United States; or

88 (d) the county clerk of a county in this state or an employee of the county clerk's office  
89 designated by the county clerk.

90 (3) An individual authorized under Subsection (2) who solemnizes a marriage shall  
91 give to the couple married a certificate of marriage that shows the:

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

94 (4) Except for an individual described in Subsection [~~(2)(f)~~] (2)(d), an individual  
95 described in Subsection (2) has discretion to solemnize a marriage.

96 (5) Except as provided in Section [17-20-4](#) and Subsection [~~(2)(f)~~] (2)(d), and  
97 notwithstanding any other provision in law, [~~no~~] an individual authorized under Subsection (2)  
98 to solemnize a marriage may not delegate or deputize another individual to perform the  
99 function of solemnizing a marriage.