

Senator Daniel McCay proposes the following substitute bill:

MARRIAGE SOLEMNIZATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

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

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

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



26 **17-20-4. Duties of county clerk.**

27 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~~
54 ~~entitled 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 (1) An individual may solemnize a marriage in this state if the individual is:
85 (a) 18 years old or older; or
86 (b) the county clerk of a county in this state or an employee of the county clerk's office
87 designated by the county clerk.

88 ~~[(3)]~~ (2) An individual authorized under Subsection ~~[(2)]~~ (1) who solemnizes a
89 marriage shall give to the couple married a certificate of marriage that shows the:

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

92 ~~[(4)]~~ (3) Except for an individual described in Subsection ~~[(2)](1)~~ (1)(b), an individual
93 described in Subsection ~~[(2)]~~ (1) has discretion to solemnize a marriage.

94 ~~[(5)]~~ (4) Except as provided in Section [17-20-4](#) and Subsection ~~[(2)](1)~~ (1)(b), and
95 notwithstanding any other provision in law, ~~[no]~~ an individual authorized under Subsection
96 ~~[(2)]~~ (1) to solemnize a marriage may not delegate or deputize another individual to perform
97 the function of solemnizing a marriage.