

**MARRIAGE SELF-SOLEMNIZATION AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: \_\_\_\_\_

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**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

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*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:



- 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 into the marriage.

63 ~~[(2) An]~~ (3) Each individual authorized under Subsection ~~[(1) who]~~ (2) that  
64 solemnizes a marriage shall ~~[give to]~~ ensure the couple married receives a certificate of  
65 marriage that shows the:

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

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

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

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

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

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

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

73 ~~[(iv) a judge of any court created by an act of Congress the judges of which are entitled~~  
74 ~~to hold office during good behavior;]~~

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

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

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

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

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

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

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

85 (4) Except for an individual described in Subsection (2)(i), an individual described in  
86 Subsection (2) has discretion to solemnize a marriage.

87 ~~[(4)]~~ (5) Except as provided in Section 17-20-4 and Subsection (2)(i), and  
88 notwithstanding any other provision in law, no individual authorized under Subsection ~~[(1)]~~ (2)  
89 to solemnize a marriage may delegate or deputize another individual to perform the function of

90 solemnizing a marriage.

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

92 **30-1-11. Return of license after ceremony -- Failure -- Penalty.**

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

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