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H.107

Introduced by Representatives Devereux of Mount Holly, Townsend of South
Burlington, Brumsted of Shelburne, Gardner of Richmond,
Hubert of Milton, LaClair of Barre Town, and Lewis of Berlin

Referred to Committee on

Date:

Subject: Vital records; marriage; solemnization

Statement of purpose of bill as introduced: This bill proposes to amend laws
related to individuals who are authorized to solemnize marriages in Vermont.

An act relating to marriage solemnization

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 5144 is amended to read:

§ 5144. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE

(a) Marriages may be solemnized by a Supreme Court Justice, a Superior
judge, a judge of Probate, an assistant judge, a justice of the peace, a
magistrate, a Judicial Bureau hearing officer, an individual who has registered
as an officiant with the Vermont Secretary of State pursuant to section 5144a
of this title, ~~a member of the clergy residing in this State and ordained or
licensed, or otherwise regularly authorized thereunto by the published laws or
discipline of the general conference, convention, or other authority of his or~~

1 ~~her faith or denomination, or by such a clergy person residing in an adjoining~~
2 ~~state or country, whose parish, church, temple, mosque, or other religious~~
3 ~~organization lies wholly or in part in this State, or by a member of the clergy~~
4 ~~residing in some other state of the United States or in the Dominion of Canada,~~
5 ~~provided he or she has first secured from the Probate Division of the Superior~~
6 ~~Court in the unit within which the marriage is to be solemnized a special~~
7 ~~authorization, authorizing him or her to certify the marriage if the Probate~~
8 ~~judge determines that the circumstances make the special authorization~~
9 ~~desirable~~ or an ordained, licensed, or otherwise authorized spiritual leader
10 within any faith. Marriage among the Friends or Quakers, the Christadelphian
11 Ecclesia, and the Baha'i Faith may be solemnized in the manner heretofore
12 used in such societies.

13 (b) This section does not require a ~~member of the clergy~~ spiritual leader
14 authorized to solemnize a marriage as set forth in subsection (a) of this section,
15 nor societies of Friends or Quakers, the Christadelphian Ecclesia, or the Baha'i
16 Faith to solemnize any marriage, and any refusal to do so shall not create any
17 civil claim or cause of action.

18 (c) Upon request, the Secretary of State shall provide public agencies and
19 members of the public information and advice regarding the individuals
20 authorized to solemnize marriages and issues related to marriage
21 solemnization.

1 Sec. 2. 18 V.S.A. § 5144a is amended to read:

2 § 5144a. TEMPORARY OFFICIANT FOR MARRIAGES

3 (a) ~~By registering with the secretary of state, an individual may temporarily~~
4 ~~be authorized~~ The Secretary of State, upon receipt of a completed registration
5 form provided by the Secretary of State and a \$100.00 fee, may temporarily
6 authorize an individual to solemnize a marriage in this state State. ~~When~~
7 ~~registering, the individual shall provide:~~

8 (1) ~~A completed registration form provided by the secretary of state.~~

9 (2) ~~A \$100.00 fee.~~

10 (b) Upon registration as a temporary officiant, the individual shall be
11 authorized to solemnize only the civil marriage designated on the registration
12 form; and shall receive proof of that authority from the ~~secretary of state~~
13 Secretary of State. The individual's authority to solemnize that civil marriage
14 shall expire at the same time as the corresponding license.

15 Sec. 3. 18 V.S.A. § 5145 is amended to read:

16 § 5145. CIVIL MARRIAGE LICENSE REQUIRED FOR
17 SOLEMNIZATION

18 ~~Persons~~ An individual authorized by section 5144 of this title to solemnize a
19 marriage shall require a civil marriage license of the parties, before
20 solemnizing such marriage. The license shall afford full immunity to the
21 ~~person~~ individual who solemnizes the marriage.

1 Sec. 4. 18 V.S.A. § 5146 is amended to read:

2 § 5146. PENALTY FOR SOLEMNIZATION WITHOUT LICENSE OR
3 FAILURE TO RETURN

4 ~~A person~~ An individual who solemnizes a marriage, without first obtaining
5 of the parties the license as required by law section 5145 of this title, or who
6 fails to properly fill out the form thereon provided for his or her use and return
7 the license and certificate of civil marriage to the town clerk's office from
8 which it was issued within 10 days from the date of the marriage, shall be fined
9 not less than \$10.00.

10 Sec. 5. 18 V.S.A. § 5147 is amended to read:

11 § 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY;
12 VALIDITY OF MARRIAGE

13 (a) ~~A person~~ An individual who, knowing that he or she is not authorized
14 so to do, undertakes to join others in marriage, shall be imprisoned not more
15 than six months or fined not more than \$300.00 nor less than \$100.00, or both.

16 (b) A marriage solemnized ~~before a person professing to be a justice or a~~
17 minister of the gospel by an individual who was not authorized to do so under
18 section 5144 of this title shall not be void ~~nor the validity thereof affected for~~
19 ~~want of jurisdiction or authority in such supposed justice or minister~~ or invalid,
20 ~~providing~~ provided that the marriage is in other respects lawful and is

1 consummated with a belief on the part of ~~the persons~~ either party so married,
2 ~~or either of them~~, that ~~they~~ the couple were lawfully joined in marriage.

3 Sec. 6. EFFECTIVE DATE

4 This act shall take effect on July 1, 2017.