

HOUSE BILL REPORT

HB 2314

As Reported by House Committee On:
Judiciary

Title: An act relating to marriage licensing and solemnization by county auditors.

Brief Description: Concerning marriage licensing and solemnization by county auditors.

Sponsors: Representatives Muri, Kilduff, Graves, Dolan, Hudgins, Reeves and Jinkins.

Brief History:

Committee Activity:

Judiciary: 1/11/18, 1/23/18 [DP].

Brief Summary of Bill

- Authorizes county auditors to solemnize marriages.
- Requires county auditors to issue marriage licenses at the time of application and allows marriage licenses to be used immediately.
- Requires that a county fix the fees associated with a county auditor solemnizing marriages in a county-owned facility, and that the associated fees be deposited into the county general fund.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman, Hansen, Kirby, Muri, Orwall and Valdez.

Minority Report: Do not pass. Signed by 3 members: Representatives Haler, Klippert and Shea.

Staff: Sydney Sullivan (786-7290) and Edie Adams (786-7180).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Marriage is a civil contract between two persons who are each age 18 or older and who are otherwise capable. There is no particular form required for the solemnization of a marriage, except that the parties must assent to the marriage in the presence of an authorized person and two witnesses.

Persons who are authorized to solemnize marriages are active or retired judicial officers and officials of religious organizations. Authorized judicial officers are: justices of the Supreme Court; judges of the Court of Appeals, superior courts, courts of limited jurisdiction, and tribal courts of federally recognized tribes; and commissioners of the Supreme Court, Court of Appeals, and superior courts. Authorized religious officials are any licensed or ordained minister, imam, rabbi, priest, or similar official of a religious organization.

Persons wishing to marry must be issued a marriage license from a county auditor. A county auditor may issue a marriage license at the time he or she receives an application, but shall issue a license no later than the third day following a marriage license application. Parties issued a marriage license may not use the license until at least three days have passed from the marriage license application date. A marriage license is void if the marriage is not solemnized within 60 days of the date a license is issued. A person who solemnizes a marriage must, within 30 days of the solemnization, create and deliver a marriage certificate to the county auditor and the state registrar of vital statistics.

Summary of Bill:

County auditors are authorized to solemnize marriages.

A county auditor must issue a marriage license at the time of a license application, and the issued marriage license may be used immediately by the parties.

Any fees associated with a county auditor solemnizing marriages in a county-owned facility must be fixed by the county, and the fees must be deposited into the county general fund.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There has been a national trend to remove the three-day waiting period before parties are allowed to use a marriage license after a marriage license has been issued from a county auditor. The three-day waiting period is an archaic and outdated practice that hinders marriage. The waiting period negatively impacts military personnel who can receive orders

that they are being deployed immediately, and then cannot get married before they leave due to the waiting period. The waiting period also negatively impacts soldiers who travel into Washington.

(Opposed) None.

Persons Testifying: Representative Muri, prime sponsor; Toby Guevin, Washington State Association of County Auditors; and Michael Shaw, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.