H-3294.4

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2261**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Leavitt, Chambers, Orwall, Appleton, Doglio, Pollet, Kilduff, Shewmake, Wylie, and Hudgins

AN ACT Relating to marriage licensing and solemnization by county auditors; amending RCW 26.04.050, 26.04.070, and 26.04.180; and adding a new section to chapter 26.04 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 26.04.050 and 2019 c 52 s 2 are each amended to read as follows:

The following named officers and persons, active or retired, are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, supreme court commissioners, court of appeals commissioners, superior court commissioners, judges and commissioners of courts of limited jurisdiction as defined in RCW 3.02.010, judges of tribal courts from a federally recognized tribe, county auditors, and any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization. The solemnization of a marriage by a tribal court judge pursuant to authority under this section does not create tribal court jurisdiction and does not affect state court authority as otherwise provided by law to enter a judgment for purposes of any dissolution, legal separation, or other proceedings related to the marriage that is binding on the parties and entitled to full faith and credit.

**Sec.**  RCW 26.04.070 and 2012 c 3 s 6 are each amended to read as follows:

In the solemnization of marriage no particular form is required, except that the parties thereto shall assent or declare in the presence of the minister, priest, imam, rabbi, or similar official of any religious organization, county auditor, or judicial officer solemnizing the same, and in the presence of at least two attending witnesses, that they take each other to be spouses.

**Sec.**  RCW 26.04.180 and 1985 c 82 s 4 are each amended to read as follows:

The county auditor ((~~may~~)) shall issue the marriage license at the time of application((~~, but shall issue such license no later than the third full day following the date of the application~~)). A marriage license issued pursuant to the provisions of this chapter ((~~may not be used until three days after the date of application and~~)) shall become void if the marriage is not solemnized within sixty days of the date of the issuance of the license, and the county auditor shall notify the applicant in writing of this requirement at the time of issuance of the license.

NEW SECTION. **Sec.**  A new section is added to chapter 26.04 RCW to read as follows:

Any fee charged by a county auditor for the solemnization of marriage conducted in a county-owned facility shall be fixed by the county legislative authority and shall be deposited and maintained in a separate dedicated account to be used solely for the purpose of funding behavioral health services programs for veterans. Revenue from the fee shall be used to supplement, not supplant, existing funding for behavioral health services programs for veterans.

**--- END ---**