
Civil Rights & Judiciary Committee

HB 2261

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

Sponsors: Representatives Leavitt, Chambers, Orwall, Appleton, Doglio, Pollet and Kilduff.

Brief Summary of Bill

- Authorizes county auditors to solemnize marriages.
- Requires county auditors to issue marriage licenses at the time of application, and removes the three-day waiting period to use a marriage license.
- Provides that any fee charged by a county auditor for the solemnization of marriage conducted in a county-owned facility must be fixed by the county legislative authority and deposited into an account to be used solely for the purpose of funding behavioral health service programs for veterans.

Hearing Date: 1/14/20

Staff: Nico Wedekind (786-7290) and Cece Clynch (786-7195).

Background:

Marriage is a civil contract between two persons who are each age 18 or older and who are otherwise capable. Prior to being joined in marriage, the parties must procure a marriage license from a county auditor, either via mail or in person. A county auditor may issue a marriage license immediately upon receipt of an application, but must issue a license no later than the third day after the receipt of an application. A marriage license may not be used until three days after the marriage license application date.

After being issued a marriage license, the parties must have their marriage solemnized within 60 days or the license is void. There is no particular form required for the solemnization of a marriage, except that the parties are required to assent to the marriage in the presence of an authorized person and at least two attending witnesses.

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.

Active or retired justices of the Supreme Court, judges of the courts of appeals, judges of the superior courts, Supreme Court commissioners, courts of appeals' commissioners, superior courts' commissioners, commissioners of courts of limited jurisdiction, judges of tribal courts from federally recognized tribes, and any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization are all authorized to solemnize marriages in Washington.

Summary of Bill:

County auditors are authorized to solemnize marriages.

A county auditor is required to issue a marriage license at the time of a license application, and the mandated three-day waiting period to use a marriage license is removed.

Any fee charged for the solemnization of a marriage conducted by a county auditor in a county-owned facility must be fixed by the county legislative authority. Any proceeds from this fee must be deposited and maintained in a separate dedicated account to be used solely for the purpose of funding behavioral health services programs for veterans.

Appropriation: None.

Fiscal Note: Requested on January 7, 2020.

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