
SENATE BILL 5346

State of Washington 55th Legislature 1997 Regular Session

By Senators Thibaudeau and Prentice; by request of Governor Lowry

Read first time 01/23/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting gender discrimination in the
2 granting of civil marriage licenses; amending RCW 26.04.010, 26.04.020,
3 and 26.04.210; adding a new section to chapters 4.08, 4.20, 5.60, 6.13,
4 6.15, 6.27, 9A.16, 9A.76, 11.02, 11.04, 11.80, 26.04, 26.09, 26.16,
5 26.20, 26.33, 41.16, 41.18, 41.24, 41.28, 41.44, 42.17, 43.20B, 51.32,
6 59.20, 60.04, 64.04, 64.28, 65.12, 70.123, 71.09, 72.01, 72.36, 74.13,
7 74.42, 87.03, 89.12, and 91.08 RCW; creating new sections; and
8 prescribing penalties.

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

10 NEW SECTION. **Sec. 1.** The legislature and the people of the state
11 of Washington find that strong, healthy families promote social
12 stability and economic growth, and that these families are supported
13 and protected by the contractual obligations and benefits conferred by
14 civil marriage licenses.

15 NEW SECTION. **Sec. 2.** It is a compelling interest of the state of
16 Washington not to discriminate against otherwise-qualified candidates
17 for a civil marriage license on the basis of the gender of the
18 applicants.

1 **Sec. 3.** RCW 26.04.010 and 1973 1st ex.s. c 154 s 26 are each
2 amended to read as follows:

3 Marriage is a civil contract which may be entered into by persons
4 of the age of eighteen years, who are otherwise capable(~~(:—PROVIDED,~~
5 ~~That))~~ regardless of the gender of the parties. Persons of the same
6 gender have the right to enter into a civil marriage contract in the
7 same manner and with the same force and effect as persons of the
8 opposite gender. Every marriage entered into in which either party
9 shall not have attained the age of seventeen years shall be void except
10 where this section has been waived by a superior court judge of the
11 county in which one of the parties resides on a showing of necessity.

12 **Sec. 4.** RCW 26.04.020 and 1927 c 189 s 1 are each amended to read
13 as follows:

14 Marriages in the following cases are prohibited:

15 (1) When either party thereto has a (~~(wife or husband))~~ spouse
16 living at the time of such marriage.

17 (2) When the parties thereto are nearer of kin to each other than
18 second cousins, whether of the whole or half blood computing by the
19 rules of the civil law.

20 (3) It (~~(shall be))~~ is unlawful for (~~(any man))~~ a person to marry
21 (~~(his father's sister, mother's sister, daughter, sister, son's~~
22 ~~daughter, daughter's daughter, brother's daughter or sister's daughter;~~
23 ~~it shall be unlawful for any woman to marry her father's brother,~~
24 ~~mother's brother, son, brother, son's son, daughter's son, brother's~~
25 ~~son or sister's son))~~ the person's sibling, child, grandchild, aunt,
26 uncle, niece, or nephew.

27 **Sec. 5.** RCW 26.04.210 and 1995 c 301 s 78 are each amended to read
28 as follows:

29 (1) The county auditor, before a marriage license is issued, upon
30 the payment of a license fee as fixed in RCW 36.18.010 shall require
31 each applicant therefor to make and file in the auditor's office upon
32 blanks to be provided by the county for that purpose, an affidavit
33 showing that if an applicant is afflicted with any contagious sexually
34 transmitted disease, the condition is known to both applicants, and
35 that the applicants are the age of eighteen years or over. If the
36 consent in writing is obtained of the father, mother, or legal guardian
37 of the person for whom the license is required, the license may be

1 granted in cases where the ((female)) applicant has attained the age of
2 seventeen years ((or the male has attained the age of seventeen
3 years)). Such affidavit may be subscribed and sworn to before any
4 person authorized to administer oaths. Anyone knowingly swearing
5 falsely to any of the statements contained in the affidavits mentioned
6 in this section shall be deemed guilty of perjury and punished as
7 provided by the laws of the state of Washington.

8 (2) The affidavit form shall be designed to require a statement
9 that no contagious sexually transmitted disease is present or that the
10 condition is known to both applicants, without requiring the applicants
11 to state whether or not either or both of them are afflicted by such
12 disease.

13 NEW SECTION. Sec. 6. Any reference in this chapter to "husband"
14 or to "wife" shall be construed to refer also to any spouse and any
15 reference to "husband and wife" shall be construed to refer also to all
16 spouses.

17 NEW SECTION. Sec. 7. Section 6 of this act constitutes a new
18 section in each of the following chapters: 4.08, 4.20, 5.60, 6.13,
19 6.15, 6.27, 9A.16, 9A.76, 11.02, 11.04, 11.80, 26.04, 26.09, 26.16,
20 26.20, 26.33, 41.16, 41.18, 41.24, 41.28, 41.44, 42.17, 43.20B, 51.32,
21 59.20, 60.04, 64.04, 64.28, 65.12, 70.123, 71.09, 72.01, 72.36, 74.13,
22 74.42, 87.03, 89.12, and 91.08 RCW.

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