

# HOUSE BILL REPORT

## HB 2261

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### As Reported by House Committee On: Civil Rights & 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 Leavitt, Chambers, Orwall, Appleton, Doglio, Pollet, Kilduff, Shewmake, Wylie and Hudgins.

#### **Brief History:**

##### **Committee Activity:**

Civil Rights & Judiciary: 1/14/20, 1/17/20 [DP].

#### **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.

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### HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** Do pass. Signed by 11 members: Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman, Hansen, Kirby, Orwall, Peterson, Rude, Valdez and Walen.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Graham, Klippert and Ybarra.

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

#### **Background:**

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*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 years 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.

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.

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**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.

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**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) The three-day waiting period imposed by Washington law has a disproportionate impact on military couples. A fiancé serving in the military may be called to service on short notice and, due to the waiting period, be unable to be married before being deployed.

Further, the waiting period can cause a great deal of confusion and harm regarding expenses

for travel spent by friends, family, and the couple to be married, when they may be travelling from a state with no waiting period to be married in Washington, only to find out they must wait three days before the ceremony can take place.

Medical emergencies may arise, during which couples may wish to get married. With a three-day waiting period, couples with severe medical issues may run the risk of not being able to get married before one spouse dies.

Allowing county auditors to solemnize marriages would make the marriage process more convenient for couples, especially military couples, who may not be able to easily find an individual on base who is authorized to solemnize a marriage in Washington.

Any fundraising from this bill should go towards veteran benefits. In 2017, 255 veterans committed suicide, which accounted for 20 percent of the total suicides that year. Veterans need mental health services, and immediate action is necessary to provide these services.

(Opposed) None.

**Persons Testifying:** Representative Leavitt, prime sponsor; Paul Andrews, Kitsap County Auditor's Office; and Julie Anderson, Pierce County Auditor's Office.

**Persons Signed In To Testify But Not Testifying:** None.