
HOUSE BILL 2261

State of Washington

66th Legislature

2020 Regular Session

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

Prefiled 12/20/19. Read first time 01/13/20. Referred to Committee on Civil Rights & Judiciary.

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

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

5 **Sec. 1.** RCW 26.04.050 and 2019 c 52 s 2 are each amended to read
6 as follows:

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

1 **Sec. 2.** RCW 26.04.070 and 2012 c 3 s 6 are each amended to read
2 as follows:

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

9 **Sec. 3.** RCW 26.04.180 and 1985 c 82 s 4 are each amended to read
10 as follows:

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

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.04
21 RCW to read as follows:

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

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