

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE
5 BILL NO. 788

 By: Newberry and Brooks of the
 Senate

6 and

7 Echols, McCullough and
8 Brumbaugh of the House

9
10 An Act relating to marriage; amending 43 O.S. 2011,
11 Section 7, which relates to solemnization of
12 marriages; establishing exception to certain
 requirements; and providing an effective date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 43 O.S. 2011, Section 7, is
17 amended to read as follows:

18 Section 7. A. All marriages must be contracted by a formal
19 ceremony performed or solemnized in the presence of at least two
20 adult, competent persons as witnesses, by a judge or retired judge
21 of any court in this state, or an ordained or authorized preacher or
22 minister of the Gospel, priest or other ecclesiastical dignitary of
23 any denomination who has been duly ordained or authorized by the
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1 church to which he or she belongs to preach the Gospel, or a rabbi
2 and who is at least eighteen (18) years of age.

3 B. 1. The judge shall place his or her order of appointment on
4 file with the office of the court clerk of the county in which he or
5 she resides.

6 2. The preacher, minister, priest, rabbi, or ecclesiastical
7 dignitary who is a resident of this state shall have filed, in the
8 office of the court clerk of the county in which he or she resides,
9 a copy of the credentials or authority from his or her church or
10 synagogue authorizing him or her to solemnize marriages.

11 3. The preacher, minister, priest, rabbi, or ecclesiastical
12 dignitary who is not a resident of this state, but has complied with
13 the laws of the state of which he or she is a resident, shall have
14 filed once, in the office of the court clerk of the county in which
15 he or she intends to perform or solemnize a marriage, a copy of the
16 credentials or authority from his or her church or synagogue
17 authorizing him or her to solemnize marriages.

18 4. The filing by resident or nonresident preachers, ministers,
19 priests, rabbis, ecclesiastical dignitaries or judges shall be
20 effective in and for all counties of this state; provided, no fee
21 shall be charged for such recording.

22 C. No person herein authorized to perform or solemnize a
23 marriage ceremony shall do so unless the license issued therefor be
24 first delivered into his or her possession nor unless he or she has

1 good reason to believe the persons presenting themselves before him
2 or her for marriage are the identical persons named in the license,
3 and for whose marriage the same was issued, and that there is no
4 legal objection or impediment to such marriage.

5 D. Marriages between persons belonging to the society called
6 Friends, or Quakers, the spiritual assembly of the Baha'is, or the
7 Church of Jesus Christ of Latter Day Saints, which have no ordained
8 minister, may be solemnized by the persons and in the manner
9 prescribed by and practiced in any such society, church, or
10 assembly.

11 E. Unless otherwise prohibited by law, no person who is
12 authorized by law to perform or solemnize a marriage shall be
13 required to perform or solemnize any marriage in violation of his or
14 her right to the free exercise of religion guaranteed by the First
15 Amendment to the United States Constitution. No church or qualified
16 church-controlled organization, as defined pursuant to 26 USC 3121,
17 shall be required to participate in a ceremony performing or
18 solemnizing a marriage in violation of the religious beliefs of such
19 church or qualified church-controlled organization.

20 SECTION 2. This act shall become effective November 1, 2015.

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2015 - DO PASS,
23 As Coauthored.
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