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February 24, 2015

SENATE BILL NO. 788

By: Newberry and Brooks of the
Senate

and

Echols of the House

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

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

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

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

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

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

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

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

20 C. No person herein authorized to perform or solemnize a
21 marriage ceremony shall do so unless the license issued therefor be
22 first delivered into his or her possession nor unless he or she has
23 good reason to believe the persons presenting themselves before him
24 or her for marriage are the identical persons named in the license,

1 and for whose marriage the same was issued, and that there is no
2 legal objection or impediment to such marriage.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
20 February 24, 2015 - DO PASS
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