

H.178

Introduced by Representatives Larson of Burlington, Zuckerman of
Burlington, Ancel of Calais, Bohi of Hartford, Botzow of
Pownal, Burke of Brattleboro, Cheney of Norwich, Clarkson of
Woodstock, Copeland-Hanzas of Bradford, Davis of
Washington, Deen of Westminster, Donovan of Burlington,
Edwards of Brattleboro, Fisher of Lincoln, Frank of Underhill,
French of Shrewsbury, French of Randolph, Geier of S.
Burlington, Grad of Moretown, Haas of Rochester, Head of S.
Burlington, Heath of Westford, Hooper of Montpelier, Howard
of Rutland City, Jerman of Essex, Jewett of Ripton, Johnson of
S. Hero, Kitzmiller of Montpelier, Klein of East Montpelier,
Lanpher of Vergennes, Lenes of Shelburne, Lippert of
Hinesburg, Lorber of Burlington, Maier of Middlebury, Marek
of Newfane, Martin of Springfield, McCullough of Williston,
Milkey of Brattleboro, Minter of Waterbury, Mitchell of
Barnard, Moran of Wardsboro, Mrowicki of Putney, Nuovo of
Middlebury, O'Brien of Richmond, Orr of Charlotte, Partridge
of Windham, Pugh of S. Burlington, Ram of Burlington, Shand
of Weathersfield, Sharpe of Bristol, Spengler of Colchester,
Stevens of Waterbury, Sweaney of Windsor, Waite-Simpson of

1 Essex, Webb of Shelburne, Weston of Burlington, Wilson of
2 Manchester, Wizowaty of Burlington and Zenie of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; marriage

6 Statement of purpose: This bill proposes to permit same-sex couples to marry
7 and to allow clergy the right to refuse to solemnize a marriage, if to do so
8 would violate the clergyperson's right to religious liberty protected by the First
9 Amendment to the United States Constitution and by Chapter I, Article 3 of the
10 Constitution of the State of Vermont.

11 An act relating to permitting same sex marriage and the clergy's right to
12 refuse to solemnize a marriage

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. SHORT TITLE

15 This act may be referred to and cited as "An Act to Protect Religious
16 Freedom and Promote Equality in Civil Marriage."

17 Sec. 2. PURPOSE

18 The purpose of this act is to promote legal equality in the civil marriage
19 laws and to protect the religious freedom of clergy and religious societies
20 authorized to solemnize civil marriages.

1 Sec. 3. 15 V.S.A. § 8 is amended to read:

2 § 8. MARRIAGE DEFINITION

3 Marriage is the legally recognized union of ~~one man and one woman~~ two
4 people. Gender-specific terms relating to the marital relationship or familial
5 relationships, including without limitation “spouse,” “family,” “marriage,”
6 “immediate family,” “dependent,” “next of kin,” “bride,” “groom,” “husband,”
7 “wife,” “widow,” and “widower,” shall be construed to be gender-neutral for
8 all purposes throughout the law, whether in the context of statute,
9 administrative or court rule, policy, common law, or any other source of civil
10 law.

11 Sec. 4. 15 V.S.A. § 1202(2) is amended to read:

12 (2) Be of the same sex ~~and therefore excluded from the marriage laws of~~
13 ~~this state.~~

14 Sec. 5. 18 V.S.A. § 5131(a) is amended to read:

15 (a) Upon application in a form prescribed by the department, a town clerk
16 shall issue to a person a civil marriage license in the form prescribed by the
17 department and shall enter thereon the names of the parties to the proposed
18 marriage, fill out the form as far as practicable and retain in the clerk’s office a
19 copy thereof. At least one party to the proposed marriage shall sign the
20 certifying application to the accuracy of the facts so stated. The license shall

1 be issued by the clerk of the town where either ~~the bride or groom~~ party resides
2 or, if neither is a resident of the state, by any town clerk in the state.

3 Sec. 6. 18 V.S.A. § 5144 is amended to read:

4 § 5144. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE

5 (a) Marriages may be solemnized by a supreme court justice, a superior
6 court judge, a district judge, a judge of probate, an assistant judge, a justice of
7 the peace, an individual who has registered as an officiant with the Vermont
8 secretary of state pursuant to section 5144a of this title, a member of the clergy
9 residing in this state and ordained or licensed, or otherwise regularly
10 authorized thereunto by the published laws or discipline of the general
11 conference, convention, or other authority of his or her faith or denomination,
12 or by such a clergy person residing in an adjoining state or country, whose
13 parish, church, temple, mosque, or other religious organization lies wholly or
14 in part in this state, or by a member of the clergy residing in some other state
15 of the United States or in the Dominion of Canada, provided he or she has first
16 secured from the probate court of the district within which the marriage is to be
17 solemnized a special authorization, authorizing him or her to certify the
18 marriage if such probate judge determines that the circumstances make the
19 special authorization desirable. Marriage among the Friends or Quakers, the
20 Christadelphian Ecclesia, and the Baha'i Faith may be solemnized in the
21 manner heretofore used in such societies.

1 (b) No member of the clergy authorized to solemnize a marriage as set
2 forth in subsection (a) of this section, nor societies of Friends or Quakers, the
3 Christadelphian Ecclesia, or the Baha'i Faith shall be required to solemnize
4 any marriage in violation of the right to religious liberty protected by the First
5 Amendment to the United States Constitution and by Chapter I, Article 3 of the
6 Constitution of the State of Vermont.

7 Sec. 7. REPEAL

8 15 V.S.A. § 1201(4) (definition of marriage) is repealed.