

1 S.169

2 Introduced by Senator Ingram

3 Referred to Committee on Government Operations

4 Date: January 3, 2018

5 Subject: Civil marriage; clergy

6 Statement of purpose of bill as introduced: This bill proposes to clarify that
7 only out-of-state-resident clergy whose religious organization of affiliation is
8 also out of State are required to get special authorization from the Probate
9 Division of the Superior Court to solemnize a marriage

10 An act relating to nonresident clergy authorized to solemnize marriages

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

12 Sec. 1. 18 V.S.A. § 5144 is amended to read:

13 § 5144. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE

14 (a) Marriages may be solemnized by:

15 (1) a Supreme Court Justice, a Superior judge, a judge of Probate, an
16 assistant judge, a justice of the peace, a magistrate, a Judicial Bureau hearing
17 officer, or an individual who has registered as ~~an~~ *a temporary* officiant with
18 the Vermont Secretary of State pursuant to section 5144a of this title;

19 (2) a member of the clergy ~~residing in this State and ordained of,~~

1 licensed, or otherwise regularly authorized ~~thereunto~~ by the published laws or
2 discipline of the general conference, convention, or other authority of his or
3 her faith or denomination, ~~or by such a clergy person residing in an adjoining~~
4 ~~state or country~~ who:

5 (A) resides in this State;

6 (B) resides in New Hampshire, Massachusetts, or New York or in the
7 adjacent province of Quebec, Canada, whose parish, church, temple, mosque,
8 or other religious organization lies wholly or in part in this State, ~~or by a~~
9 ~~member of the clergy residing;~~ or

10 (C) resides in some other state of the United States or in ~~the~~
11 ~~Dominion of Canada~~ and whose parish, church, temple, mosque, or other
12 religious organization lies wholly outside this State, provided he or she has
13 first secured from the Probate Division of the Superior Court in the unit within
14 which the marriage is to be solemnized a special authorization, authorizing
15 him or her to certify the marriage if the Probate judge determines that the
16 circumstances make the special authorization desirable.

17 (b) Marriage among the Friends or Quakers, the Christadelphian Ecclesia,
18 and the Baha'i Faith may be solemnized in the manner ~~heretofore~~ used in such
19 societies.

20 ~~(b)~~(c) This section does not require a member of the clergy authorized to
21 solemnize a marriage as set forth in subsection (a) of this section, nor societies

1 of Friends or Quakers, the Christadelphian Ecclesia, or the Baha'i Faith to
2 solemnize any marriage, and any refusal to do so shall not create any civil
3 claim or cause of action.

4 ~~Sec. 2. 18 V.S.A. § 5144a is amended to read:~~

5 § 5144a. TEMPORARY OFFICIANT FOR MARRIAGES

6 (a) By registering with the ~~secretary of state~~ Secretary of State, an
7 individual not otherwise authorized to solemnize a marriage pursuant to
8 subsection 5144(a) of this title may temporarily be authorized to solemnize a
9 marriage in this ~~state~~ State. When registering, the individual shall provide:

10 (1) ~~A a~~ a completed registration form provided by the ~~secretary of state~~.
11 Secretary of State; and

12 (2) ~~A a~~ a \$100.00 fee.

13 (b) Upon registration as a temporary officiant, the individual shall be
14 authorized to solemnize only the civil marriage designated on the registration
15 form, and shall receive proof of that authority from the ~~secretary of state~~
16 Secretary of State. The individual's authority to solemnize that civil marriage
17 ~~shall expire at the same time as the corresponding license.~~

Sec. 2. [Deleted.]

18 Sec. 3. 32 V.S.A. § 1434 is amended to read:

19 § 1434. PROBATE CASES

20 (a) The following entry fees shall be paid to the Probate Division of the

1 Superior Court for the benefit of the State, except for subdivisions (18) and
2 (19) of this subsection, which shall be for the benefit of the county in which
3 the fee was collected:

4 * * *

5 (21) Orders of authorization pursuant to 18 V.S.A. § 5144(a)(2)(C)
6 \$50.00

7 * * *

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on passage.