

1 HB245  
2 204444-3  
3 By Representative Fridy  
4 RFD: Judiciary  
5 First Read: 13-FEB-20

1  
2  
3  
4  
5  
6  
7  
8       SYNOPSIS:               Under existing law, the only requirement to  
9                               solemnize a marriage is to submit an affidavit with  
10                              certain identifying information and record the  
11                              affidavit with the judge of probate within 30 days  
12                              of the last signature on the affidavit.

13                             This bill would provide that members of  
14                             certain churches, religious organizations, or  
15                             societies may continue their traditional practices  
16                             relating to the solemnization of marriage in  
17                             conjunction with the documentation required under  
18                             existing law.

19                             This bill would also provide that copies of  
20                             recorded marriage documentation constitute a legal  
21                             record of a marriage under certain conditions, and  
22                             that under these conditions, recording marriage  
23                             documentation with the judge of probate would  
24                             optional.

25  
26   A BILL  
27   TO BE ENTITLED

1 AN ACT

2  
3 Relating to marriage; to amend Act 2019-340, 2019  
4 Regular Session, now appearing as Section 30-1-9.1, Code of  
5 Alabama 1975; to provide that members of certain churches,  
6 religious organizations, or societies may continue their  
7 traditional practices relating to the solemnization of  
8 marriage without being required to record marriage  
9 documentation with the judge of probate; and to provide that  
10 copies of recorded marriage documentation constitute a legal  
11 record of a marriage under certain conditions.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Act 2019-340, 2019 Regular Session, now  
14 appearing as Section 30-1-9.1, Code of Alabama 1975, is  
15 amended to read as follows:

16 "§30-1-9.1.

17 "(a) On August 29, 2019, and thereafter, the only  
18 requirement for a marriage in this state shall be for parties  
19 who are otherwise legally authorized to be married to enter  
20 into a marriage as provided in this section. However, the  
21 judge of probate shall continue to collect the recording fee  
22 provided for in subdivision (32) of subsection (b) of Section  
23 12-19-90 for each marriage recorded with the judge of probate.  
24 Furthermore, at the time the marriage is recorded, the judge  
25 of probate shall also collect the fee provided for in Section  
26 30-6-11, to be distributed as provided in that section.

1           "(b) The marriage document required to be executed  
2 by the parties shall contain information to identify the  
3 parties as set forth in Section 22-9A-6, as well as the  
4 following minimum information:

5           "(1) The full legal names of both of the parties.

6           "(2) A notarized affidavit from each party declaring  
7 all of the following:

8           "a. The affiant is not currently married.

9           "b.1. The affiant is at least 18 years of age; or

10           "2. The affiant is at least 16 and under 18 years of  
11 age and has the consent of a parent or guardian.

12           "c. The affiant is legally competent to enter into a  
13 marriage.

14           "d. The parties are not related by blood or adoption  
15 such that the marriage would violate Section 13A-13-3.

16           "e. The affiant is entering into the marriage  
17 voluntarily and of his or her own free will and not under  
18 duress or undue influence.

19           "(3) The signatures of the parties.

20           "(c) (1) Except as otherwise provided in subdivision  
21 (2), a marriage conforming to the requirements of this  
22 section shall be valid on the date the marriage is executed by  
23 both parties, provided the affidavits, forms, and data are  
24 recorded in the office of the judge of probate within 30 days  
25 of the date of the last party's signature in accordance with  
26 Section 22-9A-17.

1                   "(2) Notwithstanding subdivision (1) and Section  
2                   22-9A-17, members of churches and other religious  
3                   organizations or societies referenced in Section 30-1-7 may  
4                   continue their traditional marriage solemnization practices,  
5                   provided both parties entering into the marriage exchange  
6                   copies of all the documentation otherwise required by this  
7                   subsection. Copies of the documentation shall constitute a  
8                   legal record of the marriage of the parties.

9                   "(d) A civil and independent or religious ceremony  
10                  of marriage, celebration of marriage, solemnization of  
11                  marriage, or any other officiation, or administration of the  
12                  vows of marriage may be conducted or engaged in by the parties  
13                  by an officiant or other presiding person to be selected by  
14                  the persons entering into the marriage. The state shall have  
15                  no requirement for any ceremony or proceeding and whether or  
16                  not a ceremony or proceeding is performed or not performed  
17                  shall have no legal effect on the validity of the marriage.

18                  "(e) The affidavits, forms, and data shall be filed  
19                  in the office of the judge of probate and shall constitute a  
20                  legal record of the marriage of the parties. A copy of the  
21                  form provided by the Office of Vital Statistics shall be  
22                  transmitted by the office of the judge of probate to the  
23                  Office of Vital Statistics and made a part of its record.

24                  "(f) This section shall not affect any other legal  
25                  aspects of marriage in this state, including, but not limited  
26                  to, divorce, spousal support, child custody, or child support.

1                   "(g) All requirements to obtain a marriage license  
2 by the State of Alabama are abolished and repealed. The  
3 requirement of a ceremony of marriage to solemnize the  
4 marriage is abolished.

5                   "(h) The Alabama Law Institute, a division of the  
6 Legislative Services Agency, in collaboration with the  
7 Department of Public Health, shall prepare a form to meet the  
8 minimum requirements of Act 2019-340.

9                   Section 2. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.