

1 HB594  
2 212358-2  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 06-APR-21

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 marriage documentation constitute a legal record of  
21 a marriage under certain conditions, and that under  
22 these conditions, recording marriage documentation  
23 with the judge of probate would be optional.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15           "§30-1-9.1.

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

26           "(b) The marriage document required to be executed  
27 by the parties shall contain information to identify the

1 parties as set forth in Section 22-9A-6, as well as the  
2 following minimum information:

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

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

6 "a. The affiant is not currently married.

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

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

10 "c. The affiant is legally competent to enter into a  
11 marriage.

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

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

17 "(3) The signatures of the parties.

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

25 "(2) Notwithstanding subdivision (1) and Section  
26 22-9A-17, members of churches and other religious  
27 organizations or societies referenced in Section 30-1-7(c) may

1 continue their traditional marriage solemnization practices,  
2 provided both parties entering into the marriage exchange  
3 copies of all the documentation otherwise required by this  
4 subsection. Copies of the documentation shall constitute a  
5 legal record of the marriage of the parties.

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

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

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

24 "(g) All requirements to obtain a marriage license  
25 by the State of Alabama are abolished and repealed. The  
26 requirement of a ceremony of marriage to solemnize the  
27 marriage is abolished.

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

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