



# Ohio Legislative Service Commission

## Bill Analysis

Amber Hardesty

### S.B. 50

131st General Assembly  
(As Introduced)

Sens. Skindell, Schiavoni

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## BILL SUMMARY

- Allows any person or entity that registers with the Secretary of State to solemnize marriages.

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## CONTENT AND OPERATION

### Solemnizing marriages

The bill allows any person or entity that registers with the Secretary of State to join together as husband and wife any persons who are not prohibited by law from being joined in marriage (see **COMMENT**). Ongoing law also permits the following persons or entities to solemnize marriages: (1) an ordained or licensed minister of any religious society or congregation in Ohio, (2) a county court judge, (3) a municipal court judge, (4) a probate judge (in the county, only), (5) the mayor of a municipal corporation in any county in which the municipal corporation is wholly or partly located, (6) the Superintendent of the State School for the Deaf, and (7) any religious society in conformity with the rules of its church.<sup>1</sup>

The person or entity that wishes to solemnize marriages in Ohio must register with the Secretary of State and the Secretary of State must issue the license. The person must produce for inspection the person's license to solemnize marriages or, if applicable, the license of the entity on behalf of which the person is solemnizing marriages, upon demand of any party to a marriage at which the person officiates or proposes to officiate or upon demand of any probate judge.<sup>2</sup>

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<sup>1</sup> R.C. 3101.08.

<sup>2</sup> R.C. 3101.10(B).

Under the bill, the Secretary of State must enter the name of the person or entity that registered with the Secretary of State and is licensed to solemnize marriages into a record kept in the Secretary of State's office.<sup>3</sup>

When the name of the person or entity that registered with the Secretary of State and is licensed to solemnize marriages is entered into the record, the record and the license are evidence that the person or entity may solemnize marriages in Ohio.<sup>4</sup>

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## COMMENT

The Ohio Constitution specifies that:

Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.<sup>5</sup>

The United States Supreme Court is scheduled to hear oral arguments in April 2015 to decide whether this provision (along with constitutional provisions in three other states) violates the 14th Amendment to the U.S. Constitution, which prohibits government from denying any person equal protection under the law.<sup>6</sup>

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## HISTORY

| ACTION     | DATE     |
|------------|----------|
| Introduced | 02-11-15 |

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<sup>3</sup> R.C. 3101.11.

<sup>4</sup> R.C. 3101.12.

<sup>5</sup> OH Const. Art. XV, Sec. 11.

<sup>6</sup> *Obergefell v. Hodges*, 135 S.Ct. 1039 (2015).

