



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Wendy H. Gridley

S.B. 52

132nd General Assembly
(As Introduced)

Sens. Skindell, Thomas, Schiavoni

BILL SUMMARY

- Allows any person or entity to solemnize marriages in Ohio after registering with the Secretary of State and receiving a license to do so.

CONTENT AND OPERATION

Solemnizing marriages

The bill allows any person or entity that registers¹ 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 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.²

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 licensee

¹ And, under R.C. 3101.10, the person or entity must also have received a license from the Secretary of State to solemnize marriages.

² R.C. 3101.08.

must produce the license for inspection when requested by any party to a marriage or any probate judge.³

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.⁴ When recorded, the name and the license are evidence that the named person or entity may solemnize marriages in Ohio.⁵

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.⁶

The United State Supreme Court has determined that the Fourteenth Amendment to the U.S. Constitution requires a state to license a marriage between two people of the same sex and to recognize a same sex marriage lawfully licensed and performed out of state.⁷ Therefore, this provision of the Ohio Constitution is unconstitutional and unenforceable.

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 02-14-17 |

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³ R.C. 3101.10(B).

⁴ R.C. 3101.11.

⁵ R.C. 3101.12.

⁶ Ohio Const., art. XV, sec. 11.

⁷ *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015).

