

HB 2113 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Whitney Perez, Counsel

Meeting Dates: 2/20, 3/15

WHAT THE MEASURE DOES:

Adds secular organization to list of entities authorized to solemnize marriages. Adds celebrant or officiant of secular organization to list of persons authorized to solemnize marriages. Defines secular organization.

REVENUE: No revenue impact

FISCAL: No fiscal impact

ISSUES DISCUSSED:

- Discussion of why marriages must be solemnized
- Discussion of practices in other states
- Discussion of freedom of religion provisions in the United States Constitution and Oregon Constitution

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon currently allows marriages to be solemnized by a judicial officer, county clerk, religious organization or congregation, or clergy person authorized by a religious congregation or organization to solemnize marriages. In Center for Inquiry, Inc. v. Marion Circuit Court Clerk, the United States Court of Appeals for the Seventh Circuit held in 2014 that it was a violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution to allow certain religious organizations to perform marriages, but not secular humanist organizations. There is no provision currently in Oregon law for a secular organization or officiant of a secular organization to solemnize marriages.

House Bill 2113 addresses this concern by adding secular organizations and a celebrant or officiant of any secular organization to the list of persons and entities authorized to solemnize marriages. For clarity and guidance, it also defines secular organization. Finally, the measure provides conforming language for related Oregon statutes.