

HB584 INTRODUCED



1 HB584
2 MS8XQHW-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 17-Apr-25

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4 SYNOPSIS:

5 Under existing law, to solemnize a marriage, the
6 only requirement is for the parties to be married to
7 submit an affidavit with certain identifying
8 information and record it with the judge of probate
9 within 30 days of the last signature of the affidavit.

10 This bill would recognize the traditional
11 marriage solemnization practices of certain religious
12 societies, including Quakers and Mennonites, as lawful
13 marriages, provided the parties to be married are
14 otherwise legally authorized to do so.

15 This bill would exempt such traditional marriage
16 solemnization practices from the requirement that
17 marriages be recorded by the judge of probate in order
18 to be legally valid.

19 Also under existing law, a marriage is valid on
20 the date the marriage is executed by both parties.

21 This bill would allow parties entering into a
22 marriage who engage in a marriage ceremony to designate
23 the date of the marriage ceremony as the date the
24 marriage became valid.

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27 A BILL

28 TO BE ENTITLED



HB584 INTRODUCED

AN ACT

Relating to marriage; to amend Section 30-1-9.1, Code of Alabama 1975; to add Section 30-1-9.2 to the Code of Alabama 1975; to further provide for the date that marriages become valid; to authorize certain religious societies to solemnize marriages; to further provide for legal records of marriage; and to exempt certain religious marriages from recording requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 30-1-9.1, Code of Alabama 1975, is amended to read as follows:

"§30-1-9.1

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

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



HB584 INTRODUCED

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

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

a. The affiant is not currently married.

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

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

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

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

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

(3) The signatures of the parties.

(c) A marriage conforming to the requirements of this section shall be valid on either of the following dates, as designated by the parties entering into the marriage: ~~the~~

(1) The date the marriage is executed by both parties, provided the affidavits, forms, and data are recorded in the office of the judge of probate within 30 days of the date of the last party's signature in accordance with Section 22-9A-17.

(2) If the parties engaged in a ceremony or proceeding under subsection (d), the date of the ceremony or proceeding, provided the affidavits, forms, and data are recorded in the office of the judge of probate within 30 days of the date of the ceremony.



HB584 INTRODUCED

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

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

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

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

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

Section 2. Section 30-1-9.2 is added to the Code of Alabama 1975, to read as follows:



HB584 INTRODUCED

§30-1-9.2

(a) Notwithstanding any other law to the contrary, religious societies referenced in Section 30-1-7(c) may continue their traditional marriage solemnization practices, provided both parties entering into the marriage are otherwise legally authorized to be married pursuant to Section 30-1-9.1. A marriage under this section shall be legally valid.

(b) Copies of the respective religious forms documenting the marriage shall constitute a legal record of the marriage of the parties. A marriage under this section shall not be required to be recorded with the judge of probate.

Section 3. This act shall become effective on October 1, 2025.