

- SUBJECT:** Authorizing certain out-of-state judges to perform marriage ceremonies
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Hunter, Hughes, Alonzo, Branch, Jackson, Leibowitz, Lewis, Madden, Martinez
- 1 nay — Hartnett
- 1 absent — Woolley
- WITNESSES:** For — Beth Rothermel, County & District Clerks Association; Joy Streater, County & District Clerks Association
- Against — None
- BACKGROUND:** Under current law, a state or federal judge or justice of a court of another state, active or retired, cannot perform a marriage ceremony in Texas.
- DIGEST:** HB 2472 would expand the list of judges authorized to conduct a marriage ceremony to include:
- a judge or magistrate of a federal court of another state;
  - a judge or justice of a court of another state that was analogous to one of the courts in Texas currently authorized to perform a marriage ceremony; and
  - a retired judge, justice, or magistrate of any the courts listed above.
- HB 2472 also would reduce from twelve to eight years the length of service required for a retired judge, justice, or magistrate to be eligible to perform marriage ceremonies.
- The bill would apply only to a marriage ceremony conducted on or after its September 1, 2009, effective date.
- SUPPORTERS SAY:** HB 423 would make it easier for Texas residents to marry by expanding the availability of judicial officers who could conduct marriage ceremonies. Many Texans would like to obtain a Texas marriage license

but have the option of marrying outside the state. Still other Texans would prefer to have their marriage ceremony conducted by a non-resident judge who was a family member or personal friend. This bill would provide Texans with greater freedom to have their marriages performed as they chose. The argument that the ability to conduct marriage ceremonies should be restricted solely to judges who conduct proceedings in courts located within the state would be needlessly limiting as a court has nothing to do with a marriage ceremony.

**OPPONENTS  
SAY:**

HB 423 would improperly grant an important civil function to out-of-state judges, who do not receive the same level of public scrutiny and accountability as their in-state counterparts. Because out-of-state judges are not elected by Texas residents or appointed by Texas officials, Texans would have little way to hold these judges accountable. The authority to conduct marriage ceremonies should come with the condition of public accountability through election or appointment by Texas residents.