

HOUSE BILL NO. 585

INTRODUCED BY J. KEANE

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING A COUNTY COMMISSIONER AMONG THOSE WHO MAY SOLEMNIZE A MARRIAGE; AND AMENDING SECTION 40-1-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-1-301, MCA, is amended to read:

"40-1-301. Solemnization and registration. (1) A marriage may be solemnized by a judge of a court of record, by a public official whose powers include solemnization of marriages, by a county commissioner, mayor, city judge, or justice of the peace, by a tribal judge, or in accordance with any mode of solemnization recognized by any religious denomination, Indian nation or tribe, or native group. Either the person solemnizing the marriage or, if no individual acting alone solemnized the marriage, a party to the marriage shall complete the marriage certificate form and forward it to the clerk of the district court.

(2) If a party to a marriage is unable to be present at the solemnization, ~~he~~ that person may authorize in writing a third person to act as ~~his~~ proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, ~~he~~ the person solemnizing the marriage may ~~solemnize the marriage~~ do so by proxy. If ~~he~~ the person solemnizing the marriage is not satisfied, the parties may petition the district court for an order permitting the marriage to be solemnized by proxy.

(3) The solemnization of the marriage is not invalidated by the fact that the person solemnizing the marriage was not legally qualified to solemnize it, if either party to the marriage believed ~~him~~ the person to be so qualified."

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