

HOUSE BILL No. 2172

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning marriage; relating to the recognition of marriages;
2 amending K.S.A. 2016 Supp. 23-2501, 23-2504 and 23-2508 and
3 repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 23-2501 is hereby amended to read as
7 follows: 23-2501. The marriage contract is to be considered in law as a
8 civil contract between two parties ~~who are of opposite sex~~. All other
9 marriages are declared to be contrary to the public policy of this state and
10 are void. The consent of the parties is essential. The marriage ceremony
11 may be regarded either as a civil ceremony or as a religious sacrament, but
12 the marriage relation shall only be entered into, maintained or abrogated as
13 provided by law.

14 Sec. 2. K.S.A. 2016 Supp. 23-2504 is hereby amended to read as
15 follows: 23-2504. (a) Marriage may be validly solemnized and contracted
16 in this state, after a license has been issued for the marriage, in the
17 following manner: By the mutual declarations of the two parties to be
18 joined in marriage; made before an authorized officiating person and in the
19 presence of at least two competent witnesses over 18 years of age, other
20 than the officiating person, ~~that they take each other as husband and wife~~.

21 (b) The following are authorized to be officiating persons:

22 (1) Any currently ordained clergyman or religious authority of any
23 religious denomination or society;

24 (2) any licentiate of a denominational body or an appointee of any
25 bishop serving as the regular clergyman of any church of the denomination
26 to which the licentiate or appointee belongs, if not restrained from so
27 doing by the discipline of that church or denomination;

28 (3) any judge or justice of a court of record;

29 (4) any municipal judge of a city of this state; and

30 (5) any retired judge or justice of a court of record.

31 (c) The two parties themselves, by mutual declarations ~~that they take~~
32 ~~each other as husband and wife~~ *to be joined in marriage*, in accordance
33 with the customs, rules and regulations of any religious society,
34 denomination or sect to which either of the parties belong, may be married
35 without an authorized officiating person.

36 Sec. 3. K.S.A. 2016 Supp. 23-2508 is hereby amended to read as

1 follows: 23-2508. All marriages contracted without this state, which would
2 be valid by the laws of the country in which the same were contracted,
3 shall be valid in all courts and places in this state. ~~It is the strong public
4 policy of this state only to recognize as valid marriages from other states
5 that are between a man and a woman.~~

6 Sec. 4. K.S.A. 2016 Supp. 23-2501, 23-2504 and 23-2508 are hereby
7 repealed.

8 Sec. 5. This act shall take effect and be in force from and after its
9 publication in the statute book.