

HOUSE BILL No. 2323

By Representatives Woodard, Byers and S. Ruiz

2-10

1 AN ACT concerning marriage; relating to the recognition of marriages;
2 eliminating requirement that parties are opposite sex; amending K.S.A.
3 2020 Supp. 23-2501, 23-2504 and 23-2508 and repealing the existing
4 sections.

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

7 Section 1. K.S.A. 2020 Supp. 23-2501 is hereby amended to read as
8 follows: 23-2501. The marriage contract is to be considered in law as a
9 civil contract between two parties ~~who are of opposite sex~~. All other
10 marriages are declared to be contrary to the public policy of this state and
11 are void. The consent of the parties is essential. The marriage ceremony
12 may be regarded either as a civil ceremony or as a religious sacrament, but
13 the marriage relation shall only be entered into, maintained or abrogated as
14 provided by law.

15 Sec. 2. K.S.A. 2020 Supp. 23-2504 is hereby amended to read as
16 follows: 23-2504. (a) Marriage may be validly solemnized and contracted
17 in this state, after a license has been issued for the marriage, in the
18 following manner: By the mutual declarations of the two parties to be
19 joined in marriage, made before an authorized officiating person and in the
20 presence of at least two competent witnesses over 18 years of age, other
21 than the officiating person, that they ~~take each other as husband and wife~~
22 *desire to be married*.

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

24 (1) Any currently ordained clergyman or religious authority of any
25 religious denomination or society;

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

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

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

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

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

1 authorized officiating person.

2 Sec. 3. K.S.A. 2020 Supp. 23-2508 is hereby amended to read as
3 follows: 23-2508. All marriages contracted without this state, ~~which that~~
4 would be valid by the laws of the country in which the same were
5 contracted, shall be valid in all courts and places in this state. ~~It is the~~
6 ~~strong public policy of this state only to recognize as valid marriages from~~
7 ~~other states that are between a man and a woman.~~

8 Sec. 4. K.S.A. 2020 Supp. 23-2501, 23-2504 and 23-2508 are hereby
9 repealed.

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