



# Ohio Legislative Service Commission

## Bill Analysis

Phil Mullin

### H.B. 63

128th General Assembly  
(As Reported by H. State Government)

**Reps.** Letson and Fende, Yuko, Slesnick, Stewart, Schneider, Sayre, Goyal, Foley, Harris, Harwood, Pillich, Hagan, Winburn, Skindell, S. Williams, Patten, Garland, Bolon, Mallory

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## BILL SUMMARY

- Authorizes General Assembly members to perform civil marriage ceremonies in Ohio.

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## CONTENT AND OPERATION

Current law authorizes the following persons to join together as husband and wife any persons who are not prohibited by law from being joined in marriage:

- An ordained or licensed minister of any religious society or congregation within Ohio who is licensed to solemnize marriages.
- Any religious society in conformity with the rules of its church.
- A county court judge, municipal court judge, or probate judge as authorized by existing law.
- The mayor of a municipal corporation in any county in which the municipal corporation wholly or partly lies.
- The Superintendent of the State School for the Deaf. (R.C. 3101.08(A) to (D) and (F) to (H).)

The bill also grants to each member currently holding office in the General Assembly the authority and jurisdiction to perform marriage ceremonies anywhere in Ohio (R.C. 101.261 and 3101.08(E)).

Any fee the member collects for performing a marriage ceremony must be donated directly to a foundation or other charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code.<sup>1</sup> The donation and collection of such a fee is not to be considered a violation of (1) the state Ethics Law, which prohibits various conflicts of interest and generally prohibits a public official or employee from being compensated, for performing official duties, by a person other than the public agency with which the official or employee serves, or (2) Ohio Constitution, Article II, Section 31, which prohibits General Assembly officers and members from receiving any "allowance or perquisites, either in the payment of postage or otherwise" in addition to their compensation fixed by law. (R.C. 101.261.)

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## HISTORY

ACTION	DATE
Introduced	03-10-09
Reported, H. State Government	04-02-09

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<sup>1</sup> Subsection 501(c)(3) of the Internal Revenue Code concerns corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in, any political campaign on behalf of or in opposition to any candidate for public office.