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OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

JAN 4 2019

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council are the "Let Our Vows Endure Emergency Amendment Act of 2019" and the accompanying "Let Our Vows Endure Emergency Declaration Resolution of 2019".

The legislation would authorize the Mayor to issue marriage licenses and authorize officiants during a period of time when the Clerk of the Superior Court of the District of Columbia is not issuing marriage licenses because of a federal government shutdown.

Under current law, marriage licenses are issued by the Clerk of the Superior Court. During the current federal government shutdown, the Clerk is not issuing marriage licenses, because the Superior Court determined the issuance of marriage licenses to be a non-essential function.

The inability of District residents, and others choosing to celebrate their marriage in the District, to obtain a marriage license can be highly disruptive to personal lives, particularly where a marriage has been planned to occur in the near future. It is imperative that District law be amended so that the Mayor may issue marriage licenses during a federal government shutdown, so that residents and others have the ability to legally solemnize their marriages at the time of their choosing in the District.


I urge the Council to take prompt and favorable action on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, An Act To establish a code of law for the District of Columbia to authorize the Mayor to issue marriage licenses and to authorize temporary marriage officiants during a period of time when the Clerk of the Superior Court of the District of Columbia is not issuing marriage licenses because of a federal government shutdown.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Let Our Vows Endure Emergency Amendment Act of 2019”.

Sec. 2. Chapter Forty-Six of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *et seq.*), is amended as follows:

(a) Section 1288(a)(4) (D.C. Official Code § 46-406(a)(4)) is amended by striking the phrase “authorized by the Clerk” and inserting the phrase “authorized by the Mayor or the Clerk” in its place.

(b) Section 1291 (D.C. Official Code § 46-410) is amended as follows:

(1) The section heading is amended by striking the phrase “Duty of Clerk” and inserting the phrase “Duty of Mayor and Clerk” in its place.

(2) The existing text is designated as subsection (b).

(3) A new subsection (a) is added to read as follows:

33 “(a) The Mayor or the Clerk of the Superior Court of the District of Columbia may issue
34 a license to solemnize a marriage, as provided in this section.”

35 (4) Subsection (b) is amended by:

36 (A) Striking the phrase “duty of the Clerk” and inserting the phrase “duty
37 of the Mayor and the Clerk” in its place; and

38 (B) Striking the phrase “which the Clerk” and inserting the phrase “which
39 the Mayor or Clerk” in its place.

40 (c) Section 1292 (D.C. Official Code § 46-411) is amended by:

41 (1) Striking the phrase “the said Clerk” and inserting the phrase “the Mayor or
42 said Clerk” in its place;

43 (2) Striking the phrase “personally to the Clerk” and inserting the phrase
44 “personally to the Mayor or the Clerk” in its place; and

45 (3) Striking the phrase “satisfaction of the Clerk” and inserting the phrase
46 “satisfaction of the Mayor or the Clerk” in its place.

47 (d) Section 1293 (D.C. Official Code § 46-412) is amended as follows:

48 (1) The existing text is designated as subsection (a).

49 (2) A new subsection (b) is added to read as follows:

50 “(b) If the license to perform the marriage ceremony is issued by the Mayor, or an
51 individual to whom the Mayor has delegated his or her authority, the form of the license set forth
52 in subsection (a) of this section shall be modified by replacing the references to “Clerk’s Office
53 of the Superior Court of the District of Columbia”, “Court”, “Clerk”, “Assistant Clerk”, and
54 “Clerk of the Superior Court of the District of Columbia” with appropriate references to the

55 Mayor or to an office or officer within the executive branch of the government of the District of
56 Columbia.”.

57 (e) Section 1295 (D.C. Official Code § 46-414) is amended as follows:

58 (1) The existing text is designated as subsection (a).

59 (2) New subsections (b) and (c) are added to read as follows:

60 “(b) (1) The Mayor shall maintain:

61 “(A) A true and accurate copy of each marriage license issued by the
62 Mayor;

63 “(B) Each marriage license certificate returned to the Mayor by a
64 minister, magistrate, or other person authorized by section 1288 to perform or witness a marriage
65 ceremony;

66 “(C) A record book filled with the names and residences of the parties for
67 whose marriage any license has been issued by the Mayor; and

68 “(D) A record book filled with the names of each minister, magistrate, or
69 other person authorized by section 1288 to perform or witness a marriage ceremony (“officiant”)
70 who has returned a marriage license certificate to the Mayor and the license number of each
71 marriage license certificate returned by the officiant.

72 “(2) A copy of each license and marriage license certificate so kept and recorded,
73 certified by the Mayor, shall be competent evidence of the marriage.

74 “(3) The Mayor shall number each marriage license consecutively, from one
75 upward, and with an alphabetical prefix to such number to distinguish each license issued by the
76 Mayor from licenses issued by the Clerk of the Superior Court of the District of Columbia.”

77 “(c) (1) Within 5 business days after a marriage license is issued by the Mayor or a
78 marriage license certificate is returned to the Mayor by a minister, magistrate, or other person
79 authorized by section 1288 to perform or witness a marriage ceremony, the Mayor shall transmit
80 to the Clerk of the Superior Court of the District of Columbia a true and accurate copy of the
81 marriage license or marriage license certificate.

82 “(2) A copy of each license and marriage license certificate so transmitted, as
83 maintained by the Clerk, shall be competent evidence of the marriage.”.

84 (f) A new section 1297a is added to read as follows:

85 “Sec. 1297a. Applicability of authority of Mayor to issue marriage licenses.

86 “The authority of the Mayor under this chapter to issue marriage licenses and authorize
87 officiants shall apply only during a period of time when the Clerk of the Superior Court of the
88 District of Columbia is not issuing marriage licenses because of a total or partial federal
89 government shutdown.”.

90 Sec. 3. Fiscal impact statement.

91 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
92 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
93 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

94 Sec. 4. Effective date.

95 This act shall take effect following approval by the Mayor (or in the event of veto by the
96 Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90
97 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)
98 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C.
99 Official Code § 1-204.12(a)).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: January 3, 2019

SUBJECT: Legal Certification of Draft Legislation, the "Let Our Vows Endure
Emergency Amendment Act of 2019"
(AE-19-012)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

A handwritten signature in black ink, appearing to read "JMR/a. Parker".

Janet M. Robins