

### **WHAT WAS THE ROLE OF COUNTY CLERKS BEFORE SB 297?**

Before SB 297 was passed, county clerks in Utah did not have a legal duty to perform marriage ceremonies. As a result, only half of the state's county clerks were performing marriages.

### **HOW WILL SB 297 CHANGE THE ROLE OF CLERKS?**

SB 297 establishes that county clerks have an affirmative duty to either perform all legal marriages or designate someone who is available to perform them. Once it becomes law, all county clerks will have a legal duty to ensure that everyone has access to marriage—not only a marriage license but the civil ceremony through which marriage is solemnized.

### **DOES SB 297 GIVE COUNTY CLERKS THE RIGHT TO DISCRIMINATE AGAINST SOME COUPLES BASED ON THEIR RELIGIOUS BELIEFS?**

No. SB 297 does not allow clerks to pick and choose which couples they are willing to serve. If a clerk chooses not to perform some marriages—for any reason—then the clerk will not be allowed to perform any marriages. Instead of performing marriages, the clerk must designate someone who is willing and able to marry any couple who obtains a license. When same-sex couples enter the county clerk's office to be married, they must be served without discrimination or prejudice, like everyone else.

### **DOES SB 297 CREATE ANY BARRIERS THAT PREVENT GAY COUPLES FROM BEING MARRIED?**

No. Marriage is a fundamental right that belongs to all Utahns. SB 297 ensures that every Utahn in every county will have equal access not only to marriage licenses, but to the civil ceremony through which marriages are solemnized.

### **HOW WILL COUNTY CLERKS APPLY SB 297?**

The Utah Association of Counties has confirmed that under SB 297, county clerks will be required to provide all Utahns equal access to the solemnization of marriages. According to Adam Trupp, the Association's Executive Director: "SB 297 allows county clerks to perform all legal marriages, or to designate someone who will perform them. It doesn't allow clerks to pick and choose among couples, or to perform some marriages but not perform others."

### **DOES SB 297 EXPAND PEOPLE'S RIGHT TO DISCRIMINATE BASED ON RELIGIOUS BELIEFS?**

No. SB 297 affirms what is already guaranteed by the First Amendment. Freedom of religion is among our most fundamental rights, which are protected in our state and federal constitutions. Houses of worship have the freedom to determine which marriages they will perform and honor within their faith traditions. SB 297 respects those basic rights.

