

BILL ANALYSIS

Senate Research Center
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S.B. 911
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As a result of the U.S. Supreme Court ruling in *Obergefell v. Hodges*, certain county clerks have raised concerns regarding their sincerely held religious beliefs. Specifically, these clerks feel that it is in violation of their sincerely held religious beliefs to sign marriage licenses for certain individuals as part of their employment.

In efforts to address these concerns, deputy clerks regularly sign marriage licenses for individuals with whom the county clerk might have religious objections. That said, in most, if not all counties, the official marriage license form still has the county clerk's name on them, regardless of whether the clerk is the county employee who actually signs the license.

S.B. 911 states that a county may not specify the name of the county clerk on marriage license forms, but must still identify the county in which the license is issued.

As proposed, S.B. 911 amends current law relating to the form of a marriage license and an application for a marriage license.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 2 (Section 194.0011, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.009, Family Code, by adding Subsection (e), to require that a license issued by a county clerk identify the county in which the license is issued but prohibits the license from specifying the name of the county clerk.

SECTION 2. Amends Section 194.0011(a), Health and Safety Code, as follows:

(a) Requires the executive commissioner of the Health and Human Services Commission, by rule, to prescribe the format and content of the Department of State Health Services form used for the marriage license application. Prohibits the form from requiring that the name of the county clerk appear on the application, and requires that the form require identification of the county in which the application is submitted.

SECTION 3. Effective date: January 1, 2018.