

2025 Legislative Resolution

Title: Fees of Officer – Payment for Wedding Ceremonies

Sponsor(s): Kristina Glascock

Statutes Affected: 32-307

County Offices Affected (Must affect at least 2): Any Idaho Official who can perform a wedding ceremony under I.C. 32-303.

Counties Affected (Must affect at least 2): All 44 counties

Explain the Issue or Problem:

The Idaho Judicial Council issued a Formal Written Advisory Opinion on May 15, 2024 regarding the practice of judges being paid for the performance of wedding ceremonies at the courthouse. "I.C. 32-303 establishes that both sitting and retired judges are among those qualified to perform weddings in Idaho. Since marriage licenses are only obtained from county clerks, judges in the same courthouse are often the most convenient option to preside over wedding ceremonies. Idaho Code 32-307 clearly establishes that fee for solemnizing a marriage is \$5, but individuals may "receive any other or greater sum voluntarily given by the parties to such marriage." The \$5 amount, much like the practice of judges for courthouse weddings, is long-established (until 2004 Idaho Court Administrative Rule 12 required that judges collect the fee and remit it to the State Treasurer, not retain it)." "...the Judicial Council is of the opinion that judges should comply with the law, and that fees should therefore not be above the amount statutorily established. Idaho Code 32-307 could well be due for an update, but as long as it exists it should be complied with.""though statute permits qualified individuals to accept a greater sum voluntarily given, the Council is of the opinion that judges hold a special place among the qualified and should not do so."

Background & Data: This fee has not been updated since 1876

Proposed Policy:

32-307. Fees of Officer. The person solemnizing a marriage is for such service entitled to receive from the parties married the sum of ~~five dollars (\$5.00)~~ fifty dollars (\$50.00), but may receive any other or greater sum voluntarily given by the parties to such marriage.

Arguments & Entities in Support:

Arguments & Entities Against:

Feasibility:

Other Stakeholders Affected & Nature of Impact:

Fiscal Impact: None

Will Proposed Policy Create an Unfunded County Mandate: No.