

South Carolina General Assembly
121st Session, 2015-2016

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S. 116

STATUS INFORMATION

General Bill

Sponsors: Senator Bright

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Prefiled in the Senate on December 3, 2014

Currently residing in the Senate Committee on **Judiciary**

Summary: Marriage licenses

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/3/2014	Senate	Prefiled
12/3/2014	Senate	Referred to Committee on Judiciary

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VERSIONS OF THIS BILL

[12/3/2014](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND SECTION [20-1-230](#) OF THE 1976 CODE, RELATING TO MARRIAGE LICENSES, TO PROVIDE THAT NO PERSON EMPLOYED BY A JUDGE OF PROBATE OR CLERK OF COURT SHALL BE REQUIRED TO TAKE ANY ACTION RELATED TO THE ISSUANCE OF A MARRIAGE LICENSE TO A SAME SEX COUPLE IF THE OBJECTION TO TAKING SUCH ACTION IS BASED UPON A SINCERELY HELD RELIGIOUS BELIEF, TO PROVIDE THAT THERE WILL BE NO LIABILITY FOR DAMAGES ARISING FROM SUCH REFUSAL, TO PROHIBIT DISMISSAL, SUSPENSION, DEMOTION, DISCIPLINE, OR DISCRIMINATION BY THE JUDGE OF PROBATE OR THE CLERK OF COURT AGAINST THE EMPLOYEE FOR SUCH REFUSAL, AND TO PROVIDE FOR A CIVIL ACTION FOR DAMAGES OR REINSTATEMENT OF EMPLOYMENT, OR BOTH, WHERE EMPLOYMENT HAS BEEN ALTERED OR TERMINATED IN VIOLATION OF SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section [20-1-230](#) of the 1976 Code is amended to read:

"Section [20-1-230](#). (A) The judge of probate or clerk of court with whom a marriage license application was filed shall issue a license upon:

- (1) the filing of the application required under the provisions of Section [20-1-220](#);
- (2) the lapse of at least twenty-four hours thereafter;
- (3) the payment of the fee provided by law; and
- (4) the filing of a statement, under oath or affirmation, to the effect that the persons seeking the contract of matrimony are legally entitled to marry, together with the full names of the persons, their ages, and places of residence

(B) No person employed by a judge of probate or clerk of court or any other officer authorized by law to issue a marriage license shall be:

- (1) required to take any action related to the issuance of a marriage license to a same sex couple, if he advises the judge of probate or clerk of court in writing that he objects to taking such action based upon a sincerely held religious belief;
- (2) liable to any person for damages allegedly arising from such refusal; or
- (3) dismissed, suspended, demoted, or otherwise disciplined or discriminated against by the judge of probate or the clerk of court by which he is employed. A civil action for damages or reinstatement of employment, or both, may be prosecuted by any person whose employment has been altered or terminated in violation of this subsection.

~~(B)~~(C) A man and a woman who successfully complete a qualifying premarital preparation course and who have a South Carolina marriage license which attests the completion of the course shall be entitled to receive a one-time fifty-dollar nonrefundable state income tax credit, as permitted in Section [12-6-3381](#). In order for the course to qualify pursuant to this section, the couple must:

- (1) attend a course taught by a professional counselor who is licensed pursuant to Chapter 75 of Title 40 or by an active member of the clergy in the course of his or her service as clergy or his or her designee, including retired clergy, provided that the designee is trained and skilled in premarital preparation;
- (2) attend a minimum of six hours of instruction;
- (3) complete the course within twelve months prior to the application for a marriage license; and
- (4) complete the course together rather than individually.

A couple who completes a premarital preparation course pursuant to this section must be issued a certification of completion at the conclusion of the course by their course provider. The certification must include the number of hours that the couple completed together and the credentials of the course provider. A couple must produce this certification when applying for the marriage license in order to receive the non-refundable state income tax credit. The judge of probate or clerk of court must certify on the marriage license that the couple met the statutory requirements to qualify for this income tax credit. The judge of probate court or clerk of court is not responsible to authenticate the information contained in the certification of completion unless the certification of completion is wholly fraudulent on its face.

~~(E)~~(D). The discount authorized by this section must not be applied to the fee credited to the Domestic Violence Fund provided for in Section [20-1-375](#)."

SECTION 2. This act takes effect upon approval by the Governor.

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