AN ACT concerning marriage; relating to the recognition of marriages; eliminating requirement that parties are opposite sex; amending K.S.A. 2020 Supp. 23-2501, 23-2504 and 23-2508 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2020 Supp. 23-2501 is hereby amended to read as follows: 23-2501. The marriage contract is to be considered in law as a civil contract between two parties who are of opposite sex. All other marriages are declared to be contrary to the public policy of this state and are void. The consent of the parties is essential. The marriage ceremony may be regarded either as a civil ceremony or as a religious sacrament, but the marriage relation shall only be entered into, maintained or abrogated as provided by law.

Sec. 2. K.S.A. 2020 Supp. 23-2504 is hereby amended to read as follows: 23-2504. (a) Marriage may be validly solemnized and contracted in this state, after a license has been issued for the marriage, in the following manner: By the mutual declarations of the two parties to be joined in marriage, made before an authorized officiating person and in the presence of at least two competent witnesses over 18 years of age, other than the officiating person, that they take each other as husband and wife desire to be married.

(b) The following are authorized to be officiating persons:

(1) Any currently ordained clergyman or religious authority of any religious denomination or society;

(2) any licentiate of a denominational body or an appointee of any bishop serving as the regular clergyman of any church of the denomination to which the licentiate or appointee belongs, if not restrained from so doing by the discipline of that church or denomination;

(3) any judge or justice of a court of record;

(4) any municipal judge of a city of this state; and

(5) any retired judge or justice of a court of record.

(c) The two parties themselves, by mutual declarations that they take each other as husband and wife desire to be married, in accordance with the customs, rules and regulations of any religious society, denomination or sect to which either of the parties belong, may be married without an
Sec. 3. K.S.A. 2020 Supp. 23-2508 is hereby amended to read as follows: 23-2508. All marriages contracted without this state, which would be valid by the laws of the country in which the same were contracted, shall be valid in all courts and places in this state. It is the strong public policy of this state only to recognize as valid marriages from other states that are between a man and a woman.

Sec. 4. K.S.A. 2020 Supp. 23-2501, 23-2504 and 23-2508 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.