

# The Senate of The State of Texas



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## LEGISLATION GUARANTEEING RELIGIOUS PROTECTIONS, EQUAL RIGHTS IN MARRIAGE-LICENSING PROCESS PASSES TEXAS SENATE

AUSTIN—State Senator Brian Birdwell (R-Granbury) passed Senate Bill 522 with bipartisan support Wednesday, creating a statutory balance between the religious liberties of marriage-certifying officials and the rights of all couples to marry, ensuring individuals seeking marriage licenses are neither denied nor delayed service.

Senate Bill 522 allows county clerks to recuse themselves from signing marriage licenses if doing so violates a sincerely-held religious belief and such notice has been provided to the local commissioners court. In such instances, another “certifying official” must be appointed by the commissioners court to perform the duties of the clerk. The bill also protects judges and magistrates by allowing them to perform or refuse to perform any marriage ceremony for any reason other than a prohibited reason, such as discrimination based on race.

In recognizing the right of same-sex couples to marry in light of the Supreme Court decision in *Obergefell v. Hodges*, Birdwell’s legislation provides clerks and judges specified, statutory authority under the protections afforded by Article 1, Section 4 of the Texas Constitution, which guarantees that “*no religious test shall ever be required as a qualification to any office*” and that no one can “*be excluded from holding office on account of [their] religious sentiments.*”

To further clarify the legislative intent of SB 522, Birdwell worked with Senator Sylvia Garcia (D-Houston) to jointly author a floor amendment that was unanimously adopted. The amendment requires counties to “*ensure that all eligible persons applying for a marriage license are given equal access to the process and are not subject to undue burden due to [a] county clerk’s refusal to certify.*”

“This legislation protects all involved parties by recognizing a couple’s right to marry and the conscience rights of public officials,” Birdwell said upon final passage of the bill. “To force the discrimination of one or the other is a false choice—one that I believe is avoided by SB 522.”

SB 522 was co-authored by one democrat and four republican senators. The bill passed the Senate by a vote of 21-10 and now moves to the House of Representatives for consideration. The 85th legislative session concludes on May 29, 2017. More information can be found by visiting [www.capitol.state.tx.us](http://www.capitol.state.tx.us).

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*Brian Birdwell is a native Texan, decorated military veteran, lifelong conservative Republican, survivor of the 9/11 terrorist attack on the Pentagon, and a proud husband and father. He currently represents the counties of Bosque, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, Somervell and Tarrant [partial] in Senate District 22.*