

Questions and Answers: Marriage for Same-Sex Couples In Washington if Referendum 74 is Approved



This memo gives general information about marriage for same-sex couples in Washington. It is not meant to be legal advice.

When can same-sex couples apply for marriage licenses in Washington?

Same-sex couples will be allowed to **apply** for marriage licenses on Thursday, December 6, 2012, which is when the election will have been certified.

Washington law requires all couples to **wait three days** after applying for their marriage license before having their marriage ceremony. So if a couple receives their marriage license on December 6, they will have to wait until December 9 to get married.

Where do couples apply for marriage licenses?

Couples can obtain marriage licenses from any county, usually at the county auditor. They do not have to obtain their marriage license from the county where they reside or the county where they plan to have the marriage ceremony. Follow this link to obtain information about county offices that issue marriage licenses:
<http://access.wa.gov/living/resources/marriage.aspx>.

Is there a fee to apply for a marriage license?

Yes. The fee varies by county. In King County, the fee is currently \$64.

Note: If couples are already registered domestic partners in Washington, they will still have to pay a fee to apply for a marriage license.

Who can perform a marriage ceremony in Washington?

A marriage ceremony must be performed by a licensed or ordained religious official, or by a judge or court commissioner. Many counties provide a list of judicial officials who will perform marriage ceremonies.

What about couples who are already registered domestic partners in Washington?

907 Pine Street
Suite 500
Seattle, WA 98101

T 206-682-3552
F 206-682-9556

LegalVoice.org

Registered domestic partners will have to decide whether they want to become married, unless one partner is 62 years of age or older. That is because the law phases out domestic partnerships, except for senior couples.

To become married, registered domestic partners will need to apply for and receive a marriage license, and then go through the marriage ceremony. Once a couple is married, the registered domestic partnership is automatically dissolved.

If **at least** one partner will be 62 years of age or older on June 30, 2014, they will be able to remain as registered domestic partners. This is because for some older couples, marriage can mean a loss of social security or pension benefits, so the law was carefully crafted to make sure seniors continue to have the option of a domestic partnership.

If **neither** partner will be 62 years of age or older on June 30, 2014, the law provides a grace period until June 30, 2014 for couples in registered domestic partnerships to make decisions about marriage. The couple can apply for a license and get married at any time starting on December 6. Or they can choose to wait and have the state automatically convert their registered domestic partnership into a civil marriage at the end of that grace period on June 30, 2014. Or they can at any time legally end their domestic partnership or start the legal process for dissolving their domestic partnership before that date.

All same-sex registered domestic partners will get two notices in the mail from the Secretary of State. The first notice will explain the new law. It will be sent within 60 days of the law's effective date of December 6, 2012. The second notice will be sent by May 1, 2014.

As of June 30, 2014, couples will only be able to register as domestic partners if one of the partners is 62 years of age or older. Both same-sex and different-sex couples can still register as domestic partners if at least one partner is 62 or older.

If my partner and I are now registered domestic partners but later become married, what would be the legal date of our marriage?

If registered domestic partners marry or have their partnership converted to a marriage, the legal date of the marriage under Washington law will be the date of the original registered domestic partnership. For example, if you registered as domestic partners on July 1, 2008, but then married in Washington on December 31, 2012, the legal date of your marriage will be July 1, 2008.

My partner and I were legally married in another state or country. Will Washington recognize our marriage?

Yes, as long as the marriage was legally recognized in the state or country where you married. You do not need to get married again in Washington for your marriage to be legally recognized in Washington.

My partner and I entered a civil union or registered domestic partnership in another state. How will our relationship be treated in Washington?

If you entered into a civil union or domestic partnership in another state and the civil union or domestic partnership gives substantially the same rights and responsibilities as a marriage, then you have the same rights and responsibilities as married spouses while you are in Washington. However, if you and your partner become permanent residents of Washington and live in the state for more than a year, you will have to get married if you want to continue to have the rights and responsibilities of marriage.

Can same-sex couples marry in Washington if they live in another state?

Yes. There is no residency requirement to marry in Washington.

However, out-of-state couples should be advised that their marriage may not be recognized in their home state if their state does not permit same-sex couples to marry. It is a good idea for same-sex couples from other states to consult with a lawyer before marrying in Washington to understand whether their marriage will be recognized in their home state, as well as other legal implications that may arise from marrying.

Note: Although Washington does not have a residency requirement for marriage, it does have a residency requirement for divorce. As a result, if an out-of-state couple marries in Washington, they may not be able to obtain a divorce in Washington unless at least one spouse becomes a resident of Washington. In addition, some states will not allow same-sex couples who are legally married in Washington to dissolve their Washington marriage in the other state's courts. That is one reason why it is a good idea for out-of-state couples to talk to a lawyer before marrying in Washington.