

March 23, 2021

Representative Matt Claman
Chair, House Judiciary Committee
State Capitol – Room 118
Juneau, Alaska 99801



Re: Opposition to HB 62

Dear Rep. Claman:

We write to express our opposition to House Bill 62:

“An Act relating to solemnization of marriage.”

Alaska’s existing marriage statute specifies that a witness to a marriage must be “... a person of sound mind capable of understanding the seriousness of the ceremony.” (AS 25.05.031). Indeed, the formation of a marital union is a serious matter.

In our pluralistic society, there are obviously a variety of views about the cultural and religious significance of the marriage union. But even if we leave aside these considerations and view marriage as strictly a legal contract recognized under civil law, it should still be obvious that the decision to marry is a weighty matter. Under the law, marriage comes attached with many benefits, and also many responsibilities. Most married couples have children, and thus the successful rearing of future generations is largely dependent on the health of marriages and families.

Alaska law requires witnesses for other serious actions and commitments. Examples include self-proved wills, supported decision-making agreements, certain agreements for organ donations, and even casting an absentee ballot.

In all these cases, as with marriage, the requirement for witnesses provides a very tangible reminder to the parties involved that the action being taken is a serious one. The role of government in promoting healthy marriages and families is very limited. However, to say that it is limited does not mean it is trivial or inconsequential. The benefits to state government from healthy marriages and families are enormous. Conversely, when marriages fail and families break apart, it creates huge burdens on state government.

To cite just one example, consider the impacts on our court system. The most recent annual report from the Alaska Court System (FY 2020) reported there were 22,888 filings in Superior Court. Of these, 3,994 were domestic relations cases and 2,714 were CINA (Children in Need of Aid) cases. Adding these categories together, there were 6,708 cases involving some type of challenge related to marriage, family, or parenting. That constitutes just under 30 percent of all filings in the Superior Court.

In general, if changes are to be considered to our marriage statutes, we ought to be considering reforms that emphasize the seriousness of the marriage commitment, rather than removing witness requirements or making other changes that tend to suggest that marriage contracts are a casual matter.

HB 62 is being supported by some because it removes an inconvenience for the “wedding tourism” industry. With respect, we believe that Alaska’s state government has far more important interests at stake in marriage than promoting greater profits for a segment of our tourism industry.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Minnery", written over a light purple rectangular background.

Jim Minnery, President
Alaska Family Action