

INITIATIVE 838

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 838 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to marital law; and amending RCW 26.04.010 and
2 26.04.020.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.04.010 and 1998 c 1 s 3 are each amended to read as
5 follows:

6 (1) Marriage is a civil contract between ((a male and a female))
7 two people who have each attained the age of eighteen years, and who
8 are otherwise capable. Marriages between two people of the same sex
9 are legal.

10 (2) Every marriage entered into in which either the husband or the
11 wife has not attained the age of seventeen years is void except where
12 this section has been waived by a superior court judge of the county in
13 which one of the parties resides on a showing of necessity.

14 **Sec. 2.** RCW 26.04.020 and 1998 c 1 s 4 are each amended to read as
15 follows:

16 (1) Marriages in the following cases are prohibited:

17 (a) When either party thereto has a wife or husband living at the
18 time of such marriage; or

1 (b) When the husband and wife are nearer of kin to each other than
2 second cousins, whether of the whole or half blood computing by the
3 rules of the civil law((; or

4 (c) ~~When the parties are persons other than a male and a female)).~~

5 (2) It is unlawful for any man to marry his father's sister,
6 mother's sister, daughter, sister, son's daughter, daughter's daughter,
7 brother's daughter or sister's daughter; it is unlawful for any woman
8 to marry her father's brother, mother's brother, son, brother, son's
9 son, daughter's son, brother's son or sister's son.

10 (3) A marriage between two persons that is recognized as valid in
11 another jurisdiction is valid in this state only if the marriage is not
12 prohibited or made unlawful under subsection (1)(a)((, (1)(e),)) or (2)
13 of this section.

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