

# An Act

ENROLLED HOUSE  
BILL NO. 3075

By: Culver of the House

and

Jech of the Senate

An Act relating to marriage; amending 43 O.S. 2021, Sections 5, 6, 7, 8, and 20, which relate to marriage licenses and certificates; providing for a reissued marriage certificate if name is erroneous or misspelled; requiring notation that the certificate is reissued or amended; mandating certain married name changes; prohibiting entirely different name change using a marriage certificate; requiring compliance with certain name change petition process; modifying contents of marriage licenses; modifying timing for completion of marriage ceremony and return of certain documents; deleting residency requirement for marriage officiant; directing officiant to certify credentials or authority on the marriage certificate; striking court clerk filing requirement for officiant; providing for transmission of marriage license and certificate to court clerk within certain time; requiring issuance of marriage licenses to all legally eligible persons; prescribing time requirements for valid marriage license and ceremony; mandating return of marriage license and certificate within thirty days of issuance; repealing 43 O.S. 2021, Sections 19 and 36, which relate to marriage licenses; and providing an effective date.

SUBJECT: Marriage

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 2021, Section 5, is amended to read as follows:

Section 5. A. Persons desiring to be married in this state shall submit an application in writing signed and sworn to in person before the clerk of the district court by both of the parties setting forth:

1. The place of residence of each party;

2. The full legal name and the age of each party as they appear upon or are calculable from a certified copy of the birth certificate, the current driver license or identification card, the current passport or visa, or any other certificate, license or document issued by or existing pursuant to the laws of any nation or of any state, or political subdivision thereof, accepted as proof of identity and age;

3. For each party, the full name by which the party will be known after the marriage as provided in subsection E of this section, which shall become the full legal name of the party upon the filing of the marriage license and certificate with the court, as required by law; provided, however, a marriage certificate issued prior to June 8, 2006, or any marriage certificate which contains an erroneous or misspelled name of a party, shall be reissued upon request by the certificate holder to include the information required by this paragraph. Such reissued certificate shall reflect the original marriage date and shall be signed by the court clerk with a notation by the clerk that the certificate is "reissued" or "amended". Signatures of the officiant and original witnesses shall not be required;

4. That the parties are not disqualified from or incapable of entering into the marriage relation; and

5. Whether the parties have successfully completed a premarital counseling program.

B. 1. Upon application pursuant to this section and the payment of fees as provided in Section 31 of Title 28 of the Oklahoma Statutes, if the clerk of the district court is satisfied of the truth and sufficiency of the application and that there is no legal impediment to such marriage, the court clerk shall issue the marriage license authorizing the marriage and a marriage certificate, which shall be incorporated as one document. As

required by law, the marriage certificate shall be completed immediately following the marriage, and the marriage license and certificate shall be returned to the court clerk.

2. Parties to be married and who present a certificate to the clerk of the district court that states the parties have completed the premarital counseling program pursuant to Section 5.1 of this title shall be entitled to pay a reduced fee for a marriage license in an amount provided in Section 31 of Title 28 of the Oklahoma Statutes.

C. In the event that one or both of the parties are under legal age, the application shall have been on file in the court clerk's office for a period of not less than seventy-two (72) hours prior to issuance of the marriage license.

D. The marriage license shall be valid in any county within the state.

E. On the marriage certificate, the full name by which a party shall be known after marriage may be any combination of the legal first, middle, and last names, given names and surnames, of either party, including segments of names or initials, with or without hyphens. However, the marriage certificate shall not be used to change the name of a party to an entirely different name which is not derived from the legal name of either party. The party shall petition for a name change using the process established in Section 1631 of Title 12 of the Oklahoma Statutes.

F. The provisions hereof are mandatory and not directory except under the circumstances set out in the provisions of Section 3 of this title.

SECTION 2. AMENDATORY 43 O.S. 2021, Section 6, is amended to read as follows:

Section 6. A. The marriage license provided for in this title shall contain:

1. The date of its issuance;

2. The name of the court issuing the license, and the name of the city or town and county in which the court is located;

3. The full legal names of the persons authorized to be married by the license, the full legal names by which the persons will be known after the marriage, subject to the provisions of Section 5 of this title, their ages, and their places of residence;

4. Directions to any person authorized by law to perform and solemnize the marriage ceremony;

5. The ~~date~~ number of days by which the ~~completed~~ marriage ceremony shall be completed and the number of days by which the certificate, along with the marriage license, shall be returned to the ~~judge or court clerk, which shall not be more than thirty (30) days from the date of its issuance~~ as provided in Section 20 of this title; and

6. Any other information, declarations, seals and signatures, as required by law.

B. The marriage certificate provided for in this title shall contain appropriate wording and blanks to be completed and endorsed, as required by Section 8 of this title, by the person solemnizing or performing the marriage ceremony, the witnesses, and the persons who have been married.

SECTION 3. AMENDATORY 43 O.S. 2021, Section 7, is amended to read as follows:

Section 7. A. All marriages must be contracted by a formal ceremony performed or solemnized in the presence of at least two adult, competent persons as witnesses, by a judge or retired judge of any court in this state, or an ordained or authorized preacher or minister of the Gospel, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which he or she belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age.

B. 1. The judge shall place his or her order of appointment on file with the office of the court clerk of the county in which he or she resides.

2. The preacher, minister, priest, rabbi, or ecclesiastical dignitary ~~who is a resident of this state shall have filed, in the office of the court clerk of the county in which he or she resides, a copy of the~~ certify on the marriage certificate that he or she

holds credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages.

~~3. The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is not a resident of this state, but has complied with the laws of the state of which he or she is a resident, shall have filed once, in the office of the court clerk of the county in which he or she intends to perform or solemnize a marriage, a copy of the credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages.~~

~~4. The filing by resident or nonresident preachers, ministers, priests, rabbis, ecclesiastical dignitaries or judges shall be effective in and for all counties of this state; provided, no fee shall be charged for such recording.~~

C. No person herein authorized to perform or solemnize a marriage ceremony shall do so unless ~~the license issued therefor be first delivered into his or her possession nor unless~~ he or she has good reason to believe the persons presenting themselves before him or her for marriage are the identical persons named in the license, and for whose marriage the same was issued, and that there is no legal objection or impediment to such marriage.

D. Marriages between persons belonging to the society called Friends, or Quakers, the spiritual assembly of the Baha'is, or the Church of Jesus Christ of Latter Day Saints, which have no ordained minister, may be solemnized by the persons and in the manner prescribed by and practiced in any such society, church, or assembly.

SECTION 4. AMENDATORY 43 O.S. 2021, Section 8, is amended to read as follows:

Section 8. A. The person performing or solemnizing the marriage ceremony shall, immediately upon the completion of the ceremony, endorse upon the license authorizing the marriage:

1. His or her name and official or clerical designation;

2. The court of which he or she is the judge, or the congregation or body of which he or she is pastor, preacher, minister, priest, rabbi or dignitary; provided, that the authority to perform or solemnize marriages shall be coextensive with the congregation or body of which he or she is pastor, preacher,

minister, priest, rabbi or dignitary; provided further, that all marriages solemnized among the society called Friends or Quakers, the spiritual assembly of the Baha'is, or the Church of Jesus Christ of ~~Latter-day~~ Latter Day Saints, in the form heretofore practiced and in use in their meetings shall be good and valid. One person chosen by such society, assembly, or church shall be responsible for completing the marriage certificate pursuant to this section in the same manner as a minister or other person authorized to perform marriages;

3. The town or city and county where the court, congregation, body, society, assembly, or church is located; and

4. His or her signature along with his or her official or clerical designation.

B. The witnesses to the ceremony shall endorse the marriage certificate, attesting to their presence at the ceremony, with their names and post office addresses.

C. The persons who have been married in the ceremony shall endorse the marriage certificate with the names by which they are to be known from the time of the marriage, as evidenced on the marriage license.

D. The marriage license, along with the completed marriage certificate shall be transmitted ~~without delay~~ to the ~~judge or the~~ court clerk who issued the license and certificate for recording within the time period required in Section 20 of this title.

SECTION 5. AMENDATORY 43 O.S. 2021, Section 20, is amended to read as follows:

Section 20. A. Marriage licenses shall be issued to all applicants who are entitled under the laws of the State of Oklahoma to apply for a marriage license and contract matrimony. Once issued, the marriage license shall be valid for thirty (30) days and the marriage ceremony shall be performed no later than thirty (30) days from the date the license is issued. The marriage license and completed marriage certificate shall be returned to the court clerk for recording no later than thirty (30) days from the date the license was issued.

B. The time within which an act is to be done, as provided for in Title 43 of the Oklahoma Statutes, shall be computed by excluding

the first day and including the last day. If the last day is a legal holiday as defined by Section 82.1 of Title 25 of the Oklahoma Statutes, it shall be excluded. The provisions of this section are hereby declared to be a clarification of the law as it existed prior to ~~the effective date of this act June 1, 2000,~~ and shall not be considered or construed to be a change of the law as it existed prior to ~~the effective date of this act June 1, 2000.~~ Any action or proceeding arising under Title 43 of the Oklahoma Statutes prior to ~~the effective date of this act June 1, 2000,~~ for which a determination of the period of time prescribed by this section is in question or has been in question due to the enactment of Section ~~20,~~ ~~Chapter 293, O.S.L. 1999,~~ 2006 of Title 12 of the Oklahoma Statutes shall be governed by the method for computation of time as prescribed by this section.

SECTION 6. REPEALER 43 O.S. 2021, Sections 19 and 36, are hereby repealed.

SECTION 7. This act shall become effective November 1, 2022.

Passed the House of Representatives the 9th day of May, 2022.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 26th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_