

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3075

                                  By: Culver

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7                                   AS INTRODUCED

8           An Act relating to marriage; amending 43 O.S. 2021,  
9           Sections 5, 6, 7, 8, and 20, which relate to marriage  
10          licenses and certificates; providing for a reissued  
11          marriage certificate if name is erroneous or  
12          misspelled; requiring notation that the certificate  
13          is reissued or amended; mandating certain married  
14          name changes; prohibiting entirely different name  
15          change using a marriage certificate; requiring  
16          compliance with certain name change petition process;  
17          modifying contents of marriage licenses; modifying  
18          timing for completion of marriage ceremony and return  
19          of certain documents; deleting residency requirement  
20          for marriage officiant; directing officiant to  
21          certify credentials or authority on the marriage  
22          certificate; striking court clerk filing requirement  
23          for officiant; providing for transmission of marriage  
24          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 sixty days of issuance; repealing 43 O.S.  
          2021, Sections 19 and 36, which relate to marriage  
          licenses; and providing an effective date.

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

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

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

7 1. The place of residence of each party;

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

15 3. For each party, the full name by which the party will be  
16 known after the marriage as provided in subsection E of this  
17 section, which shall become the full legal name of the party upon  
18 the filing of the marriage license and certificate with the court,  
19 as required by law; provided, however, a marriage certificate issued  
20 prior to June 8, 2006, or any marriage certificate which contains an  
21 erroneous or misspelled name of a party, shall be reissued upon  
22 request by the certificate holder to include the information  
23 required by this paragraph. Such reissued certificate shall reflect  
24 the original marriage date and shall be signed by the court clerk

1 with a notation by the clerk that the certificate is "reissued" or  
2 "amended". Signatures of the officiant and original witnesses shall  
3 not be required;

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

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

8 B. 1. Upon application pursuant to this section and the  
9 payment of fees as provided in Section 31 of Title 28 of the  
10 Oklahoma Statutes, if the clerk of the district court is satisfied  
11 of the truth and sufficiency of the application and that there is no  
12 legal impediment to such marriage, the court clerk shall issue the  
13 marriage license authorizing the marriage and a marriage  
14 certificate, which shall be incorporated as one document. As  
15 required by law, the marriage certificate shall be completed  
16 immediately following the marriage, and the marriage license and  
17 certificate shall be returned to the court clerk.

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

24

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

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

7 E. On the marriage certificate, the full name by which a party  
8 shall be known after marriage may be any combination of the legal  
9 first, middle, and last names, given names and surnames, of either  
10 party, including segments of names or initials, with or without  
11 hyphens. However, the marriage certificate shall not be used to  
12 change the name of a party to an entirely different name which is  
13 not derived from the legal name of either party. The party shall  
14 petition for a name change using the process established in Section  
15 1631 of Title 12 of the Oklahoma Statutes.

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

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

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

23 1. The date of its issuance;

24

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

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

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

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

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

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

22           SECTION 3.           AMENDATORY           43 O.S. 2021, Section 7, is  
23 amended to read as follows:  
24

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

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

12 2. The preacher, minister, priest, rabbi, or ecclesiastical  
13 dignitary ~~who is a resident of this state shall have filed, in the~~  
14 ~~office of the court clerk of the county in which he or she resides,~~  
15 ~~a copy of the~~ certify on the marriage certificate that he or she  
16 holds credentials or authority from his or her church or synagogue  
17 authorizing him or her to solemnize marriages.

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

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

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

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

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

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

- 23       1. His or her name and official or clerical designation;
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1           2. The court of which he or she is the judge, or the  
2 congregation or body of which he or she is pastor, preacher,  
3 minister, priest, rabbi or dignitary; provided, that the authority  
4 to perform or solemnize marriages shall be coextensive with the  
5 congregation or body of which he or she is pastor, preacher,  
6 minister, priest, rabbi or dignitary; provided further, that all  
7 marriages solemnized among the society called Friends or Quakers,  
8 the spiritual assembly of the Baha'is, or the Church of Jesus Christ  
9 of Latter-day Saints, in the form heretofore practiced and in use in  
10 their meetings shall be good and valid. One person chosen by such  
11 society, assembly, or church shall be responsible for completing the  
12 marriage certificate pursuant to this section in the same manner as  
13 a minister or other person authorized to perform marriages;

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

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

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

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

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

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

7 Section 20. A. Marriage licenses shall be issued to all  
8 applicants who are entitled under the laws of the State of Oklahoma  
9 to apply for a marriage license and contract matrimony. Once  
10 issued, the marriage license shall be valid for thirty (30) days and  
11 the marriage ceremony shall be performed no later than thirty (30)  
12 days from the date the license is issued. The marriage license and  
13 completed marriage certificate shall be returned to the court clerk  
14 for recording no later than sixty (60) days from the date the  
15 license was issued.

16 B. The time within which an act is to be done, as provided for  
17 in Title 43 of the Oklahoma Statutes, shall be computed by excluding  
18 the first day and including the last day. If the last day is a  
19 legal holiday as defined by Section 82.1 of Title 25 of the Oklahoma  
20 Statutes, it shall be excluded. The provisions of this section are  
21 hereby declared to be a clarification of the law as it existed prior  
22 to ~~the effective date of this act~~ June 1, 2000, and shall not be  
23 considered or construed to be a change of the law as it existed  
24 prior to ~~the effective date of this act~~ June 1, 2000. Any action or

1 proceeding arising under Title 43 of the Oklahoma Statutes prior to  
2 ~~the effective date of this act~~ June 1, 2000, for which a  
3 determination of the period of time prescribed by this section is in  
4 question or has been in question due to the enactment of Section ~~20~~,  
5 ~~Chapter 293, O.S.L. 1999~~, 2006 of Title 12 of the Oklahoma Statutes  
6 shall be governed by the method for computation of time as  
7 prescribed by this section.

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

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

11  
12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
13 02/10/2022 - DO PASS.  
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