

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3075

By: Culver

4  
5  
6 AS INTRODUCED

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

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:

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

5 1. The place of residence of each party;

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

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

1 "amended". Signatures of the officiant and original witnesses shall  
2 not be required;

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

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

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

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

23 C. In the event that one or both of the parties are under legal  
24 age, the application shall have been on file in the court clerk's

1 office for a period of not less than seventy-two (72) hours prior to  
2 issuance of the marriage license.

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

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

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

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

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

21 1. The date of its issuance;

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

24

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

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

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

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

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

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

22 Section 7. A. All marriages must be contracted by a formal  
23 ceremony performed or solemnized in the presence of at least two  
24 adult, competent persons as witnesses, by a judge or retired judge

1 of any court in this state, or an ordained or authorized preacher or  
2 minister of the Gospel, priest or other ecclesiastical dignitary of  
3 any denomination who has been duly ordained or authorized by the  
4 church to which he or she belongs to preach the Gospel, or a rabbi  
5 and who is at least eighteen (18) years of age.

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

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

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

22 4. ~~The filing by resident or nonresident preachers, ministers,~~  
23 ~~priests, rabbis, ecclesiastical dignitaries or judges shall be~~

24

1 ~~effective in and for all counties of this state; provided, no fee~~  
2 ~~shall be charged for such recording.~~

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

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

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

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

- 21 1. His or her name and official or clerical designation;
- 22 2. The court of which he or she is the judge, or the  
23 congregation or body of which he or she is pastor, preacher,  
24 minister, priest, rabbi or dignitary; provided, that the authority

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

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

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

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

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

22 D. The marriage license, along with the completed marriage  
23 certificate shall be transmitted ~~without delay~~ to the ~~judge or the~~

24



1 court clerk who issued the license and certificate for recording  
2 within the time period required in Section 20 of this title.

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

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

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

1 determination of the period of time prescribed by this section is in  
2 question or has been in question due to the enactment of Section ~~20,~~  
3 ~~Chapter 293, O.S.L. 1999,~~ 2006 of Title 12 of the Oklahoma Statutes  
4 shall be governed by the method for computation of time as  
5 prescribed by this section.

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

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

9

10 58-2-8911 EK 01/10/22

11

12

13

14

15

16

17

18

19

20

21

22

23

24