

HOUSE BILL NO. HB0099

Marriage certificates.

Sponsored by: Representative(s) Lindholm, Clem, Laursen and Pelkey and Senator(s) Boner and Hicks

A BILL

for

1 AN ACT relating to domestic relations; removing the  
2 requirement for obtaining a marriage license prior to the  
3 solemnization of a marriage; conforming provisions; and  
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 18-3-402(a)(ii) and (xvi)(F),  
9 20-1-102(b) and (c), 20-1-105, 20-1-107(b) and by creating  
10 a new subsection (d) and 35-1-422 are amended to read:

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12 **18-3-402. Duties generally.**

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14 (a) The county clerk shall:

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1           (ii) Keep a book in which are entered all  
 2 licenses, ~~except marriage licenses,~~ giving the names of the  
 3 persons to whom such licenses are issued with the date,  
 4 amount and purpose for which the license was issued;

6           (xvi) Collect and remit to the county treasurer  
 7 the following fees:

9                           (F) Recording a marriage license  
 10 certificate ..... 30.00

12           **20-1-102. Minimum marriageable age; exception;**  
 13 **parental consent.**

15           (b) All marriages involving a person under sixteen  
 16 (16) years of age are prohibited and voidable, unless  
 17 before contracting the marriage a judge of a court of  
 18 record in Wyoming approves the marriage. ~~and authorizes the~~  
 19 ~~county clerk to issue a license therefor.~~

21           (c) When either party is a minor, no ~~license marriage~~  
 22 certificate shall be ~~granted recorded~~ without the verbal  
 23 consent, if present, and written consent, if absent, of the

1 father, mother, guardian or person having the care and  
2 control of the minor. Written consent shall be proved by  
3 the testimony of at least one (1) competent witness.

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5 **20-1-105. Judge may order certificate issued.**

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7 (a) If any county clerk refuses to ~~issue a license to~~  
8 ~~marry,~~ record a marriage certificate or in case of  
9 circumstances arising which would necessitate the waiver of  
10 any one (1) or more of the requirements of W.S. 20-1-102  
11 and ~~20-1-103(b) and (c)~~ 20-1-107, either ~~applicant for the~~  
12 ~~license party~~ may apply to the district court of the county  
13 for the ~~issuance of a license~~ recording of a marriage  
14 certificate without compliance with one (1) or more of  
15 those requirements. If the judge finds that a ~~license~~  
16 marriage certificate should be ~~issued~~ recorded, or such  
17 circumstances exist that it is proper that any one (1) or  
18 more of the requirements should be waived, the judge may  
19 order in writing the ~~issuance of the license~~ recording of a  
20 marriage certificate. Upon the order of the judge being  
21 filed with the county clerk, the county clerk shall ~~issue~~  
22 ~~the license~~ record the certificate at the time specified in

1 the order. No fee or court costs shall be charged or taxed  
2 for the order.

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4 (b) If either party is under sixteen (16) years of  
5 age, the parents or guardians may apply to any judge of a  
6 court of record in the county of residence of the minor for  
7 an order authorizing the marriage. ~~and directing the~~  
8 ~~issuance of a marriage license.~~ If the judge believes it  
9 advisable, he shall enter an order authorizing the  
10 marriage. ~~and directing the county clerk to issue a~~  
11 ~~license. Upon filing of a certified copy of the order with~~  
12 ~~the county clerk, the county clerk shall issue a license~~  
13 ~~and endorse thereon the fact of the issuance of the order.~~  
14 No person authorized to perform marriage ceremonies in  
15 Wyoming shall perform any marriage ceremony if either party  
16 is under the age specified by this subsection unless ~~the~~  
17 ~~license contains the endorsement~~ authorized by an order of  
18 the court.

19  
20 (c) Before issuing the order provided by this section  
21 the judge may require affidavits or other proof of the  
22 competency of the parties or of any other facts

1 necessitating or making the order advisable. The order may  
2 be in substantially the following form:

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4 I ....., the undersigned ....., a judge of the ....  
5 court, a court of record in and for .... county, Wyoming,  
6 hereby order that ~~a marriage license may issue to~~ the state  
7 of Wyoming legally recognizes the right to enter into a  
8 marriage for .... of .... (address) and .... of ....  
9 (address) on the .... day of .... (year) Date: .....

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11 **20-1-107. Certificate of marriage.**

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13 (b) The county clerk of each county in the state  
14 shall record all ~~returns of marriages~~ returned marriage  
15 certificates that have been properly filled out by the  
16 parties married, witnesses and the person who solemnized  
17 the marriage in a book kept for that purpose within one (1)  
18 month after receipt.

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20 (d) Unless there is an order to waive the  
21 requirements of this section by a judge of a court of  
22 record in the county pursuant to W.S. 20-1-105, the clerk  
23 shall refuse to record a marriage certificate if:

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**35-1-422. Marriage registration.**

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(i) Either of the parties is legally incompetent to enter into a marriage contract according to the law of their state of residence;

(ii) There is any legal impediment; or

(iii) Either party is a minor and the consent of the father, mother, guardian or person having the care and control of the minor has not been given.

(a) Beginning July 1, 2017, a record of each marriage performed in the state shall be filed with the state registrar of vital records as provided in this section. The ~~officer who issues the marriage license~~ county clerk shall ~~prepare the certificate on the form~~ provide unmarked marriage certificates furnished by the state registrar of vital records upon ~~the basis of information obtained~~ request from either of the parties to be married, ~~as provided by W.S. 20-1-103 and signed by the bride and groom.~~

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2 (b) Every person who performs a marriage shall  
3 certify the fact of marriage ~~and file the record with the~~  
4 ~~officer who issued the license within ten (10) days after~~  
5 ~~the ceremony. This certificate shall be signed by the~~  
6 ~~witnesses to the ceremony, one (1) copy of which shall be~~  
7 ~~given to the parties so married~~ on the marriage  
8 certificate. The parties married may return the certificate  
9 to be recorded by the county clerk of the county where the  
10 marriage took place. No marriage performed in Wyoming will  
11 be recognized by the state unless a marriage certificate  
12 has been filed with the county clerk. Every ~~office issuing~~  
13 ~~marriage licenses~~ county clerk shall ~~complete and record~~  
14 the marriage certificate and forward to the state registrar  
15 of vital records on or before the tenth day of each  
16 calendar month copies of the certificates of marriage ~~filed~~  
17 ~~with~~ recorded by him during the preceding calendar month.

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19 (c) All marriage licenses properly filed pursuant to  
20 the law applicable when the license was filed and before  
21 July 1, 2018 shall be recognized as valid.

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1           **Section 2.** W.S. 18-3-402(a)(xvi)(G) and 20-1-103 are  
2 repealed.

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4           **Section 3.** This act is effective July 1, 2017.

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(END)