

**MARRIAGE RECOGNITION POLICY**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: D. Chris Buttars**

---

---

**LONG TITLE**

**General Description:**

This bill states that the policy of this state is to only recognize as a marriage the union between a man and a woman.

**Highlighted Provisions:**

This bill:

- ▶ creates a marriage recognition policy for the state; and
- ▶ adds the requirement that applicants for a marriage license be a man and a woman.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**30-1-4.5**, as enacted by Chapter 246, Laws of Utah 1987

**30-1-8**, as last amended by Chapter 212, Laws of Utah 1995

ENACTS:

**30-1-4.1**, Utah Code Annotated 1953

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **30-1-4.1** is enacted to read:

**30-1-4.1. Marriage recognition policy.**

(1) (a) It is the policy of this state to recognize as marriage only the legal union of a man and a woman as provided in this chapter.

(b) Except for the relationship of marriage between a man and a woman recognized pursuant to this chapter, this state will not recognize, enforce, or give legal effect to any law creating any legal status, rights, benefits, or duties that are substantially equivalent to those provided under Utah law to a man and a woman because they are married.

(2) Nothing in Subsection (1) impairs any contract or other rights, benefits, or duties that are enforceable independently of this section.

Section 2. Section **30-1-4.5** is amended to read:

**30-1-4.5. Validity of marriage not solemnized.**

(1) A marriage which is not solemnized according to this chapter shall be legal and valid if a court or administrative order establishes that it arises out of a contract between [~~two consenting parties~~] a man and a woman who:

- (a) are of legal age and capable of giving consent;
- (b) are legally capable of entering a solemnized marriage under the provisions of this chapter;
- (c) have cohabited;
- (d) mutually assume marital rights, duties, and obligations; and
- (e) who hold themselves out as and have acquired a uniform and general reputation as husband and wife.

(2) The determination or establishment of a marriage under this section must occur during the relationship described in Subsection (1), or within one year following the termination of that relationship. Evidence of a marriage recognizable under this section may be manifested in any form, and may be proved under the same general rules of evidence as facts in other cases.

Section 3. Section **30-1-8** is amended to read:

**30-1-8. Application for license -- Contents.**

(1) A marriage license may be issued by the county clerk to a man and a woman only after an application has been filed in his office, requiring the following information:

- (a) the full names of the [~~parties~~] man and the woman, including the maiden name of the [~~female~~] woman;

(b) the Social Security numbers of the parties, unless the party has not been assigned a number;

(c) the current address of each party;

(d) the date and place of birth (town or city, county, state or country, if possible);

(e) the names of their respective parents, including the maiden name of the mother;

(f) the birthplaces of fathers and mothers (town or city, county, state or country, if possible); and

(g) the distinctive race or nationality of each of the parents.

(2) If the [~~female~~] woman is a widow, her maiden name shall be shown in brackets.

(3) If one or both of the parties is under 16 years of age, the clerk shall provide them with a standard petition on a form approved by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section 30-1-9.

(4) (a) The Social Security numbers obtained under the authority of this section may not be recorded on the marriage license, and are not open to inspection as a part of the vital statistics files.

(b) The Department of Health, Bureau of Vital Records and Health Statistics shall, upon request, supply those Social Security numbers to the Office of Recovery Services within the Department of Human Services.

(c) The Office of Recovery Services may not use any Social Security numbers obtained under the authority of this section for any reason other than the administration of child support services.

**Section 4. Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.