

**Todd Weiler** proposes the following substitute bill:

## Marriage Amendments

## 2026 GENERAL SESSION

# STATE OF UTAH

## **Chief Sponsor: Todd Weiler**

## House Sponsor:

## LONG TITLE

### **General Description:**

This bill modifies provisions relating to marriage.

## **Highlighted Provisions:**

This bill:

- requires at least one party to a marriage to be physically present in the state at the time of marriage;
- provides that a marriage solemnized on or after May 6, 2026, is prohibited and void if:
  - the marriage is solemnized remotely through electronic means;
  - both individuals marrying are not residents of the state; and
  - the individuals marrying are not located in the same location in the state when the marriage is solemnized;
- provides that a marriage that is not properly solemnized is invalid unless a court or administrative order legally recognized the marriage before May 6, 2026; and
- makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

**81-2-302**, as renumbered and amended by Laws of Utah 2024, Chapter 366

81-2-303, as renumbered and amended by Laws of Utah 2024, Chapter 366

**81-2-403**, as renumbered and amended by Laws of Utah 2024, Chapter 366

**81-4-104**, as renumbered and amended by Laws of Utah 2024, Chapter 366

## REPEALS AND REENACTS:

29       **81-2-408**, as renumbered and amended by Laws of Utah 2024, Chapter 366

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

32       Section 1. Section **81-2-302** is amended to read:

33       **81-2-302 . Marriage licenses -- Use within state -- Expiration.**

34       (1) A marriage may not be solemnized in this state without a license issued by the county  
35       clerk of any county of this state.

36       (2)(a) A license issued within this state by a county clerk may only be used within this  
37       state.

38       (b) A license is considered used within this state if the officiant and at least one of the  
39       parties to the marriage is physically present in the state at the time of solemnization  
40       of the marriage.

41       (3) A marriage is considered solemnized if:

42       (a) the parties to the marriage have a valid marriage license;

43       (b) each party to the marriage willingly, and without duress, declares their intent to enter  
44       into the marriage;

45       (c) each party to the marriage has filed all required affidavits with the county clerk that  
46       issued the marriage license as required under Subsection [81-2-303(4)(a)]  
47       81-2-303(5)(a);

48       (d) an officiant pronounces the parties as married; and

49       (e) at least two individuals 18 years old or older witness the declarations of intent and  
50       the pronouncement.

51       (4) A license that is not used within 32 days after the day on which the license is issued is  
52       invalid.

53       Section 2. Section **81-2-303** is amended to read:

54       **81-2-303 . Application for marriage license -- Contents.**

55       (1) A county clerk may issue a marriage license only after[:]

56       [(a)] an application is filed with the county clerk's office, requiring the following  
57       information:

58       [(i)] (a) the full names of the applicants, including the maiden or bachelor name of each  
59       applicant;

60       [(ii)] (b) the social security numbers of the applicants, unless an applicant has not been  
61       assigned a number;

62       [(iii)] (c) the current address of each applicant;

63 [(iv)] (d) the date and place of birth, including the town or city, county, state or country,  
64 if possible;  
65 [(v)] (e) the names of the applicants' respective parents, including the maiden name of a  
66 mother;  
67 [(vi)] (f) the birthplaces of the applicants' respective parents, including the town or city,  
68 county, state or country, if possible; and  
69 [(vii)] (g) the age, legal name, and identity of each applicant is verified.

70 (2) A power of attorney may not be used to secure a marriage license on behalf of a party to  
71 a marriage.

72 (3)(a) If one or both of the applicants is a minor, the county clerk shall provide each  
73 minor with a standard petition on a form provided by the Judicial Council to be  
74 presented to the juvenile court to obtain the authorization required by Section  
75 81-2-304.

76 (b) The form described in Subsection (3)(a) shall include:

77 (i) all information described in Subsection (1);  
78 (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's  
79 relationship to the minor in accordance with Subsection 81-2-304(1)(a);  
80 (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described  
81 in Section 81-2-304 signed under penalty of perjury;  
82 (iv) an affidavit for each applicant regarding the accuracy of the information  
83 contained in the marriage application signed under penalty of perjury; and  
84 (v) a place for the clerk to sign that indicates that the following have provided  
85 documentation to support the information contained in the form:  
86 (A) each applicant; and  
87 (B) the minor's parent or legal guardian.

88 (4)(a) The social security numbers obtained under the authority of this section may not  
89 be recorded on the marriage license and are not open to inspection as a part of the  
90 vital statistics files.

91 (b) The ~~Department of Health and Human Services,~~ Office of Vital Records and  
92 Statistics shall, upon request, supply the social security numbers to the ~~Department~~  
93 ~~of Health and Human Services,~~ Office of Recovery Services.

94 (c) The Office of Recovery Services may not use a social security number obtained  
95 under the authority of this section for any reason other than the administration of  
96 child support services.

97 (5)(a) A county clerk may not issue a marriage license until the county clerk receives:

98 (i) an affidavit from each party applying for the marriage license, stating that there is  
99 no lawful reason preventing the marriage; and

100 (ii) if one of the parties will not be physically present in the state at the time of  
101 solemnization of the marriage, an affidavit from each party applying for the  
102 marriage license, stating that the party consents to personal jurisdiction of the  
103 state, and of the county issuing the marriage license, for the purposes of filing a  
104 divorce or annulment of the marriage.

105 (b) A county clerk shall file and preserve each affidavit provided under this section.

106 (c) A party who makes an affidavit described in Subsection [(4)(a)] (5)(a), or a  
107 subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of  
108 perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part  
109 5, Falsification in Official Matters.

110 (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is  
111 guilty of a class A misdemeanor.

112 Section 3. Section **81-2-403** is amended to read:

113 **81-2-403 . Marriages prohibited and void.**

114 (1) ~~[The following marriages are prohibited and declared void:] A marriage is prohibited~~  
115 ~~and void if:~~

116 (a) ~~[when]there is a spouse living from whom the individual marrying has not been~~  
117 ~~divorced;~~

118 (b) ~~except as provided in Subsection (2), the individual marrying is under 18 years old;[~~  
119 ~~or]~~

120 ~~[(e) between a divorced individual and any individual other than the one from whom the~~  
121 ~~divorcee was seceded until:]~~

122 ~~[(i) the divorcee decree becomes absolute; and]~~

123 ~~[(ii) if an appeal is taken, until after the affirmance of the divorcee decree.]~~

124 (c)(i) the marriage is between a divorced individual and an individual other than the  
125 divorced individual's spouse in the divorce action; and

126 (ii)(A) the divorce decree is not final; or  
127 (B) if an appeal is taken, the divorce decree has not been affirmed; or

128 (d) except as provided in Subsection (3):

129 (i) the marriage is solemnized remotely through electronic means;

130 (ii) both of the individuals marrying are not residents of the state; and

(iii) the two individuals marrying are not in the same physical location within the state when the marriage is solemnized.

(2) A marriage of an individual under 18 years old is not void if the individual:

- (a) is 16 or 17 years old and obtains consent from a parent or guardian and juvenile court authorization in accordance with Section 81-2-304; or
- (b) lawfully marries before May 14, 2019.

(3) A marriage described in Subsection (1)(d) is not void if the marriage:

- (a) was solemnized before May 6, 2026; and
- (b) is otherwise lawful.

Section 4. Section **81-2-408** is repealed and reenacted to read:

**81-2-408 . Validity of marriage not solemnized or solemnized before an unauthorized individual.**

A marriage that is not solemnized in accordance with this chapter is invalid unless a court or administrative order legally recognized the marriage before May 6, 2026.

Section 5. Section **81-4-104** is amended to read:

**81-4-104 . Temporary separation order.**

(1) An individual may file an action for a temporary separation order, without filing a petition for divorce, by filing a petition for temporary separation and motion for temporary orders if:

(a) the individual is lawfully married to the individual from whom the separation is sought; and

(b)(i) both parties are residents of the state for at least 90 days before the day on which the action is filed; or

(ii) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection [81-2-303(4)(a)(ii)] 81-2-303(5)(a)(ii).

(2) The temporary orders are valid for one year after the day on which the hearing for the order is held or until one of the following occurs:

(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or

(b) the case is dismissed.

(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.

(4)(a) If the parties to the temporary separation action have a minor child, the parties

165 shall attend the divorce orientation course described in Section 81-4-105:

166 (i) for the petitioner, within 60 days after the day on which the petition is filed; and

167 (ii) for the respondent, within 30 days after the day on which the respondent is served.

168 (b) If the parties to the temporary separation action do not have a minor child, the parties

169 may choose to attend the divorce orientation course described in Section 81-4-105.

170 (c) The clerk of the court shall provide notice to a petitioner of the divorce orientation

171 course requirement.

172 (d) A petition shall include information regarding the divorce orientation course

173 requirement when the petition is served on the respondent.

174 (5) For a party that is unable to pay the costs of the divorce orientation course, and before

175 the court enters a decree of divorce in the action, the court shall:

176 (a) make a final determination of indigency; and

177 (b) order the party to pay the costs of the divorce orientation course if the court

178 determines the party is not indigent.

179 (6)(a) Except for a temporary restraining order under [Rule 65A of the] Utah Rules of

180 Civil Procedure, Rule 65A, a party may file, but the court may not hear, a motion for

181 an order related to the temporary separation petition until the moving party completes

182 the divorce orientation course.

183 (b) It is an affirmative defense in a temporary separation action that a party has not

184 completed the divorce orientation course and the action may not continue until a

185 party has complied with the divorce orientation course.

186 (7)(a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement

187 that the parties attend the divorce orientation course, on the court's own motion or on

188 the motion of one of the parties, if the court determines course attendance and

189 completion are not necessary, appropriate, feasible, or in the best interest of the

190 parties.

191 (b) If the requirement is waived, the court may permit the temporary separation action to

192 proceed.

193 (8) The petitioner shall serve the petition for a temporary separation order in accordance

194 with the Utah Rules of Civil Procedure.

195 (9) If a party files for divorce within one year after the day on which the petition for

196 temporary separation is filed, the filing fee for a petition for temporary separation shall

197 be credited towards the filing fee for a divorce.

198 **Section 6. Effective Date.**

199

This bill takes effect on May 6, 2026.