

Effective 9/1/2024

Part 3
Marriage License and Solemnization

81-2-301 Definitions for part.

As used in this part:

- (1) "County clerk" means:
 - (a) the county clerk of the county; or
 - (b) an employee or designee of the county clerk who is authorized to issue marriage licenses or solemnize marriages.
- (2) "Judge or magistrate of the United States" means:
 - (a) a justice of the United States Supreme Court;
 - (b) a judge of a court of appeals;
 - (c) a judge of a district court;
 - (d) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;
 - (e) a judge of a bankruptcy court;
 - (f) a judge of a tax court; or
 - (g) a United States magistrate.
- (3) "Minor" means an individual who is 16 or 17 years old.
- (4)
 - (a) "Native American spiritual advisor" means an individual who:
 - (i) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and
 - (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.
 - (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.
 - (c) "Military chaplain" means an individual who is a commissioned officer of:
 - (i) the Chaplain Corps of the United States Army;
 - (ii) the Chaplain Corps of the United States Navy, including the United States Coast Guard; or
 - (iii) the United States Air Force designated for duty as a chaplain.

Amended by Chapter 257, 2025 General Session

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

- (1) A marriage may not be solemnized in this state without a license issued by the county clerk of any county of this state.
- (2)
 - (a) A license issued within this state by a county clerk may only be used within this state.
 - (b) A license is considered used within this state if the officiant is physically present in the state at the time of solemnization of the marriage.
 - (c) A license is not considered used within this state when the parties to the marriage are not physically present in the state in the same location as the officiant, unless:
 - (i) the county issuing the marriage license posts on the county's website, in writing, a sufficient warning that an online marriage solemnized in this state may be invalid in the country where the parties to the marriage reside; and

- (ii) the officiant reiterates the warning described in Subsection (2)(c)(i) verbatim immediately before solemnizing the marriage.
- (3) A warning described in Subsection (2)(c)(i) is considered sufficient if the warning:
 - (a) appears prominently on the county's website and in the same location on the website as an application for a marriage license;
 - (b) is in bold type of the same or larger font size as the text of the instructions for applying for a marriage license; and
 - (c) is stated in full in at least English, Spanish, Portuguese, Tagalog, French, and Mandarin Chinese on the website.
- (4) A marriage is considered solemnized if:
 - (a) the parties to the marriage have a valid marriage license;
 - (b) each party to the marriage willingly, and without duress, declares their intent to enter into the marriage;
 - (c) each party to the marriage has filed all required affidavits with the county clerk that issued the marriage license as required under Subsection 81-2-303(5)(a);
 - (d) an officiant pronounces the parties as married; and
 - (e) at least two individuals 18 years old or older witness the declarations of intent and the pronouncement.
- (5) A license that is not used within 32 days after the day on which the license is issued is invalid.

Amended by Chapter 155, 2026 General Session

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

- (1) A county clerk may issue a marriage license only after an application is filed with the county clerk's office, requiring the following information:
 - (a) the full names of the applicants, including the maiden or bachelor name of each applicant;
 - (b) the social security numbers of the applicants, unless an applicant has not been assigned a number;
 - (c) the current address of each applicant;
 - (d) the date and place of birth, including the town or city, county, state or country, if possible;
 - (e) the names of the applicants' respective parents, including the maiden name of a mother;
 - (f) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible; and
 - (g) the age, legal name, and identity of each applicant is verified.
- (2) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.
- (3)
 - (a) If one or both of the applicants is a minor, the county clerk shall provide each minor with a standard petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section 81-2-304.
 - (b) The form described in Subsection (3)(a) shall include:
 - (i) all information described in Subsection (1);
 - (ii) a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor in accordance with Subsection 81-2-304(1)(a);
 - (iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 81-2-304 signed under penalty of perjury;
 - (iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and

- (v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:
 - (A) each applicant; and
 - (B) the minor's parent or legal guardian.
- (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 Office of Vital Records and Statistics shall, upon request, supply the social security numbers to the Office of Recovery Services.
 - (c) The Office of Recovery Services may not use a social security number obtained under the authority of this section for any reason other than the administration of child support services.
- (5)
 - (a) A county clerk may not issue a marriage license until the county clerk receives:
 - (i) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and
 - (ii) if one of the parties will not be physically present in the state at the time of solemnization of the marriage, an affidavit from each party applying for the marriage license, stating that the party consents to personal jurisdiction of the state, and of the county issuing the marriage license, for the purposes of filing a divorce or annulment of the marriage.
 - (b) A county clerk shall file and preserve each affidavit provided under this section.
 - (c) A party who makes an affidavit described in Subsection (5)(a), or a subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.
- (6) A county clerk who knowingly issues a marriage license for any prohibited marriage is guilty of a class A misdemeanor.

Amended by Chapter 155, 2026 General Session

81-2-304 Marriage of a minor -- Consent of parent or guardian -- Juvenile court authorization.

- (1)
 - (a) If an applicant is a minor at the time of applying for a license, a county clerk may not issue a marriage license without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:
 - (i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;
 - (ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or
 - (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.
 - (b) Each applicant, and the minor's consenting parent or legal guardian if an applicant is a minor, shall appear in person before the county clerk and provide legal documentation to establish the following information:
 - (i) the legal relationship between the minor and the minor's parent or legal guardian;
 - (ii) the legal name and identity of the minor; and
 - (iii) the birth date of each applicant.

- (c) An individual may present the following documents to satisfy a requirement described in Subsection (1)(b):
 - (i) for verifying the legal relationship between the minor and the minor's parent or legal guardian, one of the following:
 - (A) the minor's certified birth certificate with the name of the parent, and an official translation if the birth certificate is in a language other than English;
 - (B) a report of a birth abroad with the name of the minor and the parent;
 - (C) a certified adoption decree with the name of the minor and the parent; or
 - (D) a certified court order establishing custody or guardianship between the minor and the parent or legal guardian;
 - (ii) for verifying the legal name and identity of the minor, one of the following:
 - (A) an expired or current passport;
 - (B) a driver's license;
 - (C) a certificate of naturalization;
 - (D) a military identification
 - (E) a state identification card; or
 - (F) a government employee identification card from a federal, state, or municipal government; and
 - (iii) for verifying the birth date of each applicant, one of the following for each applicant:
 - (A) a certified birth certificate;
 - (B) a report of a birth abroad;
 - (C) a certificate of naturalization;
 - (D) a certificate of citizenship;
 - (E) a passport;
 - (F) a driver's license; or
 - (G) a state identification card.
 - (d) An individual may not use a temporary or altered document to satisfy a requirement described in Subsection (1)(b).
- (2)
- (a) The minor and the parent or legal guardian of the minor shall obtain a written authorization to marry from:
 - (i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or
 - (ii) a court commissioner as permitted by rule of the Judicial Council.
 - (b) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:
 - (i) that the minor is entering into the marriage voluntarily; and
 - (ii) the marriage is in the best interest of the minor under the circumstances.
 - (c) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling, except the requirement for premarital counseling may be waived if premarital counseling is not reasonably available.
 - (d) The judge or court commissioner may require:
 - (i) that the minor continue to attend school, unless excused under Section 53G-6-204; and
 - (ii) any other conditions that the court deems reasonable under the circumstances.
 - (e) The judge or court commissioner may not issue a written authorization for a minor to marry if the age difference between both parties to the marriage is more than four years.

- (f) The judge or court commissioner may not issue a written authorization for a minor to marry until at least 72 hours after the time at which the minor and the minor's parent or legal guardian file the petition for the written authorization.
- (3)
- (a) The determination required in Subsection (2) shall be made on the record.
 - (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.

Amended by Chapter 451, 2026 General Session

81-2-305 Who may solemnize marriages -- Certificate.

- (1) The following individuals may solemnize a marriage:
- (a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;
 - (b) a Native American spiritual advisor;
 - (c) the governor;
 - (d) the lieutenant governor;
 - (e) the state attorney general;
 - (f) the state treasurer;
 - (g) the state auditor;
 - (h) a mayor of a municipality or county executive;
 - (i) a justice, judge, or commissioner of a court of record;
 - (j) a judge of a court not of record of the state;
 - (k) a judge or magistrate of the United States;
 - (l) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-70-302;
 - (m) a senator or representative of the Utah Legislature;
 - (n) a member of the state's congressional delegation;
 - (o) a judge or magistrate who holds office in Utah when retired, under rules set by the Supreme Court; or
 - (p) a military chaplain.
- (2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:
- (a) name of the county from which the license is issued; and
 - (b) date of the license's issuance.
- (3) Except for an individual described in Subsection (1)(l), an individual described in Subsection (1) has discretion to solemnize a marriage.
- (4) Except as provided in Section 17-70-302 and Subsection (1)(l), and notwithstanding any other provision in law, no individual authorized under Subsection (1) to solemnize a marriage may delegate or deputize another individual to perform the function of solemnizing a marriage.
- (5)
- (a) Within 30 days after the day on which a marriage is solemnized, the individual solemnizing the marriage shall return the marriage license to the county clerk that issued the marriage license with a certificate of the marriage over the individual's signature stating the date and place of solemnization and the names of two or more witnesses present at the marriage.
 - (b) An individual described in Subsection (5)(a) who fails to return the license is guilty of an infraction.

- (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.
- (6)
 - (a) An individual is guilty of a third degree felony if the individual knowingly:
 - (i) solemnizes a marriage without a valid marriage license; or
 - (ii) solemnizes a marriage in violation of this section.
 - (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or without a marriage license, solemnizes a marriage between two individuals who are 18 years old or older that is prohibited by law.

Amended by Chapter 17, 2025 Special Session 1

81-2-306 County clerk to file license and certificate -- Designation as vital record.

- (1)
 - (a) The county clerk shall:
 - (i) file and preserve the marriage license returned by an individual under Subsection 81-2-305(5) with the certificate of the marriage; and
 - (ii) record the marriage license and certificate in a book kept for that purpose or by electronic means.
 - (b) The record shall be properly indexed in the names of the parties so married.
- (2) An individual may use a diacritical mark, as defined in Section 26B-8-103, on a marriage license.
- (3) A transcript shall be promptly certified and transmitted by the clerk to the state registrar of vital statistics.
- (4) The marriage license and the certificate of the individual officiating at the marriage are:
 - (a) vital records as defined in Section 26B-8-101; and
 - (b) subject to the inspection requirements described in Section 26B-8-125.

Renumbered and Amended by Chapter 366, 2024 General Session