

**Effective 9/1/2024**

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

- (1) A county clerk may issue a marriage license only after:
  - (a) an application is filed with the county clerk's office, requiring the following information:
    - (i) the full names of the applicants, including the maiden or bachelor name of each applicant;
    - (ii) the social security numbers of the applicants, unless an applicant has not been assigned a number;
    - (iii) the current address of each applicant;
    - (iv) the date and place of birth, including the town or city, county, state or country, if possible;
    - (v) the names of the applicants' respective parents, including the maiden name of a mother;
    - (vi) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible; and
    - (vii) 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 Department of Health and Human Services, Office of Vital Record and Statistics shall, upon request, supply the social security numbers to the Department of Health and Human Services, 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 (4)(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.

Renumbered and Amended by Chapter 366, 2024 General Session