

Senate Bill 1037

Sponsored by Senator MONROE (at the request of Sonja Harju)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires applicant for marriage license to provide proof of applicant's current marital status.

A BILL FOR AN ACT

1 Relating to application for marriage license; creating new provisions; and amending ORS 106.041.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 106.041 is amended to read:

4 106.041. (1) All persons wishing to enter into a marriage contract shall obtain a **marriage** li-
5 cense [*therefor*] from the county clerk upon application, directed to any person or religious organ-
6 ization or congregation authorized by ORS 106.120 to solemnize marriages, and authorizing [*such*]
7 **the** person, organization or congregation to join together as husband and wife the persons named
8 in the license.

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10 (2) [*No license shall be issued by*] The county clerk **may not issue a marriage license** until the
11 provisions of this section, ORS 106.050 and 106.060 **and section 2 of this 2007 Act** are complied
12 with.

13 (3) Each applicant for a marriage license shall file with the county clerk from whom the license
14 is sought a written application for the license on forms provided for this purpose by the Department
15 of Human Services. **The forms must** [*which shall*] include the applicant's Social Security number,
16 certain statistical data regarding age, place of birth, sex, occupation, residence and previous marital
17 status of the applicant **and proof of the current marital status of the applicant as required**
18 **under section 2 of this 2007 Act** and, if required, the name and address of the affiant under ORS
19 106.050 **or section 2 of this 2007 Act**.

20 (4) [*A license issued after July 13, 1995,*] **The marriage license** must contain the following
21 statement: "Neither you nor your spouse is the property of the other. The laws of the State of
22 Oregon affirm your right to enter into marriage and at the same time to live within the marriage
23 free from violence and abuse."

24 **SECTION 2.** (1) **Each applicant for a marriage license shall provide reasonable proof, in**
25 **a form satisfactory to the county clerk, of the applicant's current marital status. The clerk**
26 **may accept any reasonable proof of the applicant's current marital status satisfactory to the**
27 **clerk.**

28 (2) **The county clerk may require proof by affidavit of some person other than either of**
29 **the applicants if the clerk deems it necessary to determine the current marital status of the**
30 **applicant to the clerk's satisfaction. The affidavit is sufficient authority to the clerk, so far**
31 **as the facts stated in the affidavit, for issuing the license.**

32 **SECTION 3.** Section 2 of this 2007 Act and the amendments to ORS 106.041 by section 1

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **of this 2007 Act apply only to applications for marriage licenses filed on or after the effective**
2 **date of this 2007 Act.**

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