

### **Oklahoma Statutes - Title 43: Husband and Wife § 43-7**

A. All marriages must be contracted by a formal ceremony performed or solemnized in the presence of at least two adult, competent persons as witnesses, by a judge or retired judge of any court in this state, or an ordained or authorized preacher or minister of the Gospel, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which he or she belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age. B. 1. The judge shall place his or her order of appointment on file with the office of the court clerk of the county in which he or she resides. 2. The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is a resident of this state shall have filed, in the office of the court clerk of the county in which he or she resides, a copy of the credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages. 3. The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is not a resident of this state, but has complied with the laws of the state of which he or she is a resident, shall have filed once, in the office of the court clerk of the county in which he or she intends to perform or solemnize a marriage, a copy of the credentials or authority from his or her church or synagogue authorizing him or her to solemnize marriages. 4. The filing by resident or nonresident preachers, ministers, priests, rabbis, ecclesiastical dignitaries or judges shall be effective in and for all counties of this state; provided, no fee shall be charged for such recording. C. No person herein authorized to perform or solemnize a marriage ceremony shall do so unless the license issued therefor be first delivered into his or her possession nor unless he or she has good reason to believe the persons presenting themselves before him or her for marriage are the identical persons named in the license, and for whose marriage the same was issued, and that there is no legal objection or impediment to such marriage. D. Marriages between persons belonging to the society called Friends, or Quakers, the spiritual assembly of the Baha'is, or the Church of Jesus Christ of Latter Day Saints, which have no ordained minister, may be solemnized by the persons and in the manner prescribed by and practiced in any such society, church, or assembly.

### **Oklahoma Statutes - Title 43: Husband and Wife § 43-1**

Marriage is a personal relation arising out of a civil contract to which the consent of parties legally competent of contracting and of entering into it is necessary, and the marriage relation shall only be entered into, maintained or abrogated as provided by law.

### **Oklahoma Statutes - Title 43: Husband and Wife § 43-2**

Marriages between ancestors and descendants of any degree, of a stepfather with a stepdaughter, stepmother with stepson, between uncles and nieces, aunts and nephews, except in cases where such relationship is only by marriage, between brothers and sisters of the half as well as the whole blood, and first cousins are declared to be incestuous, illegal and void, and are expressly prohibited. Provided, that any marriage of first cousins performed in another state authorizing such marriages, which is otherwise legal, is hereby recognized as valid and binding in this state as of the date of such marriage.

### **Oklahoma Statutes - Title 43: Husband and Wife § 43-3**

A. Any unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex. B. 1. Except as

otherwise provided by this subsection, no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except: a. upon the consent and authority expressly given by the parent or guardian of such underage applicant in the presence of the authority issuing such license, b. upon the written consent of the parent or guardian of such underage applicant executed and acknowledged in person before a judge of the district court or the court clerk of any county within the State of Oklahoma, c. if the parent or guardian resides outside of the State of Oklahoma, upon the written consent of the parent or guardian executed before a judge or clerk of a court of record. The executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions, d. if the certificate of a duly licensed medical doctor or osteopath, acknowledged in the manner provided by law for the acknowledgment of deeds, and stating that such parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, upon the written consent of the parent or guardian, acknowledged in the same manner as the accompanying medical certificate, e. if the parent or guardian is on active duty with the Armed Forces of the United States, upon the written permission of the parent or guardian, acknowledged in the manner provided by law for acknowledgment of deeds by military personnel authorized to administer oaths. Such permission shall be presented to the licensing authority, accompanied by a certificate executed by a commissioned officer in command of the applicant, to the effect that the parent or guardian is on active duty in the Armed Forces of the United States, or f. upon affidavit of three (3) reputable persons stating that both parents of the minor are deceased, or mentally incompetent, or their whereabouts are unknown to the minor, and that no guardian has theretofore been appointed for the minor. The judge of the district court issuing the license may in his or her discretion consent to the marriage in the same manner as in all cases in which consent may be given by a parent or guardian. 2. Every person under the age of sixteen (16) years is expressly forbidden and prohibited from entering into the marriage relation except when authorized by the court: a. in settlement of a suit for seduction or paternity, or b. if the unmarried female is pregnant, or has given birth to an illegitimate child and at least one parent of each minor, or the guardian or custodian of such child, is present before the court and has an opportunity to present evidence in the event such parent, guardian, or custodian objects to the issuance of a marriage license. If they are not present the parent, guardian, or custodian may be given notice of the hearing at the discretion of the court. 3. A parent or a guardian of any child under the age of eighteen (18) years who is in the custody of the Department of Human Services or the Department of Juvenile Justice shall not be eligible to consent to the marriage of such minor child as required by the provisions of this subsection. 4. Any certificate or written permission required by this subsection shall be retained by the official issuing the marriage license. C. No marriage may be authorized when such marriage would be incestuous under this chapter.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-3.1**

A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-4**

No person shall enter into or contract the marriage relation, nor shall any person perform or solemnize the ceremony of any marriage in this state without a license being first issued by the judge or clerk of the district court, of some county in this state, authorizing the marriage between the persons named in such license.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-5**

A. Persons desiring to be married in this state shall submit an application in writing signed and sworn to in person before the clerk of the district court by both of the parties setting forth: 1. The place of residence of each party; 2. The full legal name and the age of each party as they appear upon or are calculable from a certified copy of the birth certificate, the current driver license or identification card, the current passport or visa, or any other certificate, license or document issued by or existing pursuant to the laws of any nation or of any state, or political subdivision thereof, accepted as proof of identity and age; 3. For each party, the full name by which the party will be known after the marriage, which shall become the full legal name of the party upon the filing of the marriage license and certificate with the court, as required by law; 4. That the parties are not disqualified from or incapable of entering into the marriage relation; and 5. Whether the parties have successfully completed a premarital counseling program. B. 1. Upon application pursuant to this section and the payment of fees as provided in Section 31 of Title 28 of the Oklahoma Statutes, if the clerk of the district court is satisfied of the truth and sufficiency of the application and that there is no legal impediment to such marriage, the court clerk shall issue the marriage license authorizing the marriage and a marriage certificate, which shall be incorporated as one document. As required by law, the marriage certificate shall be completed immediately following the marriage, and the marriage license and certificate shall be returned to the court clerk. 2. Parties to be married and who present a certificate to the clerk of the district court that states the parties have completed the premarital counseling program pursuant to Section 5.1 of this title shall be entitled to pay a reduced fee for a marriage license in an amount provided in Section 31 of Title 28 of the Oklahoma Statutes. C. In the event that one or both of the parties are under legal age, the application shall have been on file in the court clerk's office for a period of not less than seventy-two (72) hours prior to issuance of the marriage license. D. The marriage license shall be valid in any county within the state. E. The provisions hereof are mandatory and not directory except under the circumstances set out in the provisions of Section 3 of this title.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-5.1**

A. The clerk of the district court shall reduce the fee for a marriage license as prescribed by Section 31 of Title 28 of the Oklahoma Statutes to persons who have successfully completed a premarital counseling program meeting the conditions specified by this section. B. 1. A premarital counseling program shall be conducted by a health professional, an official representative of a religious institution, or a person trained by the principal authors or duly authorized agents of the principal authors of nationally recognized marriage education curriculum including, but not limited to, Prevention & Relationship Enhancement Program (PREP). Upon successful completion of the program, the counseling program provider shall issue to the persons a certificate signed by the instructor of the counseling program. The certificate shall state that the named persons have successfully completed the premarital counseling requirements. A minimum of four (4) hours of education or counseling shall be necessary for successful completion of the marriage education curriculum. 2. For purposes of this subsection, the term "health professional" means a person licensed or certified by this state to practice psychiatry or psychology; a licensed social worker with experience in marriage counseling; a licensed marital and family therapist; or a licensed professional counselor.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-6**

A. The marriage license provided for in this title shall contain: 1. The date of its issuance; 2. The name of the court issuing the license, and the name of the city or town and county in which the court is located; 3. The full legal names of the persons authorized to be married by the license, the full legal names by which the persons will be known after the marriage, their ages, and their places of residence; 4. Directions to any person authorized by law to perform and solemnize the marriage ceremony; 5. The date by which the completed marriage certificate, along with the marriage license, shall be returned to the judge or court, which shall not be more than thirty (30) days from the date of its issuance; and 6. Any other information, declarations, seals and signatures, as required by law. B. The marriage certificate provided for in this title shall contain appropriate wording and blanks to be completed and endorsed, as required by Section 8 of this title, by the person solemnizing or performing the marriage ceremony, the witnesses, and the persons who have been married.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-8**

A. The person performing or solemnizing the marriage ceremony shall, immediately upon the completion of the ceremony, endorse upon the license authorizing the marriage: 1. His or her name and official or clerical designation; 2. The court of which he or she is the judge, or the congregation or body of which he or she is pastor, preacher, minister, priest, rabbi or dignitary; provided, that the authority to perform or solemnize marriages shall be coextensive with the congregation or body of which he or she is pastor, preacher, minister, priest, rabbi or dignitary; provided further, that all marriages solemnized among the society called Friends or Quakers, the spiritual assembly of the Baha'is, or the Church of Jesus Christ of Latter-day Saints, in the form heretofore practiced and in use in their meetings shall be good and valid. One person chosen by such society, assembly, or church shall be responsible for completing the marriage certificate pursuant to this section in the same manner as a minister or other person authorized to perform marriages; 3. The town or city and county where the court, congregation, body, society, assembly, or church is located; and 4. His or her signature along with his or her official or clerical designation. B. The witnesses to the ceremony shall endorse the marriage certificate, attesting to their presence at the ceremony, with their names and post office addresses. C. The persons who have been married in the ceremony shall endorse the marriage certificate with the names by which they are to be known from the time of the marriage, as evidenced on the marriage license. D. The marriage license, along with the completed marriage certificate shall be transmitted without delay to the judge or the court clerk who issued the license and certificate.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-9**

The judge or clerk of the district court issuing any marriage license shall make a complete record of the application, license, and certificate thereon, on an optical disc, microfilm, microfiche, imaging, or in a book kept by the judge or clerk for that purpose, properly indexed; and the record of the license shall be made before it is delivered to the person procuring the same, and the record of the certificate shall be made upon the return of the license; provided, that all records pertaining to the issuance of such license shall be open to public inspection during office hours; provided further, that after recording of the original license and completed certificate as hereinbefore required, it shall be returned to the persons to whom the same was issued, with the issuing officer's certificate on the back thereof showing the book and page where the same has been recorded.

#### **Oklahoma Statutes - Title 43: Husband and Wife § 43-10**

If the judge or clerk of the district court before whom application for a marriage license is made shall be in doubt of the legal capacity of the parties for whose marriage a license is sought, to enter into the marriage relation, such judge or clerk shall require additional evidence to that contained in the application, and may swear and examine witnesses or require affidavits in proof of the legality of such marriage, and unless satisfied of the legality thereof, he shall not issue a license therefor.

**Oklahoma Statutes - Title 43: Husband and Wife § 43-11**

Copies of any record required to be made and kept by the judge of the district court under the provisions of this chapter, certified to by the judge of said court, under his official signature and seal, shall be received as evidence in all courts of this state.

**Oklahoma Statutes - Title 43: Husband and Wife § 43-14**

Any minister of the Gospel, or other person authorized to solemnize the rites of matrimony within this state, who shall knowingly solemnize the rites of matrimony between persons prohibited by this chapter, from intermarrying shall be deemed guilty of a felony, and upon conviction thereof shall be fined in any sum not exceeding Five Hundred Dollars (\$500.00) and imprisonment in the State Penitentiary not less than one (1) year nor more than five (5) years.

**Oklahoma Statutes - Title 43: Husband and Wife § 43-15**

Any judge of the district court, or clerk of the district court, knowingly issuing any marriage license, or concealing any record thereof, contrary to the provisions of this chapter, or any person knowingly performing or solemnizing the marriage ceremony contrary to any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year or by both such fine and imprisonment.