

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 15-0919.01 Debbie Haskins x2045

HOUSE BILL 15-1327

HOUSE SPONSORSHIP

Ginal and Roupe, Priola, Tate, Carver, Danielson, Esgar, Hullinghorst, Joshi, Landgraf, Lebsock, McCann, Melton, Pabon, Primavera, Rosenthal, Ryden, Salazar, Sias, Singer, Thurlow, Vigil, Winter

SENATE SPONSORSHIP

Garcia and Cooke, Woods, Balmer, Grantham

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITATIONS ON PROXY MARRIAGES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Colorado law allows proxy marriages in cases where one of the parties to a marriage is unable to be present and to participate in the solemnization of the marriage and designates another person to stand in his or her place as a proxy.

The bill limits proxy marriages to an absent person who is:

! A member of the armed forces of the United States who is stationed in another country or in another state in support of combat or another military operation; or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 21, 2015

HOUSE
2nd Reading Unamended
April 20, 2015

- ! A government contractor, or an employee of a government contractor, working in support of the armed forces of the United States in another country or in another state or in support of United States military operations in another country or in another state.

The bill also states that the requirements for applying for a marriage license for a proxy marriage are the following:

- ! One party is a resident of Colorado;
- ! One party appears in person to apply for the marriage license and pays the required fees;
- ! The signatures of both parties to the proxy marriage are required, and the party present shall sign the marriage license application and provide an absentee affidavit form containing the notarized signature of the absent party, along with proper identification documents required for a marriage license for the absent party; and
- ! Both parties are 18 years of age or older.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 14-2-109, **amend** (2)
3 as follows:

4 **14-2-109. Solemnization and registration of marriages - proxy**
5 **marriage.** (2) (a) THE REQUIREMENTS FOR APPLYING FOR A MARRIAGE
6 LICENSE FOR A PROXY MARRIAGE ARE THE FOLLOWING:

7 (I) ONE PARTY TO THE PROXY MARRIAGE IS A RESIDENT OF THE
8 STATE OF COLORADO;

9 (II) ONE PARTY TO THE PROXY MARRIAGE APPEARS IN PERSON TO
10 APPLY FOR THE MARRIAGE LICENSE AND PAYS THE FEES REQUIRED IN
11 SECTION 14-2-106 (1);

12 (III) THE SIGNATURES OF BOTH PARTIES TO THE PROXY MARRIAGE
13 ARE REQUIRED, AND THE PARTY PRESENT SHALL SIGN THE MARRIAGE
14 LICENSE APPLICATION, AS PRESCRIBED IN SECTION 14-2-105 (2), AND
15 PROVIDE AN ABSENTEE AFFIDAVIT FORM, AS PRESCRIBED BY THE STATE
16 REGISTRAR, CONTAINING THE NOTARIZED SIGNATURE OF THE ABSENT

1 PARTY, ALONG WITH PROPER IDENTIFICATION DOCUMENTS AS SPECIFIED IN
2 SECTION 14-2-105 (1) (a) FOR THE ABSENT PARTY; AND

3 (IV) NOTWITHSTANDING THE REQUIREMENTS OF SECTION 14-2-106
4 (1) (a) (I), BOTH PARTIES TO THE PROXY MARRIAGE ARE EIGHTEEN YEARS
5 OF AGE OR OLDER.

6 (b) If a party to a marriage is unable to be present at the
7 solemnization, ~~such~~ THE ABSENT party may authorize in writing a third
8 person to act as ~~such~~ THE ABSENT party's proxy FOR PURPOSES OF
9 SOLEMNIZATION OF THE MARRIAGE, IF THE ABSENT PARTY IS:

10 (I) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO
11 IS STATIONED IN ANOTHER COUNTRY OR IN ANOTHER STATE IN SUPPORT OF
12 COMBAT OR ANOTHER MILITARY OPERATION; OR

13 (II) AN INDIVIDUAL WHO IS A GOVERNMENT CONTRACTOR, OR AN
14 EMPLOYEE OF A GOVERNMENT CONTRACTOR, WORKING IN SUPPORT OF THE
15 ARMED FORCES OF THE UNITED STATES OR IN SUPPORT OF UNITED STATES
16 MILITARY OPERATIONS IN ANOTHER COUNTRY OR IN ANOTHER STATE AND
17 WHO SUPPLIES PROPER IDENTIFICATION OF THAT STATUS.

18 (c) If the person solemnizing the marriage is satisfied that the
19 absent party is unable to be present and has consented to the marriage,
20 such person may solemnize the marriage by proxy. If such person is not
21 satisfied, the parties may petition the district court for an order permitting
22 the marriage to be solemnized by proxy.

23 **SECTION 2. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.