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EXECUTIVE ORDER

Ordering the Temporary Suspension of Certain Requirements Preventing Issuance of Marriage Licenses due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order ordering the temporary suspension of certain statutes preventing the issuance of marriage licenses when county clerk and recorder offices are closed due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

We must take action to minimize the duration of this epidemic and the disruption to our daily lives. The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. Public health experts recommend we practice "social distancing," or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19.

This Executive Order temporarily suspends certain statutes preventing county clerk and recorder offices from issuing marriage licenses when county clerk and recorder offices are closed to the public due to the presence of COVID-19 in Colorado.

II. Directives

A. I temporarily suspend the following statutes prohibiting county clerk and recorder offices from issuing marriage licenses when county clerk and recorder offices are closed to the public due to the presence of COVID-19 in Colorado:

1. The requirement in C.R.S. § 14-2-106(1)(a) that at least one party to a prospective marriage appears in person before the county clerk and recorder and pays a marriage license fee, to the extent this statute requires a party's physical presence before a county clerk and recorder.

2. The requirement in C.R.S § 14-2-106(1)(a)(I) that a party to a prospective marriage submit satisfactory proof that each party to the marriage will have attained the age of eighteen (18) years at the time the marriage license becomes effective, or if over the age of sixteen (16) years but has not attained the age of eighteen (18) years, has judicial approval, to the county clerk and recorder, to the extent this statute requires in-person submission of proof.

3. The requirement in C.R.S § 14-2-106(1)(a)(II) that a party to a prospective marriage submit satisfactory proof that the marriage is not prohibited, to the extent this statute requires in-person submission of proof.

4. The requirement in C.R.S § 14-2-107 that licenses to marry shall be issued by the county clerk and recorder only during the hours that the office of the county clerk and recorder is open as prescribed by law and at no other time.

5. The requirement in C.R.S. § 14-2-107 that licenses to marry are only valid for thirty-five (35) days and if not used within thirty-five (35) days, are void and must be returned to the county clerk and recorder for cancellation.

B. I encourage county clerks and recorders to adopt guidance and publicly display such guidance online regarding the following:

1. Allowing a party to a prospective marriage to send a completed and signed marriage license application and the required payment to the county clerk and recorder, as required by C.R.S. § 14-2-106 (1)(a), by mail, fax, or online; and

2. Allowing parties to a prospective marriage to submit satisfactory proof that each party to the marriage will have attained the age of eighteen (18) years at the time the marriage license becomes effective, or if over

the age of sixteen (16) years but has not attained the age of eighteen (18) years, has judicial approval, as required by C.R.S § 14-2-106(1)(a)(I), and that the marriage is not prohibited, as required by C.R.S § 14-2-106(1)(a)(II), to the county clerk and recorder by mail, fax, or online.

III. Duration

This Executive Order shall expire thirty (30) days from March 26, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, twenty-sixth day of March, 2020

Jared Polis
Governor