

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0670.01 Shelby Ross x4510

HOUSE BILL 26-1218

HOUSE SPONSORSHIP

Espenoza and Luck, Bradley, Carter

SENATE SPONSORSHIP

Catlin and Ball,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING THE VALIDITY OF COMMON LAW MARRIAGE**
102 **BY RESTORING A PREVIOUSLY REPEALED PROVISION.**

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://leg.colorado.gov/>.)

Statutory Revision Committee. Senate Bill 25-014, enacted in 2025, repealed a provision of law that stated certain marriage formality requirements do not invalidate an otherwise valid common law marriage. The bill restores that provision to clarify the validity of common law marriage.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-2-104, **recreate**
3 **and reenact, with amendments,** (3) as follows:

4 **14-2-104. Formalities.**

5 (3) THIS SECTION DOES NOT REPEAL OR INVALIDATE ANY
6 OTHERWISE VALID COMMON LAW MARRIAGE:

7 (a) ENTERED INTO PRIOR TO SEPTEMBER 1, 2006; OR

8 (b) ENTERED INTO ON OR AFTER SEPTEMBER 1, 2006, AND
9 COMPLIES WITH SECTION 14-2-109.5.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2026 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.