

HOUSE BILL No. 5950

March 11, 2010, Introduced by Reps. McMillin, Paul Scott, Lund, Haveman and Agema and referred to the Committee on Judiciary.

A bill to amend 1887 PA 128, entitled

"An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,"

by amending section 2 (MCL 551.102), as amended by 2006 PA 578, and by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Blank forms for a marriage license and certificate
2 shall be prepared and furnished by the state registrar appointed by
3 the director of the department of community health to each county
4 clerk of this state in the quantity needed. The blank form for a
5 license and certificate shall be made in duplicate and shall
6 provide spaces for the entry of identifying information of the
7 parties, A SPACE FOR THE PARTIES TO ELECT WHETHER THE MARRIAGE IS A

1 **COVENANT MARRIAGE UNDER THE COVENANT MARRIAGE ACT**, and other items
2 prescribed in rules promulgated by the director of the department
3 of community health. The state registrar shall furnish to each
4 county clerk of this state blank application forms of an affidavit
5 containing the requisite allegations, under the laws of this state,
6 of the competency of the parties to unite in the bonds of
7 matrimony, and as required to comply with federal law, containing a
8 space requiring each applicant's social security number. A party
9 applying for a license to marry shall make and file the application
10 in the form of an affidavit with the county clerk as a basis for
11 issuing the license. The county clerk may permit a party applying
12 for a marriage license to submit that application electronically.
13 If the county clerk accepts an electronically submitted
14 application, the clerk shall print the required information from
15 the application in the form of an affidavit and have a party named
16 in the application sign the affidavit in the presence of the county
17 clerk or a deputy clerk. The license shall be made a matter of
18 record and shall be transmitted to the department of community
19 health in the manner prescribed by the state registrar. The state
20 registrar shall not require an applicant's social security number
21 to be displayed on the marriage license.

22 (2) A person shall not disclose, in a manner not authorized by
23 law or rule, a social security number collected as required by this
24 section. A violation of this subsection is a misdemeanor punishable
25 by imprisonment for not more than 90 days or a fine of not more
26 than \$500.00, or both. A second or subsequent violation of this
27 subsection is a felony punishable by imprisonment for not more than

1 4 years or a fine of not more than \$2,000.00, or both.

2 (3) A requirement under this section to include a social
3 security number on an application does not apply to an applicant
4 who demonstrates he or she is exempt under law from obtaining a
5 social security number or to an applicant who for religious
6 convictions is exempt under law from disclosure of his or her
7 social security number under these circumstances. The county clerk
8 shall inform the applicant of this possible exemption.

9 (4) The application required to be completed under subsection
10 (1) is a nonpublic record and is exempt from disclosure under the
11 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The
12 application shall be made available, upon request, to the persons
13 named in the application.

14 **SEC. 4A. AN INDIVIDUAL OFFICIATING AT A MARRIAGE WHO IS GIVEN**
15 **A DECLARATION OF INTENT UNDER THE COVENANT MARRIAGE ACT COMPLETED**
16 **BY THE PARTIES AS PROVIDED IN SECTION 5 OF THE COVENANT MARRIAGE**
17 **ACT SHALL DELIVER THE DECLARATION OF INTENT TO THE COUNTY CLERK**
18 **THAT ISSUED THE MARRIAGE LICENSE WITH THE COMPLETED MARRIAGE**
19 **LICENSE REQUIRED TO BE DELIVERED UNDER SECTION 4.**

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No.____ or House Bill No. 5951(request no.
22 03475'09 *) of the 95th Legislature is enacted into law.