

HOUSE BILL No. 4414

March 10, 2011, Introduced by Reps. Agema, Hooker, Glardon, MacGregor, Lyons, Knollenberg, Haines, Haveman, MacMaster, Wayne Schmidt, Heise, Horn, Huuki, Somerville, Opsommer, Daley, Gilbert, Potvin, Franz, Jacobsen and Kowall and referred to the Committee on Families, Children, and Seniors.

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.

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 and other items prescribed in rules promulgated by the
8 director of the department of community health. The state registrar
9 shall furnish to each county clerk of this state blank application

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

21 (2) A person shall not disclose, in a manner not authorized by
22 law or rule, a social security number collected as required by this
23 section. A violation of this subsection is a misdemeanor punishable
24 by imprisonment for not more than 90 days or a fine of not more
25 than \$500.00, or both. A second or subsequent violation of this
26 subsection is a felony punishable by imprisonment for not more than
27 4 years or a fine of not more than \$2,000.00, or both.

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

8 (4) A COUNTY CLERK SHALL NOT ISSUE A MARRIAGE LICENSE UNLESS
9 THE APPLICANT FOR THE LICENSE PROVIDES WITH THE APPLICATION ALL OF
10 THE FOLLOWING FOR BOTH OF THE PARTIES TO BE MARRIED:

11 (A) A BIRTH CERTIFICATE. IF THE BIRTH CERTIFICATE IS ISSUED BY
12 A FOREIGN COUNTRY, THE CERTIFICATE SHALL BE TRANSLATED BY A
13 TRANSLATOR AUTHORIZED AND CERTIFIED BY THIS STATE.

14 (B) UNLESS EXEMPT UNDER SUBSECTION (3), A SOCIAL SECURITY
15 CARD.

16 (C) IF THE PARTY IS A NATURALIZED CITIZEN OF THE UNITED
17 STATES, THE PARTY'S NATURALIZATION CERTIFICATE.

18 (D) IF THE PARTY WAS PREVIOUSLY MARRIED, EITHER OF THE
19 FOLLOWING:

20 (i) A CERTIFIED COPY OF A JUDGMENT OF DIVORCE.

21 (ii) A DEATH CERTIFICATE FOR THE PREVIOUS SPOUSE.

22 (E) ONE OF MORE OF THE FOLLOWING:

23 (i) A DRIVER'S LICENSE.

24 (ii) A PASSPORT.

25 (iii) A STATE-ISSUED PICTURED IDENTIFICATION CARD.

26 (iv) ANOTHER FORM OF PICTURE IDENTIFICATION.

27 (F) IF THE PARTY IS NOT A CITIZEN OR NATIONAL OF THE UNITED

1 STATES, 1 OR MORE OF THE FOLLOWING THAT ARE VALID AT THE TIME OF
2 THE APPLICATION:

3 (i) A UNITED STATES PERMANENT RESIDENT CARD.

4 (ii) A WORK VISA.

5 (iii) A STUDENT VISA.

6 (iv) A FOREIGN PASSPORT WITH A VALID VISA.

7 (5) A COUNTY CLERK SHALL NOT ISSUE A MARRIAGE LICENSE IF THE
8 CLERK HAS KNOWLEDGE THAT EITHER PARTY IS NOT ENTITLED TO THE
9 LICENSE UNDER THIS ACT.

10 (6) ~~(4)~~—The application required to be completed under
11 subsection (1) is a nonpublic record and is exempt from disclosure
12 under the freedom of information act, 1976 PA 442, MCL 15.231 to
13 15.246. The application shall be made available, upon request, to
14 the persons named in the application.