

Legislative Analysis



ISSUING MARRIAGE LICENSES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4187

Sponsor: Rep. Dave Agema

Committee: Judiciary (Motion to Discharge)

Complete to 4-20-10

A SUMMARY OF HOUSE BILL 4187 AS INTRODUCED 2-5-10

The bill would amend Section 2 of Public Act 128 of 1887 to prohibit a county clerk from issuing a marriage license unless all of the requirements in that section are complied with.

Under Section 2, certain requirements pertaining to marriage licenses are set forth. These requirements include the following:

-- Blank forms for a marriage license and certificate are to be prepared and furnished by the state registrar, who is appointed by the director of the Department of Community Health (DCH), to each county clerk.

--The blank forms are to be made in duplicate with spaces provided for the entry of information required by departmental rules to be included.

-- The state registrar must furnish each county clerk with blank application forms of an affidavit containing the requisite allegations of the competency of the parties to unite in the bonds of matrimony. Parties applying for a license to marry must make and file the application with the county clerk in the form of an affidavit.

-- In compliance with federal law, the application form/affidavit must contain a space requiring each applicant's social security number.

-- A county clerk may, but is not required to, accept an electronically submitted application in the form of an affidavit (one of the parties named in the application must sign the affidavit in the presence of the county clerk or a deputy clerk).

House Bill 4187 would amend Public Act 128 (MCL 551.102) to specify that a marriage license could not be issued by the county clerk until the requirements of Section 2 (listed above) are complied with.

Currently, a license is made a matter of record and must be transmitted to the DCH in the manner prescribed by the state registrar; the bill would specify this provision would only apply if a license were issued. As is current law, the social security numbers could not be required by the state registrar to be displayed on the marriage license. The penalties for

unlawful disclosure of a social security number collected on the marriage application would remain in force.

FISCAL IMPACT:

As written, the bill does not appear to have fiscal impact.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.