

# HOUSE BILL No. 4187

February 5, 2009, Introduced by Reps. Agema, Rogers, McMillin, Opsommer, Pavlov, Lund, Meltzer, Rick Jones, Marleau, Haines, Meekhof, Moss, Denby, Ball, Paul Scott, Lori, Daley, Knollenberg, Kurtz, DeShazor, Calley, Haveman, Moore and Walsh 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.

## 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

1 shall furnish to each county clerk of this state blank application  
2 forms of an affidavit containing the requisite allegations, under  
3 the laws of this state, of the competency of the parties to unite  
4 in the bonds of matrimony, and as required to comply with federal  
5 law, containing a space requiring each applicant's social security  
6 number. A party applying for a license to marry shall make and file  
7 the application in the form of an affidavit with the county clerk  
8 as a basis for issuing the license. The county clerk may permit a  
9 party applying for a marriage license to submit that application  
10 electronically. If the county clerk accepts an electronically  
11 submitted application, the clerk shall print the required  
12 information from the application in the form of an affidavit and  
13 have a party named in the application sign the affidavit in the  
14 presence of the county clerk or a deputy clerk. ~~The~~ **A LICENSE SHALL**  
15 **NOT BE ISSUED BY THE COUNTY CLERK UNTIL THE REQUIREMENTS OF THIS**  
16 **SECTION ARE COMPLIED WITH. IF ISSUED, A** license shall be made a  
17 matter of record and shall be transmitted to the department of  
18 community health in the manner prescribed by the state registrar.  
19 The state registrar shall not require an applicant's social  
20 security number to be displayed on 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) The application required to be completed under subsection  
9 (1) is a nonpublic record and is exempt from disclosure under the  
10 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The  
11 application shall be made available, upon request, to the persons  
12 named in the application.