



2005 ASSEMBLY BILL 501

June 16, 2005 - Introduced by Representatives GARD and MONTGOMERY, cosponsored by Senators COWLES and HANSEN. Referred to Committee on Children and Families.

1 **AN ACT** *to amend* 69.12 (1), 69.12 (4) (a) (intro.), 69.12 (4) (a) 1., 69.12 (4) (a) 2.
2 and 3. and 69.12 (4) (b); and *to create* 69.01 (15r) of the statutes; **relating to:**
3 correction of information on a marriage certificate.

Analysis by the Legislative Reference Bureau

Under current law, the state registrar may correct information on a marriage certificate within one year after the marriage if a person with an interest in the marriage certificate shows satisfactory evidence that the information is incorrect. After one year, the state registrar may only correct information on a marriage certificate if a court determines that the information is erroneous. The state registrar makes corrections on a marriage certificate by marking a line through incorrect information and adding correct information.

This bill provides that if a court determines that information on a marriage certificate concerning the identity of a parent of a party to the marriage is erroneous and the court orders creation of a new marriage certificate, the state registrar shall prepare a new marriage certificate that omits the erroneous information and includes any new information contained in the court order.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 69.01 (15r) of the statutes is created to read:

2 69.01 (15r) "Marriage certificate" has the meaning given in s. 765.002 (3).

3 **SECTION 2.** 69.12 (1) of the statutes is amended to read:

4 69.12 (1) If the state registrar cannot make an amendment to a vital record
5 under s. 69.11 and a person with a direct and tangible interest in the vital record
6 alleges that information on the vital record does not represent the actual facts in
7 effect at the time the record was filed, the person may petition the circuit court of the
8 county in which the event which is the subject of the vital record is alleged to have
9 occurred. The petition shall be accompanied by a certified copy of the original vital
10 record. If the court finds that the petitioner has established the actual facts of the
11 event in effect when the record was filed, the clerk of court shall report the court's
12 determination to the state registrar on a form prescribed by the state registrar, along
13 with the fee required under s. 69.22 (5) (a) 2. Upon receipt of the report, the state
14 registrar shall, if information as to the cause of death on ~~the~~ an original certificate
15 of death is changed or if information on a marriage certificate concerning the identity
16 of a parent of a party to a marriage is changed, act under sub. (4), or shall change the
17 record under s. 69.11 (5) and send a notice of the change to the local registrar who
18 shall make the change in the record filed in his or her office. This subsection does
19 not apply to a name change prohibited under s. 301.47.

20 **SECTION 3.** 69.12 (4) (a) (intro.) of the statutes is amended to read:

21 69.12 (4) (a) (intro.) If a court's determination under sub. (1) changes
22 information as to the cause of death on ~~the~~ an original certificate of death ~~is changed~~
23 ~~under the court's determination under sub. (1) or changes information on a marriage~~
24 certificate concerning the identity of a parent of a party to the marriage and the court

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1 in accordance with the petition orders the creation of a new certificate of death or
2 marriage certificate, the state registrar shall do all of the following:

3 **SECTION 4.** 69.12 (4) (a) 1. of the statutes is amended to read:

4 69.12 (4) (a) 1. Prepare a new certificate of death, ~~omit~~ or a new marriage
5 certificate, whichever is applicable. On a new certificate of death, the state registrar
6 shall omit the changed information, including the name of the physician, coroner or
7 medical examiner who certified the cause of death and enter any other original and
8 any new information, including the name of the judge and the date of the order, sign
9 the new information, enter any notation of support in the margin of the record and
10 insert a note that the certificate of death has been amended. On a new marriage
11 certificate, the state registrar shall omit the changed information concerning the
12 identity of a parent of a party to the marriage, enter the unchanged information from
13 the original certificate, and enter any new information included in the court order
14 concerning the identity of a parent of a party to the marriage, but shall not note that
15 the certificate is amended.

16 **SECTION 5.** 69.12 (4) (a) 2. and 3. of the statutes are amended to read:

17 69.12 (4) (a) 2. Register a new certificate of death or marriage certificate
18 created under this subsection and impound the original certificate of death or
19 marriage certificate and all correspondence, affidavits, court orders, and other
20 related materials and prohibit access except by court order or except by the state
21 registrar for processing purposes.

22 3. Send a copy of any new certificate of death or marriage certificate registered
23 under this subsection to the local registrar who filed the original of the replaced
24 certificate of death or marriage certificate.

25 **SECTION 6.** 69.12 (4) (b) of the statutes is amended to read:

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1 69.12 (4) (b) Upon receipt of the copy under par. (a) 3., the local registrar shall
2 destroy his or her copy of the replaced certificate of death or marriage certificate and
3 file the new certificate of death or marriage certificate.

4 (END)