

## 2005 ASSEMBLY BILL 501

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.

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*Analysis by the Legislative Reference Bureau*

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

4             **SECTION 1.** 69.01 (15r) of the statutes is created to read:  
5             69.01 (15r) “Marriage certificate” has the meaning given in s. 765.002 (3).  
6             **SECTION 2.** 69.12 (1) of the statutes is amended to read:  
7             69.12 (1) If the state registrar cannot make an amendment to a vital record  
8             under s. 69.11 and a person with a direct and tangible interest in the vital record  
9             alleges that information on the vital record does not represent the actual facts in  
10            effect at the time the record was filed, the person may petition the circuit court of the

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

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

14 69.12 **(4)** (a) (intro.) If a court's determination under sub. (1) changes  
15 information as to the cause of death on the an original certificate of death is changed  
16 under the court's determination under sub. (1) or changes information on a marriage  
17 certificate concerning the identity of a parent of a party to the marriage and the court  
18 in accordance with the petition orders the creation of a new certificate of death or  
19 marriage certificate, the state registrar shall do all of the following:

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

21 69.12 **(4)** (a) 1. Prepare a new certificate of death, ~~omit~~ or a new marriage  
22 certificate, whichever is applicable. On a new certificate of death, the state registrar  
23 shall omit the changed information, including the name of the physician, coroner or  
24 medical examiner who certified the cause of death and enter any other original and  
25 any new information, including the name of the judge and the date of the order, sign

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1 the new information, enter any notation of support in the margin of the record and  
2 insert a note that the certificate of death has been amended. On a new marriage  
3 certificate, the state registrar shall omit the changed information concerning the  
4 identity of a parent of a party to the marriage, enter the unchanged information from  
5 the original certificate, and enter any new information included in the court order  
6 concerning the identity of a parent of a party to the marriage, but shall not note that  
7 the certificate is amended.

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

9 69.12 **(4)** (a) 2. Register a new certificate of death or marriage certificate  
10 created under this subsection and impound the original certificate of death or  
11 marriage certificate and all correspondence, affidavits, court orders, and other  
12 related materials and prohibit access except by court order or except by the state  
13 registrar for processing purposes.

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

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

18 69.12 **(4)** (b) Upon receipt of the copy under par. (a) 3., the local registrar shall  
19 destroy his or her copy of the replaced certificate of death or marriage certificate and  
20 file the new certificate of death or marriage certificate.

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(END)