

2005 Assembly Bill 501

Date of enactment: **December 20, 2005**

Date of publication*: **January 5, 2006**

2005 WISCONSIN ACT 69

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

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

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

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

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

69.12 (1) If the state registrar cannot make an amendment to a vital record under s. 69.11 and a person with a direct and tangible interest in the vital record alleges that information on the vital record does not represent the actual facts in effect at the time the record was filed, the person may petition the circuit court of the county in which the event which is the subject of the vital record is alleged to have occurred. The petition shall be accompanied by a certified copy of the original vital record. If the court finds that the petitioner has established the actual facts of the event in effect when the record was filed, the clerk of court shall report the court's determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22 (5) (a) 2. Upon receipt of the report, the state registrar shall, if information as to the cause of death on ~~the~~ an original certificate of death is changed or if information on a marriage certificate concerning the identity of a parent of a party to a marriage is changed, act under sub. (4), or shall change

the record under s. 69.11 (5) and send a notice of the change to the local registrar who shall make the change in the record filed in his or her office. This subsection does not apply to a name change prohibited under s. 301.47.

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

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

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

69.12 (4) (a) 1. Prepare a new certificate of death, ~~omit or a new marriage certificate, whichever is applicable.~~ On a new certificate of death, the state registrar shall omit the changed information, including the name of the physician, coroner or medical examiner who certified the cause of death and enter any other original and any new information, including the name of the judge and the date of the order, sign the new information, enter any notation of support in the margin of the record and insert a note that the certificate of death has been amended. On a new

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

marriage certificate, the state registrar shall omit the changed information concerning the identity of a parent of a party to the marriage, enter the unchanged information from the original certificate, and enter any new information included in the court order concerning the identity of a parent of a party to the marriage, but shall not note that the certificate is amended.

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

69.12 (4) (a) 2. Register a new certificate of death or marriage certificate created under this subsection and impound the original certificate of death or marriage certificate and all correspondence, affidavits, court orders,

and other related materials and prohibit access except by court order or except by the state registrar for processing purposes.

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

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

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