

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/9/2015 Received By: swalkenh  
For: Luther Olsen (608) 266-0751 Same as LRB: -3288  
May Contact: By/Representing: Shelby  
Subject: Dom. Rel. - marriage Drafter: swalkenh  
Dom. Rel. - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Olsen@legis.wisconsin.gov  
Carbon copy (CC) to: sarah.walkenhorstbarber@legis.wisconsin.gov  
pam.kahler@legis.wisconsin.gov  
peggy.hurley@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Changing certain requirements relating to marriage licenses and declarations of domestic partnership

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	swalkenh 12/9/2015	anienaja 12/9/2015	_____	sbasford 12/9/2015	sbasford 12/9/2015	State S&L

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12/18/15*

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/1	swalkenh		_____			State S&L

FE Sent For:

<END>

Please  
Jacket for  
Senate

## Walkenhorst Barber, Sarah

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**From:** Lemke, Shelby  
**Sent:** Wednesday, December 09, 2015 12:10 PM  
**To:** Walkenhorst Barber, Sarah  
**Cc:** Ballweg, Joan; Anderson, Bethany  
**Subject:** FW: REMINDER: Co-Sponsorship Memo: LRB 3288, declarations of domestic partnership and marriage licenses  
**Attachments:** 15-3288\_1.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Sarah-

Senator Olsen would like to request the Senate Companion to LRB 3288. Let me know if you have any questions.

Shelby Lemke  
Senator Luther Olsen's Office  
608-266-0751  
[Shelby.Lemke@legis.wisconsin.gov](mailto:Shelby.Lemke@legis.wisconsin.gov)

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**From:** Rep.Ballweg  
**Sent:** Thursday, November 19, 2015 4:55 PM  
**To:** \*Legislative All Assembly <[ALLASM@legis.wisconsin.gov](mailto:ALLASM@legis.wisconsin.gov)>; \*Legislative All Senate <[ALLSEN@legis.wisconsin.gov](mailto:ALLSEN@legis.wisconsin.gov)>  
**Subject:** REMINDER: Co-Sponsorship Memo: LRB 3288, declarations of domestic partnership and marriage licenses

**REMINDER: Deadline for LRB 3288 is tomorrow, Friday, November 20 at 5:00 pm.**

If you would like to be added as a co-sponsor, contact Bethany in Rep. Ballweg's office.

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**From:** Rep.Ballweg  
**Sent:** Wednesday, November 11, 2015 10:54 AM  
**To:** \*Legislative All Assembly <[ALLASM@legis.wisconsin.gov](mailto:ALLASM@legis.wisconsin.gov)>; \*Legislative All Senate <[ALLSEN@legis.wisconsin.gov](mailto:ALLSEN@legis.wisconsin.gov)>  
**Subject:** WITH ATTACHMENT: Co-Sponsorship Memo: LRB 3288, declarations of domestic partnership and marriage licenses

### CO-SPONSORSHIP MEMORANDUM

**To:** All Legislators  
**From:** Rep. Joan Ballweg  
Sen. Luther Olsen  
**Date:** Wednesday, November 11<sup>th</sup>, 2015

RE: Co-sponsorship of LRB-3288/1, relating to: declarations of domestic partnership and marriage licenses.

**Deadline: Friday, November 20<sup>th</sup> at 5:00PM**

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LRB 3288 was brought to us by the Wisconsin County Clerks Association. Currently, there is a discrepancy in how marriage licenses and domestic partnership licenses are administered. This legislation will make changes so both licenses can be issued with the same guidelines, which removes the administrative burden of having to follow separate procedures. This bill also addresses information that is statutorily required to be distributed with any marriage license application. The current pamphlet information has not been updated in many years, and does not contain newer issues of concern.

LRB 3288 bill will do three things:

1. It brings the domestic partnership registry in line with the current practices for processing marriage licenses by permitting a county clerk to charge the same amount for waiving the waiting period for issuing a declaration of domestic partnership as it can when waiving a marriage license.
2. It eases the administrative burden of having to store unclaimed records by allowing unfiled domestic partnership applications to expire after 30 days.
3. It will also allow county clerks to supply more updated and pertinent information regarding fetal alcohol syndrome and the dangers of using other drugs during pregnancy by referring applicants to the Department of Health Services website.

If you are interested in co-sponsoring LRB-3288/1, please contact Bethany in Rep. Ballweg's office (#6-8077 | [Bethany.Anderson@legis.wi.gov](mailto:Bethany.Anderson@legis.wi.gov)) or Sen. Olsen's office (#6-0751 | [Sen.Olsen@legis.wisconsin.gov](mailto:Sen.Olsen@legis.wisconsin.gov)) by **5:00PM on Friday, November 20<sup>th</sup>**.

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### *Analysis by the Legislative Reference Bureau*

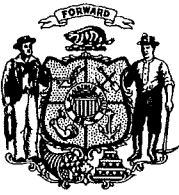
This bill increases the maximum fee a county clerk may charge for issuing a declaration of domestic partnership less than five days after receiving an application; requires that individuals who apply for a declaration of domestic partnership complete and file the declaration within 30 days after the clerk issues the declaration; and requires that a clerk, when issuing a marriage license or declaration of domestic partnership, provide information, instead of a pamphlet, describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy.

Under current law, a county clerk generally may not issue a declaration of domestic partnership until at least five days after the clerk receives the application for the declaration of domestic partnership. However, at his or her discretion, the clerk may issue a declaration of domestic partnership less than five days after the application if the applicant pays an additional fee of not more than \$10 to cover any increased processing cost incurred by the county. This bill increases the maximum additional fee allowed for this discretionary service from \$10 to \$25.

In order to form the legal status of domestic partners, under current law, individuals are required to complete the declaration of domestic partnership, sign the declaration, have the signatures acknowledged before a notary, and submit the declaration to the register of deeds. The bill requires that these steps be taken within 30 days after the clerk issues the declaration of domestic partnership.

Finally, when a county clerk issues either a marriage license or a declaration of domestic partnership under current law, he or she must provide a pamphlet describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy. This bill requires the clerk to provide information describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy rather than specifying that the clerk provide a physical pamphlet with that information.

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



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3288/1  
SWB:jld

**2015 ASSEMBLY BILL 573**

Companion - No changes

12/9/15 Requested TODAY please Please Jacket

4064/1  
Companion  
RM  
Ran

SA ✓

December 7, 2015 - Introduced by Representatives BALLWEG, E. BROOKS, MURPHY, MURSAU, OHNSTAD, A. OTT, SKOWRONSKI and TITTL, cosponsored by Senator OLSEN. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 46.03 (34), 765.12 (1) (a), 770.07 (1) (b) 2., 770.07 (2) and 770.10  
2 of the statutes; **relating to:** declarations of domestic partnership and marriage  
3 licenses.

**Analysis by the Legislative Reference Bureau**

This bill increases the maximum fee a county clerk may charge for issuing a declaration of domestic partnership less than five days after receiving an application; requires that individuals who apply for a declaration of domestic partnership complete and file the declaration within 30 days after the clerk issues the declaration; and requires that a clerk, when issuing a marriage license or declaration of domestic partnership, provide information, instead of a pamphlet, describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy.

Under current law, a county clerk generally may not issue a declaration of domestic partnership until at least five days after the clerk receives the application for the declaration of domestic partnership. However, at his or her discretion, the clerk may issue a declaration of domestic partnership less than five days after the application if the applicant pays an additional fee of not more than \$10 to cover any increased processing cost incurred by the county. This bill increases the maximum additional fee allowed for this discretionary service from \$10 to \$25.

In order to form the legal status of domestic partners, under current law, individuals are required to complete the declaration of domestic partnership, sign the declaration, have the signatures acknowledged before a notary, and submit the

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**ASSEMBLY BILL 573**

declaration to the register of deeds. The bill requires that these steps be taken within 30 days after the clerk issues the declaration of domestic partnership.

Finally, when a county clerk issues either a marriage license or a declaration of domestic partnership under current law, he or she must provide a pamphlet describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy. This bill requires the clerk to provide information describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy rather than specifying that the clerk provide a physical pamphlet with that information.

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

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

1           **SECTION 1.** 46.03 (34) of the statutes is amended to read:

2           46.03 (34) FETAL ALCOHOL SYNDROME AND DRUG DANGER PAMPHLETS INFORMATION.

3           The department shall acquire, without cost if possible, ~~pamphlets~~ information that  
4           describe describes the causes and effects of fetal alcohol syndrome and the dangers  
5           to a fetus of from the mother's use of cocaine or other drugs during pregnancy and  
6           shall distribute the ~~pamphlets~~ information free of charge to each county clerk ~~in~~  
7           sufficient quantities so that each county clerk may provide ~~pamphlets~~ information  
8           to marriage license applicants under s. 765.12 (1) (a) and domestic partnership  
9           applicants under s. 770.07 (2).

10          **SECTION 2.** 765.12 (1) (a) of the statutes is amended to read:

11          765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and  
12          if there is no prohibition against or legal objection to the marriage, the county clerk  
13          shall issue a marriage license. With each marriage license the county clerk shall  
14          provide ~~a pamphlet~~ information describing the causes and effects of fetal alcohol  
15          syndrome and the dangers to a fetus from the mother's use of cocaine or other drugs  
16          during pregnancy.

**ASSEMBLY BILL 573**

1           **SECTION 3.** 770.07 (1) (b) 2. of the statutes is amended to read:

2           770.07 (1) (b) 2. The county clerk may, at his or her discretion, issue a  
3 declaration of domestic partnership less than 5 days after application if the applicant  
4 pays an additional fee of not more than \$10 ~~\$25~~ to cover any increased processing cost  
5 incurred by the county. The county clerk shall pay this fee into the county treasury.

6           **SECTION 4.** 770.07 (2) of the statutes is amended to read:

7           770.07 (2) If sub. (1) and s. 770.05 are complied with, the county clerk shall  
8 issue a declaration of domestic partnership. With each declaration of domestic  
9 partnership the county clerk shall provide ~~a pamphlet~~ information describing the  
10 causes and effects of fetal alcohol syndrome and the dangers to a fetus from the  
11 mother's use of cocaine or other drugs during pregnancy. After the application for  
12 the declaration of domestic partnership is filed, the clerk shall, upon the sworn  
13 statement of either of the applicants, correct any erroneous, false, or insufficient  
14 statement in the application that comes to the clerk's attention and shall notify the  
15 other applicant of the correction, as soon as reasonably possible.

16           **SECTION 5.** 770.10 of the statutes is amended to read:

17           **770.10 Completion and filing of declaration.** In order to form the legal  
18 status of domestic partners, the individuals shall, within 30 days after the clerk  
19 issues a declaration of domestic partnership under s. 770.07 (2), complete the  
20 declaration of domestic partnership, sign the declaration, having their signatures  
21 acknowledged before a notary, and submit the declaration to the register of deeds of  
22 the county in which they reside. The register of deeds shall record the declaration  
23 and forward the original to the state registrar of vital statistics.

24           **SECTION 6. Initial applicability.**



**ASSEMBLY BILL 573**

**SECTION 6**

1 (1) The treatment of sections 765.12 (1) (a), 770.07 (1) (b) 2., and 770.07 (2) of  
2 the statutes first applies to applications filed on the effective date on this subsection.

3 (2) The treatment of section 770.10 of the statutes first applies to declarations  
4 of domestic partnership issued on the effective date of this subsection.

5 (END)

*Added for  
Senate*