



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 602

Assembly Amendment 2

Memo published: February 2, 2018

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2017 ASSEMBLY BILL 602

Generally, Assembly Bill 602 changes certain requirements concerning the application for and issuance of marriage licenses.

Time Periods

Under current law, no marriage license may be issued within five days of application for the marriage license. However, the county clerk has the discretion to issue a marriage license within less than five days after application if the applicant pays an additional fee of not more than \$25. Once issued, the marriage license authorizes a marriage ceremony to be performed within 30 days of issuance.

The bill decreases the waiting period between the application and issuance of a marriage license from five days to 24 hours. Under the bill, the county clerk has the discretion to issue a marriage license within less than 24 hours after the application, if the applicant pays the additional fee. The bill also extends the period for which a license authorizes a marriage ceremony to be performed from 30 to 60 days.

Documentary Proof

Under current law, each applicant for a marriage license must exhibit to the county clerk a certified copy of a birth certificate and must also submit a copy of any judgment or death certificate affecting the applicant's marital status. If any applicable birth certificate, death certificate, or judgment is unobtainable, other satisfactory documentary proof of the requisite facts therein may be presented to the county clerk in lieu of the birth certificate, death certificate, or judgment.

The bill specifies that if a birth certificate is unobtainable, a valid U.S. passport, state driver's license, permanent resident card, or naturalization paper may be presented in lieu of the birth certificate and must be considered satisfactory documentary proof.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 changes certain portions of the bill and creates new provisions concerning the application for and issuance of marriage licenses.

Time Periods

Under Assembly Amendment 2, no marriage license may be issued within three days of application for the marriage license, and the county clerk has the discretion to issue a marriage license within less than three days after the application, if the applicant pays the additional fee.

Satisfactory Documentary Proof In Lieu of Birth Certificate

Assembly Amendment 2 changes the types of satisfactory documentary proof that, like under the bill, may be presented in lieu of a birth certificate. First, the amendment removes the requirement that a passport be a "valid U.S." passport, thereby allowing any passport to constitute satisfactory documentary proof. Second, the amendment removes the term "state driver's license" and instead provides that license or identification card that complies with federal requirements constitutes satisfactory documentary proof.

Residency Requirement

Under current law, a marriage license must be obtained from the county clerk of the county in which one of the parties has resided for at least 30 days immediately prior to applying for the license, subject to certain exceptions concerning nonresidents. The amendment allows a county clerk, in his or her discretion, to waive the 30-day residency requirement. Also, the amendment provides that the 30-day residency requirement does not apply if one of the parties is in the active military service of the United States.

Applicants' Social Security Numbers

Under current law, an application for a marriage license must contain the social security number of each party, as well as any other information that the Department of Health Services directs. The amendment provides that the clerk may not require an applicant to present his or her social security card issued by the federal Social Security Administration.

Witnesses

Generally, current law requires that a marriage be solemnized by the two parties mutually declaring to be joined in marriage before an authorized officiating person and in the presence of at least two competent adult witnesses other than the officiating person. Under the amendment, if one of the parties is in the active military service of the United States, the presence of only one competent adult witness other than the officiating person is required.

BILL HISTORY

Representatives Kooyenga, Weatherston, and Zamarripa offered Assembly Amendment 2 on January 30, 2018. On February 1, 2018, the Assembly Committee on Family Law recommended adoption of Assembly Amendment 2 on a vote of Ayes, 5; Noes, 0; and passage of Assembly Bill 602, as amended, on a vote of Ayes, 7; Noes, 0.

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