



ROBERT WITTKE

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

Testimony of State Representative Robert Wittke Assembly Bill 457

Assembly Committee on Family Law
December 17, 2019

Dear Chairman Rodriguez and Committee Members:

Thank you for holding a public hearing on Assembly Bill 457 (AB 457). This legislation is a proposal my predecessor, Tom Weatherston, introduced last session and at his request I have drafted this bill.

Assembly Bill 457 would make some changes to where applicants may obtain a marriage in Wisconsin and what documentation is necessary for the application process. This is a bill that encourages family and those who desire to be married in our beautiful state. Since introduction of AB 457, we have had the opportunity to meet with folks who have expressed concerns about the bill. As a result I have offered an amendment that makes the following changes to AB 457 and I hope you'll pass the amendment and bill as amended.

- Requires a certified birth record
- The application shall contain a social security number from each party who has one
- If a birth record is unobtainable, an applicant may present to the clerk a passport, license or identification card that meets the requirements of P.L. 109-13 (REAL ID), permanent resident card, or naturalization paper
- Affords the applicant an appeal if the clerk is not satisfied with the documentary proof presented

Assembly Bill 457 would allow an applicant to request a marriage license in any county in Wisconsin, reduces the waiting period from five days to three, extends the period for which a marriage license is valid from 30 days to 60 days.

I believe that if an individual seeks to marry in Wisconsin, and has identification they've obtained through customary state or federal channels, then obtaining a marriage license in Wisconsin shouldn't be more prohibitive than that of the federal government issuing a passport or REAL ID. These proposed changes within AB 457 are common sense and I hope you'll agree and support passage of Assembly Amendment 1 to Assembly Bill 457.

To: Committee on Family Law

From: Thomas Weatherston
8722 Dunkelow Rd
Franksville, WI 53126
tweatherston@gmail.com

Subject: Assembly Bill457 with Amendment

Dear Chairmen Rodriguez and committee members:

When I was in the State Legislature I heard from several of my constituents that they were unable to obtain a marriage license in Racine County. Today, I am ashamed to admit that I let these people down. I felt, at the time, that because the County Clerk is a personal friend of mine, and that she knows her job, that it must be an issue with the constituent not the clerk or her office.

After hearing from Carmen Chavez and her story I obtained a copy of the current law on marriage license procedures. To say our law is antiquated is being kind. Revised in the 1970's it doesn't allow for today's changes in population growth. However for many of our clerks it works fine because it allows a clerks discretion in many areas and for them this bill only codifies what they are doing. Unfortunately some of our clerks across the state do not choose to use their discretion but follow the current law in its strictest form.

For example certified birth certificates. The law requires applicants to provide a certified birth certificate. A clerk may accept other forms of ID but several will not. Today in Racine County we have a growth in our Hispanic and Taiwanese populations. Many of these people do not have or have never had a birth certificate. Even today if you're born on a farm in rural Mexico you may not have a birth certificate.

People in my area, Like Carmen Chavez, are US citizens, with passports and drivers licenses. They are registered voters. Yet we keep them from getting married in our county.

The bill retains the birth certificate language but also lists other forms of identification in lieu of a birth record that a clerk shall accept.

The bill removes the Wisconsin residency clause. We are the only state in the Nation to have this clause. This was done so we can now be part of the growing destination wedding trend. I am sure the folks from the Dells or Door will enjoy this change.

The bill allows for one to obtain their marriage license in any county in the state not just in the county of the wedding. The current law requires multiple trips to the local clerk's office to get and return your license. Therefore if I lived in Racine and wanted to marry in the Dells I would have to go to the Dells to apply, during business hours, go back in a week to pick it up and one more trip post wedding to return the paperwork. In today's world I can book an entire wedding event on line but I still need three trips to the county of the marriage to get the license. Under the revision I can get the license locally, use it anywhere in the State and return the paper work, once married to the local clerk.

The Bill changes the waiting period from 5 days to 3.

The Bill makes the license valid for 60 days in lieu of the current 30.

In conclusion the Assembly Bill 457 makes it a little easier to get married in our State while maintaining control on the procedure. This is an important step in creating family values for all of our citizens.

To whom it may concern:

Never having been married I checked with my county clerk's office to find out the requirements.

The assistant at the counter told me what I needing including a birth certificate. When I told her that I do not have one, but that I possess a valid US Passport, Driver's license, and Naturalization papers she said it was not enough and that a birth certificate IS required.

I asked for a printed copy of the application and she stated that she wouldn't even know how to print a blank copy.

Now I know why friends have gone to Illinois to get married.

Teresa Mora
3716 Erie St
Racine, WI 53402

Carmen Chavez

10224 Dunkelow Rd.

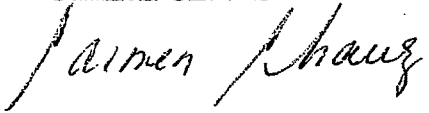
Franksville, WI 53126

To whom this letter may concern

I was denied a marriage license at the Racine County Courthouse because I do not have a birth certificate. I was born in Mexico but I became a United States citizen in 1996. I do have a current driver's license and passport. If there is anything more I can do on my part, please contact me.

Sincerely,

Carmen Chavez

A handwritten signature in cursive script that reads "Carmen Chavez". The signature is written in dark ink and is positioned below the printed name.



Office of the County Administrator

Herbert J. Tennes Government Center
432 E. Washington Street
P.O. Box 1986
West Bend, WI 53095-7986
(262) 306-2200

Testimony on Assembly Bill 457

Register of Deeds Sharon Martin, County Clerk Ashley Reichert and Public Affairs Coordinator Ethan Hollenberger

Thank you Chairman Rodriguez for hearing this bill today.

Washington County sees this bill as a customer service bill. Under current law, we see couples three times during the process to receive and file a "marriage license." First, the couple applies using certified documents, most commonly birth certificates. After a waiting period and prior to the ceremony, someone comes back to pick up the marriage license. The couple must then file the marriage license after the ceremony with the county's register of deeds.

We support this bill with the amendment. The amendment ensures the chain of records is maintained and accurate information is utilized on a marriage license.

This bill makes it easier for couples to go to the nearest county clerk's office to file the appropriate documentation to apply for a marriage license. Under the legislation, the nearest county clerk's office could be any clerk in the state. Current law, requires the marriage license to be applied for in the county the couple lives, with some exceptions. Washington County provides a satellite office one night per week in the city of Hartford. Hartford is in two counties; however, we cannot accept marriage license applications for Dodge County residents even if the wedding is going to be in Washington County.

Several years ago, the Legislature passed statewide issuance for vital records. This makes it easier for Wisconsinites to obtain certified copies of their records in any county. In the past, citizens had to obtain a birth certificate, for example, from the county in which they were born or lived at the time of birth. Statewide issuance was a huge win for the citizen when it came to customer service.

This bill can do the same for marriage license applications. An additional amendment could be added to ensure couples may file the completed marriage license in any county. Currently, the license must be filed where the wedding occurs. Under current law, a couple from Washington County getting married in Milwaukee must apply for the license in Washington County, but file it in Milwaukee County. Many register of deeds are able to assist with the filing so this amendment would be largely technical to ensure uniformity.

Similar to online issuance, revenue could be perceived as an issue. Washington County's priority is to do whatever we can to assist our citizens. We make obtaining a marriage license as easy as possible. We also celebrate our couples on social media and with a "wedding wall" signed by each couple.

Assisting couples through the process should be the priority. This bill represents a good first start in moving Wisconsin's marriage license process forward.



Forward Latino is a non-profit, non-partisan advocacy and service organization dedicated to assisting Latinos pursuing the American Dream.

Prepared Remarks by Darryl Morin, National President

December 17, 2019

Assembly Committee on Family
Wisconsin State Capitol
Madison, WI

Dear Chairwomen Rodriguez, Vice-Chair James and Distinguished Representatives,

Thank you all for your service to our state and for allowing me to speak before you today. My name is Darryl Morin and I am here in my capacity as National President of Forward Latino. Based in Franklin, Wisconsin, Forward Latino is a non-profit, non-partisan organization committed to assisting Hispanic Americans in their pursuit of the American Dream. We accomplish this through education, advocacy and service delivery and with the support of our active membership which now spans 20 states of our great country. In our mission is the implicit charge to defend each and every right enshrined in the United States Constitution. Furthermore, in holding true to our nation's most basic principle that we are all created equal, we work to ensure that these rights are equally applied to all.

I speak before you today in support of Assembly Bill 457 (AB457). As a state and as a country, the family is the foundation of so many beliefs and values we hold so dear. From faith and human dignity to the benefits of self-reliance and hard work, so much of who we are comes from lessons learned from our family. And while I applaud the extraordinary efforts of single parents, it is made so much easier when two parents are active in the lives of their children.

That is at the heart as to why I speak before you today. As a state we should be encouraging, not discouraging marriage between individuals who are committed to one another. That is why we found it ironic that anyone who wanted to get a marriage license in Wisconsin needed to provide a certified birth certificate, but did not need one to get a federal government compliant Real ID card which could be gotten with not just a birth certificate, but with any number of documents ranging from a domestic or foreign passport, a U.S. Certificate of Citizenship to an employment authorization document and more. Even more striking, is that one cannot use a Canadian Birth Certificate to get a Real ID card.

It is for the aforementioned reasons, as well as the positive economic and social benefits it would have on Wisconsin that Forward Latino urges the passage of Assembly Bill 457.

Thank you for your serious consideration and for allowing me to make these brief remarks here today. God bless all of you. God bless the great State of Wisconsin, and God bless the United States of America.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "D. Morin", written over the typed name and title.

Darryl D. Morin
National President

(414)704-8860

5012 W. Ashland Way, Franklin, WI 53132

www.forwardlatino.org