

# HOUSE BILL No. 6481

September 22, 2010, Introduced by Reps. Agema, Genetski, Rick Jones, Haines, Kowall, Tyler and McMillin and referred to the Committee on Judiciary.

A bill to amend 1887 PA 128, entitled

"An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,"

by amending section 2 (MCL 551.102), as amended by 2006 PA 578.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) Blank forms for a marriage license and certificate  
2 shall be prepared and furnished by the state registrar appointed by  
3 the director of the department of community health to each county  
4 clerk of this state in the quantity needed. The blank form for a  
5 license and certificate shall be made in duplicate and shall  
6 provide spaces for the entry of identifying information of the  
7 parties and other items prescribed in rules promulgated by the  
8 director of the department of community health. The state registrar

1 shall furnish to each county clerk of this state blank application  
2 forms of an affidavit containing the requisite allegations, under  
3 the laws of this state, of the competency of the parties to unite  
4 in the bonds of matrimony, and as required to comply with federal  
5 law, containing a space requiring each applicant's social security  
6 number. A party applying for a license to marry shall make and file  
7 the application in the form of an affidavit with the county clerk  
8 as a basis for issuing the license. The county clerk may permit a  
9 party applying for a marriage license to submit that application  
10 electronically. If the county clerk accepts an electronically  
11 submitted application, the clerk shall print the required  
12 information from the application in the form of an affidavit and  
13 have a party named in the application sign the affidavit in the  
14 presence of the county clerk or a deputy clerk. The license shall  
15 be made a matter of record and shall be transmitted to the  
16 department of community health in the manner prescribed by the  
17 state registrar. The state registrar shall not require an  
18 applicant's social security number to be displayed on the marriage  
19 license.

20 (2) A person shall not disclose, in a manner not authorized by  
21 law or rule, a social security number collected as required by this  
22 section. A violation of this subsection is a misdemeanor punishable  
23 by imprisonment for not more than 90 days or a fine of not more  
24 than \$500.00, or both. A second or subsequent violation of this  
25 subsection is a felony punishable by imprisonment for not more than  
26 4 years or a fine of not more than \$2,000.00, or both.

27 (3) A requirement under this section to include a social

1 security number on an application does not apply to an applicant  
2 who demonstrates he or she is exempt under law from obtaining a  
3 social security number or to an applicant who for religious  
4 convictions is exempt under law from disclosure of his or her  
5 social security number under these circumstances. The county clerk  
6 shall inform the applicant of this possible exemption.

7 (4) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (5), AN** application  
8 required to be completed under subsection (1) is a nonpublic record  
9 and is exempt from disclosure under the freedom of information act,  
10 1976 PA 442, MCL 15.231 to 15.246. The application shall be made  
11 available, upon request, to the persons named in the application.

12 (5) **IF A COUNTY CLERK RECEIVES AN APPLICATION UNDER SUBSECTION**  
13 **(1) AS TO WHICH AN APPLICANT CLAIMS TO BE EXEMPT UNDER SUBSECTION**  
14 **(3) OTHER THAN FOR RELIGIOUS CONVICTIONS, THE CLERK SHALL REPORT**  
15 **THE CLAIM OF EXEMPTION TO THE UNITED STATES IMMIGRATION AND CUSTOMS**  
16 **ENFORCEMENT.**