

HOUSE BILL No. 5766

June 14, 2012, Introduced by Reps. Cavanagh, Hovey-Wright, Brunner, Smiley, Irwin, Ananich, Talabi, Constan, Damrow, Segal, Stallworth, Lane, Bauer and Brown and referred to the Committee on Oversight, Reform, and Ethics.

A bill to allow 1 or both parties to a marriage to change his or her name as part of the solemnization of the marriage; and to prescribe the powers and duties of certain state departments and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan name equality act".

3 Sec. 2. (1) Parties to a marriage are not required to have the
4 same name. Neither party is required to change his or her name. A
5 person's name shall not change upon marriage unless that person
6 elects to change his or her name under this section.

7 (2) One party or both parties to a marriage may elect to
8 change the middle or last name, or both, by which that party wishes
9 to be known after solemnization of the marriage by entering the new

1 name in the spaces provided on the marriage license application
2 without intent to defraud.

3 Sec. 3. (1) A person may adopt any of the following last names
4 according to section 1:

5 (a) The current last name of the other spouse.

6 (b) The last name of either spouse given at birth.

7 (c) A name combining into a single last name all or a segment
8 of the current last name or the last name of either spouse given at
9 birth.

10 (d) A hyphenated combination of last names.

11 (2) A person may adopt any of the following middle names
12 according to section 1:

13 (a) The current last name of either spouse.

14 (b) The last name of either spouse given at birth.

15 (c) A hyphenated combination of the current middle name and
16 the current last name of the person or spouse.

17 (d) A hyphenated combination of the current middle name and
18 the last name given at birth of the person or spouse.

19 Sec. 4. An election by a person to change his or her name
20 under section 1 serves as a record of the name change. A certified
21 copy of a marriage certificate containing the new name, or
22 retaining the former name, constitutes proof that the use of the
23 new name or retention of the former name is lawful.

24 Sec. 5. (1) A certified copy of a marriage certificate shall
25 be accepted as identification establishing a true, full name for
26 purposes of section 307 of the Michigan vehicle code, 1949 PA 300,
27 MCL 257.307. Nothing in this act prohibits the secretary of state

1 from accepting as identification other documents establishing a
2 true, full name for purposes of section 307 of the Michigan vehicle
3 code, 1949 PA 300, MCL 257.307. Those documents may include, but
4 are not limited to, a certified copy of a marriage certificate
5 recording a marriage outside of this state.

6 (2) This act shall be applied in a manner consistent with the
7 requirements of section 307 of the Michigan vehicle code, 1949 PA
8 300, MCL 257.307.

9 Sec. 6. The adoption of a new name, or the choice not to adopt
10 a new name, by means of a marriage license application under
11 section 1 shall only be made at the time the marriage license is
12 issued. After a marriage certificate is registered by the local
13 registrar, the certificate may not be amended to add a new name or
14 change the name adopted under section 1. An amendment may be issued
15 to correct a clerical error in the new name fields on the marriage
16 license. In this instance, the amendment must be signed by 1 of the
17 parties to the marriage and the county clerk or his or her
18 designee, and the reason for the amendment must be stated as
19 correcting a clerical error. A clerical error as used in this
20 section is an error made by the county clerk, his or her designee,
21 or a notary authorized to issue confidential marriage licenses,
22 where the information shown in the new name field does not match
23 the information shown on the marriage license application. This
24 requirement does not abrogate the right of either party to adopt a
25 different name through usage at a future date or to petition the
26 court for a change of name under the laws of this state.

27 Sec. 7. Nothing in this act abrogates the common law right of

1 any person to change his or her name or the right of any person to
2 petition the court for a change of name under the laws of this
3 state.

4 Enacting section 1. This act takes effect January 1, 2013.