



State of Wisconsin
2019 - 2020 LEGISLATURE

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SWB:amn&kjf

**SENATE AMENDMENT 1,
TO SENATE BILL 439**

January 10, 2020 - Offered by Senator KOOYENGA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 8: delete the material beginning with “The application shall”
3 and ending with “administration.” on line 11 and substitute “The application shall
4 contain the social security number of each party who has a social security number,
5 as well as any other informational items that the department of health services
6 directs. The clerk shall accept as proof of identification documentation as set forth
7 under par. (b).”

8 **2.** Page 3, line 16: delete the material beginning with “Each” and ending with
9 “sufficiency.” on line 25 and substitute “Each applicant for a marriage license shall
10 exhibit to the clerk a certified copy of a birth record, and each applicant shall submit
11 a copy of any judgment or death record affecting the applicant’s marital status. If
12 any applicable birth record, death record, or judgment is unobtainable, other
13 satisfactory documentary proof of the requisite facts therein may be presented in lieu

1 of the birth ~~certificate~~ record, death ~~certificate~~ record, or judgment. If an applicant
2 presents a passport, license or identification card that meets the requirements of P.L.
3 109-13, permanent resident card, or naturalization paper in lieu of the birth record,
4 the clerk shall consider such documentation satisfactory documentary proof for
5 purposes of this paragraph. Whenever the clerk is not satisfied with the
6 documentary proof presented, he or she shall notify each applicant that the applicant
7 has the right to request review of the submitted material by a judge of a court of
8 record and shall, upon request by an applicant, submit the presented proof to a judge
9 of a court of record in the county of application for an opinion as to its sufficiency.”.

10 **3.** Page 4, line 1: before that line insert:

11 “**SECTION 4m.** 765.09 (3) (c) of the statutes is created to read:

12 765.09 (3) (c) For purposes of par. (b), the clerk shall have discretion to
13 determine whether a document is unobtainable.”.

14 **4.** Page 4, line 11: after that line insert:

15 “**SECTION 5m.** 765.13 of the statutes is amended to read:

16 **765.13 Form of marriage document.** The marriage document shall consist
17 of the marriage license and the marriage license worksheet. The marriage license
18 shall contain a notification of the time limits of the authorization to marry, a notation
19 that the issue of the marriage license shall not be deemed to remove or dispense with
20 any legal disability, impediment or prohibition rendering marriage between the
21 parties illegal, and the signature of the county clerk, who shall acquire the
22 information for the marriage document and enter it in its proper place when the
23 marriage license is issued. The marriage license worksheet shall contain the social
24 security number of each party who has a social security number, as well as any other

1 information items that the department of health services determines are necessary
2 and shall agree in the main with the standard form recommended by the federal
3 agency responsible for national vital statistics. The county clerk shall transmit the
4 marriage license worksheet to the state registrar within 5 days after the date of
5 issuance of the marriage license.”.

6 **5.** Page 4, line 20: after that line insert:

7 “**SECTION 6m.** 765.19 of the statutes is amended to read:

8 **765.19 Delivery and filing of marriage document.** The marriage
9 document, legibly and completely filled out with unfading black ink, shall be
10 returned by the officiating person, or, in the case of a marriage ceremony performed
11 without an officiating person, then by the parties to the marriage contract, or either
12 of them, to the register of deeds of the any county in which the marriage was
13 performed this state within 3 days after the date of the marriage.”.

14 **6.** Page 6, line 2: after that line insert:

15 “**SECTION 8m.** 765.30 (4) (a) of the statutes is amended to read:

16 765.30 (4) (a) *Penalty for failure to file marriage certificate.* Every officiating
17 person, or persons marrying without the presence of an officiating person, as
18 provided by s. 765.16 (1m) (c), who neglect or refuse to transmit the original marriage
19 certificate, solemnized by the officiating person or the persons marrying, to the
20 register of deeds of the any county in which the marriage was performed this state
21 within 3 days after the date of the marriage.”.

22 **7.** Page 6, line 8: after that line insert:

23 “**SECTION 10. Effective date.**

