



DALE KOOYENGA
STATE SENATOR · 5TH DISTRICT

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February 18, 2020

TO: Senate Committee on Public Benefits, Licensing and State-Federal Relations
FR: Senator Dale Kooyenga
RE: support for Senate Bill 439 – changes to marriage license application requirements

Thank you for holding a hearing on this bill. Senate Bill 439 is a continuation of efforts started last session to update the process of obtaining a marriage license in Wisconsin.

Obtaining a marriage license in Wisconsin should be a simple process, and for those who are inclined to choose a destination wedding, let's encourage them to come to Wisconsin for their special day.

This bill as amended by Senate Amendment 1 does the following to modernize current law:

- eliminates current residency requirement and would allow an applicant for marriage in Wisconsin to apply in any county of the state for their license;
- eliminates the requirement to produce a social security card;
- provides a better options for those born outside the United States to provide documentary proof of identification but maintains current law so that a clerk may ask for additional documentation from an applicant if documents provided are not satisfactory;
- reduces the waiting period for a marriage license from five to three days;
- extends the period a marriage license is valid from 30 days to 60 days; and lastly,
- if one of the parties is in active military service then only one adult witness is required.

This bill is a step forward in updating our marriage license law in Wisconsin, and it recognizes that Wisconsin is a beautiful state offering four seasons of wedding option for everyone to enjoy.

Thank you for your attention to this legislation. I respectfully ask for your support of SB 439 as amended by SA 1.



ROBERT WITTKE

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

Testimony of State Representative Robert Wittke Senate Bill 439

Senate Committee on Public Benefits, Licensing and State-Federal Relations

Dear Chairman Kapenga and Committee Members:

Thank you for holding a public hearing on Senate Bill 439 (SB 439). This legislation is a proposal my predecessor, Tom Weatherston, introduced last session and I am pleased to bring this bill forward this session.

Senate Bill 439 would make several changes to the marriage license application process and required documentation. This is a bill that encourages family and marriage in our beautiful state. Since introduction of SB 439, and following the public hearing in the assembly, several changes were made to the bill to accommodate concerns raised by some County Clerks and Register of Deeds. As a result, an amendment was introduced to SB 439. I hope you'll pass the amendment and bill as amended. The bill with amendment would:

- Allow a an applicant for marriage to obtain a license in **any Wisconsin county**
- Decrease the waiting period between the application and issuance of a marriage license from **five to three days**
- Increase from **30 to 60 days** the period in which a marriage license is valid
- Require a certified birth record
- Require a social security number from **each party who has one**
- If a birth record is unobtainable as **determined by the county clerk**, an applicant may present to the clerk a **passport, license or identification card that meets the requirements of REAL ID, permanent resident card, or naturalization paper**
- Allow the happy couple to **file their signed marriage documents in any county** for registration of their marriage
- Create an **effective date of July 1, 2021** – to allow State Vital Records to complete new filing technology requested by the Register of Deeds, and to give Counties time to adjust for the changes

Senate Bill 439 is a common sense update to the marriage licensing process in Wisconsin. I believe offering the opportunity for destination weddings in our beautiful state would be a tourism benefit, and encouraging family values is important. SB 439 would make it easier to marry in Wisconsin. Thank you again for hold this public hearing. I am happy to answer any questions.

To: Senate Committee on Public Benefits, Licensing and State-Federal Relations

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

Subject: Senate Bill 439 with Amendment

Dear Chairmen Kapenga 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.



Office of the County Administrator

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Testimony on Assembly Bill 457

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

Thank you Chairman Kapenga 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 in the county that they are married in with that county's register of deeds office.

We support this bill with the amendments. The amendments ensure the chain of records is maintained and accurate information is utilized on a marriage license. The amendment also allows the filing of a marriage license in any county and delays implementation.

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 few exceptions. Currently, Washington County provides a satellite office one night per week within 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 within 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 within any county. In the past, citizens had to obtain a birth certificate 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. 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 is largely technical to ensure uniformity on current practices.

Similar to statewide vital record issuance debate, revenue could be perceived as an issue. Although that is perceived as a potential issue, Washington County's priority is to take into consideration the public and how can we offer the best public service to each individual, whether that is in our office or another office within the state of Wisconsin. After all, counties are to be the administrative arm of the state and these are Wisconsin records.

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

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.

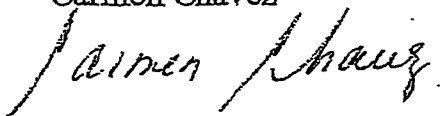
Franksville, WI 53126

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.

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 Senate Bill 439 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.