

HOUSE BILL No. 6352

August 16, 2006, Introduced by Rep. Bieda 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 1998 PA 333.

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 ~~the~~ **EACH**
4 county ~~clerks~~ **CLERK** of this state in ~~quantities~~ **THE QUANTITY**
5 needed. The blank ~~forms~~ **FORM** for a license and certificate shall
6 be made in duplicate and shall provide spaces for the entry of
7 identifying information of the parties and other items prescribed
8 in rules promulgated by the director of the department of community

1 health. The state registrar shall furnish to ~~all the~~ **EACH** county
2 ~~clerks~~ **CLERK** of this state blank application forms of an affidavit
3 containing the requisite allegations, under the laws of this state,
4 of the competency of the parties to unite in the bonds of
5 matrimony, and as required to comply with federal law, containing a
6 space requiring each applicant's social security number. A party
7 applying for a license to marry shall make and file the application
8 in the form of an affidavit with the county clerk as a basis for
9 issuing the license. The license shall be made a matter of record
10 and shall be transmitted to the department of community health in
11 the manner prescribed by the state registrar. The state registrar
12 shall not require an applicant's social security number to be
13 displayed on the marriage license.

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

21 (3) A requirement under this section to include a social
22 security number on an application does not apply to an applicant
23 who demonstrates he or she is exempt under law from obtaining a
24 social security number or to an applicant who for religious
25 convictions is exempt under law from disclosure of his or her
26 social security number under these circumstances. The county clerk
27 shall inform the applicant of this possible exemption.

1 (4) A MEMBER OF THE ARMED FORCES WHO IS UNABLE TO APPEAR AT A
2 MARRIAGE CEREMONY MAY ENTER INTO THAT MARRIAGE BY THE APPEARANCE OF
3 A THIRD PARTY, EMPOWERED TO ACT THROUGH A WRITTEN POWER OF
4 ATTORNEY. THE POWER OF ATTORNEY SHALL STATE THE TRUE LEGAL NAMES OF
5 THE PARTIES TO BE MARRIED, BE SIGNED BY THE MEMBER OF THE ARMED
6 FORCES, BE ACKNOWLEDGED BY A NOTARY PUBLIC OR WITNESSED BY 2
7 OFFICERS OF THE ARMED FORCES, AND STATE THAT THE POWER OF ATTORNEY
8 IS SOLELY FOR THE PURPOSE OF AUTHORIZING THE THIRD PARTY TO
9 PARTICIPATE IN THE SOLEMNIZATION OF THE MARRIAGE ON THE ARMED
10 FORCES MEMBER'S BEHALF. THE PARTY WHO IS NOT A MEMBER OF THE ARMED
11 FORCES SHALL FILE THE POWER OF ATTORNEY WITH THE COUNTY CLERK WITH
12 THE MARRIAGE APPLICATION. IF THE PARTY WHO IS NOT A MEMBER OF THE
13 ARMED FORCES FILES A VALID POWER OF ATTORNEY WITH THE COUNTY CLERK,
14 THE COUNTY CLERK SHALL INDICATE ON THE MARRIAGE LICENSE THAT THE
15 THIRD PARTY IS EMPOWERED TO ACT ON BEHALF OF THE MEMBER OF THE
16 ARMED FORCES TO ENTER INTO THAT MARRIAGE. AS USED IN THIS
17 SUBSECTION, "MEMBER OF THE ARMED FORCES" MEANS A MEMBER OF THE
18 NATIONAL GUARD, UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE,
19 OR COAST GUARD SERVING OUTSIDE OF THE UNITED STATES, INCLUDING
20 RESERVE COMPONENTS.

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No.____ or House Bill No. 6351(request no.
23 07062'06) of the 93rd Legislature is enacted into law.