



DALE KOOYENGA
STATE SENATOR · 5TH DISTRICT

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May 26, 2021

TO: Senate Committee on Insurance, Licensing and Forestry
FR: Senator Dale Kooyenga
RE: Senate Bill 293 – changes to marriage license application requirements

Thank you for holding a hearing Assembly Bill 270. This legislation is a reintroduction of an amended version of Assembly Bill 457/Senate Bill 439 from last session.

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.

The updated version of the bill proposes the following changes to make obtaining a marriage license more efficient:

- Eliminates the current residency requirement by allowing an applicant for a marriage license to apply in any county in Wisconsin.
- Provides more options for those born outside of the United States allowing the applicant to provide documentary proof of identification and date of birth rather than a birth certificate. The bill allows a passport, permanent resident card or naturalization papers to suffice for proof of identity for those without a birth certificate.
- Maintains current law by allowing a clerk to ask for additional documentation from an applicant if the initial documents are not satisfactory.
- Allows an applicant to request a review by a judge if the clerk deems the documentation unsatisfactory.
- Reduces the waiting period for a marriage license from five days to three days.
- Extends the period a marriage license is valid from 30 days to 60 days.
- Requires only one adult witness if one of the parties is active military service.
- Allows the couple to return the license to any county in the state regardless of where the ceremony was performed.

Senate Amendment 1 has been introduced to ensure all active military, including guardsmen and reservists, will fall under the provisions of the bill.

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 for SB 293.



ROBERT WITTKE

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

Testimony of State Representative Robert Wittke Senate Bill 293

Senate Committee on Insurance, Licensing and Forestry
May 26, 2021

Dear Chairman Felzkowski and Committee Members:

Thank you for holding a public hearing on Senate Bill 293 (SB293). SB 293 is a redraft of 2019 Senate Bill 439 as amended and passed unanimously by the committee in 2020.

Senate Bill 293 would make changes to where applicants may obtain a marriage license in Wisconsin and what documentation is necessary for the application process. This is a bill that encourages family and those who desire to be married in our beautiful state. SB 293 would include the following items requested by stakeholders last session:

- Requires a certified birth record
- The application shall contain a social security number from each party who has one
- If a birth record is unobtainable, an applicant may present to the clerk a passport, license or identification card that meets the requirements of P.L. 109-13 (REAL ID), permanent resident card, or naturalization paper
- Affords the applicant an appeal if the clerk is not satisfied with the documentary proof presented
- The bill's effective date is July 2022 to afford County Clerks and Registrars time to implement necessary processes for these changes.
- Obtain a marriage license in any Wisconsin county
- Three day waiting period instead of the current five days
- Licenses would be valid for 60 days instead of the current 30 days

Senate Amendment 1 to SB 293 was introduced to clarify that "active military service of the United States" means those serving on active duty in the U.S. Armed Forces, incorporated in the U.S. Armed Forces, a Reserve unit or the National Guard. This change will afford all active military the option to marry in Wisconsin with one witness instead of two, and all other changes included in SB 293.

Senate Bill 293 with Senate Amendment 1 just makes sense, encourages marriage, and I hope the committee will support passage of the amendment and bill as soon as practicable.

Thank you.

To: Committee on Insurance, Licensing and Forestry

From: Thomas Weatherston
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Subject: AB270/SB293

Dear Chairmen Felzkowski and committee members thank you for holding a hearing on this important family values issue.

Allow me to start out by saying if this piece of legislation is new to you and you discuss it with county clerk and they say this bill is unnecessary you have a good clerk. Support them. Many clerks across the state are already doing what this bill clarifies in the law.

I am retired State Representative Thomas Weatherston and the original author of this bill. The Assembly has passed it twice in previous sessions but the Senate has failed to take action on this bill. With luck and your support maybe we can push this over the finish line this session.

When I was in the legislature I heard from several of my constituents that they were unable to obtain a marriage license in Racine County. Learning that many of our residents in South Eastern Wisconsin choose to get married in Waukegan IL I studied this issue in earnest.

My sister-in-law Carmen Chavez told me how she and her now husband were denied a marriage license locally and they chose to get married in Texas. Why? On what grounds do we deny a marriage License? Both of them are local citizens, both have government issued ID and passports. The issue was one of them does not have a birth certificate. Texas only required a drivers license or any other government issued photo ID.

A year ago I got married to Teresa Mora. Teresa a House of Representative employee, who also was without a birth certificate. Teresa and I spent \$3,000 and years worth of time to obtain a Mexican birth Certificate just so we could marry locally with her family. We were very nervous when we went to the clerks office with the official \$3000 Mexican birth certificate. You see the names were

completely different. I pointed this out to the assistant clerk and she brushed it off saying the names rarely match. So then why insist on the birth certificate?

Many clerks accept other forms of ID ,as the law allows, but it is at their discretion. Today in South Eastern Wisconsin we are have a growth in our Hispanic and Taiwanese populations. Many of these people do not have or have ever had a birth certificate. Even today if you're born on a farm in rural Mexico you may not have a birth certificate.

The bill retains the birth certificate language but also lists other forms of identification in lieu of a birth record that a clerk must except.

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.

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 clerks office to get and return your license. Therefore if lived in Racine and wanted to marry in the Dells one would have to go to the Dells to apply, during business hours, go back in a week to pick it up the license and one more trip post wedding to return the paperwork. In todays world I can book an entire wedding event on line but in Wisconsin I still need three trips to the county of the marriage to get the license. Under the revision one can get the license locally, use it anywhere in the State and return the paper work, once married to the local clerk.

The Bill also changes the waiting period for a license from 5 days to 3.

The Bill makes the license valid for 60 days in lieu of the current 30.

In conclusion, AB 270 / SB293 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.



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Senate Committee on Insurance, Licensing and Forestry

Testimony on Senate Bill 293

County Executive Josh Schoemann, County Clerk Ashley Reichert and Register of Deeds Sharon Martin

Thank you Chairwoman Felzkowski for holding a public hearing on Senate Bill 293, relating to marriage solemnization requirements and marriage document requirements, issuance, and validity.

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.

This bill makes it easier for couples to go to the nearest county clerk's office, whether that is where they work or live, 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.

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, for example, from the county in which they were born or lived at the time of birth. Statewide issuance was a huge win for the citizens 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.

Similar to statewide vital record issuance, 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. This legislation is truly about good government and providing services to our constituents in the most convenient way possible.

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