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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4405

02/28/2024 Authored by Hanson, J., The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to marriage; modifying marriage record provisions; amending Minnesota Statutes 2022, sections 144.223; 517.08, subdivision 1c; 517.09, subdivision 1; 517.10; Minnesota Statutes 2023 Supplement, sections 517.04; 517.08, subdivisions 1a, 1b; proposing coding for new law in Minnesota Statutes, chapter 517; repealing Minnesota Statutes 2022, sections 517.05; 517.18.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2022, section 144.223, is amended to read:

1.9 144.223 REPORT OF MARRIAGE.

1.10 Data relating to the number of certificates of marriage registered shall must be reported
1.11 to the state registrar by the local registrar or designee of the county board in each of the 87
1.12 registration districts pursuant to the rules of the commissioner. The information in clause
1.13 (1) necessary to compile the report shall be furnished by the applicant prior to the issuancee
1.14 of the marriage license. The report shall contain the following: in a format and with the
1.15 frequency determined by the state registrar.

1.16 (1) personal information on bride and groom:

1.17 (i) name;

1.18 (ii) residence;

1.19 (iii) date and place of birth;

1.20 (iv) if previously married, how terminated; and

1.21 (v) signature of applicant, date signed, and Social Security number; and

1.22 (2) information concerning the marriage:

- 2.1 ~~(i) date of marriage;~~
 2.2 ~~(ii) place of marriage; and~~
 2.3 ~~(iii) civil or religious ceremony.~~

2.4 Sec. 2. Minnesota Statutes 2023 Supplement, section 517.04, is amended to read:

2.5 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

2.6 Civil marriages may be solemnized throughout the state by an individual who has attained
 2.7 the age of 21 years and ~~is a judge of a court of record, a retired judge of a court of record,~~
 2.8 ~~a court administrator, a retired court administrator with the approval of the chief judge of~~
 2.9 ~~the judicial district, a former court commissioner who is employed by the court system or~~
 2.10 ~~is acting pursuant to an order of the chief judge of the commissioner's judicial district, the~~
 2.11 ~~residential school superintendent of the Minnesota State Academy for the Deaf and the~~
 2.12 ~~Minnesota State Academy for the Blind, a licensed or ordained minister of any religious~~
 2.13 ~~denomination, an individual who registers as a civil marriage officiant with a local registrar~~
 2.14 ~~in a county of this state, or by any mode recognized in section 517.18. For purposes of this~~
 2.15 ~~section, a court of record includes the Office of Administrative Hearings under section~~
 2.16 14.48. The county where the civil marriage officiant is registered must be endorsed upon
 2.17 and recorded with each certificate of civil marriage.

2.18 Sec. 3. Minnesota Statutes 2023 Supplement, section 517.08, subdivision 1a, is amended
 2.19 to read:

2.20 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
 2.21 parties upon a form provided for the purpose and shall contain the following information:

- 2.22 (1) the full names of the parties ~~and the sex of each party;~~
 2.23 (2) their post office addresses and county and state of residence;
 2.24 (3) their full ages and dates of birth;
 2.25 (4) if either party has previously been married, the party's married name, ~~and~~ from the
 2.26 most recent marriage; the date, place, and court in which the civil marriage was dissolved
 2.27 or annulled; or the date and place of death of the former spouse;
 2.28 (5) whether the parties are related to each other, and, if so, their relationship;
 2.29 (6) the address of the parties after the civil marriage is entered into to which the local
 2.30 registrar shall send a certified copy of the civil marriage certificate;

3.1 (7) the full names the parties will have after the civil marriage is entered into and the
 3.2 parties' Social Security numbers. The Social Security numbers must be collected for the
 3.3 application but must not appear on the civil marriage license. If a party listed on a civil
 3.4 marriage application does not have a Social Security number, the party must certify on the
 3.5 application, or a supplement to the application, that the party does not have a Social Security
 3.6 number;

3.7 (8) if one party to the civil marriage license has a felony conviction under Minnesota
 3.8 law or the law of another state or federal jurisdiction, the party may not change the party's
 3.9 name through the marriage application process and must follow the process in section 259.13
 3.10 to change the party's name; and

3.11 (9) notice that a party who has a felony conviction under Minnesota law or the law of
 3.12 another state or federal jurisdiction may not use a different name after a civil marriage
 3.13 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

3.14 Sec. 4. Minnesota Statutes 2023 Supplement, section 517.08, subdivision 1b, is amended
 3.15 to read:

3.16 Subd. 1b. **Term of license; fee; ~~premarital education.~~** ~~(a)~~ The local registrar shall
 3.17 examine upon oath the parties applying for a license relative to the legality of the
 3.18 contemplated civil marriage. The local registrar may examine the parties upon oath in person,
 3.19 by phone, remotely using web conferencing technology, or by requiring a verified statement
 3.20 signed by both parties attesting to the legality of the marriage. The local registrar may accept
 3.21 civil marriage license applications signed by both parties that are submitted by mail,
 3.22 facsimile, or electronic filing. Both parties must present proof of age to the local registrar.
 3.23 If one party is unable to appear in person, the party appearing may complete the absent
 3.24 applicant's information. The local registrar shall provide a copy of the civil marriage
 3.25 application to the party who is unable to appear, who must verify the accuracy of the
 3.26 appearing party's information in a notarized statement. The verification statement must be
 3.27 accompanied by a copy of proof of age of the party. The civil marriage license must not be
 3.28 released until the verification statement and proof of age has been received by the local
 3.29 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
 3.30 the restriction contained in section 259.13, the local registrar shall issue the license,
 3.31 containing the full names of the parties before and after the civil marriage, and county and
 3.32 state of residence, with the county seal attached, and make a record of the date of issuance.
 3.33 The license shall be valid for a period of six months. ~~Except as provided in paragraph (b),~~
 3.34 The local registrar shall collect from the applicant a fee of \$115 for administering the oath,

4.1 issuing, recording, and filing all papers required, and preparing and transmitting to the state
 4.2 registrar of vital records the reports of civil marriage required by this section. If the license
 4.3 should not be used within the period of six months due to illness or other extenuating
 4.4 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
 4.5 a new license shall issue upon request of the parties of the original license without fee. A
 4.6 local registrar who knowingly issues or signs a civil marriage license in any manner other
 4.7 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
 4.8 \$1,000.

4.9 ~~(b) The civil marriage license fee for parties who have completed at least 12 hours of~~
 4.10 ~~premarital education is \$40. In order to qualify for the reduced license fee, the parties must~~
 4.11 ~~submit at the time of applying for the civil marriage license a statement that is signed, dated,~~
 4.12 ~~and notarized or marked with a church seal from the person who provided the premarital~~
 4.13 ~~education on their letterhead confirming that it was received. The premarital education must~~
 4.14 ~~be provided by a licensed or ordained minister or the minister's designee, a person authorized~~
 4.15 ~~to solemnize civil marriages under section 517.18, or a person authorized to practice marriage~~
 4.16 ~~and family therapy under section 148B.33. The education must include the use of a premarital~~
 4.17 ~~inventory and the teaching of communication and conflict management skills.~~

4.18 ~~(c) The statement from the person who provided the premarital education under paragraph~~
 4.19 ~~(b) must be in the following form:~~

4.20 ~~"I, (name of educator), confirm that (names of both~~
 4.21 ~~parties) received at least 12 hours of premarital education that included the use of a premarital~~
 4.22 ~~inventory and the teaching of communication and conflict management skills. I am a licensed~~
 4.23 ~~or ordained minister, a person authorized to solemnize civil marriages under Minnesota~~
 4.24 ~~Statutes, section 517.18, or a person licensed to practice marriage and family therapy under~~
 4.25 ~~Minnesota Statutes, section 148B.33."~~

4.26 ~~The names of the parties in the educator's statement must be identical to the legal names~~
 4.27 ~~of the parties as they appear in the civil marriage license application. Notwithstanding~~
 4.28 ~~section 138.17, the educator's statement must be retained for seven years, after which time~~
 4.29 ~~it may be destroyed.~~

4.30 Sec. 5. Minnesota Statutes 2022, section 517.08, subdivision 1c, is amended to read:

4.31 Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected
 4.32 pursuant to subdivision 1b, ~~paragraph (a), \$25~~ \$55 must be retained by the county. The local
 4.33 registrar must pay ~~\$90~~ \$60 to the commissioner of management and budget to be deposited
 4.34 as follows:

5.1 (1) ~~\$55~~ \$25 in the general fund;

5.2 (2) \$3 in the state government special revenue fund to be appropriated to the
5.3 commissioner of public safety for parenting time centers under section 119A.37;

5.4 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for
5.5 developing and implementing the MN ENABL program under section 145.9255;

5.6 (4) \$25 in the special revenue fund is appropriated to the commissioner of employment
5.7 and economic development for the Minnesota Family Resiliency Partnership under section
5.8 116L.96; and

5.9 (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the
5.10 University of Minnesota for the Minnesota couples on the brink project under section 137.32.

5.11 ~~(b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the~~
5.12 ~~county. The local registrar must pay \$15 to the commissioner of management and budget~~
5.13 ~~to be deposited as follows:~~

5.14 ~~(1) \$5 as provided in paragraph (a), clauses (2) and (3); and~~

5.15 ~~(2) \$10 in the special revenue fund is appropriated to the commissioner of employment~~
5.16 ~~and economic development for the Minnesota Family Resiliency Partnership under section~~
5.17 ~~116L.96.~~

5.18 Sec. 6. Minnesota Statutes 2022, section 517.09, subdivision 1, is amended to read:

5.19 Subdivision 1. **General.** ~~No particular form is required to solemnize a civil marriage,~~
5.20 ~~except: the parties~~ Both applicants shall declare in the presence of a person who is not the
5.21 same individual as the applicant or the witness, authorized to solemnize civil marriages and
5.22 two attending witnesses that each takes the other as husband, wife, or spouse; ~~or the civil~~
5.23 ~~marriage shall be solemnized in a manner provided by section 517.18.~~

5.24 Sec. 7. Minnesota Statutes 2022, section 517.10, is amended to read:

5.25 **517.10 CERTIFICATE; WITNESSES.**

5.26 The person solemnizing a civil marriage shall ~~prepare~~ complete and sign a marriage
5.27 certificate provided by the local registrar. The certificate shall contain the full names of the
5.28 parties before and after the civil marriage, the birth dates of the parties, and county and state
5.29 of residences of the parties and the date and place of the civil marriage. The certificate shall
5.30 also contain the signatures of the applicants' legal names after marriage and at least two of
5.31 the witnesses present at the civil marriage who shall be at least 16 years of age. The person

6.1 solemnizing the civil marriage shall immediately make a record of such civil marriage, and
6.2 file such certificate with the local registrar of the county in which the license was issued
6.3 within five days after the ceremony. The local registrar shall record such certificate in the
6.4 county civil marriage records.

6.5 Sec. 8. **[517.102] FEES FOR MARRIAGE RECORDS.**

6.6 (a) The fee for a certified marriage record or a letter of no record is \$20 per copy. The
6.7 fee for an uncertified marriage record is \$20. These fees must be retained by the local
6.8 registrar issuing the records. The fee is payable at the time of application and is
6.9 nonrefundable.

6.10 (b) If an applicant makes an error in the marriage record and requests an amendment of
6.11 the marriage record, the fee for amending the error in the marriage record is \$40. The fee
6.12 is payable at the time of application and is nonrefundable.

6.13 (c) If a local registrar makes an error in the marriage record, the local registrar must
6.14 amend the marriage record at no cost to the applicant.

6.15 Sec. 9. **[517.103] AMENDMENT OF MARRIAGE RECORDS.**

6.16 (a) To request an amendment of an error in a marriage record, a person must submit the
6.17 following documentation to the local registrar:

6.18 (1) an affidavit stating the reason for an amendment of the marriage record; and

6.19 (2) documentation supporting the amendment.

6.20 (b) A local registrar may amend a marriage record if the local registrar:

6.21 (1) receives an affidavit and documentation supporting the amendment of a marriage
6.22 record; and

6.23 (2) the local registrar determines that the affidavit and supporting documentation establish
6.24 that the marriage record contains an error.

6.25 (c) The local registrar must retain and maintain an affidavit and documentation upon
6.26 which the amendment of a marriage record was based, including the date of the amendment
6.27 and the legal name of the authorized person making the amendment.

6.28 (d) The local registrar must not amend a marriage record if:

6.29 (1) an applicant fails to submit the documentation required for amending a marriage
6.30 record; or

7.1 (2) the local registrar has reason to question the validity or completeness of the applicant's
7.2 affidavit or supporting documentation.

7.3 Sec. 10. **REPEALER.**

7.4 Minnesota Statutes 2022, sections 517.05; and 517.18, are repealed.

517.05 CREDENTIALS OF MINISTER.

Ministers of any religious denomination, before they are authorized to solemnize a civil marriage, shall file a copy of their credentials of license or ordination or, if their religious denomination does not issue credentials, authority from the minister's spiritual assembly, with the local registrar of a county in this state, who shall record the same and give a certificate of filing thereof. The place where the credentials are recorded shall be endorsed upon and recorded with each certificate of civil marriage granted by a minister.

517.18 CIVIL MARRIAGE SOLEMNIZATION.

Subdivision 1. **Friends or Quakers.** All civil marriages solemnized among the people called Friends or Quakers, in the form heretofore practiced and in use in their meetings, shall be valid and not affected by any of the foregoing provisions. The clerk of the meeting in which such civil marriage is solemnized, within one month after any such civil marriage, shall deliver a certificate of the same to the local registrar of the county where the civil marriage took place, under penalty of not more than \$100. Such certificate shall be filed and recorded by the court administrator under a like penalty. If such civil marriage does not take place in such meeting, such certificate shall be signed by the parties and at least six witnesses present, and shall be filed and recorded as above provided under a like penalty.

Subd. 2. **Baha'i.** Civil marriages may be solemnized among members of the Baha'i faith by the chair of an incorporated local Spiritual Assembly of the Baha'is, according to the form and usage of such society.

Subd. 3. **Hindus; Muslims.** Civil marriages may be solemnized among Hindus or Muslims by the person chosen by a local Hindu or Muslim association, according to the form and usage of their respective religions.

Subd. 4. **American Indians.** Civil marriages may be solemnized among American Indians according to the form and usage of their religion by an Indian Mide' or holy person chosen by the parties to the civil marriage.

Subd. 5. **Construction of section.** Nothing in subdivisions 2 to 4 shall be construed to alter the requirements of section 517.01, 517.09 or 517.10.