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Bill Analysis
Legislative Service Commission

H.B. 519

123rd General Assembly
(As Introduced)

**Reps. Williams, Cates, Netzley, Hood, Schuler, Van Vyven, Jolivette,
Grendell, Hoops, Taylor, Coughlin, Roman, Allen**

BILL SUMMARY

- Repeals the requirement that a marriage license issued must include the social security number of each party to the marriage and specifically prohibits the display of the social security number of either party to the marriage on the marriage license issued.
- Requires a probate court, upon a request to inspect public records pertaining to the issuance of marriage licenses, to delete any social security numbers and the maiden names of the mothers of the parties to a marriage so that they are not available to the person requesting the records.
- Specifies the circumstances in which the requirement to delete the social security numbers and mothers' maiden names from a marriage license does not apply.

CONTENT AND OPERATION

Marriage license requirements

Existing law

The Marriage License Law generally requires the parties to a marriage to do all of the following (R.C. 3101.05(A)):

(1) Make an application for a marriage license not less than five nor more than 30 days before a license is issued;

(2) Personally appear in the probate court in the county where either party resides, or, if neither is a resident of Ohio, where the marriage is expected to be

solemnized. If neither party is a resident of Ohio, the marriage may be solemnized only in the county where the license is obtained.

(3) Make application and state upon oath, each party's name, age, residence, place of birth, occupation, social security number, father's name, and mother's maiden name, if known, and the name of the person who is expected to solemnize the marriage. If either party previously has been married, the application must include the names of the parties to any previous marriage and of any minor children and, if divorced, the jurisdiction, date, and case number of the decree. If either applicant is under 18 years of age, the judge must require the applicants to state that they received marriage counseling satisfactory to the court.

Immediately upon receipt of an application for a marriage license, the probate court must place the parties' record in a book kept for that purpose. After the expiration of five and not more than 30 days from the date of the application, if the probate judge is satisfied that there is no legal impediment and if one or both of the parties are present, the probate judge must grant the marriage license. Each marriage license issued must include the *social security number* of each party to the marriage, as stated on the marriage license application. (R.C. 3101.05(A).)

Operation of the bill

The bill repeals the requirement that a marriage license issued must include the social security number of each party to the marriage, as stated on the marriage license application. It specifically prohibits the display of the social security number of either party to the marriage on the marriage license issued. (R.C. 3101.05(A).)

Public records request pertaining to marriage licenses

Existing law

Under the Public Records Law (R.C. 149.43--not in the bill but referred to in the bill), generally, all public records must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of specified records or types of records. Generally, upon request, a public office or person responsible for public records must make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices must maintain public records in a manner that they can be made available for inspection in accordance with the Public Records Law. (R.C. 149.43(A)(1) and (B), not in the bill.)

Operation of the bill

The bill requires a probate court, upon receiving a request for records pertaining to the issuance of marriage licenses, to furnish copies of the records as provided under the Public Records Law, *except* that the court must delete or otherwise remove any social security numbers and the maiden names of the mothers of the parties to a marriage so that they are not available to the person requesting the records. The bill provides that the requirement to delete or remove the social security numbers and mothers' maiden names does not apply in any of the following circumstances (R.C. 3101.051(A) to (D)):

(1) The records are requested by the Division of Child Support in the Department of Human Services under the Child and Spousal Support Enforcement Programs Law (see **COMMENT**).

(2) The records are requested by law enforcement personnel for purposes of a criminal investigation.

(3) The records with the social security numbers and mothers' maiden names are necessary for use in a civil or criminal trial if the release of the records with the social security numbers and mothers' maiden names is ordered by a court with jurisdiction over the trial.

(4) The records are requested by either party to the marriage to which the records pertain.

COMMENT

The Child and Spousal Support Enforcement Programs Law (R.C. 5101.31--not in the bill but referred to in the bill) provides that the Division of Child Support in the Department of Human Services generally must have access to all of the following unless release of the information is prohibited by federal or state law (R.C. 5101.31(G)(1)):

(1) Any information in the possession of any officer or entity of the state or any political subdivision of the state that would aid the Division in locating an absent parent or child;

(2) Any information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order in the possession of any person;

(3) The name and address of any obligor or obligee subject to a support order and the obligor's or obligee's employer in the customer records of a public utility.

The person or entity required to provide the above information may provide that information to a child support enforcement agency at the agency's request or require the agency to request that the Division of Child Support request the information for the agency. The Division must request the information from the person or entity on the request of a child support enforcement agency. (R.C. 5101.31(G)(2).)

An officer or entity of the state or political subdivision of the state or any other person who provides information pursuant to the above provisions is not subject to criminal or civil liability for providing the information (R.C. 5101.31(G)(3).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-14-99	p. 1464

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