

# Legislative Analysis



## MICHIGAN NAME EQUALITY ACT

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5389 as introduced**  
**Sponsor: Rep. Julie Brixie**  
**Committee: Judiciary**  
**Complete to 5-14-24**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5389 would create a new act, the Michigan Name Equality Act, which would allow one or both parties to a marriage to change their name as part of the solemnization of the marriage. Under the bill:

- Parties to a marriage would not be required to have identical names.
- Neither party to a marriage would be required to change their name.
- An individual's name would not change upon marriage unless they elected to change it as described below.

The bill would allow either or both parties to a marriage to change the middle name or surname (or both) by which they want to be known after the marriage is solemnized by entering the new name in the spaces provided on the marriage license application without intent to defraud.

They could adopt any of the following surnames:

- The current surname of their spouse.
- The surname they or their spouse was given at birth.
- A name combining into a single surname all or a segment of their current surname, their spouse's current surname, or the surname they or their spouse was given at birth.
- A hyphenated combination of surnames.
- A completely different surname from that of either spouse.

They could adopt any of the following middle names:

- Their current surname or that of their spouse.
- The surname they or their spouse was given at birth.
- A hyphenated combination of the current middle name and their current surname or that of their spouse.
- A hyphenated combination of the current middle name and the surname they or their spouse was given at birth.

A fee charged for a name change relating to a marriage would have to be the same amount for any name change relating to a marriage made as provided above.

An individual's election to change their name as described above would serve as a record of the name change, and a certified copy of a marriage certificate containing the new name (or retaining the current name) would constitute proof that the use of the new name (or retention of the current name) is lawful.

A certified copy of a marriage certificate would have to be accepted as identification establishing a true, full name for purposes of section 307 of the Michigan Vehicle Code (which relates to applying for a driver's license). The bill would not prohibit the secretary of state from accepting as identification other documents establishing a true, full name for purposes of section 307, such as a certified copy of a marriage certificate recording a marriage outside of Michigan. The bill's provisions would have to be applied in a manner consistent with the requirements of section 307.

The adoption of a new name (or the choice not to adopt a new name) by means of a marriage license application could only be made at the time the marriage license is issued. After registration of a marriage certificate by the local registrar, the certificate could not be amended to add a new name or change the name adopted on the license. This requirement would not abrogate the right of either party to adopt a different name through usage at a future date or to petition the court for a change of name under Michigan law.

However, an amendment could be issued to correct a clerical error in the new name fields on the license. (A clerical error would mean an error made by the county clerk, the county clerk's designee, or a notary authorized to issue a confidential marriage license, where the information shown in the new name field does not match the information shown on the marriage license application.) The amendment would have to be signed by a party to the marriage and by the county clerk or the clerk's designee, and the reason for the amendment would have to be stated as correcting a clerical error.

Finally, the bill states that it would not abrogate the common law right of an individual to change their name or the right of an individual to petition the court for a change of name under Michigan law.

The bill would take effect January 1, 2025.

#### **FISCAL IMPACT:**

House Bill 5389 would have an indeterminate fiscal impact on local court funding units. To the extent provisions of the bill resulted in additional petitions for name changes, costs could be incurred depending on the effect on court caseloads and related administrative costs.

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.