

HOUSE BILL NO. 5389

November 14, 2023, Introduced by Reps. Brixie, Hoskins, Arbit, Morgan, Dievendorf, Rheingans, McFall, Price, Hood, Neeley, Morse, Scott, Coffia, MacDonell, Paiz and Conlin and referred to the Committee on Judiciary.

A bill to allow 1 or both parties to a marriage to change the individual's name as part of the solemnization of the marriage; and to prescribe the powers and duties of certain state departments and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be known as the "Michigan name equality
2 act".

3 Sec. 2. (1) Parties to a marriage are not required to have the
4 same name. Neither party is required to change the individual's
5 name. An individual's name shall not change upon marriage unless

1 that individual elects to change the individual's name under this
2 section.

3 (2) One party or both parties to a marriage may elect to
4 change the middle name or surname, or both, by which that party
5 wishes to be known after solemnization of the marriage by entering
6 the new name in the spaces provided on the marriage license
7 application without intent to defraud.

8 Sec. 3. (1) An individual may adopt any of the following
9 surnames according to section 2:

10 (a) The current surname of the individual's spouse.

11 (b) The surname of either spouse given at birth.

12 (c) A name combining into a single surname all or a segment of
13 the current surname or the surname of either spouse given at birth.

14 (d) A hyphenated combination of surnames.

15 (e) A surname completely different from either spouses.

16 (2) An individual may adopt any of the following middle names
17 according to section 2:

18 (a) The current surname of either spouse.

19 (b) The surname of either spouse given at birth.

20 (c) A hyphenated combination of the current middle name and
21 the current surname of the individual or spouse.

22 (d) A hyphenated combination of the current middle name and
23 the surname given at birth of the individual or spouse.

24 (3) A fee charged for a name change relating to a marriage
25 must be the same amount for any name change relating to a marriage
26 made as provided in subsections (1) and (2).

27 Sec. 4. An election by an individual to change the
28 individual's name under section 2 serves as a record of the name
29 change. A certified copy of a marriage certificate containing the

1 new name, or retaining the former name, constitutes proof that the
2 use of the new name or retention of the former name is lawful.

3 Sec. 5. (1) A certified copy of a marriage certificate is
4 accepted as identification establishing a true, full name for
5 purposes of section 307 of the Michigan vehicle code, 1949 PA 300,
6 MCL 257.307. Nothing in this act prohibits the secretary of state
7 from accepting as identification other documents establishing a
8 true, full name for purposes of section 307 of the Michigan vehicle
9 code, 1949 PA 300, MCL 257.307. Those documents may include, but
10 are not limited to, a certified copy of a marriage certificate
11 recording a marriage outside of this state.

12 (2) This act shall be applied in a manner consistent with the
13 requirements of section 307 of the Michigan vehicle code, 1949 PA
14 300, MCL 257.307.

15 Sec. 6. The adoption of a new name, or the choice not to adopt
16 a new name, by means of a marriage license application under
17 section 2 shall only be made at the time the marriage license is
18 issued. After a marriage certificate is registered by the local
19 registrar, the certificate may not be amended to add a new name or
20 change the name adopted under section 2. An amendment may be issued
21 to correct a clerical error in the new name fields on the marriage
22 license. In this instance, the amendment must be signed by 1 of the
23 parties to the marriage and the county clerk or the county clerk's
24 designee, and the reason for the amendment must be stated as
25 correcting a clerical error. A clerical error as used in this
26 section is an error made by the county clerk, the county clerk's
27 designee, or a notary authorized to issue a confidential marriage
28 license, where the information shown in the new name field does not
29 match the information shown on the marriage license application.

1 This requirement does not abrogate the right of either party to
2 adopt a different name through usage at a future date or to
3 petition the court for a change of name under the laws of this
4 state.

5 Sec. 7. This act does not abrogate the common law right of an
6 individual to change the individual's name or the right of an
7 individual to petition the court for a change of name under the
8 laws of this state.

9 Enacting section 1. This act takes effect January 1, 2025.