

Ohio House Judiciary Committee
Ohio Statehouse
Columbus, Ohio

Proponent Testimony of Judge Ralph E. Winkler Regarding HB 386

Chair Jim Thomas, Vice Chair D.J. Swearingen, Ranking Member Eric Synenberg, and members of the Committee, my name is Ralph E. Winkler, and I am the duly elected and sitting judge of the Hamilton County Probate Court located in Cincinnati. I appreciate the opportunity to provide written testimony in support of House Bill 386, which is currently before your committee.

Under R.C. 2101.24(A)(1)(f), Probate Courts are given exclusive jurisdiction over the issuance of marriage licenses in this state. Pursuant to R.C. 3101.05(A), both parties seeking to be married are required to appear at the court and complete a Marriage License application. Each applicant is required to state under oath their name, age, residence, place of birth, occupation, father's name, mother's maiden name and the name of the person who is expected to solemnize the marriage.

Additionally, the statute requires each applicant to provide documentary proof of age in the form of one of nine statutorily prescribed items. Such as a date of birth, and can consist of a copy of a birth record, a birth certificate, baptismal record, a passport, driver's license, government or school-issued identification card, immigration record, naturalization record, or any other court record or governmental record showing the person's date of birth. Notably absent in the current statute is any requirement that a marriage license applicant provide documentary evidence of their identity.

This omission could lead to a situation where the court could issue a marriage license to someone posing as the applicant. Given the duty placed upon the Probate Court to accurately record marriages, preventing such an incident from occurring is of great importance and in the public's strong interest.

While some of the types of documents used to prove an applicant's age could also be used to prove their identity, not all of the permitted documents listed in the current statute include photo identification. For example, birth records, birth certificates, baptismal records, and most court records do not include a photo of the person for whom the record was made.

HB 386 resolves this problem. The proposed statute would create a new provision that would require a marriage license applicant to present photo documentary proof, such as a passport, driver's license, or other government or school-issued identification card. This addition would enable court staff to verify the identity of applicants and improve the integrity and security of the process.

Thank you, Chair Thomas, Vice Chair Swearingen, Ranking Member Eric Synenberg, and members of the committee, for considering my testimony during your deliberations on HB 386.

Sincerely,

Hamilton County Probate Judge Ralph E. Winkler