

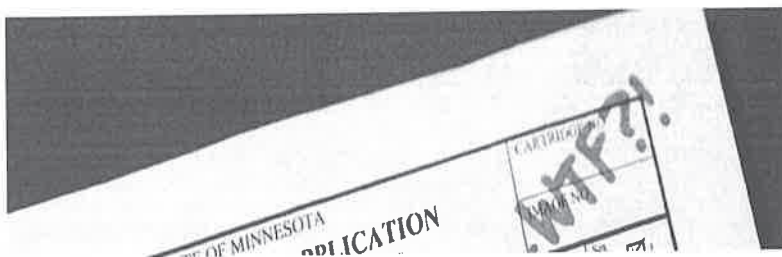
Mpls St Paul

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Why Does Minnesota's Marriage License Application Ask for Race?

Minnesota is one of only eight states—soon to be seven—that require lovebirds to disclose one super outdated, not-very-useful piece of information in order to get married.

by Drew Wood



STATE OF MINNESOTA
MARRIAGE LICENSE APPLICATION
 (YOU MUST PRINT IN BLACK INK)
 LICENSE VALID FOR SIX MONTHS FROM DATE OF ISSUE - NO REFUNDS

Groom (Last, First, Middle Initial) Kawele		Bride (Last, First, Middle Initial) Henn	
Social Security number 100-999-0027		Social Security number 123-45-678	
State MN		State MN	
Zip code 55403		Zip code 55403	
Country, State & Court of Issuance USA		Country, State & Court of Issuance USA	
Age 27		Age 39	
Race USA		Race USA	
Date of Birth 03/02/1992		Date of Birth 01/09/1992	
Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
Previous married name		Previous married name	

NOTICE: Marriage must be performed within the geographical borders of Minnesota, and before the...

Photo by Caitlin Abrams

According to Minnesota State Statute 144.223, clause 1, a couple must provide seven pieces of information to receive a marriage license: names, addresses, dates and places of birth, signatures, races, social security numbers, and previous marriages.

Did one of those requirements strike you as... weird?

Yep. It turns out that Minnesota is one of only eight states—others include Kentucky, Louisiana, and Virginia—that still require wedding registrants to disclose their race.

Why do we really need to have someone's race on record just so they can tie the knot? Is someone tracking interracial marriage? (The U.S. Supreme Court struck down state "anti-miscegenation" laws with *Loving v. Virginia* in 1967—not that long ago, in the scheme of things.)

For an answer, we turned first to Judge Bruce Manning (Fourth District/Hennepin County), who regularly performs weddings and previously scrutinized Minnesota's marriage laws as counsel for the Minnesota civil rights coalition that helped legalize gay marriage here.

"I can't think of a reason to need to collect this information," Manning said, sounding bewildered. "As a wedding officiant, I didn't even know it was collected."

After doing some sleuthing, Manning reported back that several legal colleagues declared themselves equally mystified by the inclusion of race on State Statute 144.223. What Manning did manage to determine was that the statute dates back to 1977, when the legislature introduced it as part of a federal vital statistics act. As such, Manning suggested we'd be wise to reach out to someone whose job it is to make use of such vital statistics: namely, state demographer Susan Brower.

Brower was quick to respond, but then somewhat cryptic. Her answer, she said, would differ depending on whether she approached the question as a researcher or a state employee. As a demographer, she noted that there are "significant differences" by race in both marriage and divorce rates. And to researchers, administrative records that include racial breakouts can help illuminate trends in family structures.



That said, Brower is, in fact, a state government employee. And so, in order to figure out how this racial data has actually been used, she passed me along to the Office of Vital Records at the Minnesota Department of Health and a spokesperson for MDH, Doug Schultz.

He was able to offer a more complete explanation. Very complete. Minnesota, he noted, follows standards set by the National Center for Health Statistics (NCHS).

“At one time, NCHS required states to report data about marriages,” Schultz said. “Race was among the data elements that NCHS required.”

What’s interesting, according to Schultz, is that in the early 2000s, NCHS began to require only an annual tally of marriage licenses issued, and no other data points.

Not long after, owing to the burdensome nature of reporting and safekeeping that volume of information, the state registrar stopped requiring

county-level offices to pass along data to the Office of Vital Records.

Huh. So, we still mandate that couples submit “race” on their marriage paperwork, but no one is looking at the data. No harm, no foul, right?

That’s not the opinion held by at least three couples in Virginia, one of the other seven states that require race data for a marriage license. As reported in a *New York Times* story this fall, county marriage forms in Virginia included racial check boxes such as Quadroon, Octoroon, Nubian, Aryan, and Moor. In response to a lawsuit from the three couples, the state attorney general issued a directive waiving the racial disclosure requirement on the marriage form. Virginia also added the option “declined to answer.” The couples are now challenging the constitutionality of the law itself.

While that saga plays out, how can we scrap our own bureaucratic relic?

Judge Manning’s suggestion: “Someone needs to include it in a cleanup bill”—the legislative process for removing or amending information demanded by state statute. “It’s not actually that hard, I expect, but I’m not a legislator.”

Your move, Kentucky.

Drew Wood

Our deputy editor and generalist extraordinaire has been around the block with stints at Thrillist, Metro, and Minnesota Business to name a few. He lives in Tangletown with his wife and kids, and would almost always rather be wearing a baseball cap.

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