

CHAPTER 60

DOMESTIC PARTNERSHIP REGISTRY

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[60.07–60.99 reserved.]

60.01 CREATING A DOMESTIC PARTNERSHIP REGISTRY. The Dane County Clerk shall maintain a Domestic Partnership Registry consistent with the provisions of this ordinance. The purpose of this registry shall be to provide domestic partners with a centralized repository for filing of a Declaration of Domestic Partnership for the sole purpose of qualifying for employer-provided benefits for a domestic partner.

[History: am., OA 14, 2009-10, pub. 08/19/09; am., 2017 OA-45, pub. 03/27/18.]

60.02 DEFINITIONS. As used in this chapter, the following words and phrases have the meanings indicated:

(1) *Domestic partner* means a person who is engaged in a non-marital committed relationship with an adult of the same or opposite sex, shares a common residence with said person, affirms that they share responsibility for each other's common welfare, and who has executed and filed a Declaration of Domestic Partnership in conformance with this ordinance.

(2) *Domestic partnership* means a non-marital committed relationship of two adults of the same or opposite sex, who share a common residence and affirm that they share responsibility for each other's common welfare, and have signed and filed a Declaration of Domestic Partnership in conformance with this ordinance.

(3) *Share a common residence* means that both domestic partners share the same residence. It is not necessary that both domestic partners have title to the property where they reside or the legal right to possess the common residence. Domestic partners may share a common residence even if one or both have additional residences. Domestic partners do not cease to share a common residence if one leaves the common residence but intends to return.

[History: am., OA 14, 2009-10, pub. 08/19/09.]

60.03 DECLARATION OF DOMESTIC PARTNERSHIP.

(1) Domestic partners may file a Declaration of Domestic Partnership with the Dane County Clerk if they swear or affirm the following:

(a) Both are 18 years of age or older;

(b) Neither is married or part of an existing domestic partnership with any third person;

- (c) They are not related to one another by blood;
- (d) They have been engaged in a committed relationship with each other for more than 90 days and share responsibility for each other's common welfare; and
- (e) They share a common residence.
- (2) The Declaration of Domestic Partnership shall require each domestic partner to:
 - (a) Swear or affirm that he or she meets the requirements of sub. (1);
 - (b) Provide a current mailing address;
 - (c) Sign the Declaration under penalty of perjury; and
 - (d) Have his or her signature acknowledged by a Notary Public.
- (3) No person who has previously signed a filed Declaration of Domestic Partnership may file a new Declaration until a Notice of Termination of Domestic Partnership has been filed with the County Clerk. This provision shall not apply if the previous domestic partnership was terminated due to death of one of the domestic partners.
- (4) The Dane County Clerk shall develop a form Declaration of Domestic Partnership and Notice of Termination of Domestic Partnership. The form Declaration shall not add to, delete or alter the requirements set forth in subs. (1) and (2).
- (5) The County Clerk shall charge a fee for filing a Declaration of Domestic Partnership of \$35. No fee shall be charged for filing a Notice of Termination of Domestic Partnership. Upon filing in the registry, the clerk shall provide a copy of the document to the domestic partners at the mailing address provided.

60.04 TERMINATION OF DOMESTIC PARTNERSHIP.

- (1) For purposes of this ordinance, a domestic partnership is terminated when:
 - (a) One of the domestic partners dies; or
 - (b) A Notice of Termination of Domestic Partnership has been filed by at least one domestic partner with the County Clerk.
- (2) Termination of a domestic partnership shall be effective upon the date of filing of a Notice of Termination with the County Clerk, or the date of death of one of the domestic partners.
- (3) If the facts as stated in a Declaration of Domestic Partnership cease to be true, one or both parties shall file a Notice of Termination of Domestic Partnership with the County Clerk.
- (4) Upon receipt of a Notice of Termination of Domestic Partnership, the County Clerk shall return to the filing party two copies of the Notice marked "filed." A copy shall be provided to each of the parties, if jointly filed. A sole filing party shall, within five days, send a copy of the Notice to the other party's last known address.
- (5) Upon the termination of a domestic partnership, each former domestic partner who has received or qualified for any benefit or right based upon the existence of the domestic partnership and whose receipt of that benefit or enjoyment of that right has not otherwise terminated, shall give prompt notification to any third party who provides such benefit or right that the domestic partnership has been terminated.

60.05 LEGAL EFFECT. Nothing in this chapter shall be interpreted to alter, contravene or be in conflict with any provision of county, state or federal law.

60.06 SEVERABILITY. If any section, sub-section, clause or provision of this chapter is held invalid, the remainder shall not be affected by such invalidity.

[60.07–60.99 reserved.]

[History: Ch. 60 rep., OA 39, 2000-01, pub. 04/30/01; Ch. 60 cr., Sub. 1 to OA 13, 2008-09, pub. 10/03/08, eff. 12/01/08.]

END OF CHAPTER