

Wisconsin Marriage Officiant Guide

Marriage Officiants: Legally-ordained members of the clergy, a judge, a court commissioner, or certain religious appointees may perform marriage ceremonies anywhere in Wisconsin. Marriage Officiants are not required to be residents of Wisconsin, and are not required to register with any agency in the state. You must, however, present your active credentials to any legal authority and/or the parties to the marriage upon their request. The parties to the marriage may also solemnize their own union under the established customs or rules of some religions.

MARRIAGE LICENSE INFORMATION

Much of the information below is state law in Wisconsin; however, this information can vary from county to county, and is subject to change. We recommend contacting your county clerk's office before applying for your marriage license.

ID Requirement: You must bring your Social Security number; show proof of residence; and have a certified copy of your birth certificate if you are under the age of 30. You must provide your parents' full names, and your mothers' maiden names. **Please make sure you know the date and place of your marriage ceremony and the name, address and phone number of your Marriage Officiant.**

Residency Requirement: One of you must have resided in the county where you are applying for at least 30 days. If you are from out-of-state, you must apply in the county where the ceremony will take place.

If Previously Married: You must show proof of divorce, death or annulment from your most recent marriage. You must wait six months after a divorce before getting remarried. You must provide a copy of judgment of divorce, legal annulment or death certificate from most recent marriage.

Application Requirement: Both parties to the marriage must appear in person at the time of applying for a marriage license.

Proxy Marriages: Not permitted.

Fees: \$60.00. *Be prepared to pay in cash.*

Waiting Period: Six days. If one or both of the parties is coming from out of state for the wedding, you can ask for a waiver of the waiting period when you apply for your license. *The cost of the waiver is \$10, making the total needed at time of application \$70 in cash.*

Blood Tests: No blood test requirement.

Under 18: If either party to the marriage is under age 18, you must have written, notarized consent from his or her parents or guardian. There is a consent form available, which must be signed by the parents or guardian before a County Clerk.

Cousin Marriages: Not permitted.

Common Law Marriages: Not permitted.

Same-Gender Marriages: Permitted.

Valid: A Wisconsin marriage license is valid for 30 days. The marriage license can only be used (solemnized) within the State of Wisconsin.

For additional information, please visit FirstNationMinistry.org

The above information is believed to be correct, but does not purport to be legal advice, is not all-inclusive and shall be used only as a guide. Under the terms specified in your ordination, you are solely responsible for becoming familiar with and complying to all current laws and regulations in effect within the jurisdiction in which you will conduct ceremonies.

Wisconsin Statute – Chapter 765

Excerpts from key sections of the Wisconsin Statute pertaining to your role as a ceremonial minister:

765.13 Form of marriage document. The marriage document shall consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry; a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal; and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party, as well as any other information items that the department of health services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. The county clerk shall transmit the marriage license worksheet to the state registrar within 5 days after the date of issuance of the marriage license.

765.14 Form of marriage document when solemnized by parties. If the marriage is to be solemnized by the parties without an officiating person, as provided by s. 765.16 (3) the marriage document shall contain all those items and notations as required by s. 765.13.

765.16 Marriage contract, how made; officiating person. Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefor, and only by the mutual declarations of the two parties to be joined in marriage that they take each other as husband and wife, made before an authorized officiating person and in the presence of at least two competent adult witnesses other than the officiating person. **The following are authorized to be officiating persons:**

- (1) Any ordained member of the clergy of any religious denomination or society who continues to be an ordained member of the clergy.
- (2) Any licentiate of a denominational body or an appointee of any bishop serving as the regular member of the clergy of any church of the denomination to which the member of the clergy belongs, if not restrained from so doing by the discipline of the church or denomination.
- (3) The two parties themselves, by mutual declarations that they take each other as husband and wife, in accordance with the customs, rules and regulations of any religious society, denomination or sect to which either of the parties may belong.
- (4) Any judge of a court of record or a reserve judge appointed under s. 753.075.
- (5) Any circuit court commissioner appointed under SCR 75.02 (1) or supplemental court commissioner appointed under s. 757.675 (1).
- (6) Any municipal court judge.

765.19 Delivery and filing of marriage document. The marriage document, legibly and completely filled out with unfading black ink, shall be returned by the officiating person, or, in the case of a marriage ceremony performed without an officiating person, then by the parties to the marriage contract, or either of them, to the register of deeds of the county in which the marriage was performed within 3 days after the date of the marriage.

765.21 Unlawful marriages void; validation. All marriages hereafter contracted in violation of ss. 765.02, 765.03, 765.04 and 765.16 shall be void, except as provided in ss. 765.22 and 765.23. The parties to any such marriage may validate the marriage by complying with the requirements of ss. 765.02 to 765.24 as follows:

- (1) At any time, if the marriage is declared void under s. 765.02 or 765.16.
- (2) No earlier than 6 months after the divorce judgment is granted, if the marriage is declared void under s. 765.03 (2).

765.22 Immaterial irregularities as to authority of person officiating. No marriage hereafter contracted shall be void by reason of want of authority or jurisdiction in the officiating person solemnizing such marriage, if the marriage is in other respects lawful, and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

765.23 Immaterial irregularities otherwise. No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized in a county other than the county prescribed in s. 765.12, or more than 30 days after the date of the marriage license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in s. 765.16, and the parties thereto have immediately thereafter assumed the habit and repute of husband and wife, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

For the full, current text of this statute, please visit <http://docs.legis.wisconsin.gov/statutes/statutes/765/16>



WISCONSIN
DEPARTMENT OF HEALTH SERVICES
Division of Public Health
P-01060 (05/2019)

INFORMATION FOR MARRIAGE APPLICANTS AND OFFICIANTS

- Applicants or officiants who have questions or concerns regarding the officiant's authority to perform marriages in Wisconsin should seek legal counsel. Information as to the validity of any specific religious organization or any ordination process is not available from the County Clerk's Office or from the State Vital Records Office.
- The Wisconsin Marriage License/Marriage Certificate Worksheet document has two sections: the marriage license, which is completed by the County Clerk; and the marriage certificate worksheet, which is completed by the officiant.
- Applicants must sign the marriage license section before the ceremony, preferably in the County Clerk's Office.
- Marriage by proxy, by phone/internet camera hook-up, or by other electronic device is prohibited in Wisconsin. The couple, officiant, and two competent adult witnesses must be physically present together at the time of the ceremony in order for the marriage to be legal.
- It is permissible to make copies of the Wisconsin Marriage License/Marriage Certificate Worksheet.
- If the Wisconsin Marriage License/Marriage Certificate Worksheet document is misplaced or ruined, contact the issuing County Clerk's Office immediately for instructions. Counties may charge a fee to replace the document.
- **The couple will not automatically receive a certified copy of the Original Certificate of Marriage.** An Original Certificate of Marriage is a permanent legal document derived from the Wisconsin Marriage License/Marriage Certificate Worksheet document. Certified copies of the Original Certificate of Marriage may be needed for proof of name change, proof for insurance coverage, overseas travel, and other legal purposes. Upon registration of the license/certificate worksheet document, the couple may purchase certified copies of their Original Certificate of Marriage from any Wisconsin Register of Deeds office or from the State Vital Records Office. It is illegal to make photocopies of the Original Certificate of Marriage.
- Corrections to fields completed by the officiant can be made on a registered certificate and do not require a court order if the request is received by the State Vital Records Office within 365 days of the marriage. The Officiant Amendment Request form is available from the Register of Deeds office, the State Vital Records Office, or on the web at <https://www.dhs.wisconsin.gov/forms/f01481.pdf>.
- Corrections to the couple's information can be made on a registered certificate if the request is received by the State Vital Records Office within 365 days of the marriage. Contact the County Clerk's Office in the county where the marriage license was issued for information on requesting an amendment.
- For information on Alcohol and Drug Use during Pregnancy: <https://www.cdc.gov/pregnancy/during.html>
- For Wisconsin laws and penalties on marriage: <http://docs.legis.wisconsin.gov/statutes/statutes/765>

OFFICIANT INFORMATION

- Officiants must ensure that the parties have a valid Wisconsin marriage license to marry before performing the marriage ceremony.
- The officiating person shall determine that the parties presenting themselves to be married are the parties named on the marriage license.
- An officiant must be at least 18 years old.
- It is permissible to have two officiants perform a marriage ceremony.
- **The completed Wisconsin Marriage License/Marriage Certificate Worksheet must be returned to the Register of Deeds in the county of marriage for registration within three days after the date of the marriage.**

**See Reverse Side for Officiant Instructions for Completing the
Wisconsin Marriage License/Marriage Certificate Worksheet**



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INSTRUCTIONS FOR OFFICIANTS FOR COMPLETING THE WISCONSIN MARRIAGE LICENSE/MARRIAGE CERTIFICATE WORKSHEET

- Officiants must ensure all items are completed correctly in the Officiant section of the Wisconsin Marriage License/Marriage Certificate Worksheet (F-05060) for any marriage ceremony performed in Wisconsin.
- Cross-outs and clearly written corrections are allowed.
- All signatures must be original; stamped signatures are prohibited.

Review, correct, or complete all items legibly and accurately.

- 8. DATE OF MARRIAGE (MM/DD/YYYY)**
Review and correct, if necessary, the month, day, and year the marriage was performed.
- 9. COUNTY OF MARRIAGE**
Review and correct, if necessary, the name of the county where the marriage ceremony was performed. The county must be a Wisconsin county.
- 10. CITY, VILLAGE, OR TOWNSHIP OF MARRIAGE**
Review, correct, or print the city, village, or township where the ceremony occurred. Do not use unincorporated places. Place an "X" in the appropriate box for "City," "Village," or "Township." NOTE: If a couple will be married in a moving conveyance, the place of marriage is where the couple exits the conveyance after the ceremony.
- 11. OFFICIANT SIGNATURE**
Sign in the space provided. If there are two Officiants, both may sign. When the marriage is performed by the two parties themselves, both parties sign as Officiants.
- 12. OFFICIANT NAME (Print or Type)**
Review, correct, or print the Officiant name. If there are two Officiants, both names may be printed. When the marriage is performed by the two parties themselves, print both parties' names.
- 13. OFFICIANT MAILING ADDRESS (Street, City, State, Zip Code)**
Review, correct, or print the mailing address, including ZIP Code, of the Officiant. If there are two Officiants, both addresses may be printed. This address should identify where business mail is to be sent in the event a Register of Deeds has a question about this record.
- 14. OFFICIANT PHONE**
Review, correct, or print the phone number of the Officiant. If there are two Officiants, both phone numbers may be printed.
- 15. OFFICIANT EMAIL**
Review, correct, or print the email address of the Officiant. If there are two Officiants, both email addresses may be printed.
- 16. ADULT WITNESS 1 TO CEREMONY (Sign and Print Name)**
A competent adult (at least 18 years old) witness must sign and print his or her name in the space provided.
- 17. ADULT WITNESS 2 TO CEREMONY (Sign and Print Name)**
A second competent adult (at least 18 years old) witness must sign and print his or her name in the space provided.