

GENERAL AND DETAILED INSTRUCTIONS FOR THE BRIDE, GROOM, AND OFFICIANT FOR COMPLETING THE MARRIAGE LICENSE AND THE ORIGINAL CERTIFICATE OF MARRIAGE

YOU CANNOT MARRY IN THIS STATE UNTIL YOU COMPLETE A WISCONSIN MARRIAGE LICENSE APPLICATION (F-05061) (or county designed application) AND OBTAIN A WISCONSIN MARRIAGE LICENSE (per s. 765.05, Wis. Stats.). Marriage is a civil contract that creates the legal status of husband and wife (per Chap. 765.01, Wis. Stats.). There are many legal responsibilities and privileges associated with being married. You will need to have a certified copy of your marriage certificate to prove your name change, if applicable. You may need to show proof of your marriage for insurance coverage and claims, overseas travel, and other legal transactions. It is important for you to have a legal document that is universally accepted as evidence of your marriage.

The marriage certificate is called the "marriage license" until the marriage ceremony has occurred, all of the information has been entered on the form, **and** it has been filed with the Register of Deeds in the county where the marriage ceremony took place.

Errors on your Original Certificate of Marriage can cause legal problems for you in the future. Therefore, it is essential that this document is completed accurately and legibly and that it is filed promptly. These instructions are designed to provide assistance to the bride, groom, and their chosen officiant.

The Original Certificate of Marriage has two main sections: CERTIFICATION (which includes subsections) and CONFIDENTIAL INFORMATION.

CERTIFICATION

▪ LICENSE

- **Groom and Bride Application.** After the groom and bride complete and submit the Marriage License Application (F-05061) or a county designed application, the County Clerk transcribes the appropriate groom and bride information to the corresponding sections of the Original Certificate of Marriage (F-05060).
- **License Issuance.** When the couple returns to the County Clerk's office to obtain the Original Certificate of Marriage, they verify the groom and bride information and sign the "license" section. **IMPORTANT REMINDER FOR THE BRIDE AND GROOM: SIGN THE LICENSE BEFORE THE CEREMONY, preferably in the County Clerk's office.**

▪ OFFICIANT

At the time of the marriage ceremony, the marriage license is given to the officiant who is responsible for its accurate completion and filing with the Register of Deeds within 3 days after the date of marriage. The officiant must insure that the couple has a valid Wisconsin marriage license before performing the ceremony.

▪ REGISTRAR SIGNATURE AND DATE

When the Original Certificate of Marriage is received by the Register of Deeds of the county in which the marriage occurred, it is accepted (signed and dated). At this point, the couple may purchase certified copies of the marriage certificate from the Register of Deeds to use as proof of marriage.

CONFIDENTIAL INFORMATION

Information collected in the bottom section of the Original Certificate of Marriage is for statistical use only. It does not appear on officially issued copies. **This information may not be disclosed without the consent of the bride and groom** (except as stated in the marriage application instructions).

IMPORTANT GENERAL MARRIAGE CERTIFICATE REQUIREMENTS (per s. 69.08, Wis. Stats.)

- (1) Unauthorized alterations, such as **correction fluid, correction tape, erasures, write-overs, and cross-outs**, are **NOT ALLOWED**.
- (2) All entries, **including signatures**, must be in **BLACK INK** to insure legible photocopies and clear images for microfilming.
- (3) The officiant may **NOT** place a church seal (or any other type of seal) on the marriage certificate.

The Register of Deeds will NOT accept an Original Certificate of Marriage if it is prepared with any ink color other than black; if it contains erasures, correction fluid, correction tape, or other unauthorized alterations; or if it has a seal. IT WILL BE RETURNED AND A NEW, PROPERLY COMPLETED RECORD WILL BE REQUIRED. Counties may charge additional fees to replace the record.

PENALTY INFORMATION (per s. 765.30, Wis. Stats.)

- (1) A fine of not less than \$10,000 or imprisoned for not more than nine (9) months or both for:
 - a. Marrying outside the state for the purpose of avoiding Wisconsin law.
 - b. Making certain false statements to obtain a license to marry.
 - c. Issuing a marriage license illegally (County Clerk).
 - d. Willfully and knowingly performing a marriage without statutory authority to perform marriages in the state. (See "Who May Legally Perform a Marriage in Wisconsin" below.)
 - e. Being a party to performing a fictitious marriage ceremony for fraudulent purposes.
- (2) A fine of not less than \$100 nor more than \$500 or imprisoned for not more than six (6) months or both for:
 - a. Unlawfully solemnizing a marriage (by the officiant or by the two parties themselves).
- (3) A fine of not less than \$10 nor more than \$200 or imprisoned for not more than three (3) months or both for:
 - a. Failing to file a marriage certificate (the officiant must mail the certificate to the Register of Deeds within 3 days of the marriage ceremony, per Chap. 69.16, Wis. Stats.)
 - b. Failing to keep a public marriage docket (County Clerk).

WHO MAY LEGALLY PERFORM A MARRIAGE IN WISCONSIN: OFFICIANTS AS DEFINED BY WISCONSIN STATE STATUTES

Wisconsin state statute 765.16 specifies who may perform marriages in the state of Wisconsin. Any officiant must be at least 18 years old. Please read below and decide if the officiant you have named will fit under any of the categories listed.

Civil Officials

The following is a list of civil officiant groups that are allowed to perform marriages in Wisconsin. All of these officiants may perform marriages anywhere in the state.

- ✓ Judge of a court of record in Wisconsin (This includes federal judges who have jurisdiction in this state.)
- ✓ Reserve Judge
- ✓ Court Commissioner
- ✓ Family Court Commissioner
- ✓ Municipal Court Judge
- ✓ Tribal Judge

For couples choosing a civil officiant (either a judge or court commissioner):

- The court commissioner must be appointed in a Wisconsin court. They can perform marriages anywhere in the state.
- The judge must be elected or appointed to a Wisconsin court (city, county, state) or to a court that has jurisdiction in Wisconsin. There are very few out-of-state judges that have jurisdiction in Wisconsin.
- Federally recognized Wisconsin Tribal Judges may perform marriages anywhere in the state.

Religious Officials

The following is a list of religious officiant types that are allowed to perform marriages in Wisconsin. All of these officiants may perform marriages anywhere in the state. There is no state registry of religious officiants.

- ✓ Ordained Clergy
- ✓ Licentiate of a Denominational Body
- ✓ Appointee of any Bishop
- ✓ The Two Parties Themselves, by mutual declarations, in accordance with the customs, rules, and regulations of any religious society, denomination or sect to which either of said parties may belong. Note: There are only a few religions that have a self-marriage as a custom. Since at least one of the parties to the marriage must belong to such a religion, relatively few applicants will be able to use this provision. The County Clerk, Register of Deeds, or the State Vital Records Office do not require proof; the word of applicant is sufficient.

For couples choosing a religious officiant (not a judge or court commissioner):

- Wisconsin does not have a state registration system for religious officiants. It is up to the bride and groom to find out if their officiant is legal to perform marriages in Wisconsin. Neither the County Clerk, Register of Deeds, nor the State Vital Records Office can advise you on the legality of your chosen religious officiant. This includes "Internet ordinations." If in doubt, you may want to consult with legal counsel on the issue.

For couples who are claiming the right to self-marriage (without an officiant):

- This option is restricted by law to instances in which at least one of the marrying parties belongs to a religious organization that believes in self-marriage. There are very few religions or sects that allow this option. The County Clerk office will not demand proof of membership in such a religion, but it is illegal to provide false information in order to claim coverage under this provision.

If a couple has concerns about the legality of an officiant they are planning to use for their marriage, they should contact an attorney for a determination.

FILING THE MARRIAGE LICENSE

DO NOT KEEP YOUR ORIGINAL CERTIFICATE OF MARRIAGE. It is of legal value only if it is filed properly with the Register of Deeds in the county where the ceremony was performed. The officiant must file the marriage license with the Register of Deeds within three (3) days of the marriage ceremony (per s. 69.16, Wis. Stats.). If the marriage license is not filed, you are still legally married; however, it is more difficult to show proof of your marriage.

CORRECTING ERRORS

Do not correct errors on the Original Certificate of Marriage. Instead, the officiant must sign and date a letter which states the names of the bride and groom, the date of marriage, and the items that are to be corrected. Send the letter with the Original Certificate of Marriage to the Register of Deeds or State Vital Records Office as appropriate. If the marriage document is misplaced or ruined, contact the issuing County Clerk immediately for instructions.

COPIES

IT IS ILLEGAL TO MAKE PHOTOCOPIES OF THE ORIGINAL CERTIFICATE OF MARRIAGE. You may purchase copies of your marriage certificate from the Register of Deeds in the county where the ceremony was performed or from the State Vital Records Office.

OFFICIANT'S GENERAL INSTRUCTIONS

- Marriage is a civil contract to which the consent of the parties capable in law of contracting is essential and which creates the legal status of husband and wife (s. 765.01, Wis. Stats.).
- A marriage contract is only valid once a license has been issued and mutual declarations have been made by the bride and groom before an authorized officiant, in the physical presence of at least 2 competent adult witnesses, and has been filed with the Register of Deeds in the county where the marriage ceremony took place. The certificate must also be completed and signed by all parties and received by the appropriate County Register of Deeds within 3 days after the date of the marriage.
- Original Certificates of Marriage are permanent legal documents of great importance to the bride and groom. Certified copies of marriage certificates are required for many reasons; therefore, completeness and accuracy of information are essential.
- A clean, legible, correct, complete, in **black ink** and promptly filed marriage document indicates recognition of the importance of this legal document.
- No erasures, cross-outs, or white-outs are permitted. Make no marks in the margins of the certificate. Do not place a seal on the marriage document. Do not use a stamp.
- All signatures must be original signatures (not stamps) and in black ink.

NOTE: In case the parties inadvertently sign in another color ink, they should re-sign next to the first signature using black ink. They should not try to trace over the first signatures. All writing must stay within the designated space.

- Do not place a church seal, or any other type of seal, on the marriage document.
- If the marriage document is misplaced or ruined, contact the issuing County Clerk immediately for instructions.
- Do not make any changes or alterations on the marriage document. Instead, sign and date a letter which states the names of the bride and groom, the date of marriage, and items that are to be corrected. Mail or hand deliver the letter with the marriage document to the Register of Deeds. If the marriage document has already been submitted to the Register of Deeds, mail the letter of correction directly to the State Vital Records Office.

State Vital Records Office
P.O. Box 309
Madison, WI 53701-0309

OR FAX TO: (608) 261-4972

- In Wisconsin, marriages may be performed by any of the following officiants:
 - (1) ordained clergy
 - (2) licentiate of a denominational body
 - (3) appointee of any bishop
 - (4) judge of a court of record
 - (5) reserve judge
 - (6) family court commissioner
 - (7) court commissioner
 - (8) municipal court judge
 - (9) tribal judge
 - (10) by the two parties themselves, by mutual declarations, in accordance with the customs, rules and regulations of any religious society, denomination or sect to which either of said parties may belong. The word of the applicants is sufficient.

NOTE: Federal judges may perform marriages in Wisconsin **IF** Wisconsin is in their district. A federal judge does not have jurisdiction for performing marriages in every state.

- An officiant must be at least 18 years old.
- An officiant does not need to file his or her religious credentials with a government agency in order to perform marriages in the state.
- The State Vital Records Office does not have information as to the validity of any specific religious organization. Applicants and officiants who have questions on the chosen officiant's authority to perform marriages in Wisconsin should seek legal counsel.
- It is permissible to have two officials perform a marriage. In that situation, both officiants' names and signatures can be included. However, the first one named will be held legally responsible for filing the marriage certificate.
- All officiants must insure that the parties have a valid Wisconsin marriage license to marry before performing the ceremony. All officiants must use the Original Certificate of Marriage form (F-05060) for any marriage performed in Wisconsin. The officiant must file the completed certificate with the Register of Deeds in the county where the ceremony occurred within 3 days after the ceremony. It may be mailed or hand delivered.
- Both the bride and groom and witnesses must be physically present with you for the ceremony.
- **CONFIDENTIAL INFORMATION.** As a note to officiants and witnesses, information collected in the bottom portion of the marriage document (in the section marked "confidential") is for statistical use only and may not be disclosed to other individuals without the consent of the bride and groom.

- **PENALTY INFORMATION:** (per s.765.30, Wis. Stats.)
 - (1) A fine of not less than \$10,000 or imprisoned for not more than nine (9) months or both for:
 - a. Marrying outside the state for the purpose of avoiding Wisconsin law.
 - b. Making certain false statements to obtain a license to marry.
 - c. Issuing a marriage license illegally (County Clerk).
 - d. Willfully and knowingly performing a marriage without statutory authority to perform marriages in the state.
 - e. Being a party to performing a fictitious marriage ceremony for fraudulent purposes.
 - (2) A fine of not less than \$100 nor more than \$500 or imprisoned for not more than six (6) months or both for:
 - a. Unlawfully solemnizing a marriage (by the officiant or by the two parties themselves).
 - (3) A fine of not less than \$10 nor more than \$200 or imprisoned for not more than three (3) months or both for:
 - a. Failing to file a marriage certificate (the officiant must mail the certificate to the Register of Deeds within 3 days of the marriage ceremony, per Chap. 69.16, Wis. Stats.)
 - b. Failing to keep a public marriage docket (County Clerk).

OFFICIANT'S DETAILED INSTRUCTIONS

(ALL ENTRIES MUST BE IN BLACK INK, INCLUDING SIGNATURES)

19. DATE OF MARRIAGE (Month, Day, Year)

Print the date of the marriage. The officiant should enter the month, day, and year the marriage was performed. The officiant should spell out or abbreviate the month instead of using a number. (For example: Jan. 4, 2012, not 01/04/12.)

20a. WHERE MARRIED - COUNTY

Print the name of the county where the marriage was performed. The county **MUST** be located in Wisconsin.

20b. WHERE MARRIED - CITY, VILLAGE, OR TOWNSHIP

Print the city or village if the marriage was performed inside the corporate limits of a city or village. If the ceremony occurred outside a city or village, enter the name of the Township. Do not name unincorporated places. Check the appropriate box for the CVT designation. Ask the Register of Deeds if unsure about which box to check.

NOTE: There are times when a couple will be married on a boat, on an airplane, or in an air balloon. In that case, the place where they are married should be where the boat docked or where the air balloon or airplane landed after the ceremony.

21. OFFICIANT SIGNATURE

Sign in **black ink**. If there are two officiants, both can sign. When the marriage is performed by the two parties themselves, both parties sign as officiants.

NOTE: Be careful that the signature does not obscure other information or go outside the space provided.

22. & 24. WITNESS TO CEREMONY (Signature)

Two competent **adult witnesses** (at least 18 years old) witnesses must use **black ink** to sign their names in the spaces provided. There may be times when someone under 18 may also be a witness. They may sign as long as there are also 2 adult witnesses. Make sure each signature is distinct from each other. Be careful not to go outside the space provided.

23. OFFICIANT NAME (Print or type.)

The officiant must print or type his or her name. If the parties performed their own marriage, both names should be entered. If there are two officiants both names can be entered. However, the first one named will be held legally responsible for filing the marriage document.

25. OFFICIANT MAILING ADDRESS (Street, City, State, ZIP Code)

Enter the mailing address, including ZIP Code, of the person whose name appears in item 23. If there are two officiants, both addresses may be entered if there is enough space. This address should identify where business mail is to be sent in the event that a Register of Deeds has a question about this record.

NOTE: The Certificate of Marriage no longer collects the title of the officiant.