

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 statutes, ss. 765.16 and 765.17, specify who may perform marriages in the state of Wisconsin. Please read below and decide if the officiant you have named would be considered a member of the "clergy," a "licentiate" of a denomination, or would fit under another category 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 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 in-state 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.

For couples choosing an Out-of-State Religious Officiant:

- If a couple wants to use an officiant from out of state, that officiant must possess, at the time of the marriage, a letter of sponsorship from a clergy of the same religious denomination or society located in Wisconsin in order to perform the marriage. A sample letter of sponsorship is available from the County Clerk upon request. The out-of-state officiant keeps the original letter. He or she should provide the couple with a copy of the letter. The couple should keep this letter with other important legal papers in case they need proof.

NOTE: If your chosen officiant is not authorized under state statute to perform marriages, that person may be subject to the penalties listed above under s. 765.30 (2) (c), Wis. Stats.

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.