

## **IT IS THE COUPLE'S RESPONSIBILITY TO VERIFY THE LEGITIMACY OF THE OFFICIANT THEY CHOOSE TO PERFORM THEIR MARRIAGE.**

Wisconsin State Statute §765.16 specifies who may perform marriages in the state of Wisconsin. Please read the statutes below and decide if the officiant you have chosen would be considered a member of the "clergy," a "licentiate" of a denomination, or would fit under another category listed.

### **WISCONSIN STAT. §765.16 MARRIAGE CONTRACT, HOW MADE: OFFICIATING PERSON**

**(1m)** 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 2 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 2 competent adult witnesses other than the officiating person. The following are authorized to be officiating persons:

- (a)** Any ordained member of the clergy of any religious denomination or society who continues to be an ordained member of the clergy.
- (b)** 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.
- (c)** The 2 parties themselves, by mutual declarations that they take each other as husband and wife, in accordance with the customs, rules, and regulation of any religious society, denomination or sect to which either of the parties may belong.
- (d)** Any judge of a court of record or a reserve judge appointed under §753.075.
- (e)** Any circuit court commissioner appointed under SCR 75.02(1) or supplemental court commissioner appointed under §757.675(1).
- (f)** Any municipal judge.

**(2m)** An officiating person under sub. (1m) (a), (b), (d), (e), or (f) must be at least 18 years old.

❖ It should be noted that under Wis. Stat. §765.30(2), any person, not being duly authorized by the laws of this state, who intentionally undertakes to solemnize a marriage in this state; or any person who intentionally participates in or in any way aids or abets any false to fictitious marriage may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

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- If you both believe that the officiant you have chosen is legally able to perform your marriage, this office will not question the legal status of the officiant.
  - **However, this office does not make any guarantees that this marriage will be valid if, after the marriage, the authority of the officiant is questioned by another party, an agency, or by either the bride or groom.**
  - If you are unsure as to the legal status of the officiant you have chosen, you should seek legal counsel.



WISCONSIN  
DEPARTMENT OF HEALTH SERVICES  
Division of Public Health  
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## 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



## 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.