

ROCK COUNTY, WISCONSIN

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MARRIAGE OFFICIANT

There has been much discussion about who may officiate weddings and how to complete the marriage certificate.

Wisconsin Statutes § 765.16 (1m) provides that 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 regulations of any religious society, denomination or sect to which either of the parties may belong.

Note: If either party can answer "YES" that they do belong to a religious society, denomination or sect that believes and allows self-marriages, then the couple may do this.

(d) Any justice or judge or a reserve judge appointed under s. 753.075.

(e) Any circuit court commissioner appointed under SCR 75.02 (1) or supplemental court commissioner appointed under s. 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.

The October 2005 Attorney General's opinion states that there is no longer any requirement that credentials be presented for filing. It goes on to say that the clerk is not required to, and not authorized to, validate whether the two parties themselves are acting in accordance with the customs, rules and regulations of any religious society, denomination or sect to which either may belong. It also states:

Ministers or clergy ordained or appointed through the "internet" may solemnize marriages if they meet the requirements of Wis. Stat. § 765.16. The statute does not permit, and the Constitution of the United States may prohibit, inquiry into the method of ordination or appointment.

Please note the following penalties according to Wis. Stat. § 765.30:

(2) The following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:
(c) *Penalty for false solemnization of marriage.* 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 or fictitious marriage.

(3) The following shall be fined not less than \$100 nor more than \$500, or imprisoned not more than 6 months, or both:

(a) *Penalty for unlawful solemnization of marriage.* Any officiating person who solemnizes a marriage unless the contracting parties have first obtained a proper marriage license as heretofore provided; or unless the parties to such marriage declare that they take each other as husband and wife; or without the presence of 2 competent adult witnesses; or solemnizes a marriage knowing of any legal impediment thereto; or solemnizes a marriage more than 60 days after the date of the marriage license; or falsely certifies to the date of a marriage solemnized by the officiating person; or solemnizes a marriage in a county other than the county prescribed in s. 765.12.

(b) *Penalty for unlawful solemnization by parties.* Where a marriage is solemnized without the presence of an officiating person if the parties to such marriage solemnize the same without the presence of 2 competent adult witnesses or more than 60 days after the date of the license; or falsely certify to the date of such marriage; or solemnize the same in a county other than the county prescribed in s. 765.12.

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. Wis. Stat. § 765.22.

If the parties question the legality of any Officiant, they should be advised to seek legal counsel. Also, the parties should be advised that they may choose any Officiant they would like, however, if the marriage certificate is questioned by any agency (Social Security, motor vehicle, military or an insurance company), the burden of proof is on them. The State Vital Records Office and the County Offices should not give legal advice.

Common sense needs to be exercised by the non-traditional marriage Officiants; they need to understand they are completing a legal document and it will be with the couple the rest of their lives.

Please review the next two pages for additional information for the marriage applicants and officiants.



WISCONSIN
DEPARTMENT OF HEALTH SERVICES
Division of Public Health
P-01060 (07/2022)

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.
- ✓ A marriage may be validly contracted in Wisconsin only after a marriage license has been issued by a county clerk, and only when the mutual declarations of the two parties to be joined are made before an authorized officiating person and in the presence of at least two competent adult witnesses other than the officiating person. If one of the parties is serving on active duty in the military, only one adult witness is required.
- ✓ The Wisconsin Marriage License/Marriage Certificate Worksheet 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.
- ✓ It is permissible to make and keep a copy of the Wisconsin Marriage License/Marriage Certificate Worksheet.
- ✓ If the Wisconsin Marriage License/Marriage Certificate Worksheet 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.** Upon registration of the Wisconsin Marriage License/Marriage Certificate Worksheet, the couple may purchase certified copies of their Original Certificate of Marriage from any Wisconsin County Register of Deeds office or from the State Vital Records Office. 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. It is illegal to make copies 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 any County Register of Deeds in Wisconsin for registration within three days 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 their name in the space provided. If either party indicated active-duty military, a second witness is not required. Enter "NOT REQUIRED" in the Witness 2 Name field, if applicable.

TO THE MARRIAGE OFFICIANT:

Please complete the Marriage License with BLACK ink.

PLEASE PAY SPECIAL ATTENTION TO THE MUNICIPALITY WHERE THE MARRIAGE ACTUALLY TAKES PLACE.

Municipalities located in Rock County are as follows:

<u>Cities</u>	<u>Villages</u>	<u>Townships</u>	<u>Unincorporated Places/Use Corrected Township</u>
Beloit	Clinton	Avon	Afton/Rock
*Brodhead	Footville	Beloit	Avalon/Bradford
*Edgerton	Orfordville	Bradford	Cooksville/Porter
Evansville		Center	Emerald Grove/Bradford
Janesville		Clinton	Hanover/Plymouth
Milton		Fulton	Indianford/Fulton
		Harmony	Johnston Center/Johnstown
		Janesville	Leyden/Janesville
		Johnstown	Lima Center/Lima
		La Prairie	Newville/Fulton
		Lima	Shopiere/Turtle
		Magnolia	**Tiffany/La Prairie/Turtle
		Milton	
		Newark	
		Plymouth	
		Porter	
		Rock	
		Spring Valley	
		Turtle	
		Union	

*Located in 2 Counties

**Located in 2 Townships

IN CASE OF ERROR ON CERTIFICATE: Cross out the error and make the correction. WITHIN THREE (3) DAYS:

The completed form must be returned by the marriage officiant to the Register of Deeds Office in any county in Wisconsin.

If you have questions regarding filling out the marriage license, please call (608) 757-5656.