



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 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.
- 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.
- The couple will not automatically receive a certified copy of the Original Certificate of Marriage. Upon registration of the license/certificate worksheet document, the couple may purchase certified copies of their Original Certificate of Marriage from the Register of Deeds in the county where the ceremony was performed 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 amended 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 amended 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.
- To view Wisconsin laws and penalties on marriage, refer to Wis. Stat. ch. 765 located at: <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 3 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 correct or complete all items 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: In the case where 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 that 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 their 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.

GENERAL INFORMATION ABOUT MARRYING IN WISCONSIN AND INSTRUCTIONS FOR THE APPLICANTS AND OFFICIANT

(Laws regarding marriage are contained in Wisconsin Statutes, Chapter 765. The following is a summary and explanation of those laws and guidelines for properly applying for, completing and filing a marriage license/certificate.)

IMPORTANT FACTS ABOUT YOUR MARRIAGE LICENSE

Restrictions on Obtaining a License to Marry in Wisconsin:

Age

You must be 18 years of age or older to marry without parental consent.

If you are 16 or 17 years old, you may marry with written consent from your custodial parent(s)/legal guardian.

If you are younger than 16, you may not marry in Wisconsin, even if you have your parent's written consent.

Previous Marriage

If your last marriage ended by divorce, **you cannot marry in Wisconsin until 6 months after the date of final decree of your divorce. This is true even if:**

You do not live in Wisconsin

You were not divorced in Wisconsin

There is no provision for waiving the 6-month waiting period for any cause.

You may marry on the 6-month anniversary date of your final divorce date (example: for a divorce granted January 4, you may marry on July 4 of that year).

The 6-month waiting period does not apply if your last marriage ended by the death of your spouse or by an annulment granted by a court.

Marrying a Relative

If you are first cousins, you may marry only if the bride is at least 55 years old or if one of you provides a signed statement from a physician attesting that either the bride or the groom is **permanently** sterile.

If you are closer than first cousins, you cannot marry in Wisconsin (even if you are only related by "half blood" or by adoption).

For example, you cannot marry your half brother or sister, your adoptive brother or sister, or a half brother or sister of one of your parents.

If you are "first cousins once removed," you are considered to be second cousins and you do not require proof of sterility to marry.

For example: you may marry your first cousin's son or daughter.

Currently Married

If you are currently legally married, you cannot obtain a license to marry anyone, including your current spouse (even if you are "reaffirming" your marriage vows to each other).

NOTE: Wisconsin law does not recognize "common law" marriages.

Obtaining Your Marriage License:

General

You cannot marry in Wisconsin until you complete an Application for Marriage License and obtain a license to marry from a County Clerk. **You should contact the appropriate County Clerk FAR IN ADVANCE of your planned wedding date for specific instructions and information on fees.** If you are a Wisconsin Tribal enrollee, you may contact your tribal court clerk and ask if that office issues marriage licenses.

The fee is \$75.00 for a marriage license issued by the Burnett County Clerk. Both applicants must have all required documents with them before the County Clerk's Office will start the application process. No applications will be started after 4:00 p.m. unless prior arrangements have been made with the Clerk.

Other information needed when applying for a marriage license: date and location of ceremony (county and city, village or township), and the name, address, telephone number and email address of the officiant performing the ceremony.

The marriage license is valid for 30 days after the date of issuance.

The license **cannot** be used to marry outside of Wisconsin.

There is a 5-day waiting period from the day you apply for your marriage license to the day it is issued to you. This waiting period may be waived at the discretion of the County Clerk, after payment of a \$10.00 waiver fee.

County Clerk offices are not open on Saturday, Sunday or on county holidays.

You may apply for a marriage license without parental/guardian consent if you will be 18 before you marry. The license cannot be issued to you until you are 18 (or on the first working day after you turn 18, if your birthday falls on a weekend or holiday).

You may apply for a marriage license prior to the 6-month anniversary date of your divorce but you cannot marry before the 6-month anniversary date. The license cannot be issued to you until the 6-month anniversary date (or on the first working day after the anniversary date, if that date falls on a weekend or holiday).

You should both sign the marriage license at the County Clerk's office. **The signature should be in your pre-married name.**

Residency Issues

If one or both of you are Wisconsin residents, you must obtain your marriage license from the County Clerk in the county in which one of you resides. The marriage ceremony may take place in any county in Wisconsin.

If both of you are out-of-state residents, you must obtain your license from the County Clerk in the county in which you marry.

Documents You Will Need

You must provide a variety of documents listed below to apply for a marriage license. Some of these documents may be located out of state and may take time to obtain. You should apply for certified copies of these documents well in advance of your wedding. We recommend that you make application for these documents at least two (2) months prior to applying for the marriage license.

You must present an official **certified**¹ copy of your birth certificate. The birth certificate is the gold standard for proof of legal name, date and place of birth. It also shows the legal spelling of your parents' names. Hospital-issued "birth records" or church-issued baptismal papers are **not** acceptable proof.

You need to show proof of identity and legal residence. A valid picture ID (i.e., driver's license or passport) showing the applicant's residence address is acceptable. If the address is incorrect, also bring a utility bill, credit card statement, etc. showing the correct address.

¹ A Certified copy of a vital record is issued by a state or local vital records registrar. It has a raised seal, a certification statement and signature, and a filing date and certificate number. Photocopies or faxed copies of certified copies are not acceptable.

If you were legally married before, you must show proof of how your **last** marriage ended.

For a divorce or an annulment, you must provide:

- A **certified** copy of your divorce/annulment certificate purchased from the State Vital Records Office.
- or
- A **court stamped** copy of your **signed** divorce/annulment decree, which specifies the actual date, the divorce was granted.

For a death, you must provide:

- A **certified** copy of your late spouse's death certificate.

If you are first cousins, you must provide a signed statement from a physician stating that one of you is **permanently** sterile (unless the bride is 55 years old or older).

If either of you are underage (16 or 17), you must provide a properly completed parental/guardian consent form. That form is available from the County Clerk's office.

You must provide your Social Security Number (**if you have been assigned a Social Security Number**). Social Security Numbers are collected under federal requirements listed in 42USC 666(a)(5) and under state law [s. 765.09 (3), Wis. Statutes]. The numbers are collected for child support enforcement programs and may only be released for that purpose. You may marry in Wisconsin if you do not have a Social Security Number, but you cannot refuse to provide your Social Security Number if you have one. You do not have to show your card.

Confidentiality

The County Clerk must, by law, keep a public marriage docket showing the names of marriage license applicants. The docket is designed to alert interested parties if an illegal marriage application has been made (i.e., if an applicant is underage or is still legally married to someone else). The County Clerk must keep the docket for at least 10 years.

The docket does **not** contain confidential information such as street addresses, phone numbers, social security numbers, race or education information.

Information on file with the County Clerk such as addresses and phone numbers may be provided to law enforcement in connection with an investigation or service of a warrant per s. 765.20(2), Wis. Statutes.

The local registrar does **not** keep information in the confidential section of your marriage license.

The State Vital Records Office only releases information concerning race, education and prior marriages in statistical tables only, with **no personal identifiers**.

IMPORTANT FACTS ABOUT YOUR OFFICIANT AND WITNESSES

Who May Legally Officiate at Your Wedding

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 Officiants

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 Officiants

The following is a list of religious officiant types that are allowed to perform marriages in Wisconsin. All of these officiants (including out of state) 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.

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 couple 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, Register of Deeds, or the State Vital Records Office do 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.

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.

Legal Requirements for the Marriage Ceremony

You must have a valid Wisconsin marriage license issued prior to your marriage ceremony to legally marry in this state.

You must both **physically appear** before the officiant and the witnesses to take your vows (proxy marriage ceremonies and marriage via phone or internet connection are not legal in Wisconsin).

You must have at least two (2) competent adult witnesses (18 years of age or older) physically at the ceremony. The officiant cannot be one of the witnesses.

More than two (2) persons (but no more than four) may sign the marriage certificate as witnesses to the ceremony as long as the signatures are distinct from one another and at least two (2) persons signing are competent adults, 18 years old or older.

Important Information if You Are Changing Your Last Name by Marriage

The marriage certificate **does not** show the names you will be using after your marriage.

By common practice, most agencies will accept a certified copy of a marriage certificate as proof of name change after marriage if you choose a standard change (i.e., one spouse taking the other spouse's last name, hyphenating both names or using both names without a hyphen). For non-standard name change (i.e., combining parts of both names), you may have to show more proof to the requesting agency.

If you are changing your name due to the marriage, you should contact Social Security immediately after the marriage. You must have a certified copy of your marriage certificate to show them.

Important Information for Wisconsin Residents about Marrying Out of State

General

Wisconsin law prohibits Wisconsin residents from marrying out of state for the purpose of avoiding Wisconsin marriage restrictions (such as the 6-month post-divorce waiting period). Such marriages are “null and void” according to s. 765.04 (1-3), Wis. Statutes.

You cannot use a Wisconsin marriage license to marry outside of the state.

You cannot file an out of state marriage certificate in a vital records office in Wisconsin.

Marrying Outside the U. S.

If you plan to marry outside the U. S., you may need additional documentation of your eligibility to marry:

1. Some countries require a “proof of eligibility to marry” document. If this is true for your situation, you should talk to a County Clerk about obtaining a Proof of Eligibility to Marry form.
2. Some countries require a document proving that you are not currently married. You can obtain an Application for Proof of No Marriage Certificate in the State of Wisconsin (DPH 5260) by mail: State Vital Records Office, P.O. Box 309, Madison, WI 53701-0309; or by fax: 608-255-2035.

NOTE: Your foreign marriage certificate cannot be filed in the Wisconsin vital records system. Therefore, you will need to take measures to safeguard your marriage certificate. We provide the following advice to Wisconsin residents who marry outside the U. S.:

1. If your marriage certificate is in English, obtain multiple certified copies of your marriage certificate before you leave the country where you married. You should consider keeping at least one copy in a safe place (like a safe-deposit box).
2. If your marriage certificate is not in English, obtain multiple certified copies and have the certificates legally translated (a professional translator signs a statement attesting to the accuracy of the translation in the presence of a notary). Keep the documents in a safe place (like a safe-deposit box).

Legal Penalties for Violating Wisconsin Marriage License Laws (s. 765.30, Wis. Statutes)

- (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 s. 69.16, Wis. Stats.)
 - b. Failing to keep a public marriage docket (County Clerk)