

## 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) 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 (F-05060) is called the "marriage license" until the marriage ceremony is complete, 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 marriage license/certificate 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), 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. The officiant must insure that the couple has a valid Wisconsin marriage license before performing the ceremony.

#### ▪ REGISTRAR SIGNATURE AND DATE

When the marriage license is received by the Register of Deeds of the county in which the marriage occurred, it is filed (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 a marriage license 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 (per ss. 765.16 and 765.17, Wis. Stats.)

- (1) Ordained clergy or licentiate of a denominational body or appointee of any bishop (if officiant is a Wisconsin resident).
- (2) Family court or other court commissioner or supplemental court commissioner in Wisconsin.
- (3) Municipal judge, reserve judge or any judge of a court of record in Wisconsin or a Wisconsin tribal judge.
- (4) 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 belong (per s. 765.16, Wis. Stats.). **At least one of you must belong to a religious organization that believes that the marriage ceremony should be performed without an officiant.** NOTE: VERY FEW RELIGIONS ALLOW SELF MARRIAGE.

- (5) An out-of-state clergy person, if that officiant has a letter of sponsorship from a clergy person in Wisconsin. The letter must state that the sponsor knows of this officiant and believes that the officiant is authorized to perform marriages by that religious organization. The County Clerk may ask to see the letter of sponsorship.

If there are any questions about officiants and/or more detailed information is required, contact the County Clerk.

### **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 appropriate Register of Deeds. 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 marriage certificate. Instead, 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 marriage certificate to the Register of Deeds. If the certificate is misplaced or ruined, contact the issuing County Clerk immediately for instructions.

### **COPIES**

**IT IS ILLEGAL TO MAKE PHOTOCOPIES OF A MARRIAGE LICENSE. You may purchase copies of your marriage certificate from the Register of Deeds in the county where the marriage occurred or from the State Vital Records Office.**

## **OFFICIANT SECTION (Black Ink Only) (Some County Clerks enter items 19-20b and/or 23-25b if known prior to the ceremony.)**

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

Print or type the month, day, and year the marriage was performed. Spell out or abbreviate the month (Example: Enter Jan. 4, 2000, not 01/04/2000.).

### **20a. WHERE MARRIED - COUNTY**

Print or type the name of the county where the marriage was performed. The county must be located in Wisconsin. The city, village, or township listed in item 20b must be located in the county named here.

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

Print or type the name of 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, NOT the name of an unincorporated place. Place an "x" in the appropriate box for "City," "Village," or "Township."

### **21. OFFICIANT SIGNATURE**

The officiant must sign in **black ink**. If the ceremony is a "self-marriage" (see item 4 under "Who May Legally Perform a Marriage in Wisconsin" for limitations on the use of this option), the bride and groom must both sign in this area and enter "self" in item 25a "Officiant Title." Be careful that the signature does not obscure other information or go beyond the space provided.

### **22. & 24. WITNESS TO CEREMONY** (Signature)

Two competent **adult (at least 18 years old)** witnesses must be physically present and must sign their names in **black ink**. They must not exceed the spaces provided. More than two (2) witnesses may sign as long as the signatures are distinct from one another.

### **23. OFFICIANT NAME** (Print or type.)

Print or type the officiant's name. If you are performing a self-marriage ceremony, enter both your names. (See item 21.)

### **25a. OFFICIANT TITLE**

Print or type the title of the officiant. The title must reflect the officiant's legal status such as Judge, Court Commissioner, or clerical title (such as Minister, Rabbi, Priest, etc.) Titles such as "family friend" or "attorney" are not acceptable. Enter "Self" if this was a self-marriage ceremony. (See item 21.)

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

Print or type the mailing address, including ZIP Code, of the person whose name appears in item 23. Enter the officiant's primary mailing contact address.

## **KEY POINTS FOR OFFICIANTS**

- DO NOT PERFORM THE MARRIAGE UNTIL THE COUPLE GIVES YOU AN ORIGINAL WISCONSIN MARRIAGE LICENSE.
- DO NOT PERFORM THE MARRIAGE UNLESS BOTH THE BRIDE AND GROOM ARE PHYSICALLY PRESENT WITH YOU.
- DO NOT PERFORM THE MARRIAGE UNLESS THERE ARE TWO (2) COMPETENT ADULTS (18 YEARS OLD OR OLDER) WHO ARE PHYSICALLY PRESENT AT THE CEREMONY. THEY MUST SIGN THE MARRIAGE CERTIFICATE.
- ONLY USE BLACK INK. DO NOT CORRECT ERRORS ON THE LICENSE. FOLLOW THE DIRECTIONS IN THE "CORRECTING ERRORS" SECTION ABOVE.
- DO NOT PLACE A CHURCH SEAL, OR ANY OTHER TYPE OF SEAL, ON THE MARRIAGE LICENSE.
- SEND OR TAKE THE MARRIAGE LICENSE TO THE REGISTER OF DEEDS IN THE COUNTY OF MARRIAGE WITHIN 3 DAYS OF THE WEDDING.

## **KEY POINTS FOR EVERYONE**

- RESPECT CONFIDENTIALITY. DO NOT REVEAL THE CONFIDENTIAL SECTION AT THE BOTTOM OF THE MARRIAGE LICENSE OR ITS INFORMATION TO ANYONE.
- **IT IS ILLEGAL TO MAKE PHOTOCOPIES OF A MARRIAGE CERTIFICATE/LICENSE (per s. 69.24, Wis. Stats.).**