

**GENERAL AND DETAILED INSTRUCTIONS FOR THE BRIDE, GROOM AND OFFICANT FOR  
COMPLETING THE MARRIAGE LICENSE APPLICATION AND ORIGINAL CERTIFICATE OF MARRIAGE**

Marriage is a civil contract that creates the legal status of husband and wife (S. 765.01, Wis. Stats.). There are many legal responsibilities and privileges associated with being married. You may need to show proof of your marriage for insurance coverage and claims, overseas travel and various other legal transactions, so it is important for you to have a legal document that is universally accepted as evidence of your marriage. Errors on your marriage 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. **Important reminder for the bride and groom: SIGN THE LICENSE BEFORE THE CEREMONY.**

**According to S. 765.05, Wis. Stats., you cannot marry in this state until you complete an Application for Marriage License (HCF 5061, formerly DOH 5061) and obtain a license to marry.** The marriage license is contained in the top part of the Original Certificate of Marriage (HCF 5060, formerly DOH 5060). When this document is properly completed and filed with the Register of Deeds in the county where the marriage occurred, it becomes the certificate of marriage. Your officiant must insure that you have a valid Wisconsin license to marry before performing the ceremony. **DO NOT keep your original marriage certificate.** It is only of legal value if it is filed properly with the local Register of Deeds. You may purchase certified copies of that document from the Register of Deeds in the county where you marry or from the State Vital Records Office. If the marriage certificate is not filed, you are still legally married; it just makes it more difficult to show proof of your marriage.

**According to S. 69.08, Wis. Stats.:**

- 1) No unauthorized alterations are allowed on the marriage certificate (**no whiteout, no erasures, no cross-outs**).
- 2) All entries on the marriage certificate, **including signatures**, must be in **black ink** to insure legible photocopies and clear images for microfilming.
- 3) The Register of Deeds will not accept a marriage certificate if it is prepared in other than black ink or if it contains erasures, whiteout or alterations. It will be returned and a new, properly completed record will be required.
- 4) The officiant may NOT place a seal on the marriage certificate. The officiant may place a seal on the Testament to Marriage (HCF 5062/formerly DOH 5062), if so desired.

**The following penalties apply to marriage license law violations under S. 765.30, Wis. Stats.:**

- (1) Not less than \$200 nor more than \$1,000 or imprisoned for not more than 2 years or both for:
  - a. Marrying outside the state for the purpose of avoiding Wisconsin laws
- (2) Not less than \$1 00 nor more than \$1,000 or imprisoned for not more than 2 years or both for:
  - a. Making certain false statements to obtain a license to marry
  - b. Issuing a marriage license illegally (County Clerk)
  - c. Willfully and knowingly performing a marriage without statutory authority to perform marriages in the state (see the list of authorized officiants below)
  - d. Being a party to performing a fictitious marriage ceremony for fraudulent purposes
- (3) Not less than \$1 00 nor more than \$500 or imprisoned for not more than 6 months or both for:
  - a. Unlawfully solemnizing a marriage (by the officiant or by the two parties themselves)
- (4) Not less than \$1 0 nor more than \$200 or imprisoned for not more than 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)

**Authorized Officiants per S. 765.16 and 765.17, Wis. Stats.:**

- (1) Ordained clergy or licentiate of a denominational body or appointee of any bishop (officiant is WI. 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 may belong (s. 7@5.16, Wis. Stats.).

(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 @he officiant is authorized to perform marriages by that religious organization. The County Clerk may ask to see the letter of sponsorship.

An officiant does not need to file his or her religious credentials with a government agency in order to perform marriages in the state (exception: see item 5 above).

**OFFICIANT'S PORTION:**

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

If the County Clerk has not entered the date of the marriage, the officiant must print the date of the marriage. The officiant should enter the name of the month, day and year the marriage was performed. The officiant should spell out or abbreviate the month instead of using a number (example: enter Jan. 4, 2000 not 1/4/2000).

**20a. WHERE MARRIED-COUNTY**

If the County Clerk has not entered the name of the county of marriage, the officiant must print 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. CITY, VILLAGE OR TOWNSHIP**

If the County Clerk has not entered the place, the officiant must enter 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, the officiant should enter the name of the TOWNSHIP, NOT the name of an unincorporated place. The officiant must 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' (at least one of you must belong to a religious organization that believes that the marriage ceremony should be performed without an officiant), both of you must sign your names in this area and enter "self" in item 25a "Title."

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

Two competent adult (at least 18 years old) witnesses must sign their names in the spaces provided, in black ink. More than 2 witnesses may sign as long as the signatures are distinct from one another.

**23. OFFICIANT NAME (Print or Type)**

If the County Clerk has not entered the name of the officiant, the officiant must print or type his or her name. If you are performing a self-marriage ceremony, enter both your names (see item 21).

**25a. OFFICIANT TITLE**

Enter the title of the officiant (e.g. Judge, Minister, etc.). Enter "Self" if this was a self-marriage ceremony (see item 21).

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

Enter the mailing address, including ZIP Code, of the person whose name appears in item 23. This address should identify where business mail is to be sent in the event that a local registrar has a question about this record.

**IMPORANT REMINDER:**

To insure that the marriage license is completed correctly, many County Clerks require both the bride and groom to sign the

license in the office before it is issued. This is the preferred method for marriage license issuance. If the County Clerk allows the license to be issued without the signatures of the bride and groom, the couple must remember to sign the license. They should sign before the ceremony since the bride and groom are attesting to the fact that they are free to marry. However, the certificate will not be rejected for filing because the license is signed after the ceremony (with post-married names).

**NOTE TO OFFICIANTS AND WITNESSES ON TREATMENT OF CONFIDENTIAL INFORMATION:**

**Information collected in the bottom portion of the marriage license (in the section marked "confidential") is for statistical use only (except as stated in the marriage application instructions) and may not be disclosed to other individuals without the consent of the bride and groom.**