

## **IT IS THE COUPLES 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 chose 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 regulations 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 or 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.