

# State of Wisconsin



2013 Assembly Bill 429

Date of enactment: April 23, 2014  
Date of publication\*: April 24, 2014

## 2013 WISCONSIN ACT 372

AN ACT *to repeal* 765.17; *to renumber and amend* 765.16 (except 765.16 (title)); *to amend* 59.79 (5), 765.14, 765.23 and 765.30 (4) (a); and *to create* 765.16 (2m) of the statutes; **relating to:** requirements for persons officiating at a marriage.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 59.79 (5) of the statutes is amended to read:

59.79 (5) FEE FOR CERTAIN MARRIAGE CEREMONIES. Enact an ordinance imposing a fee to be paid in advance to the clerk for each marriage ceremony performed by a judge or a circuit or supplemental court commissioner specified in s. 765.16 ~~(5)~~ (1m) (e) in the courthouse, safety building, or children's court center during hours when any office in those public buildings is open for the transaction of business. The amount of the fee shall be determined by the board.

**SECTION 2.** 765.14 of the statutes is amended to read:

**765.14 Form of marriage document when solemnized by parties.** If the marriage is to be solemnized by the parties without an officiating person, as provided by s. 765.16 ~~(3)~~ (1m) (c), the marriage document shall contain all those items and notations as required by s. 765.13.

**SECTION 3.** 765.16 (except 765.16 (title)) of the statutes is renumbered 765.16 (1m), and 765.16 (1m) (f), as renumbered, is amended to read:

765.16 (1m) (f) Any municipal court judge.

**SECTION 4.** 765.16 (2m) of the statutes is created to read:

765.16 (2m) An officiating person under sub. (1m) (a), (b), (d), (e), or (f) must be at least 18 years old.

**SECTION 5.** 765.17 of the statutes is repealed.

**SECTION 6.** 765.23 of the statutes is amended to read:

**765.23 Immaterial irregularities otherwise.** No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized in a county other than the county prescribed in s. 765.12, or more than 30 days after the date of the marriage license, 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. Where a marriage has been celebrated in one of the forms provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter assumed the habit and repute of husband and wife, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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**SECTION 7.** 765.30 (4) (a) of the statutes is amended to read:

765.30 (4) (a) *Penalty for failure to file marriage certificate.* Every officiating person, or persons marrying without the presence of an officiating person, as provided by s. 765.16 ~~(3)~~ (1m) (c), who neglect or refuse to transmit the original marriage certificate, solemnized by the

officiating person or the persons marrying, to the register of deeds of the county in which the marriage was performed within 3 days after the date of the marriage.

**SECTION 8. Initial applicability.**

(1) This act first applies to marriages solemnized on the effective date of this subsection.

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