



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 162
[2015 Assembly Bill 573]

**Declarations of Domestic
Partnership and
Marriage Licenses**

FEE FOR ISSUANCE OF EXPEDITED MARRIAGE LICENSES AND DECLARATIONS OF DOMESTIC PARTNERSHIP

In general, a county clerk may not issue a marriage license within five days of application of the license. However, a county clerk may, at his or her discretion, issue a marriage license within less than five days if the applicant pays an additional fee of not more than \$25 to cover any increased processing costs incurred by the county. Regarding declarations of a domestic partnership, a county clerk may not issue a declaration of domestic partnership until at least five days after receiving the application for the declaration of domestic partnership. The clerk also has discretion to issue a declaration of domestic partnership less than five days after application if the applicant pays an additional fee, which, under **prior law**, was \$10.

2015 Wisconsin Act 162 (the Act) increases the maximum allowable fee that a clerk may charge for issuing a declaration of domestic partnership in less than five days after application from \$10 to \$25. This fee increase first applies to applications for declarations of domestic partnership filed on the effective date of the Act.

EXPIRATION OF MARRIAGE LICENSES AND DECLARATIONS OF DOMESTIC PARTNERSHIP

A marriage license authorizes a marriage ceremony to be performed in any county in the state within 30 days of issuance. The marriage document must then be returned by the officiant, or in the case of a marriage performed without an officiant, by one or both of the parties to the marriage contract, to the register of deeds in the county in which the marriage was performed within three days after the date of the marriage. Under **prior law**, there was no time limit within which a declaration of domestic partnership would have to be completed, signed,

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

acknowledged by a notary, and submitted to the register of deeds in the county in which the individuals resided.

The Act requires a declaration of domestic partnership to be completed, signed, acknowledged by a notary, and submitted to the register of deeds in the county in which the individuals reside within 30 days after the county clerk issues the declaration. This requirement first applies to declarations of domestic partnership issued on the effective date of the Act.

INFORMATION PROVIDED TO APPLICANTS FOR A MARRIAGE LICENSE OR DECLARATION OF DOMESTIC PARTNERSHIP

Prior law required that the Department of Health Services (DHS) was required to acquire, without cost if possible, pamphlets that describe the causes and effects of fetal alcohol syndrome and the dangers to a fetus of the mother's use of cocaine or other drugs during pregnancy. DHS was required to provide the pamphlets free of charge to each county clerk in sufficient quantities. **The Act** requires DHS to provide this same information to clerks without specifying that the information be provided in the form of a pamphlet.

Also under **prior law**, each county clerk was required to provide a pamphlet describing the causes and effects of fetal alcohol syndrome with each marriage license and declaration of domestic partnership that the clerk issues. **The Act** requires clerks to continue to provide this information, as well as the dangers to a fetus of the mother's use of cocaine or other drugs during pregnancy, without specifying that the information be provided in the form of a pamphlet. This change first applies to marriage licenses and declarations of domestic partnership that are issued on the effective date of the Act.

Effective date: This Act went into effect on March 2, 2016.

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