



## 1995 ASSEMBLY BILL 670

November 9, 1995 – Introduced by Representatives POWERS, MUSSER, SKINDRUD, OWENS, GOETSCH, FREESE, GUNDERSON and LADWIG. Referred to Committee on Children and Families.

1     **AN ACT to amend** 765.09 (3) of the statutes; **relating to:** the requirement for a  
2           certified copy of a birth certificate in order to obtain a marriage license.

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*Analysis by the Legislative Reference Bureau*

Under current law, a person who is at least 18 years old may legally marry. A person who is 16 or 17 years old may legally marry with the consent of his or her parents, guardian, legal custodian or parent having actual care, custody and control of the person. Current law also requires every applicant for a marriage license who is under 30 years of age to show a certified copy of his or her birth certificate to the clerk who is to issue the marriage license. This bill changes that age to 18 so that only persons who are under the age of 18 years must show a certified copy of their birth certificate in order to obtain a marriage license.

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

3           **SECTION 1.** 765.09 (3) of the statutes is amended to read:  
4           765.09 (3) Each party shall present satisfactory, documentary proof of  
5           identification and residence and shall swear (or affirm) to the application before the  
6           clerk who is to issue the marriage license or the person authorized to accept such  
7           applications in the county and state where the party resides. The application shall  
8           contain such informational items as the department of health and social services  
9           directs. Each applicant under ~~30~~ 18 years of age shall exhibit to the clerk a certified

1 copy of a birth certificate, and any applicants shall submit a copy of any judgments  
2 or a death certificate affecting the marital status. If such certificate or judgment is  
3 unobtainable, other satisfactory documentary proof of the requisite facts therein  
4 may be presented in lieu thereof. Whenever the clerk is not satisfied with the  
5 documentary proof presented, he or she shall submit the same, for an opinion as to  
6 the sufficiency of the proof, to a judge of a court of record in the county of application.

7 **(END)**