



**DALE KOOYENGA**  
STATE SENATOR · 5<sup>TH</sup> DISTRICT

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February 17, 2021

TO: Members of the Senate Committee on Insurance, Licensing and Forestry  
FR: Senator Dale Kooyenga  
RE: Support for Senate Bill 14

Thank you for holding a hearing on Senate Bill 14, legislation relating to justices or judges authorized to officiate a wedding.

While justices in Wisconsin have had the authority to officiate weddings for years, justices outside of Wisconsin do not have that authority. Under current law, a marriage may only be performed by certain Wisconsin judicial officers, an ordained member of the clergy of any religious denomination, or a licensee or appointee of a religious society.

This legislation seeks to expand those who are able to wed others by allowing out-of-state and federal judges and justices to officiate weddings in Wisconsin. Assembly Bill 359, which allowed this authorization, passed with strong bipartisan support last session.

The bill also includes a Mej Koob, an individual who participates in traditional Hmong wedding ceremonies to negotiate the marriage between the families of the bride and the groom. Similar legislation was proposed in 2015.

Thirty-five other states across the nation allow out-of-state judges and justices to officiate weddings in their states including four in the Midwest: Minnesota, Michigan, Illinois and Indiana.

As our married colleagues can attest, wedding planning can be stressful, with many small details and aspects that must be accounted for to make that special day run smoothly. By allowing judges and justices from other states to preside over weddings, and a Mej Koob for Hmong ceremonies, Wisconsin will become a more appealing wedding destination presenting soon-to-be newlyweds the opportunity to choose an officiant that is most appropriate for them.

Thank you for your time and consideration of this legislation. I respectfully ask for your support of Senate Bill 14.

STATEMENT OF DAVID PROSSER  
JUSTICE, WISCONSIN SUPREME COURT (RETIRED)  
IN SUPPORT OF 2021 SENATE BILL 14  
SENATE COMMITTEE ON INSURANCE, LICENSING, AND FORESTRY  
FEBRUARY 17, 2021

MADAM CHAIR, MEMBERS OF THE COMMITTEE:

THANK YOU FOR PERMITTING ME TO SUBMIT A STATEMENT ON 2021 SENATE BILL 14 WHOSE PRINCIPAL SPONSORS ARE SENATORS KOOYENGA AND CARPENTER AND REPRESENTATIVE TUSLER.

LAST SESSION I SUBMITTED TESTIMONY IN SUPPORT OF THE BILLS RELATED SOLELY TO JUDGES. I AM TAKING THE LIBERTY OF ATTACHING A COPY OF ONE OF MY STATEMENTS. IT IS FAIRLY SHORT, LIGHTHEARTED, AND ANECDOTAL BUT IT SETS OUT THE NEED FOR THAT LEGISLATION. THIS STATEMENT MAKES A COUPLE OF ADDITIONAL POINTS.

HAVING RETIRED, I AM NOW A RESERVE JUDGE EMERITUS. THE ONLY JUDICIAL POWER I HAVE IS THE POWER TO PERFORM WEDDINGS. THE SUPREME COURT HAS MAINTAINED THIS POWER FOR RESERVE JUDGES EMERITUS FOR A REASON. THE COURT RECOGNIZED THAT THERE ARE COUPLES, YOUNG AND OLD, WHO WANT A SPECIFIC JUDGE TO OFFICIATE AT THEIR MARRIAGE CEREMONY .... BECAUSE THAT JUDGE IS A FAMILY MEMBER OR A CLOSE FRIEND.

APART FROM THE ANECDOTES IN MY PREVIOUS TESTIMONY, LET ME PROVIDE EVIDENCE ON THIS POINT.

SIX WEEKS AGO, A SECOND-COUSIN IN ILLINOIS CALLED AND ASKED ME TO PERFORM HER WEDDING THIS COMING AUGUST IN ORLAND PARK, ILLINOIS. SEVERAL DAYS LATER, THE DAUGHTER OF ONE OF MY CLOSE FRIENDS ASKED ME TO PERFORM HER WEDDING IN MARCH IN APPLETON.

I AM ABLE TO PERFORM THE WEDDING IN ILLINOIS BECAUSE, LIKE MOST OTHER STATES, ILLINOIS PERMITS OUT OF STATE JUDGES TO PERFORM WEDDINGS. WISCONSIN DOES NOT RECIPROCATE.

IF I DID NOT HAVE THE SPECIAL RESERVE JUDGE EMERITUS AUTHORITY TO PERFORM WEDDINGS OR IF I WAS NO LONGER ALIVE, NO OTHER JUDGE FROM WISCONSIN WOULD BE INVITED TO PERFORM THE AUGUST WEDDING BECAUSE IT WOULD MAKE NO SENSE TO IMPORT A WISCONSIN JUDGE UNLESS THAT JUDGE HAD STRONG PERSONAL TIES TO THE BRIDE AND GROOM.

WITH REGARD TO THE APPLETON WEDDING, IF I WERE UNABLE TO PERFORM THE WEDDING, MY FRIENDS WOULD HAVE TO FIND ANOTHER WISCONSIN JUDGE EVEN IF THEY HAD A RELATIVE OR CLOSE FRIEND WHO WAS A JUDGE IN ANOTHER STATE. WISCONSIN COUPLES CANNOT BRING A SISTER OR BROTHER OR AUNT OR UNCLE WHO IS A JUDGE IN ANOTHER STATE TO MARRY THEM IN WISCONSIN. WHY THIS PROHIBITION?

THE WISCONSIN COUPLE WOULD PROBABLY BE DISAPPOINTED AND ASK WHY THE WISCONSIN LEGISLATURE HAS NOT BEEN MORE SENSITIVE AND MODIFIED OUR LAW.

THE PROVISION IN THIS BILL GIVING OUT OF STATE JUDGES PERMISSION TO PERFORM WEDDINGS IN WISCONSIN MAKES SENSE AND IS LONG OVERDUE.

LET ME NOW COMMENT ON THE NEW PROVISION RELATED TO HMONG MARRIAGES. I SALUTE ALL THE SPONSERS FOR THEIR GOOD INTENTIONS WITH RESPECT TO THE HMONG COMMUNITY. HMONG AMERICANS ARE AN IMPORTANT PART OF WISCONSIN'S POPULATION, AND WISCONSIN HAS THE FIRST WOMAN HMONG JUDGE IN THE COUNTRY AND A NEW HMONG-AMERICAN LEGISLATOR.

NONETHELESS, THE HMONG PROVISION NEEDS ADDITIONAL STUDY AND ADDITIONAL DRAFTING. FOR EXAMPLE, THE TERM MEJ KOOB IS NOT DEFINED IN THE BILL. THE QUALIFICATIONS (IF ANY), THE RESPONSIBILITIES, AND THE LIMITATIONS (IF ANY) OF THE MEJ KOOB (AND THERE MAY BE MORE THAN ONE) ARE NOT ADDRESSED IN THE BILL. UNLESS THERE IS CLEAR TESTIMONY AT THE HEARING, THE LEGISLATURE WILL NOT KNOW WHETHER WISCONSIN'S HMONG COMMUNITY WANTS THE BILL (AS DRAFTED). IT IS IMPORTANT TO REVIEW THE EXPERIENCE IN MINNESOTA ON THIS TYPE OF LEGISLATION. THE HMONG COMMUNITY IN MINNESOTA WAS DEEPLY DIVIDED, AND THE MINNESOTA LEGISLATURE HAS NOT PASSED ANY OFFERED LEGISLATION ON THIS SUBJECT. IT WOULD BE HELPFUL TO KNOW WHETHER ANY OTHER STATE HAS LEGISLATION AND, IF SO, HOW THE LEGISLATION IS DRAFTED.

THESE COMMENTS ARE NOT INTENDED TO KILL A HMONG PROVISION. THEY ARE INTENDED TO MAKE SURE A HMONG PROVISION IS THE BEST IN THE COUNTRY AND DOES NOT ENDANGER THE OTHER, NON-CONTROVERSIAL PART OF 2021 SENATE BILL 14.