

1985 Assembly Bill 266

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1985 Wisconsin Act 103

AN ACT to renumber and amend 765.21; to amend 765.09; and to create 765.09 (1) (b) and 765.21 (1) and (2) of the statutes, relating to validating a marriage solemnized sooner than 6 months after a divorce.

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

SECTION 1. 765.09 of the statutes is amended to read:

765.09 Identification of parties; statement of qualifications. (1) (a) No application for a marriage license may be made by persons lawfully married to each other and no marriage license may be issued to such persons; ~~nor may a~~.

(2) No marriage license may be issued unless the application ~~therefor~~ for it is subscribed by the parties intending to intermarry and is filed with the clerk who issues the marriage license.

(3) Each party shall present satisfactory, documentary proof of identification and residence and shall swear (or affirm) to the application before the clerk who is to issue the marriage license or the person authorized to accept such applications in the county and state where the party resides. The application shall contain such informational items as the department of health and social services directs. Each applicant under 30 years of age shall exhibit to the clerk a certified copy of a birth certificate, and any applicants shall submit a copy of any judgments or a death certifi-

cate affecting the marital status. If such certificate or judgment is unobtainable, other satisfactory documentary proof of the requisite facts therein may be presented in lieu thereof. Whenever the clerk is not satisfied with the documentary proof presented, he or she shall submit the same, for an opinion as to the sufficiency of the proof, to a judge of a court of record in the county of application.

SECTION 2. 765.09 (1) (b) of the statutes is created to read:

765.09 (1) (b) Paragraph (a) does not apply to persons whose marriage to one another is void under s. 765.03 (2) and who intend to intermarry under s. 765.21.

SECTION 3. 765.21 of the statutes is renumbered 765.21 (intro.) and amended to read:

765.21 Unlawful marriages void; validation. (intro.) All marriages hereafter contracted in violation of ss. 765.02, 765.03, 765.04 and 765.16 shall be void, except as provided in ss. 765.22 and 765.23. The parties to any such marriage ~~declared void under s. 765.02 or 765.16 may, at any time,~~ validate such the marriage by complying with the requirements of ss. 765.02 to 765.25; as follows:

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SECTION 4. 765.21 (1) and (2) of the statutes are created to read:

765.21 (1) At any time, if the marriage is declared void under s. 765.02 or 765.16.

(2) No earlier than 6 months after the divorce judgment is granted, if the marriage is declared void under s. 765.03 (2).
