



2013 ASSEMBLY BILL 429

1 **AN ACT** *to repeal* 765.17; *to renumber and amend* 765.16 (except 765.16
2 (title)); *to amend* 59.79 (5), 765.14, 765.23 and 765.30 (4) (a); and *to create*
3 765.16 (2m) of the statutes; **relating to:** requirements for persons officiating
4 at a marriage.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 59.79 (5) of the statutes is amended to read:
6 59.79 (5) FEE FOR CERTAIN MARRIAGE CEREMONIES. Enact an ordinance imposing
7 a fee to be paid in advance to the clerk for each marriage ceremony performed by a
8 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) (1m)
9 (e) in the courthouse, safety building, or children's court center during hours when
10 any office in those public buildings is open for the transaction of business. The
11 amount of the fee shall be determined by the board.

ASSEMBLY BILL 429**SECTION 2**

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

2 **765.14 Form of marriage document when solemnized by parties.** If the
3 marriage is to be solemnized by the parties without an officiating person, as provided
4 by s. 765.16 (3) (1m) (c), the marriage document shall contain all those items and
5 notations as required by s. 765.13.

6 **SECTION 3.** 765.16 (except 765.16 (title)) of the statutes is renumbered 765.16
7 (1m), and 765.16 (1m) (f), as renumbered, is amended to read:

8 765.16 **(1m)** (f) Any municipal court judge.

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

10 765.16 **(2m)** An officiating person under sub. (1m) (a), (b), (d), (e), or (f) must
11 be at least 18 years old.

12 **SECTION 5.** 765.17 of the statutes is repealed.

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

14 **765.23 Immaterial irregularities otherwise.** No marriage hereafter
15 contracted shall be void either by reason of the marriage license having been issued
16 by a county clerk not having jurisdiction to issue the same; or by reason of any
17 informality or irregularity of form in the application for the marriage license or in
18 the marriage license itself, or the incompetency of the witnesses to such marriage;
19 or because the marriage may have been solemnized in a county other than the county
20 prescribed in s. 765.12, or more than 30 days after the date of the marriage license,
21 if the marriage is in other respects lawful and is consummated with the full belief
22 on the part of the persons so married, or either of them, that they have been lawfully
23 joined in marriage. Where a marriage has been celebrated in one of the forms
24 provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter
25 assumed the habit and repute of husband and wife, and having continued the same

