

2013 DRAFTING REQUEST

Bill

Received: 6/11/2013 Received By: pkahler
Wanted: As time permits Same as LRB:
For: Thomas Larson (608) 266-1194 By/Representing: Matt Pulda
May Contact: Drafter: pkahler
Subject: Dom. Rel. - marriage Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Larson@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Persons officiating at a marriage

Instructions:

Require a person officiating at a marriage to be at least 18 years old; eliminate the letter-of-sponsorship requirement for out-of-state person officiating at a marriage

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 6/24/2013	scalvin 6/24/2013	jmurphy 6/25/2013	_____			
/P1	pkahler 9/16/2013			_____	srose 6/25/2013		
/1		scalvin 9/19/2013	rschluet 9/19/2013	_____	lparisi 9/19/2013	lparisi 9/19/2013	

FE Sent For:

none

<END>

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/?	pkahler 6/24/2013	scalvin 6/24/2013	jmurphy 6/25/2013	_____			
/P1	pkahler	1 sac 09/19/2013	 9/19/13	_____	srose 6/25/2013		

FE Sent For:

<END>

*Please Jacket
" / " for
Rep Larson's
office*

2013 DRAFTING REQUEST

Bill

Received: **6/11/2013** Received By: **pkahler**
Wanted: **As time permits** Same as LRB:
For: **Jeremy Thiesfeldt (608) 266-3156** By/Representing: **Hariah Hutkowski**
May Contact: Drafter: **pkahler**
Subject: **Dom. Rel. - marriage** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Thiesfeldt@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Persons officiating at a marriage

Instructions:

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/?	pkahler 6/24/2013	scalvin 6/24/2013	jmurphy 6/25/2013	_____			
/P1				_____	srose 6/25/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 6/11/2013 Received By: pkahler
 Wanted: As time permits Same as LRB:
 For: Jeremy Thiesfeldt (608) 266-3156 By/Representing: Hariah Hutkowski
 May Contact: Drafter: pkahler
 Subject: Dom. Rel. - marriage Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Thiesfeldt@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

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/?	pkahler	1/Pl sac 06/24/2013	Jm 6/24				
				Jm-ISR 6/25			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2517/1

PJK: /:....

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6-24

general

1 **AN ACT** . . .; **relating to:** requirements for persons officiating at a marriage.

Analysis by the Legislative Reference Bureau

Under current law, the following persons may officiate at a marriage: 1) an ordained member of the clergy; 2) a licentiate of a denominational body or an appointee of a bishop serving as the regular member of the clergy of any church of the denomination to which the member of the clergy belongs; 3) the two marrying parties themselves, by mutual declaration that they take each other as husband and wife; 4) a judge, reserve judge, or municipal judge; and 5) a circuit court commissioner. If a person listed under 1) or 2) above is not a state resident, the person may officiate at a marriage in this state if the person has a letter of sponsorship from a member of the clergy of the same religious denomination or society who has a church in this state under his or her ministry.

This bill provides that, except for the two parties themselves, who may be under age 18 under certain circumstances, any person who officiates at a marriage must be at least 18 years old. The bill also eliminates the requirement for a letter of sponsorship if the person officiating is a person listed under 1) or 2) above and not a state resident.

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

2 **SECTION 1.** 59.79 (5) of the statutes is amended to read:

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

History: 1995 a. 201 ss. 137, 164, 166, 168, 170, 184, 189, 194 to 196, 223, 225, 235, 236, 431, 454; 1999 a. 9, 83; 2001 a. 61; 2007 a. 63; 2013 a. 14.

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

8 **765.14 Form of marriage document when solemnized by parties.** If the
9 marriage is to be solemnized by the parties without an officiating person, as provided
10 by s. 765.16 (3) (1m) (c), the marriage document shall contain all those items and
11 notations as required by s. 765.13.

History: 1977 c. 418; 1979 c. 32 ss. 48, 92 (2); Stats. 1979 s. 765.14; 1981 c. 20.

12 **SECTION 3.** 765.16 (except 765.16 (title)) of the statutes is renumbered 765.16
13 (1m), and 765.16 (1m) (d) and (f), as renumbered, ^{is} amended to read:

14 **765.16 (1m) (d)** Any judge of a court of record in this state or a reserve judge
15 appointed under s. 753.075.

History: 1977 c. 423; 1979 c. 32 ss. 48, 92 (4); 1979 c. 176, 259; Stats. 1979 s. 765.16; 1981 c. 20 s. 2200; 1985 a. 29; 1991 a. 315; 1999 a. 85; 2001 a. 61.

16 **(f)** Any municipal court judge in this state.

History: 1977 c. 323; 1979 c. 32 ss. 48, 92 (4); 1979 c. 176, 259; Stats. 1979 s. 765.16; 1981 c. 20 s. 2200; 1985 a. 29; 1991 a. 315; 1999 a. 85; 2001 a. 61.

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

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

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

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

22 **765.23 Immaterial irregularities otherwise.** No marriage hereafter
23 contracted shall be void either by reason of the marriage license having been issued

1 by a county clerk not having jurisdiction to issue the same; or by reason of any
2 informality or irregularity of form in the application for the marriage license or in
3 the marriage license itself, or the incompetency of the witnesses to such marriage;
4 or because the marriage may have been solemnized in a county other than the county
5 prescribed in s. 765.12, or more than 30 days after the date of the marriage license,
6 if the marriage is in other respects lawful and is consummated with the full belief
7 on the part of the persons so married, or either of them, that they have been lawfully
8 joined in marriage. Where a marriage has been celebrated in one of the forms
9 provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter
10 assumed the habit and repute of husband and wife, and having continued the same
11 uninterruptedly thereafter for the period of one year, or until the death of either of
12 them, it shall be deemed that a marriage license has been issued as required by ss.
13 765.05 to 765.24 and 767.803.

14 **History:** 1979 c. 32 ss. 48, 92 (2); Stats. 1979 s. 765.23; 1981 c. 20 s. 2200; 1981 c. 314 s. 146; 2005 a. 443 s. 265.

14 **SECTION 7.** 765.30 (4) (a) of the statutes is amended to read:

15 765.30 (4) (a) *Penalty for failure to file marriage certificate.* Every officiating
16 person, or persons marrying without the presence of an officiating person, as
17 provided by s. 765.16 (3) (1m) (c), who neglect or refuse to transmit the original
18 marriage certificate, solemnized by the officiating person or the persons marrying,
19 to the register of deeds of the county in which the marriage was performed within
20 3 days after the date of the marriage.

21 **History:** 1977 c. 418; 1979 c. 32 ss. 48, 92 (2); 1979 c. 176; Stats. 1979 s. 765.30; 1981 c. 20, 390; 1983 a. 221; 1993 a. 486; 1997 a. 283; 2001 a. 109.

21 **SECTION 8. Initial applicability.**

22 (1) This act first applies to marriages solemnized on the effective date of this
23 subsection.

24 (END)

Kahler, Pam

From: Pulda, Matt
Sent: Monday, September 16, 2013 11:33 AM
To: Kahler, Pam
Subject: FW: Draft review: LRB -2517/P1 Topic: Persons officiating at a marriage
Attachments: 13-2517/P1.pdf

Hi, Pam,

Representative Thiesfeldt's office passed this bill along to our office for introduction. I have shared it with the county clerks in our district, as well as with the legislative chairman of the state county clerks association, and it looks good to them. Would you please send our office the jacket?

Thanks!

Matt Pulda
Research Assistant/Committee Clerk
Office of State Rep. Tom Larson
Assembly Committee on Family Law
(608) 266-1194

From: LRB.Legal
Sent: Tuesday, June 25, 2013 4:04 PM
To: Rep.Thiesfeldt
Subject: Draft review: LRB -2517/P1 Topic: Persons officiating at a marriage

Following is the PDF version of draft LRB -2517/P1.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2517/1

PJK:sac

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2013 Bill

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*SOON
(2-9-16)*

- gen cat

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

Under current law, the following persons may officiate at a marriage: 1) an ordained member of the clergy; 2) a licentiate of a denominational body or an appointee of a bishop serving as the regular member of the clergy of any church of the denomination to which the member of the clergy belongs; 3) the two marrying parties themselves, by mutual declaration that they take each other as husband and wife; 4) a judge, reserve judge, or municipal judge; and 5) a circuit court commissioner. If a person listed under 1) or 2) above is not a state resident, the person may officiate at a marriage in this state if the person has a letter of sponsorship from a member of the clergy of the same religious denomination or society who has a church in this state under his or her ministry.

This bill provides that, except for the two parties themselves, who may be under age 18 under certain circumstances, any person who officiates at a marriage must be at least 18 years old. The bill also eliminates the requirement for a letter of

sponsorship if the person officiating is a person listed under 1) or 2) above and not a state resident.

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

1 **SECTION 1.** 59.79 (5) of the statutes is amended to read:

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4 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) (1m)
5 (e) in the courthouse, safety building, or children's court center during hours when
6 any office in those public buildings is open for the transaction of business. The
7 amount of the fee shall be determined by the board.

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

9 **765.14 Form of marriage document when solemnized by parties.** If the
10 marriage is to be solemnized by the parties without an officiating person, as provided
11 by s. 765.16 (3) (1m) (c), the marriage document shall contain all those items and
12 notations as required by s. 765.13.

13 **SECTION 3.** 765.16 (except 765.16 (title)) of the statutes is renumbered 765.16
14 (1m), and 765.16 (1m) (f), as renumbered, is amended to read:

15 765.16 (1m) (f) Any municipal court judge.

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

17 765.16 (2m) An officiating person under sub. (1m) (a), (b), (d), (e), or (f) must
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6 or because the marriage may have been solemnized in a county other than the county
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8 if the marriage is in other respects lawful and is consummated with the full belief
9 on the part of the persons so married, or either of them, that they have been lawfully
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21 to the register of deeds of the county in which the marriage was performed within
22 3 days after the date of the marriage.

23 **SECTION 8. Initial applicability.**

