

**OFFICIANTS AS DEFINED
BY WISCONSIN STATE STATUTES ss. 765.16 & 765.17**

Wisconsin state statutes, ss. 765.16 and 765.17, specify who may perform marriages in the state of Wisconsin. Please read the statutes below and decide if the officiant you have named would be considered a member of the "clergy," a "licentiate" of a denomination, or would fit under another category listed.

765.16 MARRIAGE CONTRACT, HOW MADE; OFFICIATING PERSON. Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefore, and only in the following manner: by the mutual declarations of the 2 parties to be joined in marriage, made before a duly authorized officiating person and in the presence of at least 2 competent adult witnesses other than such officiating person, that they take each other as husband and wife. The following are duly authorized to officiate at weddings:

(1) Any ordained clergyman of any religious denomination or society who continues to be such ordained clergyman;

(2) Any licentiate of a denominational body or an appointee of any bishop serving as the regular clergyman of any church of the denomination to which the clergyman belongs, if not restrained from so doing by the discipline of the church or denomination;

(3) The 2 parties themselves, by such mutual declarations, **in accordance with the customs, rules and regulations of any religious society, denomination or sect to which either of said parties may belong;**

(4) Any judge of a court of record or a reserve judge appointed under s. 753.075.

(5) Any family court commissioner appointed under s. 767.13 or court commissioner appointed under s. 757.68.

(6) Any municipal court judge.

765.17 NONRESIDENT OFFICIATING PERSON; SPONSORSHIP. Any clergyman, licentiate or appointee named in s. 765.16 who is not a resident of this state may solemnize marriages in this state if he or she possesses at the time of the marriage a letter of sponsorship from a clergyman of the same religious denomination or society who has a church in this state under his or her ministry.

765.30(2) (Penalties) The following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:

(c) *Penalty for false solemnization of marriage.* Any person, not being duly authorized by the laws of this state, who intentionally undertakes to solemnize a marriage in this state; or any person who intentionally participates in or in any way aids or abets any false or fictitious marriage.

For couples choosing a civil officiant (either a judge or court commissioner):

- The court commissioner must be appointed in a Wisconsin court. They can perform marriages anywhere in the state.
- The judge must be elected or appointed to a Wisconsin court (city, county, state) or to a court that has jurisdiction in Wisconsin. There are very few out-of-state judges that have jurisdiction in Wisconsin.
- Federally recognized Wisconsin Tribal judges may perform marriages anywhere in the state.

For couples choosing a religious officiant (not a judge or court commissioner):

- Wisconsin does not have a state registration system for religious officiants. It is up to the bride and groom to find out if their officiant is legal to perform marriages in Wisconsin. Neither this office nor the State Vital Records Office can advise you on the legality of your chosen religious officiant. This includes "Internet ordinations." If in doubt, you may want to consult with legal counsel on the issue.
- If your chosen officiant resides out of state, that officiant must have a letter of sponsorship from the same or a like denomination in the state. A sample letter of sponsorship is available at this office by request.

For persons who are claiming the right to self-marriage (without an officiant):

- This option is restricted by law to instances in which at least one of the marrying parties belongs to a religious organization that believes in self-marriage. There are very few religions or sects that allow this option. This office will not demand proof of membership in such a religion, but it is illegal to provide false information in order to claim coverage under this provision.

NOTE: If your chosen officiant is not actually authorized under state statute to perform marriages, that person may be subject to the penalties listed above under s. 765.30 (2) (c), Wis. Stats

Out-of-State Religious Officiants

- There are times when the couple will want to use an officiant from out of state. By s. 765.17, Wis. Stats., a letter of sponsorship is required for a non-Wisconsin resident clergy who is performing a marriage ceremony in the state. That sponsorship letter should:
 - Be written on letterhead from some church or religious denomination located within the state (to show the church or religious denomination is an actual entity within the state).
 - Be addressed “to Whom it May Concern.” It must be dated and contain the name and signature of the in-state sponsoring officiant.
 - Specify that the sponsor is him or herself an authorized marriage officiant in Wisconsin.
 - Specify that the sponsor knows of the out-of-state officiant.
 - State that, to the best of the sponsor’s knowledge and belief, the out-of-state officiant is authorized to perform marriages for a religious denomination in the officiant’s place of residence.
- The out-of-state officiant keeps the original letter. He or she should provide the couple with a copy. The County Clerk may ask to see the letter, but it is not required for the County Clerk to keep a copy of the letter.

SAMPLE LETTER OF SPONSORSHIP FOR OUT-OF-STATE OFFICIANT

Per Chapter 765.17, Wisconsin State Statutes, a letter of sponsorship is required for a non-Wisconsin resident clergy to perform a marriage ceremony in Wisconsin. That sponsorship letter must:

- ✓ Be written on letterhead from a church or religious denomination that is located within the state of Wisconsin (to substantiate that the church or religious denomination is an actual entity within the state).
- ✓ Be addressed to “To Whom it May Concern,” be dated and contain the name and signature of the in-state sponsoring officiant.
- ✓ Specify that the sponsor is him- or herself an authorized marriage officiant in Wisconsin.
- ✓ Specify that the sponsor knows of the out-of-state officiant.
- ✓ State that, to the best of the sponsor’s knowledge and belief, the out-of-state officiant is authorized to perform marriages for a religious denomination in the officiant’s place of residence.

The out-of-state officiant keeps the original letter. He or she should provide the couple with a copy. The letter may be used whenever that out-of-state officiant is asked to perform a marriage in this state, as long as that officiant’s authority to perform marriages in his or her place of residence has not been revoked. The County Clerk may ask to see the letter or take a copy of it.

SAMPLE LETTER

LETTERHEAD

Date

To Whom It May Concern:

I am currently a (religious title) authorized to perform marriages through (name of church or denomination) in the state of Wisconsin.

In accordance with Chapter 765.17, Wis. Stats., I have been asked to provide a letter of sponsorship for (name of out-of-state officiant) who resides at (mailing address of out-of-state officiant) in order for (him/her) to perform a marriage in this state. I know of this person and, to the best of my knowledge and belief, (name of out-of-state officiant) is authorized to perform marriages by the church or denomination that (he/she) represents and that (name of the out-of-state officiant) is legally able to perform marriages in (state or country of residence of the out-of-state officiant).

Signature of Sponsor

Typed or Printed Name of Sponsor