



Office of the Sauk County Clerk

West Square Building, 505 Broadway, Rm. 144, Baraboo WI 53913-2183

Office: (608) 355-3286 FAX: (608) 355-3522

Marriage Information: (608) 355-3580

Rebecca A. DeMars, Sauk County Clerk (608) 355-3531 bdemars@co.sauk.wi.us

Marriage License Application

- **Where To Apply:** Applicants who are State of Wisconsin residents, are required to apply for a marriage license in the county one of the parties has resided in for at least 30 days prior to making application. The license can then be used in any county in the State of Wisconsin.

If both parties are nonresidents of the State of Wisconsin, application is required to be made in the county where the ceremony takes place.

- **Where To Apply In Sauk County:** Both parties are required appear in person at the office of the Sauk County Clerk, West Square Building, 505 Broadway, Room #144, Baraboo, Wisconsin, from 8:00 a.m. to 4:00 p.m., Monday through Friday, (closed Saturdays, Sundays, legal holidays, and the day after Thanksgiving). Allow ½ an hour of time to apply.

- **Identification of Parties:**

- Each party is required to present current photo identification.
- Each party is required to present current proof of where they live in the form of a driver's license, state issued identification card, mail, rent or mortgage receipt, checking account, or savings account.
- social security number, if assigned: www.socialsecurity.gov
- Wisconsin State Statutes require all parties to present a **state certified** copy of a birth certificate:
 - Photocopies cannot be accepted: **Per Wisconsin State Statutes §69.24, it is illegal to make photocopies of any vital record, doing so carries a fine of \$10,000.00.**
 - Hospital and baptism certificates cannot be accepted.
- Certified copy of death certificate
- Copy of state annulment papers
- Copy of prior divorce papers – *Findings of Fact, Conclusions of Law*

Where To Obtain Vital Records:

- **Birth/Death records in Wisconsin:** Register of Deeds office in the county where the birth or death occurred; or State of Wisconsin Vital Records:
 - Sauk County Register of Deeds: <http://www.co.sauk.wi.us/dept/regodeed/index.html>
 - State of Wisconsin Vital Records: <http://dhs.wisconsin.gov/vitalrecords>
- **Divorce judgment records in Wisconsin:** Clerk of Courts in the county where the event occurred; or State of Wisconsin Department of Vital Records:
 - Sauk County Clerk of Courts: <http://www.co.sauk.wi.us/clerkofcourts>
 - State of Wisconsin Vital Records: <http://dhs.wisconsin.gov/vitalrecords>
- **Birth, Death and Divorce Judgment records in another State:** www.cdc.gov/nchs

- **Age:** 18, without consent. Age 16 and 17, with written consent of the person's parents, guardian, custodian, or a parent who has legal custody.
- **Relationship:** A marriage cannot be contracted while either party has a husband or wife living; between persons who are closer in relationship than second cousins, whether parties to the marriage are half or whole blood, except that a marriage may be contracted between first cousins if the female has attained the age of 55 years, or if either party at the time of application for a marriage license submits an affidavit signed by a physician stating that either party is permanently sterile.
- **Assenting to marriage:** A marriage cannot be contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.
- **Divorced Persons:** A person divorced, whether in the State of Wisconsin or elsewhere, cannot marry again until six months from the final judgment date.
- **Fee due at time of application:** **EFFECTIVE: JANUARY 1, 2013** - \$80.00, payable by check or cash

- **Waiting Period:** Five (5) days, unless a waiver of the waiting period has been granted.
- **Special dispensation of waiting period:** A waiver of the five (5) day waiting period is granted for any of the reasons outlined in Chapter 765 of the Wisconsin Statutes. An extra fee of \$10.00, payable by check or cash, is charged at the time of application
- **Expiration:** A marriage license is required to be used within 30 days from the issue date.
- **Ceremony:**
 - Date of ceremony.
 - Venue **name; place**-township, village, or city; and **county** where the ceremony is to take place.
 - Name, address & phone # of the person officiating the ceremony.
 - To **request a Judge or Court Commissioner perform your ceremony**, call the office of the County Clerk between 8:00 a.m. and 4:30 p.m., M-F: 608.355.3286
- 1. Judges perform marriage ceremonies in their courtroom M F, 8:00 a.m.-4:15 p.m. – no fee
- 2. Court Commissioners perform ceremonies at your venue – fee, check with Commissioner
- **Who May Legally Perform A Marriage In the State of Wisconsin, per Wisconsin State Statutes §765.16 and §765.17:**
 - (1) Ordained clergy or licentiate of a denominational body or appointee of any bishop if a Wisconsin resident.
 - (2) Family court or other court commissioner or supplemental court commissioner in Wisconsin.
 - (3) Municipal judge, reserve judge or any judge of a court of record in Wisconsin or a Wisconsin tribal judge, or Federal judge who has jurisdiction in this State.
 - (4) The two parties themselves, by mutual declarations, in accordance with the customs, rules, and regulations of any religious society, denomination, or sect to which either of said parties belong, (per § 765.16, Wis. Stats.). At least one of you must belong to a religious organization that believes that the marriage ceremony should be performed without an officiant). **NOTE: VERY FEW RELIGIONS ALLOW SELF MARRIAGE.**
 - (5) Any clergyman, licentiate or appointee named in s. 765.16 who is not a resident of this state may formalize 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 in the State of Wisconsin.
 - (6) 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 the County Clerk, Register of Deeds, nor the State Vital Records Office can advise you on the legality of your chosen religious officiant. This includes "Internet Ordinations."
 - (7) If a couple has concerns about the legality of an officiant they are planning to use for their marriage, they should contact an attorney for determination.
- **NOTE:** Other than the lower confidential portion, your marriage license application is a public record.
- **Penalty Information per §765.30, Wisconsin State Statutes:**
 - (1) A fine of not less than \$10,000 or imprisoned for not more than nine (9) months or both for:
 - a. Marrying outside the state for the purpose of avoiding Wisconsin law.
 - b. Making certain false statements to obtain a license to marry.
 - c. Wilfully and knowingly performing a marriage without statutory authority to perform marriages in the state. (See *Who May Legally Perform a Marriage in Wisconsin* above.)
 - d. Being a party to performing a fictitious marriage ceremony for fraudulent purposes.
 - (2) A fine of not less than \$100 nor more than \$500 or imprisoned for not more than six (6) months or both for:
 - a. Unlawfully solemnizing a marriage (by the officiant or by the two parties themselves).

www.co.sauk.wi.us

Rebecca C. Evert, Assistant Sauk County Clerk
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