

# Requirements for a Valid Marriage

In Wisconsin, getting married means following certain rules to make sure the marriage is legal. These rules are found in the Wisconsin Statutes, especially Chapter 765.

## Age Requirements

- **18 Years and Older:** If you're 18 or older, you can get married without needing anyone else's permission.
- **16 and 17 Years Old:** If you're 16 or 17, you can get married, but you need written permission from your parents or guardians. This permission must be given in front of the county clerk or certified by a notary public.
- **Under 16:** If you are under 16, you cannot marry under any circumstances.

## People Who Cannot Get Married

Some people are not allowed to get married in Wisconsin:

- **Close Relatives:** You cannot marry someone who is closely related to you, like a brother, sister, parent, or grandparent. First cousins can marry if the female (the word used in the law) is at least 55 years old or if either cousin has medical proof that they are unable to have children.
- **Already Married:** You cannot marry someone if either of you is currently married to someone else.
- **Recently Divorced:** If you've been divorced, you must wait six months before getting married again.

# Marriage License

Before getting married, you need to get a marriage license.

## Application

You can apply for a marriage license before the county clerk of any county in the state, and the license issued may be used and filed in any county in the State of Wisconsin. Generally, you must apply for a marriage license together and in person. However, if one of you lives outside of Wisconsin, their part of the license application may be completed and sworn to in front of the person authorized to accept marriage license applications in the county and state in which they live. Application fees vary by county but are usually at least \$100.

At the time you apply for the license, you must know:

- The **date** of your marriage ceremony
- The **location** of your marriage ceremony (county & city/town/village)
- Your **officiant's** name, address, phone number, and e-mail
- Both applicant's **social security numbers**

Note: If one or both of you do not speak English, a third party needs to be present to interpret at the time of application. Couples cannot translate for each other.

## Documentation

At the time of application, each of you will be required to submit:

- Photo identification.
- A document showing your current physical address. You must also know whether you live in a city, village, or township and the county where you reside.

Note: Proof of current residence could be an unexpired state-issued ID, Driver's License or Resident Alien ID with your current address on it, or it could be a piece of mail (utility, cable, or phone bill, or government correspondence) dated within the last 30-60 days with your name and street address on it.

- A certified copy of each of your birth certificates. The birth certificate must be legible, not tattered and torn. The hospital birth certificate is not acceptable. Non-US residents may be able to substitute a passport, green card, or other documentation that meets the REAL ID requirements if they can't get a hold of their birth certificate.
- Divorced persons must submit divorce judgment papers, and widows or widowers must submit a certified death certificate of their spouse. If you are not able to get a death certificate or divorce judgment papers, the clerk may accept other proof if they are satisfied by what is presented.

Note: Any document not in English must be attached to a certified and notarized translation.

## **Waiting Period**

After applying, a three-day waiting period is required by law. The license will be issued on the fourth day and is good for 60 days from the date of issuance. In some counties, the clerk may agree to waive the three-day waiting period for an additional \$25.00 fee.

When you should apply for a marriage license: Four to 63 days before your marriage ceremony.

## **Marriage Ceremony**

The state does not require any formal wording requirements during wedding ceremonies. However, to be considered a legal wedding, each partner must, at some point in the ceremony, make some declaration of consent to the marriage, such as "I do", in front of the officiant and two additional adult witnesses.

Who can officiate a wedding?

Adults who are also:

- Judges or court commissioners
- Ordained clergy of any religious denomination

- The “loophole” here is that Wisconsin recognizes online and nondenominational ordained ministers. This allows your best friend to get ordained online through a nondenominational or interfaith church and perform your wedding.
- The two people getting married may also “marry themselves” through the “mutual declarations that they take each other as” spouses according to the traditions of their faith. For example, Quakers traditionally marry without an officiant.

## **Finalizing the Marriage**

After the wedding ceremony, the officiant, both witnesses, and both spouses must sign the marriage license using black ink. The license must be sent to the county clerk’s office within three days of the ceremony.

## **Other Considerations**

What if I thought I was married but I find out that one of the above requirements wasn’t actually met? Does that mean I’m not actually married?

It depends on which requirement wasn’t met. For instance, if it turns out your officiant didn’t actually have authority to marry you and your spouse, but you and your spouse didn’t know that and followed the marriage laws in all other ways, then your marriage is likely still valid.

Similarly, if it turns out the county clerk didn’t have authority to issue your marriage license, or there was an “irregularity” in the license application or license itself, or one of the witnesses was not actually competent to witness the marriage, or the ceremony took place outside of the 60-day window after the license was issued - as long as the marriage is otherwise lawful and you consummate the marriage believing it was lawful, then the marriage will likely stand.

## **Penalties**

If you leave the state of Wisconsin to get married in order to get around Wisconsin marriage laws, even though you intend to return and live in Wisconsin after the ceremony, you can be imprisoned for up to 9 months, fined up to \$10,000, or both. Additionally, Wisconsin will not recognize your marriage. This was especially relevant when Wisconsin didn’t allow same-sex marriage while other states did. But is still

relevant for existing Wisconsin marriage limitations that may not exist in other states, like the prohibition on getting married under the age of 16.

Last updated on April 09, 2025.

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