

NOTICE OF  
**PUBLIC MEETING**  
TO BE HELD  
**THURSDAY, MARCH 17 at 12:15 p.m.**  
IN THE  
**OBC CONFERENCE ROOM**  
**(2<sup>nd</sup> FLOOR—NORBERT HILL CENTER)**

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

**TOPIC: MARRIAGE LAW  
AMENDMENTS**

**This is a proposal (to amend an existing Tribal Law) which would:**

- ◆ clarify the process in which a fee schedule is to be adopted;
- ◆ provide for a way to waive the standard waiting period between applying for a license and solemnizing the marriage;
- ◆ provide for an administrative fee for amendments to an application after it has been submitted

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings) or contact the Legislative Reference Office.

**PUBLIC COMMENT PERIOD  
OPEN UNTIL MARCH 24, 2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

**Legislative Reference Office**  
**PO Box 365 Oneida, WI 54155**  
**LOC@oneidanation.org**  
Phone: (920) 869-4376 or (800) 236-2214  
Fax: (920) 869-4040



# Marriage Law Amendments

<i>Analysis by the Legislative Reference Office</i>				
<b>Title</b>	Marriage (Law)			
<b>Requester</b>	Tonya Webster	<b>Drafter</b>	Douglass McIntyre	<b>Analyst</b> Maureen Perkins
<b>Reason for Request/Purpose</b>	The licensing department has had issues with implementation of the Law and has provided suggested amendments. Authorize a waiver process for the waiting period [71.5-4]. Provide an administrative fee for changes requested after an application is submitted. Adopt a fee schedule [71.5-1].			
<b>Authorized/Affected Entities</b>	Family Court, licensing department, anyone that wishes to marry under this Law			
<b>Related Legislation</b>	Any person issued a fine under this law can appeal through the Judiciary [See 71.5-1 & 71.5-1(g)].			
<b>Enforcement &amp; Due Process</b>	Any person who knowingly violates this law will be subject to a fine; the licensing department is responsible for enforcing fines issued [See 71.7-1 & 71.7-2].			

## Overview

The Law regulates the rights and responsibilities with respect to marriage.

## Proposed Amendments

The following are proposed amendments to the Law:

- Applicants will be required to pay all fees at the time the license is issued. The Law authorizes the OBC to set the fee schedule by resolution. The OBC shall seek the departments' recommendation when determining the appropriate fee schedule [71.5-1].
- Language has been added to clarify that a marriage ceremony must take place between the 6<sup>th</sup> and 30<sup>th</sup> day of receiving the marriage license [See 71.5-4].
- A waiver process has been created to allow for the marriage ceremony to take place between the 1<sup>st</sup> and 5<sup>th</sup> day of issuing the marriage license for an additional fee [See 71.5-4].

## Considerations

- The request to provide an administrative fee for amendments to a submitted application has been addressed indirectly under the fee section of the law [See 71.5-1]. The fee section is broad and allows for the Business Committee to adopt a fee schedule upon recommendation of the department. This can include an administrative fee for amendments to submitted applications at the Business Committees' discretion.

## Miscellaneous

A public meeting was not held. Revisions were made to this Law which complies with drafting styles. Revisions were also made to improve the flow and sequence of the Law without changing the intended content. Please refer to the fiscal impact statement for any financial impacts.

**CHAPTER 71**  
**MARRIAGE**  
**Yeny@kta>**

71.1. Purpose and Policy  
71.2. Adoption, Amendment, Conflicts  
71.3. Definitions  
71.4. Marriages, Generally

71.5. Marriage Document and Marriage Ceremony  
71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities  
71.7. Penalties

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1  
2 **71.1. Purpose and Policy**

3 71.1-1. *Purpose.* It is the purpose of this Law to exercise the sovereign right of the Oneida  
4 Tribe to regulate the rights and responsibilities relating to marriage.

5 71.1-2. *Policy.* Marriage is a foundation of Tribal society that stabilizes families which the  
6 Tribe acknowledges by recognizing the legal relationship of a union between two adults.

7  
8 **71.2. Adoption, Amendment, Conflicts**

9 71.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F  
10 and amended by resolutions BC-06-12-13-E, ~~and~~ BC-05-27-15-A and \_\_\_\_\_.

11 71.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to  
12 the procedures set out in the Legislative Procedures Act.

13 71.2-3. Should a provision of this Law or the application thereof to any person or circumstances  
14 be held as invalid, such invalidity shall not affect other provisions of this Law which are  
15 considered to have legal force without the invalid portions.

16 71.2-4. In the event of a conflict between a provision of this Law and a provision of another law,  
17 the provisions of this Law shall control. Provided that, nothing in this Law is intended to repeal  
18 or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

19 71.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians  
20 of Wisconsin.

21 71.2-6. *Rules.* If rules addressing a certain area of this Law have not been enacted in accordance  
22 with Tribal law and the Court is faced with a question, the Court may, in its discretion, refer to  
23 other Indian tribal law or state law for guidance, to the extent that such law is not inconsistent  
24 with this or any other Tribal law.

25  
26 **71.3. Definitions**

27 71.3-1. This section shall govern the definitions of words and phrases used within this Law. All  
28 words not defined herein shall be used in their ordinary and everyday sense.

29 (a) "Court" means Family Court, which is a branch of the judicial arm of the Tribe~~the~~  
30 ~~judicial system of the Tribe which is assigned to handle all family law matters.~~

31 (b) "Court of competent jurisdiction" means a court that has the power and authority to  
32 dissolve a marriage.

33 (c) "Department" means the licensing department of the Tribe that is responsible for  
34 administering and issuing licenses in accordance with Oneida-Tribal laws.

35 (d) "Marriage" means the civil contract to which the consent of the parties capable in law  
36 of contracting is essential, and which creates the legal status of spouses.

37 (e) "Marriage document" means that document issued by the Department which includes  
38 the marriage license as well as information concerning the marriage ceremony, the  
39 signatures of the witnesses and officiating person(s), and proof of filing.

40 (f) "Marriage license" means that portion of the marriage document designated as such,  
41 which is the authorization for the marriage to take place.

42 (g) "Officiating person" means the person or persons who perform the marriage

43 ceremony.

44 (h) "Reservation" means all the land within the exterior boundaries of the Reservation of  
45 the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the  
46 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

47 (i) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.  
48

#### 49 **71.4. Marriages, Generally**

50 71.4-1. *Who May Marry.* A marriage may be contracted under this Law between two (2) adults  
51 who:

- 52 (a) have a marriage document issued by the Department;
- 53 (b) have attained the age of eighteen (18), except as provided in 71.4-3; and
- 54 (c) meet all other provisions under this Law.

55 71.4-2. *Who May Not Marry.* Persons may not enter into marriage if they:

- 56 (a) are currently legally married to another person; or,
- 57 (b) have been legally divorced for less than six (6) months with a judgment of divorce  
58 from a court of competent jurisdiction; or,
- 59 (c) are not legally competent; or,
- 60 (d) are closer in relationship than second cousins, except first cousins may marry if both  
61 parties are fifty-five (55) years old or older.

62 71.4-3. *Minors.* Individuals under the age of sixteen (16) shall not marry. Individuals who meet  
63 the above requirements, except for 71.4-1(b) and are over the age of sixteen (16) but under the  
64 age of eighteen (18) may marry if they present:

- 65 (a) written consent by his or her parent or guardian, signed and notarized before the  
66 person issuing the marriage license; or
- 67 (b) proof that they have been legally emancipated.  
68

#### 69 **71.5. Marriage Document and Marriage Ceremony**

70 71.5-1. *Fees.* An applicant is responsible for paying all fees at the time the application is filed.  
71 The Oneida Business Committee, upon recommendation of the Department, shall adopt a fee  
72 schedule through Resolution for all fees associated under this Law. The Oneida Business  
73 Committee may require any fees as long as those fees are consistent with this Law.

74 71.5-2. *Marriage Document.* The Department shall issue a marriage document to the applicants  
75 within five (5) business days after the application is filed if, in addition to the other requirements  
76 in this Law, the following conditions are met at the time a marriage license is applied for:

- 77 (a) Either (1) or (2) applies to the applicants:
  - 78 (1) each applicant:
    - 79 (A) is a Tribal member; or
    - 80 (B) resides on the Reservation and is a member of an Indian tribe, band or  
81 community which is recognized by a state or the federal government.
  - 82 (2) one of the applicants meets the requirements of (1)(A) or (B) and the other  
83 applicant consents to the Tribe's jurisdiction to issue the license. The completion  
84 of an application for a marriage license represents a person's consent to the  
85 Tribe's jurisdiction to grant the license.
- 86 (b) Both applicants appear in person at the Department to complete the marriage license  
87 application.
- 88 (c) The applicants provide any information necessary to complete the application, which  
89 may include: social security numbers, birth certificates, proof of residence, proof of tribal  
90 membership, documentation of a judgment of divorce, annulment, or death certificates

91 from most recent marriages, parents' full names, mothers' maiden names, date and place  
92 of marriage ceremony, and the name, address, and phone number of the officiating  
93 person(s).

94 (d) The applicants swear under oath that the information provided is true and accurate  
95 and sign the application in the presence of a notary public.

96 (e) The applicants pay the required fees.

97 71.5-~~32~~. *Objections.* Any relative of the applicants, Department official, or applicant that  
98 objects to an upcoming marriage may file a petition and sworn affidavit with the Court objecting  
99 to the marriage.

100 (a) The petition shall state grounds for the belief that a marriage license should not be  
101 issued to the applicants or a marriage license that has already been issued should be  
102 revoked.

103 (b) The Court shall approve the petition only if the marriage, if conducted, would violate  
104 this Law.

105 (c) If the petition is approved by the Court, the applicants shall show cause why the  
106 license should be issued or why the license should not be revoked.

107 71.5-~~43~~. *Marriage Ceremony.*

108 (a) The ~~marriage applicants shall marry not less than~~ must occur between six (6) days  
109 after the license is issued and ~~not more than~~ thirty (30) days after the license is issued.  
110 The applicant may apply for a waiver of the initial 5 day waiting period for an additional  
111 fee. The marriage license shall contain notification of these time limits.

112 (b) If neither applicant resides on the Reservation, the marriage ceremony shall be held  
113 on the Reservation. If one (1) or both of the applicants reside on the Reservation, the  
114 marriage ceremony shall be held within the State of Wisconsin. The applicants shall be  
115 notified of this requirement when applying for a marriage license.

116 (c) The ceremony shall be solemnized by an officiating person(s) with two (2) competent  
117 adult witnesses present.

118 (d) The parties shall vow by mutual declarations, before the officiating person(s) and  
119 witnesses, that they take each other in lawful matrimony.

120 (e) The parties, the officiating person(s), and the witnesses shall, at the conclusion of the  
121 ceremony, sign and date the marriage document.

122 (f) The officiating person(s) shall deliver the original completed marriage document to  
123 the Department within three (3) business days after the ceremony. The Department shall  
124 deliver the original marriage document to the Wisconsin Vital Statistics Department  
125 within ten (10) business days after it is filed. The Department shall retain a file stamped  
126 copy and provide a file stamped copy to the married couple.

127 (g) The Department shall keep a marriage license docket and shall enter therein a  
128 complete record of the marriage applications and issuance of marriage licenses which  
129 shall be available for public inspection during regular business hours.

130 71.5-~~54~~. *Officiating Persons.* The following persons are authorized as officiating persons under  
131 this Law:

132 (a) a traditional tribal practitioner or spiritual or religious leader who is commonly  
133 recognized as such by the Oneida community or other Indian community and has  
134 registered with the Court; or

135 (b) a Judge from the Court or a tribal, federal, or state judge or commissioner authorized  
136 to solemnize marriages under tribal, federal or state law; or

137 (c) the Tribal Chairperson or a person designated by the Tribal Chairperson at the  
138 request of the persons being married; or

- 139 (d) any ordained clergy person of any religious denomination, society, or sect; or  
140 (e) any person licensed by a religious body or appointed by a high-ranking clergy  
141 member, if the religious denomination, society, or sect allows the person to solemnize  
142 marriages; or  
143 (f) the parties themselves, by mutual declarations that they take each other as spouses, in  
144 accordance with the customs, rules, and regulations of any religious denomination,  
145 society, or sect to which either of the parties belongs.

146  
147 **71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities**

148 71.6-1. If a person is prohibited from marrying another under this Law and goes to another  
149 jurisdiction and there contracts a marriage that is prohibited under this Law, such marriage shall  
150 not be recognized by the Tribe.

151 71.6-2. No marriage shall be contracted under this Law by a party residing and intending to  
152 continue to reside in another jurisdiction, if such marriage would be void if contracted in such  
153 other jurisdiction. Every marriage celebrated in violation of this provision shall be void.

154 71.6-3. *Immaterial Irregularities.* A marriage shall be recognized as valid if the marriage is  
155 consummated with the full belief on the part of the persons so married that they have been  
156 lawfully joined in marriage, and:

- 157 (a) the officiating person(s) did not have the authority to solemnize the marriage; or  
158 (b) the marriage license was issued by a department or person who did not have  
159 jurisdiction to issue the license; or  
160 (c) the marriage license or application for the marriage license had an informality or  
161 irregularity; or  
162 (d) either or both of the witnesses to the marriage were incompetent; or  
163 (e) the marriage ceremony was solemnized outside of the Reservation boundaries, or  
164 Brown or Outagamie County, when applicable, or outside of the required time lines listed  
165 on the marriage license.

166  
167 **71.7. Penalties**

168 71.7-1. A person who knowingly violates this Law may be penalized as follows:

- 169 (a) Any person who swears to a false statement to obtain a marriage license or to help  
170 another obtain a marriage license shall be fined no less than five hundred dollars  
171 (\$500.00).  
172 (b) Any person who is not an officiating person who solemnizes a marriage ceremony  
173 shall be fined no less than one hundred dollars (\$100.00).  
174 (c) The parties to a marriage and/or the officiating person(s) of a marriage conducted  
175 without a valid marriage license or without the presence of two (2) competent adult  
176 witnesses shall be fined no less than one hundred dollars (\$100.00).  
177 (d) Any person who goes to another jurisdiction to avoid this Law and contracts a  
178 marriage prohibited under this Law shall be fined no less than five hundred dollars  
179 (\$500.00).  
180 (e) Any person who violates any other provision of this Law shall be fined no less than  
181 one hundred dollars (\$100.00).

182 71.7-2. The Department shall be the responsible entity for the enforcement of this section. All  
183 fines issued shall be paid within thirty (30) days of the issuance of the fine. Any person issued a  
184 fine under this Law may contest the fine by filing an appeal with the Court prior to the deadline  
185 to pay the fine. The filing of an appeal shall stay the requirement to pay the fine. The notice of  
186 penalty issued shall inform the person penalized of the process to file his or her appeal.

187  
188 *End.*  
189

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Adopted-BC-04-28-10-F  
Amended-BC-06-12-13-E  
Amended-BC-05-27-15-A

**CHAPTER 71**  
**MARRIAGE**  
**Yeny@kta>**

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6 Tribe acknowledges by recognizing the legal relationship of a union between two adults.

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8 **71.2. Adoption, Amendment, Conflicts**

9 71.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F  
10 and amended by resolutions BC-06-12-13-E, BC-05-27-15-A and \_\_\_\_\_.

11 71.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to  
12 the procedures set out in the Legislative Procedures Act.

13 71.2-3. Should a provision of this Law or the application thereof to any person or circumstances  
14 be held as invalid, such invalidity shall not affect other provisions of this Law which are  
15 considered to have legal force without the invalid portions.

16 71.2-4. In the event of a conflict between a provision of this Law and a provision of another law,  
17 the provisions of this Law shall control. Provided that, nothing in this Law is intended to repeal  
18 or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

19 71.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians  
20 of Wisconsin.

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22 with Tribal law and the Court is faced with a question, the Court may, in its discretion, refer to  
23 other Indian tribal law or state law for guidance, to the extent that such law is not inconsistent  
24 with this or any other Tribal law.

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29 (a) "Court" means Family Court, which is a branch of the judicial arm of the Tribe.

30 (b) "Court of competent jurisdiction" means a court that has the power and authority to  
31 dissolve a marriage.

32 (c) "Department" means the licensing department of the Tribe that is responsible for  
33 administering and issuing licenses in accordance with Tribal laws.

34 (d) "Marriage" means the civil contract to which the consent of the parties capable in law  
35 of contracting is essential, and which creates the legal status of spouses.

36 (e) "Marriage document" means that document issued by the Department which includes  
37 the marriage license as well as information concerning the marriage ceremony, the  
38 signatures of the witnesses and officiating person(s), and proof of filing.

39 (f) "Marriage license" means that portion of the marriage document designated as such,  
40 which is the authorization for the marriage to take place.

41 (g) "Officiating person" means the person or persons who perform the marriage  
42 ceremony.

43 (h) "Reservation" means all the land within the exterior boundaries of the Reservation of  
44 the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the  
45 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

46 (i) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.

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50 who:

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52 (b) have attained the age of eighteen (18), except as provided in 71.4-3; and  
53 (c) meet all other provisions under this Law.

54 71.4-2. *Who May Not Marry.* Persons may not enter into marriage if they:

- 55 (a) are currently legally married to another person; or,  
56 (b) have been legally divorced for less than six (6) months with a judgment of divorce  
57 from a court of competent jurisdiction; or,  
58 (c) are not legally competent; or,  
59 (d) are closer in relationship than second cousins, except first cousins may marry if both  
60 parties are fifty-five (55) years old or older.

61 71.4-3. *Minors.* Individuals under the age of sixteen (16) shall not marry. Individuals who meet  
62 the above requirements, except for 71.4-1(b) and are over the age of sixteen (16) but under the  
63 age of eighteen (18) may marry if they present:

- 64 (a) written consent by his or her parent or guardian, signed and notarized before the  
65 person issuing the marriage license; or  
66 (b) proof that they have been legally emancipated.

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68 **71.5. Marriage Document and Marriage Ceremony**

69 71.5-1. *Fees.* An applicant is responsible for paying all fees at the time the application is filed.  
70 The Oneida Business Committee, upon recommendation of the Department, shall adopt a fee  
71 schedule through Resolution for all fees associated under this Law. The Oneida Business  
72 Committee may require any fees as long as those fees are consistent with this Law.

73 71.5-2. *Marriage Document.* The Department shall issue a marriage document to the applicants  
74 within five (5) business days after the application is filed if, in addition to the other requirements  
75 in this Law, the following conditions are met at the time a marriage license is applied for:

- 76 (a) Either (1) or (2) applies to the applicants:  
77 (1) each applicant:  
78 (A) is a Tribal member; or  
79 (B) resides on the Reservation and is a member of an Indian tribe, band or  
80 community which is recognized by a state or the federal government.  
81 (2) one of the applicants meets the requirements of (1)(A) or (B) and the other  
82 applicant consents to the Tribe's jurisdiction to issue the license. The completion  
83 of an application for a marriage license represents a person's consent to the  
84 Tribe's jurisdiction to grant the license.  
85 (b) Both applicants appear in person at the Department to complete the marriage license  
86 application.  
87 (c) The applicants provide any information necessary to complete the application, which  
88 may include: social security numbers, birth certificates, proof of residence, proof of tribal  
89 membership, documentation of a judgment of divorce, annulment, or death certificates  
90 from most recent marriages, parents' full names, mothers' maiden names, date and place

91 of marriage ceremony, and the name, address, and phone number of the officiating  
92 person(s).

93 (d) The applicants swear under oath that the information provided is true and accurate  
94 and sign the application in the presence of a notary public.

95 (e) The applicants pay the required fees.71.5-3. *Objections.* Any relative of the applicants,  
96 Department official, or applicant that objects to an upcoming marriage may file a petition and  
97 sworn affidavit with the Court objecting to the marriage.

98 (a) The petition shall state grounds for the belief that a marriage license should not be  
99 issued to the applicants or a marriage license that has already been issued should be  
100 revoked.

101 (b) The Court shall approve the petition only if the marriage, if conducted, would violate  
102 this Law.

103 (c) If the petition is approved by the Court, the applicants shall show cause why the  
104 license should be issued or why the license should not be revoked.

105 71.5-4. *Marriage Ceremony.*

106 (a) The marriage must occur between six (6) days after the license is issued and thirty  
107 (30) days after the license is issued. The applicant may apply for a waiver of the initial 5  
108 day waiting period for an additional fee. The marriage license shall contain notification  
109 of these time limits.

110 (b) If neither applicant resides on the Reservation, the marriage ceremony shall be held  
111 on the Reservation. If one (1) or both of the applicants reside on the Reservation, the  
112 marriage ceremony shall be held within the State of Wisconsin. The applicants shall be  
113 notified of this requirement when applying for a marriage license.

114 (c) The ceremony shall be solemnized by an officiating person(s) with two (2) competent  
115 adult witnesses present.

116 (d) The parties shall vow by mutual declarations, before the officiating person(s) and  
117 witnesses, that they take each other in lawful matrimony.

118 (e) The parties, the officiating person(s), and the witnesses shall, at the conclusion of the  
119 ceremony, sign and date the marriage document.

120 (f) The officiating person(s) shall deliver the original completed marriage document to  
121 the Department within three (3) business days after the ceremony. The Department shall  
122 deliver the original marriage document to the Wisconsin Vital Statistics Department  
123 within ten (10) business days after it is filed. The Department shall retain a file stamped  
124 copy and provide a file stamped copy to the married couple.

125 (g) The Department shall keep a marriage license docket and shall enter therein a  
126 complete record of the marriage applications and issuance of marriage licenses which  
127 shall be available for public inspection during regular business hours.

128 71.5-5. *Officiating Persons.* The following persons are authorized as officiating persons under  
129 this Law:

130 (a) a traditional tribal practitioner or spiritual or religious leader who is commonly  
131 recognized as such by the Oneida community or other Indian community and has  
132 registered with the Court; or

133 (b) a Judge from the Court or a tribal, federal, or state judge or commissioner authorized  
134 to solemnize marriages under tribal, federal or state law; or

135 (c) the Tribal Chairperson or a person designated by the Tribal Chairperson at the  
136 request of the persons being married; or

137 (d) any ordained clergyperson of any religious denomination, society, or sect; or

138 (e) any person licensed by a religious body or appointed by a high-ranking clergy  
139 member, if the religious denomination, society, or sect allows the person to solemnize  
140 marriages; or

141 (f) the parties themselves, by mutual declarations that they take each other as spouses, in  
142 accordance with the customs, rules, and regulations of any religious denomination,  
143 society, or sect to which either of the parties belongs.  
144

#### 145 **71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities**

146 71.6-1. If a person is prohibited from marrying another under this Law and goes to another  
147 jurisdiction and there contracts a marriage that is prohibited under this Law, such marriage shall  
148 not be recognized by the Tribe.

149 71.6-2. No marriage shall be contracted under this Law by a party residing and intending to  
150 continue to reside in another jurisdiction, if such marriage would be void if contracted in such  
151 other jurisdiction. Every marriage celebrated in violation of this provision shall be void.

152 71.6-3. *Immaterial Irregularities.* A marriage shall be recognized as valid if the marriage is  
153 consummated with the full belief on the part of the persons so married that they have been  
154 lawfully joined in marriage, and:

155 (a) the officiating person(s) did not have the authority to solemnize the marriage; or

156 (b) the marriage license was issued by a department or person who did not have  
157 jurisdiction to issue the license; or

158 (c) the marriage license or application for the marriage license had an informality or  
159 irregularity; or

160 (d) either or both of the witnesses to the marriage were incompetent; or

161 (e) the marriage ceremony was solemnized outside of the Reservation boundaries, or  
162 Brown or Outagamie County, when applicable, or outside of the required time lines listed  
163 on the marriage license.  
164

#### 165 **71.7. Penalties**

166 71.7-1. A person who knowingly violates this Law may be penalized as follows:

167 (a) Any person who swears to a false statement to obtain a marriage license or to help  
168 another obtain a marriage license shall be fined no less than five hundred dollars  
169 (\$500.00).

170 (b) Any person who is not an officiating person who solemnizes a marriage ceremony  
171 shall be fined no less than one hundred dollars (\$100.00).

172 (c) The parties to a marriage and/or the officiating person(s) of a marriage conducted  
173 without a valid marriage license or without the presence of two (2) competent adult  
174 witnesses shall be fined no less than one hundred dollars (\$100.00).

175 (d) Any person who goes to another jurisdiction to avoid this Law and contracts a  
176 marriage prohibited under this Law shall be fined no less than five hundred dollars  
177 (\$500.00).

178 (e) Any person who violates any other provision of this Law shall be fined no less than  
179 one hundred dollars (\$100.00).

180 71.7-2. The Department shall be the responsible entity for the enforcement of this section. All  
181 fines issued shall be paid within thirty (30) days of the issuance of the fine. Any person issued a  
182 fine under this Law may contest the fine by filing an appeal with the Court prior to the deadline  
183 to pay the fine. The filing of an appeal shall stay the requirement to pay the fine. The notice of  
184 penalty issued shall inform the person penalized of the process to file his or her appeal.  
185

186 *End.*  
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Adopted-BC-04-28-10-F  
Amended-BC-06-12-13-E  
Amended-BC-05-27-15-A