



# HOUSE BILL No. 5684

April 26, 2000, Introduced by Reps. Brater, Raczkowski, Baird, Quarles, Scott, Lockwood, Hansen, Jacobs, Dennis, Woodward, Bovin, Cherry, Martinez, DeHart, Pestka, Schauer, Shulman, Minore and LaForge and referred to the Committee on Family and Civil Law.

A bill to amend 1846 RS 83, entitled  
"Of marriage and the solemnization thereof,"  
by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7  
as amended by 1983 PA 64.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 7. (1) Marriages may be solemnized by any of the  
2 following:

3       (a) A judge of the district court, in the district in which  
4 the judge is serving.

5       (b) A district court magistrate, in the district in which  
6 the magistrate serves.

7       (c) A municipal judge, in the city in which the judge is  
8 serving or in a township over which a municipal court has  
9 jurisdiction pursuant to section 9928 of ~~Act No. 236 of the~~  
10 ~~Public Acts of 1961, being section 600.9928 of the Michigan~~

1 ~~Compiled Laws~~ THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,  
2 MCL 600.9928.

3 (d) A judge of probate, in the county or probate court dis-  
4 trict in which the judge is serving.

5 (e) A judge of a federal court.

6 (f) A mayor of a city, in the city in which the mayor  
7 serves.

8 (g) The county clerk of a county having more than 2,000,000  
9 inhabitants or an employee of the clerk's office designated by  
10 the county clerk, in the county in which the clerk serves.

11 ~~(h) A minister of the gospel, anywhere in the state, if the~~  
12 ~~minister is ordained or authorized to solemnize marriages accord-~~  
13 ~~ing to the usages of the denomination, and is a pastor of a~~  
14 ~~church in this state, or continues to preach the gospel in this~~  
15 ~~state.~~

16 ~~(i) A minister of the gospel, anywhere in the state, if the~~  
17 ~~minister is not a resident of this state but is authorized to~~  
18 ~~solemnize marriages under the laws of the state in which the min-~~  
19 ~~ister resides.~~

20 (H) AN ORDAINED, COMMISSIONED, LICENSED, OR OTHERWISE FOR-  
21 MALLY INSTATED LEADER OF AN ORGANIZATION, CHURCH, BODY OF COMMU-  
22 NICANTS, OR OTHER GROUP THAT GATHERS NOT FOR PECUNIARY PROFIT,  
23 BUT IN COMMON MEMBERSHIP FOR MUTUAL SUPPORT AND EDIFICATION IN  
24 PIETY, WORSHIP, AND RELIGIOUS OBSERVANCE; OR OF A SOCIETY OF  
25 INDIVIDUALS UNITED NOT FOR PECUNIARY PROFIT, BUT FOR RELIGIOUS  
26 PURPOSES AT A DEFINITE PLACE.

1 (I) AN INDIVIDUAL WHO MEETS THE QUALIFICATIONS IN  
 2 SUBDIVISION (H), WHO IS NOT A RESIDENT OF THIS STATE, AND WHO IS  
 3 AUTHORIZED TO SOLEMNIZE MARRIAGES UNDER THE LAW OF THE STATE IN  
 4 WHICH THE INDIVIDUAL RESIDES.

5 (2) A person authorized by this act to solemnize a marriage  
 6 shall keep proper records and make returns as required by section  
 7 4 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~  
 8 ~~section 551.104 of the Michigan Compiled Laws~~ 1887 PA 120,  
 9 MCL 551.104.

10 (3) If a mayor of a city solemnizes a marriage, the mayor  
 11 shall charge and collect a fee to be determined by the council of  
 12 that city, which shall be paid to the city treasurer and depos-  
 13 ited in the general fund of the city at the end of the month.

14 (4) If the county clerk of a county having more than  
 15 2,000,000 inhabitants or an employee of the clerk's office desig-  
 16 nated by the county clerk solemnizes a marriage, the county clerk  
 17 shall charge and collect a fee to be determined by the commis-  
 18 sioners of that county, which shall be paid to the county trea-  
 19 surer and deposited in the general fund of the county at the end  
 20 of the month.

21 Sec. 16. A marriage solemnized before ~~a person~~ AN  
 22 INDIVIDUAL professing to be ~~a district judge, common pleas court~~  
 23 ~~judge, district court magistrate, municipal judge, judge of pro-~~  
 24 ~~bate, judge of a federal court, mayor, the county clerk of a~~  
 25 ~~county having more than 2,000,000 inhabitants or an employee of~~  
 26 ~~the county clerk designated by the clerk to solemnize marriages,~~  
 27 ~~or a minister of the gospel~~ AUTHORIZED TO SOLEMNIZE MARRIAGES IN

1 THIS STATE shall not be considered or adjudged to be void, nor  
2 shall the validity of the marriage be affected, on account of  
3 ~~any~~ A want of jurisdiction or authority ~~in the supposed judge,~~  
4 ~~magistrate, mayor, clerk, employee, or minister~~ BY THAT  
5 INDIVIDUAL if the marriage was consummated with a full belief on  
6 the part of the ~~persons~~ INDIVIDUALS married, or either of them,  
7 that they were lawfully joined in marriage.  
8       Enacting section 1. This amendatory act does not take  
9 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 5685  
10 (request no. 04796'99 a \*) of the 90th Legislature is enacted  
11 into law.