MARRIAGE LICENSE
Act 128 of 1887

AN ACT establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act.

History: 1887, Act 128, Eff. Sept. 28, 1887;—Am. 1951, Act 37, Eff. Sept. 28, 1951;—Am. 1998, Act 333, Imd. Eff. Aug. 10, 1998.

The People of the State of Michigan enact:

551.101 Marriage license; requirements; place to obtain, delivery to person officiating.

Sec. 1. It shall be necessary for all parties intending to be married to obtain a marriage license from the county clerk of the county in which either the man or woman resides, and to deliver the said license to the clergyman or magistrate who is to officiate, before the marriage can be performed. If both parties to be married are non-residents of the state it shall be necessary to obtain such license from the county clerk of the county in which the marriage is to be performed.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222a;—Am. 1889, Act 256, Imd. Eff. July 3, 1889;—CL 1897, 8602;—CL 1915, 11376;—CL 1929, 12705;—CL 1948, 551.101.

551.102 Blank form for marriage license and certificate; preparation, contents, and distribution; furnishing blank forms of affidavit of competency; filing affidavit; electronic filing; license as matter of record; transmission to department of community health; social security number; application exempt from disclosure.

Sec. 2. (1) Blank forms for a marriage license and certificate shall be prepared and furnished by the state registrar appointed by the director of the department of community health to each county clerk of this state in the quantity needed. The blank form for a license and certificate shall be made in duplicate and shall provide spaces for the entry of identifying information of the parties and other items prescribed in rules promulgated by the director of the department of community health. The state registrar shall furnish to each county clerk of this state blank application forms of an affidavit containing the requisite allegations, under the laws of this state, of the competency of the parties to unite in the bonds of matrimony, and as required to comply with federal law, containing a space requiring each applicant's social security number. A party applying for a license to marry shall make and file the application in the form of an affidavit with the county clerk as a basis for issuing the license. The county clerk may permit a party applying for a marriage license to submit that application electronically. If the county clerk accepts an electronically submitted application, the clerk shall print the required information from the application in the form of an affidavit and have a party named in the application sign the affidavit in the presence of the county clerk or a deputy clerk. The license shall be made a matter of record and shall be transmitted to the department of community health in the manner prescribed by the state registrar. The state registrar shall not require an applicant's social security number to be displayed on the marriage license.

(2) A person shall not disclose, in a manner not authorized by law or rule, a social security number collected as required by this section. A violation of this subsection is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.

(3) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The county clerk shall inform the applicant of this possible exemption.

(4) The application required to be completed under subsection (1) is a nonpublic record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The application shall be made available, upon request, to the persons named in the application.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222b;—CL 1897, 8603;—CL 1915, 11377;—CL 1929, 12706;—CL 1948, 551.102;—Am. 1965, Act 127, Eff. Mar. 31, 1966;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978;—Am. 1998, Act 333, Imd. Eff. Aug. 10, 1998;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.

Compiler's note: Enacting section 2 of 1998 PA 333 provides:

"Enacting section 2. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those

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provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity."

551.103 Persons capable of contracting marriage; age requirement; proof of age; filling out license; written consent; compliance; filing consent; signing, certification, and copy of license; fee; allocation for family counseling services; return and disposition of unexpended funds; waiver of fee; additional fee for nonresidents; delivery of license and certificate to officiating individual; recording information; forwarding licenses and certificates to state registrar; imposition of fee by certain charter counties.

Sec. 3. (1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.

(2) A fee of $20.00 shall be paid by the person applying for the license and shall be paid by the county clerk into the general fund of the county. The county board of commissioners shall allocate $15.00 of each fee collected to the circuit court for family counseling services, which shall include counseling for domestic violence and child abuse. If family counseling services are not established in the county, the circuit court may use the money allocated to contract with public or private agencies providing similar services. Money allocated to the circuit court pursuant to this section that is not expended shall be returned to the general fund of the county to be held in escrow until circuit court family counseling services are established pursuant to the circuit court family counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship. If both parties named in the application are nonresidents of the state, the person applying for the license shall pay an additional fee of $10.00, which the county clerk shall deposit into the general fund of the county. The county clerk shall give the license filled out and signed, together with the blank form of certificate, to the person applying, for delivery to the individual who is to officiate at the marriage. On the return of the license to the county clerk, containing the signatures of the witnesses to the marriage, who shall be 18 years of age or older, the individuals being married, and the individual officiating at the marriage, with the certificate of the individual officiating at the marriage that the marriage has been performed, the county clerk shall record in the book of registration in the proper place of entry the information prescribed by the director of the department of community health. The licenses and certificates issued and returned shall be forwarded to the state registrar appointed by the director of the department of community health on the forms and in the manner prescribed by the director.

(3) A charter county that has a population of over 2,000,000 may impose by ordinance a marriage license fee or nonresident marriage license fee, or both, different in amount than the fee prescribed by subsection (2). The charter county shall allocate the fee for family counseling services as prescribed by subsection (2). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222c;—Am. 1895, Act 243, Eff. Aug. 30, 1895;—CL 1897, 8604;—CL 1915, 11378;—Am. 1917, Act 195, Eff. Aug. 10, 1917;—CL 1948, 551.103;—Am. 1951, Act 37, Eff. Sept. 28, 1951;—Am. 1953, Act 31, Eff. Oct. 2, 1953;—Am. 1963, Act 112, Eff. Sept. 6, 1963;—Am. 1967, Act 23, Imd. Eff. June 2, 1967;—Am. 1968, Act 304, Eff. Nov. 15, 1968;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978;—Am. 1980, Act 4, Eff. Feb. 14, 1980;—Am. 1981, Act 65, Imd. Eff. June 16, 1981;—Am. 1984, Act 346, Imd. Eff. Dec. 27, 1984;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.

551.103a Marriage license; time of delivery; solemnization of marriage required.

Sec. 3a. A marriage license shall not be delivered within a period of 3 days including the date of application. However, the county clerk of each county, for good and sufficient cause shown, may deliver the

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license immediately following the application. If the county clerk delivers the license immediately following the application, the person applying for the license shall pay a fee to be determined by the county board of commissioners, which the county clerk shall deposit into the general fund of the county. A marriage license issued is void unless a marriage is solemnized under the license within 33 days after the application.

History: Add. 1925, Act 107, Eff. Aug. 27, 1925;—CL 1929, 12708;—Am. 1947, Act 112, Eff. Oct. 11, 1947;—CL 1948, 551.103a;—Am. 1955, Act 227, Eff. Oct. 14, 1955;—Am. 1975, Act 104, Imd. Eff. June 6, 1975;—Am. 1989, Act 270, Imd. Eff. Dec. 26, 1989;—Am. 2006, Act 578, Imd. Eff. Jan. 3, 2007.

551.104 Certificate completion; officiating person duty; original license return; record.

Sec. 4. It shall be the duty of the clergyman or magistrate, officiating at a marriage, to fill in the spaces of the certificate left blank for the entry of the time and place of the marriage, the names and residences of 2 witnesses, and his own signature in certification that the marriage has been performed by him and any and all information required to be filled in in the spaces left blank in the certificate shall be typewritten or legibly printed. He shall separate the duplicate license and certificate, and deliver the half part designated duplicate to 1 of the parties, so joined in marriage, and within 10 days return the original to the county clerk issuing the same. It shall be the duty of such clergyman or magistrate to keep an accurate record of all marriages solemnized in a book used expressly for that purpose.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222d;—CL 1897, 8605;—Am. 1913, Act 244, Eff. Aug. 14, 1913;—CL 1915, 11379;—CL 1929, 12709;—CL 1948, 551.104;—Am. 1955, Act 96, Eff. Oct. 14, 1955.

551.105 County clerk; violation of act, misdemeanor, penalty.

Sec. 5. Any county clerk who shall refuse to give a license to persons properly applying and legally entitled to be married, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than 25 dollars or more than 100 dollars, or in default of payment thereof, by imprisonment in the county jail for a term of 30 days.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222e;—CL 1897, 8606;—CL 1915, 11380;—CL 1929, 12710;—CL 1948, 551.105.

551.106 Person officiating at marriage; violation of act, misdemeanor, penalty.

Sec. 6. Any clergyman or magistrate who shall join together in marriage parties who have not delivered to him a properly issued license, as provided for in this act, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of 100 dollars, or in default of payment thereof, by imprisonment in the county jail for a term of 90 days.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222f;—CL 1897, 8607;—CL 1915, 11381;—CL 1929, 12711;—CL 1948, 551.106.

551.107 Failure to return certificate; misdemeanor, penalty.

Sec. 7. Any person, whose duty it shall be to return a marriage certificate to the county clerk, who shall neglect to return said certificate, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not exceeding 100 dollars or 90 days' imprisonment, or both, in the discretion of the court.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222g;—CL 1897, 8608;—CL 1915, 11382;—CL 1929, 12712;—CL 1948, 551.107.

551.108 Marriage license; false statement in application, perjury.

Sec. 8. Any person applying for a marriage license who shall swear to a false statement therein, shall be guilty of perjury, and shall be prosecuted therefor under the general laws of the state.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222h;—CL 1897, 8609;—CL 1915, 11383;—CL 1929, 12713;—CL 1948, 551.108.

551.109 Filing reports of marriage; record.

Sec. 9. The reports of marriage sent by the county clerks of the counties of the state to the department of public health shall be preserved on file in that department, and a proper record shall be made and kept.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222i;—CL 1897, 8610;—CL 1915, 11384;—CL 1929, 12714;—CL 1948, 551.109;—Am. 1978, Act 430, Imd. Eff. Oct. 5, 1978.

551.110 License, certificate or certified copy record as evidence.

Sec. 10. The record of any license to marry, or of any marriage certificate, in any county clerk's office, or a certified copy thereof, shall be prima facie evidence in any court or proceedings in this state, with the same force and effect as if the original were produced, both as to the facts therein contained and as to the

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genuineness of the signatures thereto.

History: 1887, Act 128, Eff. Sept. 28, 1887;—How. 6222j;—CL 1897, 8611;—CL 1915, 11385;—CL 1929, 12715;—CL 1948, 551.110.

551.111 License or certificate errors; evidence, correction.

Sec. 11. Whenever it is alleged that the facts are not correctly stated in any certificate or license of marriage heretofore registered in this state, the county clerk of the county in which the certificate or license of marriage has been recorded shall require such evidence to be presented in the form of an affidavit or otherwise as may be necessary to establish the alleged facts and when so established the original record shall be changed to accord with the same. Such evidence shall be approved by the circuit court by ex parte order.

History: Add. 1969, Act 196, Imd. Eff. Aug. 6, 1969.

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