

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5613

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 fol-
2 lowing PERSONS:

3 (a) A judge of the district court ~~—~~ IF THE MARRIAGE IS
4 SOLEMNIZED in the district in which the judge is serving.

5 (b) A district court magistrate ~~—~~ IF THE MARRIAGE IS
6 SOLEMNIZED in the district in which the magistrate ~~—serves—~~ IS
7 SERVING.

8 (c) A municipal judge ~~—~~ IF THE MARRIAGE IS SOLEMNIZED in
9 the city in which the judge is serving or in a township over
10 which a municipal court has jurisdiction pursuant to section 9928

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1 of ~~Act No. 236 of the Public Acts of 1961, being section~~
2 ~~600.9928 of the Michigan Compiled Laws~~ THE REVISED JUDICATURE
3 ACT OF 1961, 1961 PA 236, MCL 600.9928.

4 (d) A judge of probate ~~,~~ IF THE MARRIAGE IS SOLEMNIZED in
5 the county or probate court district in which the judge is
6 serving.

7 (E) A JUDGE OF THE FAMILY DIVISION OF THE CIRCUIT COURT IF
8 THE MARRIAGE IS SOLEMNIZED IN THE JUDICIAL CIRCUIT IN WHICH THE
9 JUDGE IS SERVING.

10 (F) ~~(e)~~ A judge of a federal court.

11 (G) ~~(f)~~ A mayor of a city ~~,~~ IF THE MARRIAGE IS
12 SOLEMNIZED in the city in which the mayor serves.

13 (H) ~~(g) The~~ A county clerk ~~of a county having more than~~
14 ~~2,000,000 inhabitants~~ IN A COUNTY OTHER THAN A COUNTY ORGANIZED
15 UNDER 1966 PA 293, MCL 45.501 TO 45.521, IF THE MARRIAGE IS
16 SOLEMNIZED IN THE COUNTY IN WHICH THE CLERK SERVES.

17 (I) A COUNTY CLERK or an employee of the clerk's office des-
18 ignated by the county clerk IN A COUNTY ORGANIZED UNDER 1966
19 PA 293, MCL 45.501 TO 45.521, IF THE MARRIAGE IS SOLEMNIZED in
20 the county in which the clerk serves.

21 (J) ~~(h) A minister of the gospel, anywhere in the state~~
22 CLERGYPERSON, if the ~~minister~~ CLERGYPERSON is ordained or
23 authorized to solemnize marriages according to the usages of the
24 denomination ~~,~~ and is ~~a pastor~~ AN OFFICIATOR of a ~~church~~
25 CONGREGATION in this state ~~,~~ or continues to preach ~~the~~
26 ~~gospel~~ in this state.

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1 (K) ~~(i)~~ A ~~minister of the gospel, anywhere in the state~~
2 CLERGYPERSON, if the ~~minister~~ CLERGYPERSON is not a resident of
3 this state but is authorized to solemnize marriages under the
4 laws of the state in which the ~~minister~~ CLERGYPERSON resides.

5 (2) A PERSON AUTHORIZED BY THIS ACT TO SOLEMNIZE A MARRIAGE AND
6 THE PERSONS TO BE MARRIED

7 MAY AGREE THAT THE PERSONS TO BE MARRIED COM-
8 PLETE PREMARITAL COUNSELING.

9 (3) ~~(2)~~ A person authorized by this act to solemnize a
10 marriage shall keep proper records and make returns as required
11 by section 4 of ~~Act No. 128 of the Public Acts of 1887, as~~
12 ~~amended, being section 551.104 of the Michigan Compiled Laws~~
13 1887 PA 128, MCL 551.104.

14 (4) ~~(3)~~ If a mayor of a city solemnizes a marriage, the
15 mayor shall charge and collect a fee to be determined by the
16 ~~council~~ LEGISLATIVE BODY of that city. ~~, which~~ THE FEE shall
17 be paid to the city treasurer and deposited in the general fund
18 of the city at the end of the month.

19 (5) ~~(4)~~ If ~~the~~ A county clerk ~~of a county having more~~
20 ~~than 2,000,000 inhabitants~~ or an employee of the clerk's office
21 designated by the county clerk solemnizes a marriage UNDER SUB-
22 SECTION (1)(H) OR (I), the county clerk shall charge and collect
23 a fee to be determined by the commissioners of that county. ~~,~~
24 ~~which~~ THE FEE shall be paid to the county treasurer and depos-
25 ited in the general fund of the county at the end of the month.

26 Sec. 16. A marriage solemnized before a person professing
27 to be a ~~district judge, common pleas court judge, district court~~
~~magistrate, municipal judge, judge of probate, judge of a federal~~

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1 ~~court, mayor, the county clerk of a county having more than~~
2 ~~2,000,000 inhabitants or an employee of the county clerk desig-~~
3 ~~nated by the clerk to solemnize marriages, or a minister of the~~
4 ~~gospel shall not be considered or adjudged to be void, nor shall~~
5 PERSON AUTHORIZED TO SOLEMNIZE A MARRIAGE UNDER SECTION 7 IS NOT
6 VOID AND the validity of the marriage ~~be~~ IS NOT affected ~~, on~~
7 ~~account of any want~~ FOR LACK of jurisdiction or authority in
8 ~~the supposed judge, magistrate, mayor, clerk, employee, or~~
9 ~~minister~~ THAT PERSON, if the marriage was consummated with a
10 full belief ~~on the part~~ BY 1 OR BOTH of the persons married ~~,~~
11 ~~or either of them,~~ that they were lawfully joined in marriage.