

Legislative Analysis



COUNTY CLERKS: SOLEMNIZATION OF MARRIAGES

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Senate Bill 153 (H-1, as reported from House Committee)

Sponsor: Sen. Morris Hood

House Committee: Local Government

Senate Committee: Judiciary

First Analysis (5-14-14)

BRIEF SUMMARY: The bill would allow county clerks throughout Michigan to designate an assistant to perform marriages within their respective counties.

FISCAL IMPACT: The bill would have no fiscal impact on the state, and little to no fiscal impact on local units of government.

THE APPARENT PROBLEM:

Chapter 83 of the Revised Statutes of 1846 lists the officials who may solemnize a marriage in Michigan—that is, perform a wedding. In addition to religious leaders, those officials who may act anywhere in the state include district court judges, district court magistrates, probate judges, and federal court judges; those officials who may marry couples anywhere in a county include city mayors within the county, and county clerks. Further, a county clerk can solemnize a marriage in any of Michigan's 83 counties with the written authorization of a particular county's clerk.

In some counties, the clerk performs many marriage ceremonies. For example, according to committee testimony, the Wayne County clerk "solemnizes" an average of 137 marriages each month—more than 1,500 per year. Consequently, the law has allowed a clerk in a county with more than two million people to designate an employee to perform marriages, freeing the county clerk from this responsibility and enabling the clerk to attend to many other duties. Only Wayne County has ever met this population threshold.

Historically, in Wayne County, an employee designated by the county clerk has performed marriages instead of the clerk. However, Wayne County's population has fallen below the population threshold that allows a designee to perform marriage ceremonies. (See *Background Information*.) Legislation was introduced in the Senate to reduce the population threshold to accommodate Wayne County, but the bill has since been amended in the House to allow any of Michigan's 83 county clerks to authorize an assistant to solemnize marriages.

THE CONTENT OF THE BILL:

The bill would amend Chapter 83 of the Revised Statutes of 1846, which provides for the solemnization of marriages, to allow county clerks throughout Michigan to designate an assistant to perform marriages within their respective counties.

Now under the law, a county clerk in a county having more than 2 million inhabitants may designate an employee of the clerk's office to solemnize marriages. That designated employee may solemnize a marriage only in the county in which the clerk serves. Historically, this provision applied only to Wayne County, because it, alone, met the population threshold.

Senate Bill 153 would remove the population threshold from the statute. Instead of applying only to Michigan's most populous county, the provision would apply statewide. That is, a county clerk serving any of Michigan's 83 counties, regardless of population, could designate an employee to solemnize a marriage in the county in which the clerk served.

HOUSE COMMITTEE ACTION:

The members of the House Local Government Committee adopted an H-1 substitute to Senate Bill 153 to allow any of Michigan's 83 county clerks to designate an assistant to perform marriages within their county, rather than reserving this authority only to the clerk in Michigan's most populous county, Wayne.

BACKGROUND INFORMATION:

Wayne County's population fell below the 2 million mark in the 2010 federal decennial census. In the 2010 census Wayne County's population was 1,820,584. As recently as 2000, it had been 2,061,162. (The next largest county, Oakland, had a population of just over 1.2 million in 2010.)

ARGUMENTS:

For:

The bill would allow any county clerk in Michigan to designate an employee to perform marriage ceremonies rather than having to perform them themselves. County clerks around the state support this change in state law, which would accommodate the schedules of busy county clerks and those seeking to get married. Previously only the Wayne County clerk had this authority. The bill as passed by the Senate was aimed at continuing to allow the Wayne County clerk this authority (despite the county's having fallen below the required population threshold), but during House committee deliberations, the bill was amended to extend the authority to all county clerks.

POSITIONS:

The Michigan Association of County Clerks supports the bill. (5-8-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.