

SENATE BILL No. 405

June 4, 2013, Introduced by Senators WHITMER, WARREN, SMITH, ANDERSON, HOPGOOD, BIEDA, ANANICH, JOHNSON and YOUNG and referred to the Committee on Government Operations.

A bill to amend 1846 RS 83, entitled
"Of marriage and the solemnization thereof,"
by amending sections 2, 3, and 9 (MCL 551.2, 551.3, and 551.9),
sections 2 and 3 as amended by 1996 PA 324; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. ~~So far as its validity in law is concerned, marriage~~
2 **MARRIAGE** is a civil contract between ~~a man and a woman, to which~~
3 ~~the~~ **2 INDIVIDUALS. TO BE LEGALLY VALID,** consent **TO MARRIAGE** ~~of~~ **BY**
4 parties capable in law of contracting is essential. Consent alone
5 is not enough to effectuate a legal marriage on and after January
6 1, 1957. Consent shall be followed by obtaining a license as
7 required by section 1 of ~~Act No. 128 of the Public Acts of 1887,~~
8 ~~being section 551.101 of the Michigan Compiled Laws 1887~~ **PA 128,**

1 MCL 551.101, or as ~~provided for by~~ UNDER section 1 of Act No. 180
2 of the Public Acts of 1897, being section 551.201 of the Michigan
3 Compiled Laws 1897 PA 180, MCL 551.201, and solemnization as
4 authorized by sections 7 to 18. ~~of this chapter.~~

5 Sec. 3. ~~A man shall not marry his mother, sister, grandmother,~~
6 ~~daughter, granddaughter, stepmother, grandfather's wife, son's~~
7 ~~wife, grandson's wife, wife's mother, wife's grandmother, wife's~~
8 ~~daughter, wife's granddaughter, brother's daughter, sister's~~
9 ~~daughter, father's sister, mother's sister, or cousin of the first~~
10 ~~degree, or another man.~~ AN INDIVIDUAL SHALL NOT MARRY ANY OF THE

11 FOLLOWING:

- 12 (A) A PARENT.
13 (B) A SIBLING.
14 (C) A GRANDPARENT.
15 (D) A SON OR DAUGHTER.
16 (E) A GRANDCHILD.
17 (F) A STEPPARENT.
18 (G) THE SPOUSE OF A GRANDPARENT.
19 (H) THE SPOUSE OF A SON OR DAUGHTER.
20 (I) THE SPOUSE OF A GRANDCHILD.
21 (J) A PARENT-IN-LAW.
22 (K) A GRANDPARENT-IN-LAW.
23 (L) A STEPCHILD.
24 (M) A STEP-GRANDCHILD.
25 (N) THE CHILD OF A SIBLING.
26 (O) THE SIBLING OF A PARENT.
27 (P) A COUSIN OF THE FIRST DEGREE.

1 Sec. 9. In the solemnization of marriage, no particular form
2 shall be required, except that ~~the parties~~ **EACH PARTY** shall
3 solemnly declare, in the presence of the person solemnizing the
4 marriage and the attending witnesses, that ~~they take each~~ **HE OR SHE**
5 **TAKES THE** other as ~~husband and wife, and in every case, there shall~~
6 ~~be~~ **HIS OR HER SPOUSE. TO BE LEGALLY VALID**, at least 2 witnesses
7 **INDIVIDUALS**, besides the person solemnizing the marriage, **SHALL BE**
8 present **AS WITNESSES** at the **MARRIAGE** ceremony.

9 Enacting section 1. Sections 1 and 4 of 1846 RS 84, MCL 551.1
10 and 551.4, are repealed.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No. 406

13 of the 97th Legislature is enacted into law.

14 Enacting section 3. This amendatory act does not take effect
15 unless Senate Joint Resolution W

16 of the 97th Legislature becomes a part of
17 the state constitution of 1963 as provided in section 1 of article
18 XII of the state constitution of 1963.