

# HOUSE BILL No. 5270

January 28, 2016, Introduced by Rep. Irwin and referred to the Committee on Judiciary.

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 2014 PA 278 and section 16 as amended by 2006 PA 419.

**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 CIRCUIT COURT, ANYWHERE IN THIS STATE.**

4           **(B) ~~(a)~~**A judge of the district court, anywhere in this state.

5           **(C) ~~(b)~~**A district court magistrate, anywhere in this state.

6           **(D) ~~(e)~~**A municipal judge, in the city in which the judge is  
7 serving or in a township over which a municipal court has  
8 jurisdiction under section 9928 of the revised judicature act of

1 1961, 1961 PA 236, MCL 600.9928.

2 (E) ~~(d)~~—A judge of probate, anywhere in this state.

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

4 (G) ~~(f)~~—A mayor of a city, anywhere in a county in which that  
5 city is located.

6 (H) ~~(g)~~—A county clerk in the county in which the clerk  
7 serves, or in another county with the written authorization of the  
8 clerk of the other county.

9 (I) ~~(h)~~—For a county having more than 1,500,000 inhabitants,  
10 an employee of the county clerk's office designated by the county  
11 clerk, in the county in which the clerk serves.

12 (J) ~~(i)~~—A minister of the gospel or cleric or religious  
13 practitioner, anywhere in this state, if the minister or cleric or  
14 religious practitioner is ordained or authorized to solemnize  
15 marriages according to the usages of the denomination.

16 (K) ~~(j)~~—A minister of the gospel or cleric or religious  
17 practitioner, anywhere in this state, if the minister or cleric or  
18 religious practitioner is not a resident of this state but is  
19 authorized to solemnize marriages under the laws of the state in  
20 which the minister or cleric or religious practitioner resides.

21 (2) A person authorized by this act to solemnize a marriage  
22 shall keep proper records and return licenses and certificates as  
23 required by section 4 of 1887 PA 128, MCL 551.104.

24 (3) If a mayor of a city solemnizes a marriage, the mayor  
25 shall charge and collect a fee to be determined by the council of  
26 that city, which shall be paid to the city treasurer and deposited  
27 in the general fund of the city at the end of the month.

1           (4) If the county clerk or, in a county having more than  
2 1,500,000 inhabitants, an employee of the clerk's office designated  
3 by the county clerk solemnizes a marriage, the county clerk shall  
4 charge and collect a fee to be determined by the commissioners of  
5 the county in which the clerk serves. The fee shall be paid to the  
6 treasurer for the county in which the clerk serves and deposited in  
7 the general fund of that county at the end of the month.

8           Sec. 16. A marriage solemnized before an individual professing  
9 to be a **CIRCUIT COURT JUDGE**, district **COURT** judge, ~~common pleas~~  
10 ~~court judge~~, district court magistrate, municipal judge, judge of  
11 probate, judge of a federal court, mayor, the county clerk or, in a  
12 county having more than ~~2,000,000~~ **1,500.000** inhabitants, an  
13 employee of the county clerk designated by the clerk to solemnize  
14 marriages, or a minister of the gospel or cleric or religious  
15 practitioner shall not be considered or adjudged to be void, nor  
16 shall the validity of the marriage be affected, on account of a  
17 want of jurisdiction or authority by that individual if the  
18 marriage was consummated with a full belief on the part of the  
19 individuals married, or either of them, that they were lawfully  
20 joined in marriage.

21           Enacting section 1. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.