

Legislative Analysis



ALLOW TOWNSHIP SUPERVISOR TO SOLEMNIZE MARRIAGE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4272 as reported
Sponsor: Rep. Michael D. McCready
Committee: Judiciary
Complete to 3-27-17

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill would allow a township supervisor to perform a wedding in the county in which the township is located.

FISCAL IMPACT: The bill would have a small, but positive, fiscal impact for townships. While there may be increased administrative costs associated with township supervisors solemnizing marriages, the provisions of the bill would require the township to charge and collect a fee. The fiscal impact for each township would directly correspond to the number of marriages solemnized and the fee charged by the township.

THE APPARENT PROBLEM:

Chapter 83 of the Revised Statutes of 1846 lists the officials who may solemnize a marriage in Michigan. In addition to religious leaders, those officials who may perform a wedding include district court judges; district court magistrates; probate judges; federal court judges; city mayors within the county in which the city is located; county clerks in the county in which the clerk serves, or in any of Michigan's 83 counties with the written authorization of that county's clerk; and a designated employee of the county clerk in a county with more than 1.5 million inhabitants.

Reportedly, over half of the residents of Michigan live in townships, and close to half of the state's largest communities are incorporated as townships. Yet, unlike mayors of cities, township supervisors are not authorized to solemnize marriages. Apparently, some supervisors would like to perform a wedding if requested by a township resident. Legislation to allow them to do so has been introduced.

THE CONTENT OF THE BILL:

House Bill 4272 authorizes a supervisor of a township to solemnize a marriage in the county in which that township is located. The township supervisor would be required to charge and collect a fee to be determined by the board of the township. The fee must be paid to the township treasurer and deposited in the township's general fund at the end of the month.

MCL 551.7

ARGUMENTS:

For:

According to supporters of the bill, the legislation simply provides parity between a mayor of a city and the top elected official of a township. Even an employee of a county clerk in the larger counties can perform marriages, but not a township supervisor. Like all those authorized to solemnize a marriage, a township supervisor who officiated at a wedding would have to keep proper records and return licenses and certificates to the county clerk as required under the marriage act. In addition, just like mayors who solemnize a marriage, a township supervisor who performed a wedding would have to charge and collect a fee (to be determined by the township board) for payment to the township treasurer and deposited into the township's general fund.

Granting the authority to perform weddings to township supervisors may relieve some pressure on county clerks and judges, and also give couples more choices when selecting a person to officiate at their marriage. Like all public servants, a township supervisor could not discriminate when requested to solemnize a marriage.

Against:

Some concern was raised that allowing a township supervisor to perform a wedding is blurring the lines between cities and townships.

Response:

Officiating at a wedding is not an act of governance. The bill is simply granting the highest ranking official of a township the same ability to offer a particular service to his or her constituents that the highest ranking elected official of a city may offer to his or hers.

POSITIONS:

A representative of the Michigan Township Association testified in support of the bill. (3-14-17)

A representative of Bloomfield Township testified in support of the bill. (3-14-17)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Ben Gielczyk

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