

HOUSE BILL NO. 4859

August 29, 2019, Introduced by Rep. Anthony and referred to the Committee on Families, Children, and Seniors.

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 district court, anywhere in this state.



1 (b) A district court magistrate, anywhere in this state.

2 (c) A municipal judge, in the city in which the judge is
3 serving or in a township over which a municipal court has
4 jurisdiction under section 9928 of the revised judicature act of
5 1961, 1961 PA 236, MCL 600.9928.

6 (d) A judge of probate, anywhere in this state.

7 (e) A judge of a federal court.

8 **(f) A judge of the court of appeals, anywhere in this state.**

9 **(g) A justice of the supreme court.**

10 **(h) ~~(f)~~** A mayor of a city, anywhere in a county in which that
11 city is located.

12 **(i) ~~(g)~~** A county clerk in the county in which the clerk
13 serves, or in another county with the written authorization of the
14 clerk of the other county.

15 **(j) ~~(h)~~** For a county having **a population of** more than
16 1,500,000, ~~inhabitants,~~ an employee of the county clerk's office
17 designated by the county clerk, in the county in which the clerk
18 serves.

19 **(k) ~~(i)~~** A minister of the gospel or cleric or religious
20 practitioner, anywhere in this state, if the minister or cleric or
21 religious practitioner is ordained or authorized to solemnize
22 marriages according to the usages of the denomination.

23 **(l) ~~(j)~~** A minister of the gospel or cleric or religious
24 practitioner, anywhere in this state, if the minister or cleric or
25 religious practitioner is not a resident of this state but is
26 authorized to solemnize marriages under the laws of the state in
27 which the minister or cleric or religious practitioner resides.

28 (2) A person authorized by this act to solemnize a marriage
29 ~~shall~~ **must** keep proper records and return licenses and certificates



as required by section 4 of 1887 PA 128, MCL 551.104.

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

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

Sec. 16. A marriage solemnized before an individual professing to be a district judge, ~~common pleas court judge,~~ district court magistrate, municipal judge, judge of probate, judge of a federal court, **judge of the court of appeals, justice of the supreme court,** mayor, the county clerk or, in a county having **a population of** more than ~~2,000,000 inhabitants,~~ **1,500,000,** an employee of the county clerk designated by the clerk to solemnize marriages, or a minister of the gospel or cleric or religious practitioner ~~shall not be considered or adjudged to be~~ **is not** void, ~~nor shall and~~ the validity of the marriage ~~be~~ **is not** affected, ~~on account of a want~~ **lack** of jurisdiction or authority by that individual if the marriage was consummated with a full belief on the part of the individuals married, or either of them, that they were lawfully joined in marriage.

