

HOUSE BILL NO. 4297

March 06, 2019, Introduced by Reps. Neeley, Love, Ellison, Cherry, Sabo, Elder, Hertel, Sneller, LaFave, Howell, Gay-Dagnogo, Miller, LaGrand, Guerra, Whitsett, Coleman and Jones 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 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.
4 (b) A district court magistrate, anywhere in this state.
5 (c) A municipal judge, in the city in which the judge is



1 serving or in a township over which a municipal court has
2 jurisdiction under section 9928 of the revised judicature act of
3 1961, 1961 PA 236, MCL 600.9928.

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

5 (e) A judge of a federal court.

6 (f) A mayor of a city, anywhere in a county in which that city
7 is located.

8 (g) A county clerk in the county in which the clerk serves, or
9 in another county with the written authorization of the clerk of
10 the other county.

11 (h) For a county having **a population of** more than 1,500,000
12 inhabitants, an employee of the county clerk's office designated by
13 the county clerk, in the county in which the clerk serves.

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

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

23 **(k) A state legislator.**

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

27 (3) If a mayor of a city solemnizes a marriage, the mayor
28 shall charge and collect a fee to be determined by the council of
29 that city, which shall be paid to the city treasurer and deposited



1 in the general fund of the city at the end of the month.

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

9 (5) **As used in this section, "state legislator" means an**
10 **individual elected to the office of state senator or state**
11 **representative.**

12 Sec. 16. (1) A marriage solemnized before an individual
13 professing to be a district judge, ~~common pleas court judge,~~
14 district court magistrate, municipal judge, judge of probate, judge
15 of a federal court, mayor, the county clerk or, in a county having
16 **a population of** more than ~~2,000,000 inhabitants,~~ **1,500,000,** an
17 employee of the county clerk designated by the clerk to solemnize
18 marriages, ~~or~~ a minister of the gospel or cleric or religious
19 practitioner, ~~shall not be considered or adjudged to be~~ **or a state**
20 **legislator is not** void, nor shall the validity of the marriage be
21 affected, on account of a want of jurisdiction or authority by that
22 individual if the marriage was consummated with a full belief on
23 the part of the individuals married, or either of them, that they
24 were lawfully joined in marriage.

25 (2) **As used in this section, "state legislator" means an**
26 **individual elected to the office of state senator or state**
27 **representative.**

