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MARRIAGES BY COUNTY CLERKS

House Bill 5613 (Substitute H-1) First Analysis (4-1-98)

Sponsor: Rep. Liz Brater
Committee: Local Government

THE APPARENT PROBLEM:

State law permits a limited number of public officials to perform marriages, including district court judges and magistrates, municipal judges, probate judges, federal court judges, and city mayors. Also, a county clerk or a designated employee of the clerk can perform (or "solemnize", as the law puts it) marriages in a county with a population of over two million (Wayne County). Some people do sometimes ask county clerks in other counties to perform marriage ceremonies, and clerks see no reason why they should not be permitted to do so.

THE CONTENT OF THE BILL:

The bill would amend the act entitled "Of Marriage and the Solemnization Thereof" to permit any county clerk to "solemnize" marriages. (As now, a county clerk would only be able to solemnize a marriage in the county in which he or she serves.)

Currently, the act restricts the ability to perform marriage ceremonies to the clerk and designated employees in a county with a population of more than two million. The population reference in the act would be removed and replaced by a reference to a county organized under Public Act 293 of 1966, which applies to Wayne County, as does the population requirement. In that county only, designated employees could perform a marriage ceremony; in other counties, only the clerk could do so.

The bill also clarifies the act by replacing references to "a minister of the gospel" with the term "clergyperson," and the term "church" with "congregation."

MCL 551.7 and 551.16

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

By allowing the county clerk to perform marriage ceremonies, the bill would make another public official available to couples who want to marry. (The bill is permissive; a county clerk need not solemnize marriages.)

POSITIONS:

The Michigan Association of County Clerks supports the bill. (3-23-98)

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Analyst: C. Couch

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