

SUBSTITUTE FOR
HOUSE BILL NO. 5613

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 1983 PA 64.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Marriages may be solemnized by any of the fol-
2 lowing PERSONS:

3 (a) A judge of the district court ~~—~~ IF THE MARRIAGE IS
4 SOLEMNIZED in the district in which the judge is serving.

5 (b) A district court magistrate ~~—~~ IF THE MARRIAGE IS
6 SOLEMNIZED in the district in which the magistrate ~~—serves—~~ IS
7 SERVING.

8 (c) A municipal judge ~~—~~ IF THE MARRIAGE IS SOLEMNIZED in
9 the city in which the judge is serving or in a township over
10 which a municipal court has jurisdiction pursuant to section 9928

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1 of ~~Act No. 236 of the Public Acts of 1961, being section~~
2 ~~600.9928 of the Michigan Compiled Laws~~ THE REVISED JUDICATURE
3 ACT OF 1961, 1961 PA 236, MCL 600.9928.

4 (d) A judge of probate ~~—~~ IF THE MARRIAGE IS SOLEMNIZED in
5 the county or probate court district in which the judge is
6 serving.

7 (e) A judge of a federal court.

8 (f) A mayor of a city ~~—~~ IF THE MARRIAGE IS SOLEMNIZED in
9 the city in which the mayor serves.

10 (g) ~~The~~ A county clerk ~~of a county having more than~~
11 ~~2,000,000 inhabitants~~ IN A COUNTY OTHER THAN A COUNTY ORGANIZED
12 UNDER 1966 PA 293, MCL 45.501 TO 45.521, IF THE MARRIAGE IS
13 SOLEMNIZED IN THE COUNTY IN WHICH THE CLERK SERVES.

14 (H) A COUNTY CLERK or an employee of the clerk's office des-
15 ignated by the county clerk IN A COUNTY ORGANIZED UNDER 1966 PA
16 293, MCL 45.501 TO 45.521, IF THE MARRIAGE IS SOLEMNIZED in the
17 county in which the clerk serves.

18 (I) ~~(h) A minister of the gospel, anywhere in the state~~
19 CLERGYPERSON, if the ~~minister~~ CLERGYPERSON is ordained or
20 authorized to solemnize marriages according to the usages of the
21 denomination ~~—~~ and is ~~a pastor~~ AN OFFICIATOR of a ~~church~~
22 CONGREGATION in this state ~~—~~ or continues to preach ~~the~~
23 ~~gospel~~ in this state.

24 (J) ~~(i) A minister of the gospel, anywhere in the state~~
25 CLERGYPERSON, if the ~~minister~~ CLERGYPERSON is not a resident of
26 this state but is authorized to solemnize marriages under the
27 laws of the state in which the ~~minister~~ CLERGYPERSON resides.

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1 (2) A person authorized by this act to solemnize a marriage
2 shall keep proper records and make returns as required by section
3 4 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~
4 ~~section 551.104 of the Michigan Compiled Laws 1887 PA 128,~~
5 MCL 551.104.

6 (3) If a mayor of a city solemnizes a marriage, the mayor
7 shall charge and collect a fee to be determined by the ~~council~~
8 LEGISLATIVE BODY of that city. ~~, which~~ THE FEE shall be paid to
9 the city treasurer and deposited in the general fund of the city
10 at the end of the month.

11 (4) If ~~the~~ A county clerk ~~of a county having more than~~
12 ~~2,000,000 inhabitants~~ or an employee of the clerk's office des-
13 igned by the county clerk solemnizes a marriage UNDER SUBSEC-
14 TION (1)(G) OR (H), the county clerk shall charge and collect a
15 fee to be determined by the commissioners of that county. ~~,~~
16 ~~which~~ THE FEE shall be paid to the county treasurer and depos-
17 ited in the general fund of the county at the end of the month.

18 Sec. 16. A marriage solemnized before a person professing
19 to be a ~~district judge, common pleas court judge, district court~~
20 ~~magistrate, municipal judge, judge of probate, judge of a federal~~
21 ~~court, mayor, the county clerk of a county having more than~~
22 ~~2,000,000 inhabitants or an employee of the county clerk desig-~~
23 ~~nated by the clerk to solemnize marriages, or a minister of the~~
24 ~~gospel shall not be considered or adjudged to be void, nor shall~~
25 PERSON AUTHORIZED TO SOLEMNIZE A MARRIAGE UNDER SECTION 7 IS NOT
26 VOID AND the validity of the marriage ~~be~~ IS NOT affected ~~, on~~
27 ~~account of any want~~ FOR LACK of jurisdiction or authority in

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1 ~~the supposed judge, magistrate, mayor, clerk, employee, or~~
2 ~~minister~~ THAT PERSON, if the marriage was consummated with a
3 full belief ~~on the part~~ BY 1 OR BOTH of the persons married —
4 ~~or either of them,~~ that they were lawfully joined in marriage.