

SENATE 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 THE FAMILY DIVISION OF THE CIRCUIT COURT IF  
8 THE MARRIAGE IS SOLEMNIZED IN THE JUDICIAL CIRCUIT IN WHICH THE  
9 JUDGE IS SERVING.

10 (F) ~~(e)~~ A judge of a federal court.

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

13 (H) ~~(g) The~~ A county clerk ~~of a county having more than~~  
14 ~~2,000,000 inhabitants~~ IN A COUNTY OTHER THAN A COUNTY ORGANIZED  
15 UNDER 1966 PA 293, MCL 45.501 TO 45.521, IF THE MARRIAGE IS  
16 SOLEMNIZED IN THE COUNTY IN WHICH THE CLERK SERVES.

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

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

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1       (K) ~~-(i)- A minister of the gospel, anywhere in the state~~  
2 CLERGYPERSON, if the ~~minister~~ CLERGYPERSON is not a resident of  
3 this state but is authorized to solemnize marriages under the  
4 laws of the state in which the ~~minister~~ CLERGYPERSON resides.

5       (2) A PERSON AUTHORIZED BY THIS ACT TO SOLEMNIZE A MARRIAGE AND  
6 THE PERSONS TO BE MARRIED

7 MAY AGREE THAT THE PERSONS TO BE MARRIED COM-  
8 PLETE PREMARITAL COUNSELING.

9       (3) ~~-(2)- A person authorized by this act to solemnize a~~  
10 marriage shall keep proper records and make returns as required  
11 by section 4 of ~~Act No. 128 of the Public Acts of 1887, as~~  
12 ~~amended, being section 551.104 of the Michigan Compiled Laws~~  
13 1887 PA 128, MCL 551.104.

14       (4) ~~-(3)- If a mayor of a city solemnizes a marriage, the~~  
15 mayor shall charge and collect a fee to be determined by the  
16 ~~council~~ LEGISLATIVE BODY of that city. ~~, which~~ THE FEE shall  
17 be paid to the city treasurer and deposited in the general fund  
18 of the city at the end of the month.

19       (5) ~~-(4)- If the A county clerk of a county having more~~  
20 ~~than 2,000,000 inhabitants~~ or an employee of the clerk's office  
21 designated by the county clerk solemnizes a marriage UNDER SUB-  
22 SECTION (1)(H) OR (I), the county clerk shall charge and collect  
23 a fee to be determined by the commissioners of that county. ~~,~~  
24 ~~which~~ THE FEE shall be paid to the county treasurer and depos-  
25 ited in the general fund of the county at the end of the month.

26       Sec. 16. A marriage solemnized before a person professing  
27 to be a ~~district judge, common pleas court judge, district court~~  
magistrate, municipal judge, judge of probate, judge of a federal

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1 ~~court, mayor, the county clerk of a county having more than~~  
2 ~~2,000,000 inhabitants or an employee of the county clerk desig-~~  
3 ~~nated by the clerk to solemnize marriages, or a minister of the~~  
4 ~~gospel shall not be considered or adjudged to be void, nor shall~~  
5 PERSON AUTHORIZED TO SOLEMNIZE A MARRIAGE UNDER SECTION 7 IS NOT  
6 VOID AND the validity of the marriage ~~be~~ IS NOT affected ~~, on~~  
7 ~~account of any want~~ FOR LACK of jurisdiction or authority in  
8 ~~the supposed judge, magistrate, mayor, clerk, employee, or~~  
9 ~~minister~~ THAT PERSON, if the marriage was consummated with a  
10 full belief ~~on the part~~ BY 1 OR BOTH of the persons married ~~,~~  
11 ~~or either of them,~~ that they were lawfully joined in marriage.