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PERSONS AUTHORIZED TO PERFORM MARRIAGES

House Bills 5684 and 5685
Sponsor: Rep. Liz Brater
Committee: Family and Civil Law

Complete to 9-26-00

A SUMMARY OF HOUSE BILLS 5684 and 5685 AS INTRODUCED 4-26-00

Under current law (the act entitled “Of Marriage and the Solemnization Thereof”, part of the Revised Statutes of 1846), the list of persons authorized to solemnize marriages includes district court judges and magistrates, municipal judges, probate judges, federal judges, mayors, county clerks, and clergy. A clergy person is described in the law as “a minister of the gospel, anywhere in the state, if the minister is ordained or authorized to solemnize marriages according to the usages of the denomination, and is a pastor of a church in this state, or continues to preach the gospel in this state”, and also as “a minister of the gospel, anywhere in the state, if the minister is not a resident of this state but is authorized to solemnize marriages under the laws of the state in which the minister resides”. House Bill 5684 would amend this provision (MCL 551.7 and 551.16) to delete those descriptions and instead refer to “an ordained, commissioned, licensed, or otherwise formally instated leader of an organization, church, body of communicants, or other group that gathers not for pecuniary profit, but in common membership for mutual support and edification in piety, worship, and religious observance; or of a society of individuals united not for pecuniary profit, but for religious purposes at a definite place”, and to an individual who meets those qualifications who is not a resident of the state and who is authorized to solemnized marriages under the laws of the state of his or her residence.

House Bill 5684 would amend Public Act 128 of 1887 (MCL 551.101 et al.), which concerns marriage, to delete references to “clergyman or magistrate”, and instead refer to “the individual who is to solemnize the marriage”, “individual who is to officiate at the marriage”, “the officiating individual”, and so forth.

The bills are tie barred.

Analyst: D. Martens

#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.