

# HOUSE BILL NO. 5319

November 09, 2023, Introduced by Reps. Arbit and Steckloff and referred to the Committee on Judiciary.

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 **district court** judge, ~~of the district court,~~ anywhere in  
4 this state.

1 (b) A district court magistrate, anywhere in this state.

2 (c) A municipal judge, in the city in which the judge is  
3 serving or in a township over which a municipal court has  
4 jurisdiction under section 9928 of the revised judicature act of  
5 1961, 1961 PA 236, MCL 600.9928.

6 (d) A **probate** judge, ~~of probate,~~ anywhere in this state.

7 (e) A judge of a federal court.

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

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

13 (h) For a county having **a population of** more than 1,500,000,  
14 ~~inhabitants, based on the 2010 federal decennial census,~~ an  
15 employee of the county clerk's office designated by the county  
16 clerk, in the county in which the clerk serves.

17 (i) A ~~minister of the gospel or~~ **religious leader, faith-based**  
18 **leader,** cleric, or religious practitioner, anywhere in this state,  
19 if the ~~minister or~~ **religious leader, faith-based leader,** cleric, or  
20 religious practitioner is ordained or authorized to solemnize  
21 marriages according to the usages of the denomination.

22 (j) A ~~minister of the gospel or~~ **religious leader, faith-based**  
23 **leader,** cleric, or religious practitioner, anywhere in this state,  
24 if the ~~minister or~~ **religious leader, faith-based leader,** cleric, or  
25 religious practitioner is not a resident of this state but is  
26 authorized to solemnize marriages under the laws of the state in  
27 which the ~~minister or~~ **religious leader, faith-based leader,** cleric,  
28 or religious practitioner resides.

29 (k) **A secular organization.**

1           **(l) A celebrant or officiant of a secular organization who is**  
 2 **authorized by the secular organization to solemnize marriages.**

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

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

10           (4) If the county clerk or, in a county having **a population of**  
 11 **more than 1,500,000, inhabitants, based on the 2010 federal**  
 12 **decennial census**, an employee of the clerk's office designated by  
 13 the county clerk solemnizes a marriage, the county clerk ~~shall~~**must**  
 14 charge and collect a fee to be determined by the commissioners of  
 15 the county in which the clerk serves. The fee ~~shall~~**must** be paid to  
 16 the treasurer for the county in which the clerk serves and  
 17 deposited in the general fund of that county at the end of the  
 18 month.

19           **(5) As used in this section, "secular organization" means an**  
 20 **organization that occupies a place in the lives of the**  
 21 **organization's members parallel to that filled by a church or**  
 22 **particular religious authority.**

23           Sec. 16. **(1)** A marriage solemnized before an individual  
 24 professing to be a district judge, ~~common pleas court judge,~~  
 25 district court magistrate, municipal judge, **probate** judge, ~~of~~  
 26 ~~probate,~~ judge of a federal court, mayor, the county clerk, or, in  
 27 a county having **a population of** more than ~~2,000,000 inhabitants,~~  
 28 **1,500,000, based on the 2010 federal decennial census**, an employee  
 29 of the county clerk designated by the clerk to solemnize marriages,

1 ~~or a minister of the gospel or~~ **religious leader, faith-based**  
2 **leader,** cleric, or religious practitioner, ~~shall or a secular~~  
3 **organization is** not be considered or adjudged to be void, nor shall  
4 **and** the validity of the marriage ~~be~~ **is not** affected, on account of  
5 a ~~want~~ **lack** of jurisdiction or authority by that individual if the  
6 marriage was consummated with a full belief on the part of the  
7 individuals married, or either of them, that they were lawfully  
8 joined in marriage.

9       **(2) As used in this section, "secular organization" means an**  
10 **organization that occupies a place in the lives of the**  
11 **organization's members parallel to that filled by a church or**  
12 **particular religious authority.**