



Senate Fiscal Agency  
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Senate Bills 285 through 287 (as passed by the Senate)  
Sponsor: Senator Veronica Klinefelt  
Committee: Local Government

Date Completed: 7-1-25

## **RATIONALE**

Many individuals getting married want an individual who they are familiar with and who is significant in their lives to perform their marriage. Reportedly, despite the current requirement that individuals must be specific public officials or ordained ministers to perform a marriage, many individuals fulfill this requirement by purchasing a certificate online that ordains that individual as a minister. While not illegal, this method of ordaining a minister gives the individual no actual training or insight on how to perform or make official a marriage. The bills have been suggested to allow individuals to be married by an individual of their choice because becoming ordained as a minister via an online certificate does not necessarily give insight into performing or making official a marriage.

## **CONTENT**

Senate Bill 285 would amend Chapter 83 (Of marriage and the solemnization thereof) of the Revised Statutes of 1846 to allow a civil celebrant, a township supervisor, or a State legislator to solemnize (officially perform) a marriage. "Civil celebrant" would mean an individual who is at least 18 years of age and who works in accordance with the wishes of the client couple.

Senate Bill 286 would amend Public Act (PA) 128 of 1887 (Marriage Licenses) to replace references to a clergyman or magistrate with references to a marriage officiant, in accordance with Senate Bill 285's proposed changes. In addition, the bill would increase, from \$100 to \$500, the fine for a marriage officiant who violated any provision of PA 128 of 1887. Finally, the bill would require two witnesses to give their signature instead of their residences on a marriage certificate and would require the individual officiating a marriage to fill in the individual's name, title, and address on a marriage certificate.

Senate Bill 287 would amend Chapter 83 of the Revised Statutes of 1846 to specify that a marriage officially performed by an individual authorized under Senate Bill 285 would be valid regardless of that individual's actual solemnization authority.

Senate Bills 285 and 286 are tie-barred. Senate Bill 287 is tie-barred to Senate Bill 285.

MCL 551.7 (S.B. 285)  
551.101 et al. (S.B. 286)  
551.16 (S.B. 287)

## **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

Senate Bills 285 and 286 are respectively reintroductions of Senate Bills 1044 and 1045 from the 2023-2024 Legislative Session. Senate Bills 1044 and 1045 passed the Senate and were referred directly to the Floor in the House but received no further action.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Current law restricting those who can solemnize marriage only to certain public officials and ordained ministers has created a climate in which individuals are simply purchasing certificates online that authenticate them as ordained ministers in newly invented religious institutions. According to testimony before the Senate Committee on Local Government, this practice usually involves individuals who have no experience in how to marry someone printing out certificates and delivering them to the consumer for profit. Given that the certificate does not offer any value beyond meeting the technicality of a law, this practice is exploitative to the consumer. Individuals who wish to marry should not be incentivized to resort to such practices to appease current law and so should be allowed to be married by a civil celebrant to bypass the need for these exploitative practices.

### **Supporting Argument**

Currently, the only public officials able to solemnize a marriage are mayors, judges, and county clerks. This creates an inequality between cities and townships, as mayors can solemnize marriages, but township supervisors cannot, despite both positions being elected, municipal employees who serve as the chief executive of their respective administrations. Enacting the bills would create an equal playing field in which individuals from both cities and townships could solemnize marriages.

### **Opposing Argument**

Under the First Amendment of the United States Constitution, it is illegal to prohibit the free exercise of a religion; however, current law does this by prohibiting the free expression of religious ceremonies of marriage. The misdemeanor penalty against a marriage officiant who performs a marriage without a marriage license does not respect an ordained minister's authority to solemnize a marriage outside of the bounds of Michigan law and within religious practice. Senate Bill 286 would increase this penalty, from \$100 to \$500, worsening this barrier to performing religious ceremonies and to the free exercise of religion. For this reason, the bill should not be passed.

**Response:** An individual has the right to perform a religious ceremony without a marriage license and not have the marriage be legally recognized. Given that most couples who are married in a religious ceremony also wish for their marriage to be legally recognized, many couples acquire marriage licenses to legally validate and record their marriage within the State. These penalties disincentivize marriage officiants, such as clergymen, from not completing and filing the marriage license with the county clerk and preventing the couple's marriage from becoming legally recognized. To protect couples against these bad actors, penalties for marriage officiants violating PA 128 of 1887 (Marriage Licenses) should be increased.

### **Opposing Argument**

Under current law, one partner can testify on behalf of a couple that the marriage was solemnized with a full belief that both individuals were lawfully joined in marriage. This law could be misused if there were unequal power dynamics present in the relationship. If only one partner needs to testify that the marriage is lawful, one partner can falsely represent the marriage as such. According to testimony before the Senate Committee on Local Government, this could result in abuse from human traffickers. By allowing a civil celebrant to solemnize a marriage, Senate Bill 285 would allow even less oversight from a third party into an abusive pairing. For example, a bad actor could ask an acquaintance who approved of the abuse to solemnize the marriage instead of a government official or ordained minister. Until this law is

changed to say that both partners must testify that the marriage is lawful, the bill should not be passed.

Legislative Analyst: Alex Krabill

### **FISCAL IMPACT**

Senate Bill 285 would have no fiscal impact on State or local government.

Senate Bill 286 would increase, from \$100 to \$500, the fine for a violation of PA 128 of 1887, resulting in an increase in funding for local libraries. Revenue from misdemeanor fines is used to fund local and county law libraries. The amount of additional funding is indeterminate and depends on how many violations actually occurred.

The bills could have a negative fiscal impact on revenue for cities and counties, but the impact would be extremely minor. Under current law, only judges, magistrates, mayors, county clerks, and employees of Wayne County's Clerk's office (due to the County's size) are authorized to perform marriage ceremonies. Mayors' offices and county clerks are required by law to charge a fee for this service, with most fees between \$10 and \$20. Judges and magistrates are not required to charge a fee.

The language of the bill would not automatically reduce the number of marriages performed by mayors or county clerks. Furthermore, the bill's impact on specific counties or cities would depend on the specific situation of each individual county or city. For example, marriage ceremony services are not currently offered by Wayne County, so the bill would have no fiscal impact on the County's revenue. Even if all marriage ceremonies performed by county clerks were instead performed by civil celebrants, the annual loss of revenue for the median-sized county would likely be less than \$1,000 per year. There have been about 51,000 marriages in Michigan over each of the last three years, down several thousand per year since before the coronavirus pandemic.

Senate Bill 287 would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.