

Solemnizing a Marriage

Tennessee Code Annotated

Reference Number: CTAS-394

Who Can Solemnize a Marriage?

The rite of matrimony may be solemnized by any of the persons listed in T.C.A. § 36-3-301:

1. All regular ministers, preachers, pastors, priests, rabbis and other religious leaders of every religious belief, more than eighteen (18) years of age, having the care of souls.
2. Current and former members of county legislative bodies.
3. County mayors/executives and former county mayors/executives.
4. Current and former judges and chancellors of this state, including federal judges.
5. Current and former judges of general sessions courts.
6. Municipal court judges.
7. The governor.
8. The county clerk of each county, and former county clerks who occupied the office on or after July 1, 2014.
9. Current and former speakers of the senate and speakers of the House of Representatives.
10. Mayors of municipalities.

All judges, including city judges, are included among the officials who may solemnize marriages. An elected city judge may perform a marriage in any county in Tennessee, but an appointed city judge is authorized to solemnize a marriage only in the city where the judge holds office. Op. Tenn. Att'y Gen. 02-112 (10/10/02).

Please note: The above list is who may solemnize a marriage but is not a requirement of their duties.

Opinion 15-14 (February 6, 2015)

The process of becoming an ordained minister in the Universal Life Church has not changed materially since the issuance of Op. Tenn. Att'y Gen. U97-041. The website's provision for instant ordination online with the click of a mouse does not meet the statutory requirement for a "considered, deliberate, and responsible act."

Opinion U97-139 (September 2, 1997)

Persons ordained by mail order by the Universal Life Church, which ordains anyone who fills out a mail order application without a background check, verification, or obtaining any information, does not appear to meet the criteria of T.C.A. 36-3-301 for persons authorized to solemnize marriages.

Opinion 97-138 (October 9, 1997)

The presumption in favor of marriage is very strong, and courts will apply estoppel to validate a marriage under appropriate circumstances. However, a court could find a marriage void where it was solemnized by a minister who did not meet the statutory qualifications if the party challenging the marriage had the right to challenge it and presented sufficient evidence.