

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-301**

(a) (1) All regular ministers, preachers, pastors, priests, rabbis and other spiritual leaders of every religious belief, more than eighteen (18) years of age, having the care of souls, and all members of the county legislative bodies, county mayors, judges, chancellors, former chancellors and former judges of this state, former county executives or county mayors of this state, former members of quarterly county courts or county commissions, the governor, the speaker of the senate and former speakers of the senate, the speaker of the house of representatives and former speakers of the house of representatives, the county clerk of each county and the mayor of any municipality in the state may solemnize the rite of matrimony. For the purposes of this section, the several judges of the United States courts, including United States magistrates and United States bankruptcy judges, who are citizens of Tennessee are deemed to be judges of this state. The amendments to this section by Acts 1987, ch. 336, which applied provisions of this section to certain former judges, do not apply to any judge who has been convicted of a felony or who has been removed from office. (2) In order to solemnize the rite of matrimony, any such minister, preacher, pastor, priest, rabbi or other spiritual leader must be ordained or otherwise designated in conformity with the customs of a church, temple or other religious group or organization; and such customs must provide for such ordination or designation by a considered, deliberate, and responsible act. (3) If any marriage has been entered into by license issued pursuant to this chapter at which any minister officiated before June 1, 1999, such marriage shall not be invalid because the requirements of the preceding subdivision (2) have not been met. (b) The traditional marriage rite of the Religious Society of Friends (Quakers), whereby the parties simply pledge their vows one to another in the presence of the congregation, constitutes an equally effective solemnization. (c) Any gratuity received by a county mayor, county clerk or municipal mayor for the solemnization of a marriage, whether performed during or after such person's regular working hours, shall be retained by such person as personal remuneration for such services, in addition to any other sources of compensation such person might receive, and such gratuity shall not be paid into the county general fund or the treasury of such municipality. (d) If any marriage has been entered into by license regularly issued at which a county executive officiated prior to April 24, 1981, such marriage shall be valid and is hereby declared to be in full compliance with the laws of this state. (e) For the purposes of this section, 'retired judges of this state' is construed to include persons who served as judges of any municipal or county court in any county that has adopted a metropolitan form of government and persons who served as county judges (judges of the quarterly county court) prior to the 1978 constitutional amendments. (f) If any marriage has been entered into by license regularly issued at which a retired judge of this state officiated prior to April 13, 1984, such marriage shall be valid and is hereby declared to be in full compliance with the laws of this state. (g) If any marriage has been entered into by license issued pursuant to this chapter at which a judicial commissioner officiated prior to March 28, 1991, such marriage is valid and is declared to be in full compliance with the laws of this state. (h) The judge of the general sessions court of any county, and any former judge of any general sessions court, may solemnize the rite of matrimony in any county of this state. Any marriage performed by any judge of the general sessions court in any county of this state before March 16, 1994, shall be valid and declared to be in full compliance with the laws of this state. (i) All elected officials and former officials, who are authorized to solemnize the rite of matrimony pursuant to the provisions of subsection (a), may solemnize the rite of matrimony in any county of this state. (j) If any marriage has been entered into by license issued

pursuant to this chapter at which a county mayor officiated outside such mayor's county prior to May 29, 1997, such marriage is valid and is declared to be in full compliance with the laws of this state.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-101**

Marriage cannot be contracted with a lineal ancestor or descendant, nor the lineal ancestor or descendant of either parent, nor the child of a grandparent, nor the lineal descendants of husband or wife, as the case may be, nor the husband or wife of a parent or lineal descendant.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-102**

A second marriage cannot be contracted before the dissolution of the first. But the first shall be regarded as dissolved, for this purpose, if either party has been absent five (5) years, and is not known to the other to be living.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-103**

(a) Before being joined in marriage, the parties shall present to the minister or officer a license under the hand of a county clerk in this state, directed to such minister or officer, authorizing the solemnization of a marriage between the parties. Such license shall be valid for thirty (30) days from its issuance by the clerk. (b) All existing marriages that occurred before March 24, 1986, are validated if a marriage certificate was signed by the county clerk either from a county in which the female did not reside or from a county where the marriage was not solemnized. (c) (1) The county clerk issuing a marriage license is hereby authorized to record and certify any license used to solemnize a marriage that is properly signed by the officiant when such license is returned to the issuing county clerk. The issuing county clerk shall forward the record to the office of vital records to be filed and registered with such office. If a license issued by a county clerk in Tennessee is used to solemnize a marriage outside Tennessee, such marriage and parties, their property and their children shall have the same status as if the marriage were solemnized in this state. A county clerk is prohibited from issuing a license for a marriage that is prohibited in this state. (2) All existing marriages occurring prior to May 2, 1989, by the authority of a Tennessee license, properly signed and certified by the officiant, are validated and the issuing clerk is authorized to record such license when it is returned to the issuing county clerk and to forward the record to the office of vital records to be filed and registered with such office.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-104**

(a) No county clerk or deputy clerk shall issue a marriage license until the applicants make an application in writing, stating the names, ages, addresses and social security numbers of both the proposed male and female contracting parties and the names and addresses of the parents, guardian or next of kin of both parties. The application shall be sworn to by both applicants. Should either individual be incarcerated, the inmate shall not be made to appear but shall submit a notarized statement containing the name, age, current address and a name and address of the individual's parents, guardian or next of kin. If an applicant has a disability that prevents the applicant from appearing, the applicant may submit a notarized statement containing the person's name, age, current address and the names and address of the parents, guardian or next of kin. (b) (1) If either applicant is under eighteen (18) years of age, the application shall remain on file, open to the public, in the office of the county clerk for three (3) full days before issuance of the license. No waiting period shall apply if both parents, the guardian or the next of kin of any minor applicant join in the application. No waiting period shall apply if both

applicants are eighteen (18) years of age or over. (2) If either applicant is under eighteen (18) years of age, immediately upon filing of the application, the county clerk shall cause to be sent by registered mail to the parents, guardian or next of kin of any minor applicant, a notice of the application. The provisions of this subdivision (b)(2) shall not apply if both parents, the guardian or the next of kin of any minor applicant join in the application. (3) The parents, guardian or next of kin of an applicant may join in the application either by personal appearance before the county clerk or deputy county clerk, or by submitting a sworn and notarized affidavit.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-105**

(a) It is unlawful for any county clerk or deputy clerk in this state to issue a marriage license to any person where either of the contracting parties is under sixteen (16) years of age, except as provided in this part. (b) Any marriage contracted in violation of subsection (a) may be annulled upon proper proceedings therefor by such person or any interested person acting in the person's behalf.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-106**

(a) When either applicant is under eighteen (18) years of age, the parents, guardian, next of kin or party having custody of the applicant shall join in the application, under oath, stating that the applicant is sixteen (16) years of age or over and that the applicant has such person's consent to marry. (b) If the applicant is in the legal custody of any public or private agency or is in the legal custody of any person other than a parent, next of kin or guardian, then such person or the duly authorized representative of such agency shall join in the application with the parent, guardian or next of kin stating, under oath, that the applicant is sixteen (16) years of age but less than eighteen (18) years of age and that the applicant has such person's consent to marry. This subsection (b) does not apply to applicants who are in the legal custody of the department of mental health or the department of intellectual and developmental disabilities.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-107**

(a) (1) (A) Except as provided in subdivision (a)(1)(B), upon good cause, the judge of the probate, juvenile, circuit or chancery court, or county mayor, shall have the power to suspend the three-day period prescribed in § 36-3-104 or in such person's judgment remove the restriction as to age herein set out, and to authorize the county clerk to issue a marriage license regardless of the waiting period or age limit. (B) (i) In counties having a population of not less than thirty-four thousand eight hundred fifty (850) nor more than thirty-five thousand (000), according to the 1990 federal census or any subsequent federal census, upon good cause, the judge of the probate, juvenile, circuit or chancery court shall have the power to suspend the three-day period prescribed in § 36-3-104 or in such person's judgment remove the restriction as to age herein set out, and to authorize the county clerk to issue a marriage license regardless of the waiting period or age limit. (ii) Subdivision (a)(1)(B)(i) is local in effect, and shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of any county having a population of not less than thirty four thousand eight hundred fifty (850) nor more than thirty five thousand (000), according to the 1990 federal census or any subsequent federal census. Its approval or nonapproval shall be proclaimed by the presiding officer of any county subject to the provisions of this subdivision (a)(1)(B) and certified by the presiding officer to the secretary of state. (2) (A) In any county with a metropolitan form of government with a population greater than one hundred thousand (000) the county clerk shall, upon good cause, have the power to suspend the three-day period

prescribed in § 36-3-104. (B) The provisions of subdivision (a)(2)(A) shall be local in effect and shall become effective in a particular county upon a two-thirds (2/3) majority vote of the county legislative body. (C) The provisions of subdivision (a)(2)(A) do not apply in counties having a population, according to the 1990 federal census or any subsequent federal census, of not less than one hundred three thousand one hundred (100) and not more than one hundred three thousand four hundred (400). (b) A petition to a court filed on behalf of an individual under eighteen (18) years of age to waive the age restriction for marriage shall include a statement indicating the filing in any other court of similar petitions requesting such waiver.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-109**

No license shall be issued when it appears that the applicants or either of them is at the time drunk, insane or an imbecile.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-110**

Any interested person shall have the right to contest the issuance of the marriage license, which contest shall be filed, heard and determined by the judge of the probate court, or judge of the juvenile court, or any judge or chancellor; provided, that such contest shall not be filed without the filing of a cost bond in the sum of at least fifty dollars (\$50.00) with solvent sureties executed by the contestant, conditioned as in civil cases, and the cost of such contest shall be adjudged against the losing party.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-111**

Any county clerk or deputy clerk who issues a marriage license without compliance with the provisions of the last sentence in §§ 36-3-103(c)(1), 36-3-104 -- 36-3-107, 36-3-109, 36-3-110, or 36-3-113, and not in good faith, commits a Class C misdemeanor.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-112**

Fraudulently signing or knowingly using any false document purporting to be one provided for in § 36-3-104(a) or § 36-3-106 is a Class C misdemeanor.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 1: License § 36-3-113**

(a) Tennessee's marriage licensing laws reinforce, carry forward, and make explicit the long-standing public policy of this state to recognize the family as essential to social and economic order and the common good and as the fundamental building block of our society. To that end, it is further the public policy of this state that the historical institution and legal contract solemnizing the relationship of one (1) man and one (1) woman shall be the only legally recognized marital contract in this state in order to provide the unique and exclusive rights and privileges to marriage. (b) The legal union in matrimony of only one (1) man and one (1) woman shall be the only recognized marriage in this state. (c) Any policy, law or judicial interpretation that purports to define marriage as anything other than the historical institution and legal contract between one (1) man and one (1) woman is contrary to the public policy of Tennessee. (d) If another state or foreign jurisdiction issues a license for persons to marry, which marriages are prohibited in this state, any such marriage shall be void and unenforceable in this state.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-302**

No formula need be observed in such solemnization, except that the parties shall respectively declare, in the presence of the minister or officer, that they accept each other as husband and/or wife.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-303**

(a) One authorized by § 36-3-301 who solemnizes the rite of matrimony shall endorse on the license the fact and time of the marriage, and sign the license, and return it to the county clerk within three (3) days from the date of marriage. Every person who fails to make such return of the license commits a Class C misdemeanor. (b) The functions, duties and liabilities of the party solemnizing marriage as set forth in this part shall, in the case of marriages solemnized among the Religious Society of Friends, be incumbent upon the clerk of the congregation, or in the clerk's absence, the clerk's duly designated alternate.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-304**

The clerk shall, on each license, place the following form of certificate, to be signed by the person solemnizing the marriage: ?I solemnize the rite of matrimony between the above (or within) named parties on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.?

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-305**

Any such minister or officer who knowingly joins together in matrimony two (2) persons not capable thereof commits a Class C misdemeanor and shall also forfeit and pay the sum of five hundred dollars (\$500), to be recovered by action of debt, for the use of the person suing.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-306**

Failure to comply with the requirements of §§ 36-3-104 -- 36-3-107, 36-3-109 -- 36-3-111 shall not affect the validity of any marriage consummated by ceremony. No marriage shall be valid, whether consummated by ceremony or otherwise, if the marriage is prohibited in this state.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-307**

Any marriage that may have been or may be celebrated between persons, by license regularly issued, is valid, and the issue thereof is declared legitimate, although the baptismal name of either party may be omitted in the license, or a nickname be used instead thereof; provided, that the parties have consummated the marriage by cohabitation, and can be identified as the persons between whom such marriage was solemnized.

**Tennessee Code - Title 36: Domestic Relations - Chapter 3: Marriage - Part 3: Ceremony § 36-3-308**

All marriages contracted and entered into during the War Between the States (1861-1865) and duly solemnized, are declared valid, and the issue of these marriages are declared legitimate.