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Opinion No. 02-112

City Judge's Authority to Perform Marriage

QUESTION

Does a city judge have authority under Tenn. Code Ann. § 36-3-301 to perform a marriage?

OPINION

Yes. An elected or appointed city judge has the authority under Tenn. Code Ann. § 36-3-301 to perform a marriage.

ANALYSIS

In Tennessee, the legislature is empowered to determine who may solemnize a marriage. *Bashaw v. State*, 9 Tenn. 177, 184-85 (1829). The statute that sets out who may solemnize a marriage is currently codified at Tenn. Code Ann. § 36-3-301. All judges, including city judges, are included among the officials who may solemnize marriages. Tenn. Code Ann. § 36-3-301(a)(1). An elected city judge may perform a marriage in any county in Tennessee while an appointed city judge has authority to solemnize a marriage only within the city where the judge holds office. Tenn. Code Ann. § 36-3-301(i). *See also*, Op. Tenn. Atty. Gen. 99-048 (March 2, 1999).

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