

**STATE OF TENNESSEE**  
OFFICE OF THE  
**ATTORNEY GENERAL**  
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June 29, 2009

Opinion No. 09-123

Solemnization of Marriages by Former Municipal Mayor

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**QUESTION**

May a former mayor of a municipality solemnize a marriage?

**OPINION**

No, a former mayor of a municipality is not among the officials who are statutorily authorized to solemnize marriages.

**ANALYSIS**

As relevant to this opinion, the Legislature has prescribed by statute who may solemnize a marriage:

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.

Tenn. Code Ann. § 36-3-301(a)(1). As it does with several other officers, the statute authorizes both present “county mayors” and “former . . . county mayors” to solemnize a marriage. *Id.* However, while the statute authorizes “the mayor of any municipality” to solemnize a marriage, it does not authorize the former mayor of any municipality to solemnize a marriage. Because the Legislature has chosen in the statute to distinguish between sitting and former officials and has

included a sitting municipal mayor but omitted a former municipal mayor from the list of individuals authorized to solemnize a marriage, we conclude that a former municipal mayor is not authorized to solemnize a marriage.

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