

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 865**

(SENATE AUTHORS: MARTY, Hawj, Goodwin and Rosen)

DATE	D-PG	OFFICIAL STATUS
02/16/2015	308	Introduction and first reading Referred to Judiciary

1.1 A bill for an act  
 1.2 relating to marriage; authorizing notaries to perform civil marriages; amending  
 1.3 Minnesota Statutes 2014, sections 359.04; 517.04.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 359.04, is amended to read:

1.6 **359.04 POWERS.**

1.7 Every notary public so appointed, commissioned, and qualified shall have power  
 1.8 throughout this state to administer all oaths required or authorized to be administered in  
 1.9 this state; to take and certify all depositions to be used in any of the courts of this state; to  
 1.10 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and  
 1.11 other instruments in writing or electronic records; to solemnize a civil marriage pursuant  
 1.12 to section 517.04, paragraph (b), and to receive, make out, and record notarial protests.

1.13 Sec. 2. Minnesota Statutes 2014, section 517.04, is amended to read:

1.14 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

1.15 (a) Civil marriages may be solemnized throughout the state by an individual who  
 1.16 has attained the age of 21 years and is a judge of a court of record, a retired judge of a  
 1.17 court of record, a court administrator, a retired court administrator with the approval of the  
 1.18 chief judge of the judicial district, a former court commissioner who is employed by the  
 1.19 court system or is acting pursuant to an order of the chief judge of the commissioner's  
 1.20 judicial district, the residential school superintendent of the Minnesota State Academy  
 1.21 for the Deaf and the Minnesota State Academy for the Blind, a licensed or ordained  
 1.22 minister of any religious denomination, or by any mode recognized in section 517.18. For

2.1 purposes of this section, a court of record includes the Office of Administrative Hearings  
2.2 under section 14.48.

2.3 (b) Civil marriages may be solemnized throughout the state by an individual who  
2.4 has attained the age of 21 years and is a commissioned resident or nonresident notary  
2.5 under chapter 359. The notary must have filed the notary's current notary commission  
2.6 with the county recorder pursuant to section 359.061, subdivision 1, and must also have  
2.7 and obtained a county notary certificate pursuant to section 359.061, subdivision 4, prior  
2.8 to solemnizing a civil marriage. The county where the notary commission is filed shall be  
2.9 endorsed upon the certificate of civil marriage by the notary. The notary shall uphold the  
2.10 standards of conduct in section 359.085 in solemnizing a civil marriage.