CHAPTER 517

CIVIL MARRIAGE

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517.0001 MS 2006 [Renumbered 15.001]

517.001 DEFINITION.

As used in this chapter, "local registrar" means an individual designated by the county board of commissioners to register civil marriages.

History: *2004 c 273 s 2; 2013 c 74 s 9; 2013 c 108 art 12 s 99*

517.01 CIVIL MARRIAGE CONTRACT.

A civil marriage, so far as its validity in law is concerned, is a civil contract between two persons, to which the consent of the parties, capable in law of contracting, is essential. A lawful civil marriage may be contracted only when a license has been obtained as provided by law and when the civil marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom one or both of the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

History: *(8562) RL s 3552; 1941 c 459; 1977 c 441 s 1; 1978 c 772 s 1; 1997 c 203 art 10 s 1; 2013 c 74 s 2*

517.02 PERSONS CAPABLE OF CONTRACTING.

A person who has attained the full age of 18 years is capable in law of contracting into a civil marriage, if otherwise competent.

History: *(8563) RL s 3553; 1927 c 166; 1949 c 374 s 1; 1963 c 795 s 1; 1967 c 506 s 1; 1973 c 725 s 72; 1981 c 58 s 1; 1995 c 189 s 8; 1996 c 277 s 1; 2009 c 129 s 1; 2013 c 74 s 9; 2020 c 76 s 1*

517.03 PROHIBITED CIVIL MARRIAGES.

Subdivision 1. **General.** (a) The following civil marriages are prohibited:

(1) a civil marriage entered into before the dissolution of an earlier civil marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(2) a civil marriage between an ancestor and a descendant, or between siblings, whether the relationship is by the half or the whole blood or by adoption;

(3) a civil marriage between an uncle or aunt and a niece or nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to civil marriages permitted by the established customs of aboriginal cultures; and

(4) a civil marriage entered into between persons when both have not attained the full age of 18 years.

(b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by another state or foreign jurisdiction under common law or statute, is void and against the public policy of this state unless neither party was a resident of this state at the time the marriage was entered into.

Subd. 2. **Developmentally disabled persons; consent by commissioner of human services.** Developmentally disabled persons committed to the guardianship of the commissioner of human services and developmentally disabled persons committed to the conservatorship of the commissioner of human services in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant consent unless it appears from the commissioner's investigation that the civil marriage is not in the best interest of the ward or conservatee and the public. The local registrar in the county where the application for a license is made by the ward or conservatee shall not issue the license unless the local registrar has received a signed copy of the consent of the commissioner of human services.

History: *(8564) RL s 3554; 1911 c 222 s 1; 1937 c 407 s 1; 1945 c 12 s 1; 1947 c 623 s 1; 1959 c 638 s 1; 1963 c 795 s 2; 1974 c 406 s 52; 1975 c 208 s 34; 1978 c 772 s 2; 1979 c 259 s 1; 1984 c 654 art 5 s 58; 1985 c 21 s 67; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1997 c 203 art 10 s 2; 2005 c 56 s 1; 2009 c 129 s 2; 2013 c 74 s 3,9; 2020 c 76 s 2*

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and who registers as a civil marriage officiant with a local registrar in a county of this state. The county where the civil marriage officiant is registered must be endorsed upon and recorded with each certificate of civil marriage.

History: *(8565) RL s 3555; 1978 c 772 s 3; 1981 c 101 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 377 s 10; 1987 c 384 art 1 s 55; 1991 c 85 s 1; 1995 c 129 s 1; 2009 c 129 s 3; 2012 c 241 s 1; 2013 c 74 s 9; 2014 c 262 art 4 s 7; 2023 c 52 art 19 s 81; 2025 c 35 art 11 s 6*

517.041 POWER TO APPOINT COURT COMMISSIONER; DUTY.

The Third Judicial District may appoint as court commissioner for Fillmore and Olmsted Counties respectively a person who was formerly employed by those counties as a court commissioner.

The sole duty of an appointed court commissioner is to solemnize civil marriages.

History: *1982 c 499 s 1; 1983 c 136 s 1; 2006 c 260 art 5 s 46; 2013 c 74 s 9*

517.05 MS 2024 [Repealed, 2025 c 35 art 11 s 25]

517.06 PARTIES EXAMINED.

Every person authorized by law to perform the civil marriage ceremony, before solemnizing a civil marriage, may examine the parties on oath, which oath the person is authorized to administer, as to the legality of the intended civil marriage. No person shall solemnize a civil marriage unless satisfied that there is no legal impediment to it, that a civil marriage license has been obtained, and that the individuals present are the persons named in the license.

History: *(8567) RL s 3557; 1978 c 772 s 5; 1986 c 444; 2009 c 129 s 5; 2013 c 74 s 9*

517.07 LICENSE.

Before any persons are joined in civil marriage in Minnesota, a license shall be obtained from the local registrar of any county within Minnesota. The civil marriage need not take place in the county where the license is obtained but must take place within the geographical borders of Minnesota.

History: *(8568) RL s 3558; 1957 c 410 s 1; 1978 c 772 s 6; 1Sp1986 c 3 art 1 s 82; 2004 c 273 s 3; 2009 c 129 s 6; 2013 c 74 s 9*

517.071 [Repealed, 1978 c 699 s 17]

517.08 APPLICATION FOR LICENSE.

Subdivision 1. [Renumbered subds 1a and 1b]

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

(1) the full names of the parties;

(2) their post office addresses and county and state of residence;

(3) their full ages and dates of birth;

(4) if either party has previously been married, the party's married name from the most recent marriage; the date, place, and court in which the civil marriage was dissolved or annulled; or the date and place of death of the former spouse;

(5) whether the parties are related to each other, and, if so, their relationship;

(6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;

(7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;

(8) if one party to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the party may not change the party's name through the marriage application process and must follow the process in section 259.13 to change the party's name; and

(9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. The local registrar may examine the parties upon oath in person, by telephone, remotely using web conferencing technology, or by requiring a verified statement signed by both parties attesting to the legality of the marriage. The local registrar may accept civil marriage license applications signed by both parties that are submitted by mail, facsimile, or electronic filing. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), The local registrar shall collect from the applicant a fee of $125 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed $1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is $50. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, ... (name of educator), confirm that ..... (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected pursuant to subdivision 1b, paragraph (a), $25 must be retained by the county. The local registrar must pay $100 to the commissioner of management and budget to be deposited as follows:

(1) $55 in the general fund;

(2) $3 in the state government special revenue fund to be appropriated to the commissioner of public safety for parenting time centers under section 119A.37;

(3) $2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255;

(4) $25 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96;

(5) $5 in the special revenue fund, which is appropriated to the Board of Regents of the University of Minnesota for the Minnesota couples on the brink project under section 137.32; and

(6) $10 in the Minnesota victims of crime account in the special revenue fund under section 299A.708.

(b) Of the $40 fee under subdivision 1b, paragraph (b), $25 must be retained by the county. The local registrar must pay $25 to the commissioner of management and budget to be deposited as follows:

(1) $5 as provided in paragraph (a), clauses (2) and (3);

(2) $10 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96; and

(3) $10 in the Minnesota victims of crime account in the special revenue fund under section 299A.708.

Subd. 1d. **Proof of age.** For purposes of this section, proof of the age of a party may be established in the form of:

(1) an original or certified copy of a birth certificate or birth record;

(2) a driver's license or other identification card issued by a government entity or school; or

(3) a school record, immigration record, naturalization record, court record, or other document or record issued by a government entity that contains the date of birth of a party.

Subd. 2. [Repealed, 1978 c 699 s 17]

Subd. 3. [Repealed, 1978 c 699 s 17]

Subd. 4. **Report.** The local registrar of each county shall annually report to the Department of Health the number of civil marriage licenses issued in the county for which the fee in subdivision 1b, paragraph (a), was paid and the number for which the fee in subdivision 1b, paragraph (c), was paid.

History: *(8569) RL s 3559; 1931 c 401 s 1; 1939 c 243 s 1; 1949 c 374 s 1; 1951 c 700 s 1; 1955 c 762 s 1; 1957 c 886 s 1; 1963 c 795 s 3; 1969 c 1145 s 3; 1973 c 725 s 73; 1975 c 52 s 3; 1977 c 441 s 2,3; 1978 c 674 s 42; 1978 c 730 s 2; 1978 c 772 s 7; 1981 c 360 art 2 s 43,44; 1983 c 262 art 1 s 6; 1983 c 312 art 3 s 3,4; 1984 c 654 art 5 s 54; 1Sp1985 c 9 art 2 s 95,96; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 282 art 2 s 187; 1989 c 335 art 4 s 98; 1992 c 464 art 1 s 47; 1995 c 257 art 4 s 11,12; 1997 c 162 art 2 s 26; 1997 c 203 art 5 s 37; art 6 s 34; art 10 s 3; 1998 c 254 art 2 s 59; 2000 c 311 art 3 s 4,5; 2000 c 444 art 2 s 14; 2001 c 7 s 84; 1Sp2001 c 10 art 2 s 81,82; 2003 c 112 art 2 s 50; 2003 c 128*

art 12 s 3,4; 2003 c 130 s 12; 2004 c 206 s 52; 2004 c 273 s 4-6; 1Sp2005 c 1 art 4 s 114,115; 2007 c 146 art 7 s 2; 2007 c 148 art 2 s 71,72; 2009 c 101 art 2 s 109; 2009 c 129 s 7,8; 2010 c 200 art 1 s 17; 2010 c 380 s 17; 1Sp2010 c 1 art 19 s 17,18; 2011 c 76 art 1 s 60; 2013 c 74 s 4,9; 2015 c 21 art 1 s 109; 2016 c 137 s 1; 2016 c 158 art 1 s 199; 2020 c 76 s 3-5; 2020 c 91 s 4; 2023 c 52 art 19 s 25,26; 2025 c 35 art 2 s 17,18; art 11 s 7,8

517.09 SOLEMNIZATION.

Subdivision 1. **General.** Both applicants shall declare in the presence of a person who is not the same individual as the applicant or the witness, authorized to solemnize civil marriages and two attending witnesses that each takes the other as spouse.

Subd. 2. **Refusal to solemnize; protection of religious doctrine.** Each religious organization, association, or society has exclusive control over its own theological doctrine, policy, teachings, and beliefs regarding who may marry within that faith. A licensed or ordained member of the clergy or other person authorized by section 517.04 to solemnize a civil marriage is not subject to any fine, penalty, or civil liability for failing or refusing to solemnize a civil marriage for any reason.

Subd. 3. **Refusal to participate or support solemnization; protection of religious belief.** (a) Except for secular business activities engaged in by a religious association, religious corporation, or religious society, the conduct of which is unrelated to the religious and educational purposes for which it is organized, no religious association, religious corporation, or religious society shall be required to provide goods or services at the solemnization or celebration of any civil marriage or be subject to civil liability or any action by the state that penalizes, fines, or withholds any benefit to the religious association, religious corporation, or religious society under the laws of this state, including, but not limited to, laws regarding tax exempt status, for failing or refusing to provide goods or services at the solemnization or celebration of any civil marriage, if providing such goods or services would cause the religious association, religious corporation, or religious society to violate their sincerely held religious beliefs.

(b) The exception in paragraph (a) applies to employees, agents, and volunteers acting within the capacity of their employment or responsibilities with a religious association, religious corporation, or religious society.

History: *(8570) RL s 3560; 1945 c 409 s 1-3; 1951 c 255 s 1; 1951 c 700 s 2; 1978 c 772 s 9; 2013 c 74 s 5; 2024 c 101 art 3 s 2; 2025 c 35 art 11 s 9*

517.10 CERTIFICATE; WITNESSES.

The person solemnizing a civil marriage shall complete and sign a marriage certificate provided by the local registrar. The certificate shall contain the full names of the parties before and after the civil marriage, the birth dates of the parties, and county and state of residences of the parties and the date and place of the civil marriage. The certificate shall also contain the signatures of the applicants' legal names after marriage and at least two of the witnesses present at the civil marriage who shall be at least 16 years of age. The person solemnizing the civil marriage shall immediately make a record of such civil marriage, and file such certificate with the local registrar of the county in which the license was issued within five days after the ceremony. The local registrar shall record such certificate in the county civil marriage records.

History: *(8571) RL s 3561; 1949 c 374 s 3; 1951 c 700 s 3; 1977 c 441 s 5; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2004 c 273 s 7; 2009 c 129 s 9; 2013 c 74 s 9; 2025 c 35 art 11 s 10*

517.101 CERTIFIED COPIES OF CIVIL MARRIAGE CERTIFICATE.

Within ten days of receipt of the certificate and after recording the certificate the local registrar shall prepare a certified copy of the certificate to be mailed to the married parties.

History: *1977 c 441 s 4; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1991 c 281 s 2; 2009 c 129 s 10; 2013 c 74 s 9*

517.103 AMENDMENT OF MARRIAGE RECORDS.

(a) To request an amendment of an error in a marriage record, a person must submit the following documentation to the local registrar:

(1) an affidavit stating the reason for an amendment of the marriage record; and

(2) documentation supporting the amendment.

(b) A local registrar may amend a marriage record if the local registrar:

(1) receives an affidavit and documentation supporting the amendment of a marriage record; and

(2) the local registrar determines that the affidavit and supporting documentation establish that the marriage record contains an error.

(c) The local registrar must retain and maintain an affidavit and documentation upon which the amendment of a marriage record was based, including the date of the amendment and the legal name of the authorized person making the amendment.

(d) The local registrar must not amend a marriage record if:

(1) an applicant fails to submit the documentation required for amending a marriage record; or

(2) the local registrar has reason to question the validity or completeness of the applicant's affidavit or supporting documentation.

History: *2025 c 35 art 11 s 11*

517.11 [Repealed, 1951 c 700 s 5]

517.12 [Repealed, 1951 c 700 s 5]

517.13 PENALTY FOR FAILURE TO FILE CERTIFICATE.

Every person solemnizing a civil marriage who neglects to file a certificate with the local registrar within the time set forth in section 517.10 shall forfeit a sum not exceeding $100, and every local registrar who neglects to record a certificate shall forfeit a like sum.

History: *(8574) RL s 3563; 1978 c 772 s 10; 1Sp1986 c 3 art 1 s 82; 2004 c 273 s 8; 2009 c 129 s 11; 2013 c 74 s 9*

517.14 ILLEGAL CIVIL MARRIAGE; FALSE CERTIFICATE; PENALTY.

A person authorized by law to solemnize civil marriages who knowingly solemnizes a civil marriage contrary to the provisions of this chapter, or knowing of any legal impediment to the proposed civil marriage,

or who willfully makes a false certificate of any civil marriage or pretended civil marriage is guilty of a misdemeanor.

History: *(8575) RL s 3564; 1978 c 772 s 11; 2013 c 74 s 9*

517.15 UNAUTHORIZED PERSON PERFORMING CEREMONY.

A person who knowingly undertakes to solemnize a civil marriage, without lawful authority to do so, is guilty of a misdemeanor.

History: *(8576) RL s 3565; 1978 c 772 s 12; 1986 c 444; 2013 c 74 s 9*

517.16 IMMATERIAL IRREGULARITY OF OFFICIATING PERSON DOES NOT VOID.

A civil marriage solemnized before a person professing to be lawfully authorized to do so shall not be adjudged to be void, nor shall its validity be in any way affected, on account of a want of jurisdiction or authority in the supposed officer or person, if the civil marriage is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in civil marriage.

History: *(8577) RL s 3566; 1978 c 772 s 13; 2013 c 74 s 9*

517.17 [Repealed, 1978 c 772 s 63]

517.18 MS 2024 [Repealed, 2025 c 35 art 11 s 25]

517.19 [Repealed, 1980 c 589 s 38]

517.20 APPLICATION.

Except as provided in section 517.03, subdivision 1, paragraph (b), all marriages contracted within this state prior to March 1, 1979 or outside this state that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties are valid in this state.

History: *1978 c 772 s 15; 1997 c 203 art 10 s 4*

517.201 RELATIONSHIP TO OTHER LAW; RULES OF CONSTRUCTION.

Subdivision 1. **Religious freedom; Human Rights Act.** (a) This chapter does not alter or affect the protections or exemptions provided in chapter 363A for a religious association, educational institution, business, labor organization, place of public accommodation, employer, or other person.

(b) This chapter must not be construed to affect the manner in which a religious association, religious corporation, or religious society that is not organized for private profit, or an institution organized for educational purposes that is operated, supervised, or controlled by a religious association, religious corporation, or religious society that is not organized for private profit, provides adoption, foster care, or social services, if that association, corporation, society, or educational institution does not receive public funds for that specific program or purpose.

Subd. 2. **Rules of construction.** When necessary to implement the rights and responsibilities of spouses or parents in a civil marriage between persons of the same sex under the laws of this state, including those that establish parentage presumptions based on a civil marriage, gender-specific terminology, such as

"husband," "wife," "mother," "father," "widow," "widower," or similar terms, must be construed in a neutral manner to refer to a person of either gender.

History: *2013 c 74 s 6*

517.21 AMERICAN FAMILY DAY.

The first Sunday in August is designated American Family Day.

History: *1981 c 111 s 1*

517.23 MEANING OF CIVIL MARRIAGE.

Wherever the term "marriage," "marital," "marry," or "married" is used in Minnesota statute in reference to the rights, obligations, or privileges of a couple under law, the term includes civil marriage, or individuals subject to civil marriage, as established by this chapter. A term subject to this definition must also be interpreted in reference to the context in which it appears, but may not be interpreted to limit or exclude any individual who has entered into a valid civil marriage contract under this chapter.

History: *2013 c 74 s 7*