



December 22, 2024

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# Remuneration for Solemnizing a Marriage

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Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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## Remuneration for Solemnizing a Marriage

Reference Number: CTAS-433

Any gratuity received by a county mayor/executive, municipal mayor, county commissioner, or county clerk for the solemnization of a marriage, whether performed during or after their regular working hours, shall be retained by them as personal remuneration for such services in addition to any other sources of compensation they might receive, and such gratuity shall not be paid into the county general fund. T.C.A. § 36-3-301. However, a county mayor/executive, municipal mayor, county commissioner, or county clerk is prohibited from charging a fee or demanding compensation of any kind for the solemnization of a marriage. Such a public officer who knowingly charges a fee or demands compensation of any kind for the solemnization of a marriage commits a Class C misdemeanor, and such violation creates a rebuttable presumption that there is an actionable basis to institute ouster proceedings. T.C.A. § 36-3-301.

A judge's receipt of compensation for performing a marriage ceremony violates Article VI, Section 7 of the Tennessee Constitution, T.C.A. § 8-21-101, and the Code of Judicial Conduct. Op. Tenn. Att'y Gen. 84-286 (10/25/84). It appears it is permissible for a judge to accept a check made out to a charity as long as the judge does not treat the funds as income for tax purposes or take a tax deduction for the charitable contribution. Op. Tenn. Att'y Gen. U87-18 (2/10/87).

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