

# County Officials E-News

*Promoting better county government through direct assistance to county officials and their associations*



## Online-Ordained Ministers Cannot Perform Marriages

Under 2019 Public Chapter 415, “Persons receiving online ordinations may not solemnize the rite of matrimony.” This new provision takes effect on July 1.

The ability of online-ordained ministers has been in question for many years. The Tennessee code provides that in order to solemnize marriages, “any such minister, preacher, pastor, priest, rabbi or other spiritual leader must be ordained or otherwise designated in conformity with the customs of a church, temple or other religious group or organization.” The law further states that “such customs must provide for such ordination or designation by a considered, deliberate, and responsible act.” In 2015, the Tennessee attorney general affirmed its earlier opinions dating back to 1997 that online-ordained officiants were not authorized to perform marriages under Tennessee law, because organizations that provide online ordinations may only require a simple

registration form to be completed for a person to become ordained. The 2015 attorney general opinion did not view the online registration form to be a “considered, deliberate, and responsible act.” Public Chapter 415 further clarifies the law by adding a provision to the code that expressly prohibits online-ordained ministers from performing marriages.

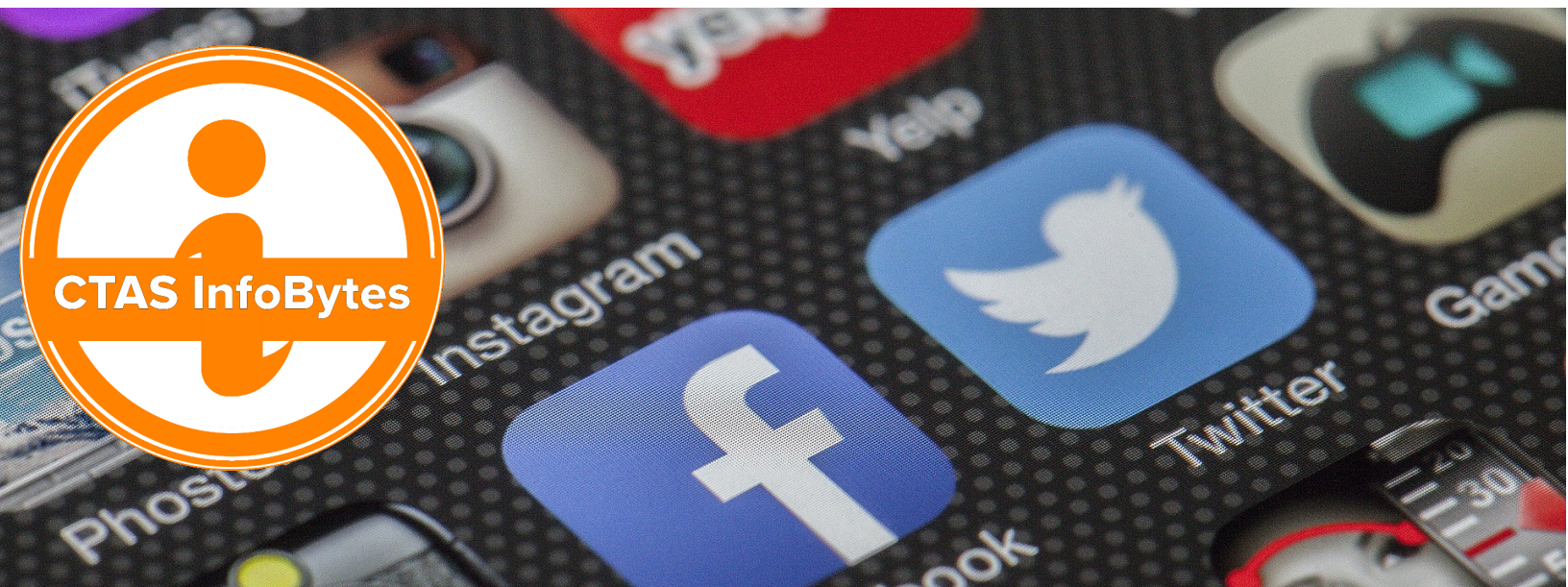
County clerks in Tennessee are responsible for issuing marriage licenses and, upon completion of the ceremony, forwarding the record of the marriage to the state’s office of vital records. According to the Tennessee Attorney General ([Opinion No. 97-139](#)), county clerks are not responsible for investigating whether an officiant has legal authority to perform the solemnization of a marriage.

For more information, please review [Public Chapter 415](#) or the [2015 attorney general opinion](#). ■

## Want to be Featured in an upcoming CTAS Newsletter?

Want to be featured in our newsletter? Send us something cool about your county that people may not know and include a nice picture (it can be related to the cool information, or it could be a photo of your courthouse exterior/interior or even a photo of you and your staff). We want to share your county with everyone across the state!

Please email information to Liz Gossett at [liz.gossett@tennessee.edu](mailto:liz.gossett@tennessee.edu). Publication and timing will depend on content provided. Content would need to be received by the 10th of the month to be considered for publication in that month's newsletter. We will publish information about one county per month, so please keep your eyes peeled to see your county in the newsletter! ■



## InfoBytes: Learn in Less than 15 Minutes!

Did you know we have a feature on our website to help you quickly learn about important topics?

[InfoBytes](#) are bite-sized presentations on topics and issues of interest to county officials. Each InfoByte is interactive, including slides containing written information accompanied by an audio presentation, interspersed with questions to demonstrate the participant's understanding of the materials. InfoBytes offer a quick method of learning about a specific topic.

Most InfoBytes take approximately 10-15 minutes to review.

InfoBytes are informational only. Training credit is not awarded for their completion.

Our newest InfoByte, [Can They Say That in a Comment?](#), focuses on how you can handle comments on your county government or county official social media pages while avoiding First Amendment rights violations. Check out this new InfoByte today! ■





## General Assembly Rewrites Driver License Suspension Law

Many states, including Tennessee, have laws that suspend or revoke licenses of drivers who fail to pay certain court costs or traffic fines. However, last year, a federal court ruled that Tennessee's laws violated the due process and equal protection clauses of the 14th Amendment to the U.S. Constitution as they did not properly account for a defendant's ability to pay the costs and fines. In response, the General Assembly, in Public Chapter 438, has substantially revised the procedures to suspend licenses and provided a path for individuals who have had their license revoked under the old law to apply for reinstatement at no cost.

Under the new law, before a license can be suspended for nonpayment of traffic related fines or costs, the defendant must be allowed to enter into an installment payment plan with payments to be reasonably based on the defendant's income and ability to pay. If the defendant fails to comply with the payment plan, then their regular license will be suspended but they will be eligible for a restricted license. If a defendant with a restricted license continues to fail to comply with an installment payment plan, then that restricted license will be revoked. A defendant who has had a restricted license revoked may

apply, after six months, for reissuance of a restricted license if complying with an installment payment plan.

The law also establishes a similar procedure for a defendant unable to pay non-traffic related criminal fines, taxes and cost. Additionally, the law provides that such a defendant may petition the court and offer proof of the defendant's inability to pay taxes, fines and cost due to indigency. Upon proof, the court shall suspend the person's taxes, fines and cost. The court may order the defendant to reappear before the court for a reevaluation of the defendant's financial situation at a later date. This process continues until the defendant fully pays the moneys owed or any outstanding taxes, fines and costs are waived by the court.

Finally, the new law provides that defendants who have had their license revoked under the old law may apply to the court for an order reinstating the defendant's license upon entering into a payment plan (or upon proof of indigency as previously described for non-traffic related cases). The defendant then may present that order to the department of safety, which shall reissue a driver license at no cost to the person if the person is otherwise eligible for a driver license. ■

**COCTP will be on a break over the month of July as we prepare for upcoming classes in the fall.** Please stay tuned for information coming soon.



## **Please verify your official contact information in our Directory**

Please go to <http://www.ctas.tennessee.edu>

1. Click on Directory.
2. Go to your county then click your title.
3. Click Request Update.
4. Update info and click Submit.

We greatly appreciate your assistance in making sure your information is correct in the Directory! ■