

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 209 as follows:

6 (750 ILCS 5/209) (from Ch. 40, par. 209)

7 Sec. 209. Solemnization and Registration.

8 (a) A marriage may be solemnized by a judge of a court of
9 record, by a retired judge of a court of record, unless the
10 retired judge was removed from office by the Judicial Inquiry
11 Board, except that a retired judge shall not receive any
12 compensation from the State, a county or any unit of local
13 government in return for the solemnization of a marriage and
14 there shall be no effect upon any pension benefits conferred by
15 the Judges Retirement System of Illinois, by a judge of the
16 Court of Claims, by a county clerk in counties having 2,000,000
17 or more inhabitants, by a public official whose powers include
18 solemnization of marriages, by a certified marriage celebrant,
19 or in accordance with the prescriptions of any religious
20 denomination, Indian Nation or Tribe or Native Group, provided
21 that when such prescriptions require an officiant, the
22 officiant be in good standing with his or her religious
23 denomination, Indian Nation or Tribe or Native Group. Either

1 the person solemnizing the marriage, or, if no individual
2 acting alone solemnized the marriage, both parties to the
3 marriage, shall complete the marriage certificate form and
4 forward it to the county clerk within 10 days after such
5 marriage is solemnized.

6 As used in this subsection (a):

7 "Certified marriage celebrant" means a celebrant or
8 officiant of any life stance organization who is authorized by
9 the organization to solemnize marriages.

10 "Life stance organization" means a group: that is
11 recognized as a nonprofit organization by the Internal Revenue
12 Service; whose members are committed to the promotion of a life
13 stance based upon comprehensive values, beliefs, and
14 practices; and that is not affiliated with or controlled by any
15 religious institution or religious authority.

16 (a-5) Nothing in this Act shall be construed to require any
17 religious denomination or Indian Nation or Tribe or Native
18 Group, or any minister, clergy, or officiant acting as a
19 representative of a religious denomination or Indian Nation or
20 Tribe or Native Group, to solemnize any marriage. Instead, any
21 religious denomination or Indian Nation or Tribe or Native
22 Group, or any minister, clergy, or officiant acting as a
23 representative of a religious denomination or Indian Nation or
24 Tribe or Native Group is free to choose which marriages it will
25 solemnize. Notwithstanding any other law to the contrary, a
26 refusal by a religious denomination or Indian Nation or Tribe

1 or Native Group, or any minister, clergy, or officiant acting
2 as a representative of a religious denomination or Indian
3 Nation or Tribe or Native Group to solemnize any marriage under
4 this Act shall not create or be the basis for any civil,
5 administrative, or criminal penalty, claim, or cause of action.

6 (a-10) No church, mosque, synagogue, temple,
7 nondenominational ministry, interdenominational or ecumenical
8 organization, mission organization, or other organization
9 whose principal purpose is the study, practice, or advancement
10 of religion is required to provide religious facilities for the
11 solemnization ceremony or celebration associated with the
12 solemnization ceremony of a marriage if the solemnization
13 ceremony or celebration associated with the solemnization
14 ceremony is in violation of its religious beliefs. An entity
15 identified in this subsection (a-10) shall be immune from any
16 civil, administrative, criminal penalty, claim, or cause of
17 action based on its refusal to provide religious facilities for
18 the solemnization ceremony or celebration associated with the
19 solemnization ceremony of a marriage if the solemnization
20 ceremony or celebration associated with the solemnization
21 ceremony is in violation of its religious beliefs. As used in
22 this subsection (a-10), "religious facilities" means
23 sanctuaries, parish halls, fellowship halls, and similar
24 facilities. "Religious facilities" does not include facilities
25 such as businesses, health care facilities, educational
26 facilities, or social service agencies.

1 (a-15) Nothing in this Act shall be construed to require a
2 certified marriage celebrant to solemnize any marriage.
3 Instead, any life stance organization or certified marriage
4 celebrant is free to choose which marriages the life stance
5 organization or certified marriage celebrant will solemnize.
6 Notwithstanding any other law to the contrary, a refusal by a
7 life stance organization or certified marriage celebrant to
8 solemnize any marriage under this Act shall not create or be
9 the basis for any civil, administrative, or criminal penalty,
10 claim, or cause of action. No life stance organization is
11 required to provide facilities for the solemnization ceremony
12 or celebration associated with the solemnization ceremony of a
13 marriage if the solemnization ceremony or celebration
14 associated with the solemnization ceremony is in violation of
15 the life stance organization's beliefs. An entity identified in
16 this subsection (a-15) shall be immune from any civil,
17 administrative, criminal penalty, claim, or cause of action
18 based on its refusal to provide facilities for the
19 solemnization ceremony or celebration associated with the
20 solemnization ceremony of a marriage if the solemnization
21 ceremony or celebration associated with the solemnization
22 ceremony is in violation of its beliefs. As used in this
23 subsection (a-15), "facilities" means facilities designed and
24 used for gatherings of members of the life stance organization.
25 "Facilities" does not include facilities such as businesses,
26 health care facilities, educational facilities, or social

1 service agencies.

2 (b) The solemnization of the marriage is not invalidated:

3 (1) by the fact that the person solemnizing the marriage was
4 not legally qualified to solemnize it, if a reasonable person
5 would believe the person solemnizing the marriage to be so
6 qualified; or (2) by the fact that the marriage was
7 inadvertently solemnized in a county in Illinois other than the
8 county where the license was issued and filed.

9 (c) Any marriage that meets the requirements of this
10 Section shall be presumed valid.

11 (Source: P.A. 98-597, eff. 6-1-14; 99-90, eff. 1-1-16.)

12 Section 10. The Illinois Religious Freedom Protection and
13 Civil Union Act is amended by changing Sections 15 and 40 as
14 follows:

15 (750 ILCS 75/15)

16 Sec. 15. Religious freedom. Nothing in this Act shall
17 interfere with or regulate the religious practice of any
18 religious body or life stance organization. Any religious body,
19 Indian Nation or Tribe or Native Group, or life stance
20 organization is free to choose whether or not to solemnize or
21 officiate a civil union.

22 As used in this Section, "life stance organization" has the
23 meaning provided in Section 209 of the Illinois Marriage and
24 Dissolution of Marriage Act.

1 (Source: P.A. 96-1513, eff. 6-1-11.)

2 (750 ILCS 75/40)

3 Sec. 40. Certification. A civil union may be certified: by
4 a judge of a court of record; by a retired judge of a court of
5 record, unless the retired judge was removed from office by the
6 Judicial Inquiry Board, except that a retired judge shall not
7 receive any compensation from the State, a county, or any unit
8 of local government in return for the solemnization of a civil
9 union and there shall be no effect upon any pension benefits
10 conferred by the Judges Retirement System of Illinois; by a
11 judge of the Court of Claims; by a county clerk in counties
12 having 2,000,000 or more inhabitants; by a public official
13 whose powers include solemnization of marriages; ~~or~~ in
14 accordance with the prescriptions of any religious
15 denomination, Indian Nation or Tribe or Native Group, provided
16 that when such prescriptions require an officiant, the
17 officiant be in good standing with his or her religious
18 denomination, Indian Nation or Tribe or Native Group; or by a
19 certified marriage celebrant, as that term is defined in
20 Section 209 of the Illinois Marriage and Dissolution of
21 Marriage Act. The person performing a civil union shall
22 complete the certificate and forward it to the county clerk
23 within 10 days after a civil union.

24 (Source: P.A. 96-1513, eff. 6-1-11.)