



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3049

Introduced 2/6/2025, by Rep. Tracy Katz Muhl

SYNOPSIS AS INTRODUCED:

750 ILCS 5/209

from Ch. 40, par. 209

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that a marriage may be solemnized either by an officiant or by both parties to the marriage themselves acting without an officiant. Requires that on or before January 1, 2026, all State and county forms, websites, and other public communications shall be updated to reflect and clarify the existence of both officiant solemnization and self-solemnization options for marriage solemnization.

LRB104 12020 JRC 22115 b

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 either by an officiant as
9 provided in paragraphs (1) through (7) or by both parties to
10 the marriage themselves acting without an officiant. A
11 marriage by officiant may be solemnized:

12 (1) by a judge of a court of record; τ

13 (2) by a retired judge of a court of record, unless the
14 retired judge was removed from office by the Judicial
15 Inquiry Board, except that a retired judge shall not
16 receive any compensation from the State, a county or any
17 unit of local government in return for the solemnization
18 of a marriage and there shall be no effect upon any pension
19 benefits conferred by the Judges Retirement System of
20 Illinois; τ

21 (3) by a judge of the Court of Claims; τ

22 (4) by a county clerk in counties having 2,000,000 or
23 more inhabitants; τ

1 (5) by a public official whose powers include
2 solemnization of marriages; ~~or~~

3 (6) by a mayor or president of a city, village, or
4 incorporated town who is in office on the date of the
5 solemnization except that a mayor or president of a city,
6 village, or incorporated town may not receive any
7 compensation in return for the solemnization of a
8 marriage; or ~~or~~

9 (7) or in accordance with the prescriptions of any
10 religious denomination, Indian Nation or Tribe or Native
11 Group, provided that when such prescriptions require an
12 officiant, the officiant be in good standing with his or
13 her religious denomination, Indian Nation or Tribe or
14 Native Group.

15 Either the officiant ~~person~~ solemnizing the marriage or
16 both parties to the marriage self-solemnizing the marriage ~~or~~
17 ~~or, if no individual acting alone solemnized the marriage,~~
18 ~~both parties to the marriage,~~ shall sign and complete the
19 marriage certificate form and forward it to the county clerk
20 within 10 days after such marriage is solemnized. On or before
21 January 1, 2026, all State and county forms, websites, and
22 other public communications, including, but not limited to,
23 the "Marriage Application and Record", shall be updated to
24 reflect and clarify the existence of both officiant
25 solemnization and self-solemnization options for marriage
26 solemnization. ~~A mayor or president of a city, village, or~~

1 ~~incorporated town shall not receive any compensation in return~~
2 ~~for the solemnization of a marriage.~~

3 (a-5) Nothing in this Act shall be construed to require
4 any religious denomination or Indian Nation or Tribe or Native
5 Group, or any minister, clergy, or officiant acting as a
6 representative of a religious denomination or Indian Nation or
7 Tribe or Native Group, to solemnize any marriage. Instead, any
8 religious denomination or Indian Nation or Tribe or Native
9 Group, or any minister, clergy, or officiant acting as a
10 representative of a religious denomination or Indian Nation or
11 Tribe or Native Group is free to choose which marriages it will
12 solemnize. Notwithstanding any other law to the contrary, a
13 refusal by a religious denomination or Indian Nation or Tribe
14 or Native Group, or any minister, clergy, or officiant acting
15 as a representative of a religious denomination or Indian
16 Nation or Tribe or Native Group to solemnize any marriage
17 under this Act shall not create or be the basis for any civil,
18 administrative, or criminal penalty, claim, or cause of
19 action.

20 (a-10) No church, mosque, synagogue, temple,
21 nondenominational ministry, interdenominational or ecumenical
22 organization, mission organization, or other organization
23 whose principal purpose is the study, practice, or advancement
24 of religion is required to provide religious facilities for
25 the solemnization ceremony or celebration associated with the
26 solemnization ceremony of a marriage if the solemnization

1 ceremony or celebration associated with the solemnization
2 ceremony is in violation of its religious beliefs. An entity
3 identified in this subsection (a-10) shall be immune from any
4 civil, administrative, criminal penalty, claim, or cause of
5 action based on its refusal to provide religious facilities
6 for the solemnization ceremony or celebration associated with
7 the solemnization ceremony of a marriage if the solemnization
8 ceremony or celebration associated with the solemnization
9 ceremony is in violation of its religious beliefs. As used in
10 this subsection (a-10), "religious facilities" means
11 sanctuaries, parish halls, fellowship halls, and similar
12 facilities. "Religious facilities" does not include facilities
13 such as businesses, health care facilities, educational
14 facilities, or social service agencies.

15 (b) The solemnization of the marriage is not invalidated:
16 (1) by the fact that the person solemnizing the marriage was
17 not legally qualified to solemnize it, if a reasonable person
18 would believe the person solemnizing the marriage to be so
19 qualified; or (2) by the fact that the marriage was
20 inadvertently solemnized in a county in Illinois other than
21 the county where the license was issued and filed.

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

24 (Source: P.A. 101-14, eff. 6-14-19.)