



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3639

Introduced 2/22/2021, by Rep. Deanne M. Mazzochi

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Freedom of Association and Right to Assembly Act. Provides that no unit of government may infringe upon a qualifying entity's freedom of association; defines "qualifying entity". Provides that it shall be an infringement to condition the grant or award of government or other taxpayer-funded or student-fee-funded benefits or to revoke government or other taxpayer-funded or student-fee-funded benefits on the surrender of the right of freedom of association. Provides that it shall be an infringement to condition the grant or award of government or other taxpayer-funded or student-fee-funded benefits on or to impose on a qualifying entity obligations in which the qualifying entity holds a good faith belief that the obligations imposed would be in violation of State or federal law. Sets forth provisions concerning counterclaims. Effective immediately.

LRB102 14528 CMG 19881 b

1 AN ACT concerning government.

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

4 Section 1. Short title. This Act may be cited as the  
5 Freedom of Association and Right to Assembly Act.

6 Section 5. Definitions. In this Act:

7 "Freedom of association" includes, but is not limited to,  
8 any combination of persons who voluntarily seek to associate  
9 with one another or activities of a qualifying entity that  
10 seeks to peaceably assemble with its members or join with  
11 other members of the public, including, but not limited to,  
12 for the following reasons:

13 (1) social opportunities;

14 (2) commercial opportunities;

15 (3) religious opportunities;

16 (4) government petitions or political activity,  
17 whether to secure a change in the law or to secure benefits  
18 for one or more of its members; or

19 (5) any other lawful purpose directed to advocating,  
20 speaking, securing, discussing, advancing, or otherwise  
21 promoting the interests of its members.

22 "Qualifying entity" means an entity in the private sector  
23 that operates for profit or not for profit as a corporation,

1 partnership, limited liability company, limited liability  
2 partnership, private sector union, religious association or  
3 order, social organization, fraternity, sorority, or  
4 charitable organization.

5 Section 10. Right to associate.

6 (a) No unit of government, including, but not limited to  
7 the State of Illinois and its agencies, a school district, or a  
8 local unit of government, whether home rule or non-home rule,  
9 may infringe upon a qualifying entity's freedom of  
10 association. An infringement upon freedom of association shall  
11 include, but is not limited to, any of the following:

12 (1) Requiring single sex fraternities or sororities to  
13 open their membership to members of the opposite sex.

14 (2) Requiring religious organizations to admit or hire  
15 members who violate their religious faith.

16 (3) Requiring a political organization to hire an  
17 individual whose political beliefs are opposed to those  
18 espoused by the political organization.

19 (b) It shall be an infringement to condition the grant or  
20 award of government or other taxpayer-funded or  
21 student-fee-funded benefits or to revoke government or other  
22 taxpayer-funded or student-fee-funded benefits, including, but  
23 not limited to, scholarships, social service grants,  
24 contracts, and housing, on the surrender of the right of  
25 freedom of association.

1           (c) It shall be an infringement to condition the grant or  
2           award of government or other taxpayer-funded or  
3           student-fee-funded benefits on or to impose on a qualifying  
4           entity obligations in which the qualifying entity holds a good  
5           faith belief that the obligations imposed would be in  
6           violation of State or federal law.

7           Section 15. Freedom of association infringement action.  
8           For any action or administrative proceeding brought against a  
9           person or a qualifying entity that seeks to enjoin, seeks  
10          damages for a refusal to engage in association, or seeks to  
11          condition the provision of government benefits upon waiving  
12          the freedom of association, the person or qualifying entity  
13          may assert a counterclaim in the action that the government  
14          action violates or otherwise infringes upon the person's or  
15          qualifying entity's freedom of association.

16          Section 20. Nonexclusive remedy. The remedies under this  
17          Act shall be in addition to any other remedy.

18          Section 25. Attorney's fees. If a person or qualifying  
19          entity prevails in a counterclaim brought under Section 15,  
20          the court may award reasonable attorney's fees to the person  
21          or qualifying entity.

22          Section 99. Effective date. This Act takes effect upon  
23          becoming law.