One of the current battles playing out in the public arena is over marriage equality. In state after state, as legislatures have approved same-sex marriage or courts have overturned bans, we have watched eager couples flocking to their local courthouses or city halls to receive what is for many a long overdue recognition of an established relationship. We have seen the glowing faces as these couples have been officially joined in marriage by mayors and other civil officials.

There is, however, a question that is often overlooked in these images: What if these couples had wanted to celebrate their unions legally outside the confines of a church or City Hall?

The simple answer is that, in Illinois, they could not. Presently, state marriage law only permits religious officiants, judges, and select other civil officials to sign marriage certificates as recognized officiants. A nonreligious Illinoisan who does not meet any of the above qualifications cannot, by law, solemnize marriages in the state as a nonreligious officiant.

There is precedent for recognizing secular officiants. In 2012, Reba Boyd Wooden, along with the Center for Inquiry (CFI), a nonprofit educational, advocacy, and research organization based in Amherst, N.Y., sued Marion County, Indiana, for the right of secular celebrants – individuals certified to perform nonreligious marriages, memorials, and other ceremonies – to solemnize marriages.

Wooden and CFI initially lost, but the Seventh Circuit Court of Appeals heard the case and in July ruled in their favor, citing a violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The state of Indiana opted not to appeal the decision, making it binding.

Illinois, as part of the Seventh Circuit, falls under that controlling precedent. But as was the case in Indiana, secular Illinoisans are currently still prohibited from solemnizing marriages unless they are willing to be ordained through a religious organization such as the Universal Life Church.

In other words, secular Illinoisans can only perform marriages in Illinois by ceasing to be secular. Such a requirement would constitute, as the Seventh Circuit rightly noted, a “willingness to recognize marriages performed by hypocrites.”

A great disservice to many Illinoisans is being done here. The 2012 Pew Religious Landscape Survey found that 15% of adults in Illinois have no religious affiliation, and many of these unaffiliated individuals may wish to have a personal ceremony that reflects their values, without the supernatural trappings of a religious ceremony or the impersonal character of a civil one.

Additionally, many marriages, like 45% of those in the last decade, are interfaith - that is, the partners do not share religious beliefs. Whether both are religious or only one is, the partners

may wish to freely mix traditions or start their own, without the interference of religious clergy or the limitations of a civil office.

There is simply no reason to deny these couples that right, nor to deny secular celebrants the ability to solemnize such unions. To do so would not only be to defy the clear reasoning set forth by the Seventh Circuit; it would be to legally privilege religion and insist that the nonreligious be relegated to a lesser, unequal status on the matter of marriage officiation.

As an organization dedicated to protecting the separation of church and state and fighting for equal rights for secular Americans, we urge the governor and the General Assembly to move without delay to allow secular celebrants an equal place in solemnizing marriages in Illinois.

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