STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
MAY 01 2020
IN THE OFFICE OF
SECRETARY OF STATE

May 1, 2020 EXECUTIVE ORDER 2020-36

EXECUTIVE ORDER IN RESPONSE TO COVID-19

(COVID-19 EXECUTIVE ORDER NO. 34)

WHEREAS, Coronavirus 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area (the First Gubernatorial Disaster Proclamation) in response to the outbreak of COVID-19; and,

WHEREAS, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area (the Second Gubernatorial Disaster Proclamation) due to the exponential spread of COVID-19; and,

WHEREAS, on April 30, 2020, due to the expected continuing spread of COVID-19 and the resulting health impacts across the State, as well as the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area (the Third Gubernatorial Disaster Proclamation, and, together with the First and Second Gubernatorial Disaster Proclamations, the Gubernatorial Disaster Proclamations); and,

WHEREAS, it is necessary and appropriate for the State of Illinois to continue to take immediate and significant measures to prevent or slow the spread of COVID-19 and protect public health during the COVID-19 outbreak; and,

WHEREAS, Executive Order 2020-32 mandated that Illinoisans stay at home to the greatest extent possible, other than for essential activities, essential governmental functions, and essential businesses and operations; and,

WHEREAS, due to social distancing requirements put in place to protect public health, it may be unsafe and unadvisable for Illinois residents to appear in-person before a county clerk or officiant to apply for a marriage license and solemnize a marriage; and,

WHEREAS, the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/207 and 750 ILCS 5/209, requires that a marriage license shall expire within 60 days of issuance and must be returned to the county clerk within 10 days of a marriage ceremony; and,

WHEREAS, the COVID-19 outbreak and response by the State of Illinois, including the stay at home order in Executive Order 2020-32, have created unavoidable delays in the marriage license application review and registration processes; and,

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to Sections 7(1), 7(2), 7(8), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby order the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamations, the requirement that a couple "appear before" the county clerk to obtain a marriage license set forth in the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/203, may be satisfied if the couple appears before the county clerk using two-way audio-video communication technology provided that the county clerk has the necessary technological compatibilities and the following conditions are met:

a. The two-way audio-video communication technology must allow for direct interaction between the couple and the county clerk;
b. The couple seeking the marriage services must present valid photo identification to verify identity whenever required by law the during the video conference, not merely transmit it prior to or after, using two-way audio-video communication technology that is of a quality resolution such that the county clerk is able to inspect it; and
c. The couple must attest to being physically situated in the jurisdiction where the marriage is legally allowed to occur within the State of Illinois.

Participating county clerks may provide guidance related to how marriage licensure applications and issuance will be implemented in their jurisdictions.

Section 2. During the duration of the Gubernatorial Disaster Proclamations, the solemnizing of the marriage ceremony pursuant to the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/209, may be performed utilizing two-way audio-video communication technology provided that the following conditions are met:

a. The two-way audio-video communication technology must allow for direct interaction between the couple and the person to solemnize the marriage (e.g., no pre-recorded videos of the signing of the marriage license or the marriage ceremony);
b. The couple seeking the marriage services must present valid photo identification to verify identity whenever required by law the during the video conference, not merely transmit it prior to or after, using two-way audio-video communication technology that is of a quality resolution such that the person solemnizing the marriage is able to inspect it;
c. The couple must attest to being physically situated in the jurisdiction where the marriage is legally allowed to occur within the State of Illinois;
d. The couple must transmit by mail a legible copy of the signed document directly to the person to solemnize the marriage no later than one day after the document is signed;
e. The person who solemnized the marriage must sign the transmitted copy of the document and transmit the same copy back to the person responsible for the document by law; and
f. The copy of the marriage license signed pursuant to this Section will become the official document for purposes of Illinois Marriage and Dissolution of Marriage Act.

Section 3. During the duration of the Gubernatorial Disaster Proclamations, the requirement pursuant to the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/209(a), that a fully executed marriage license must be submitted to the county clerk within 10 days, is suspended.

Section 4. During the duration of the Gubernatorial Disaster Proclamations, the 60-day expiration timeframe for marriage licenses obtained from the county clerk pursuant to the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/207, is hereby suspended. Such licenses that have expired or are set to expire during the period of the Gubernatorial Disaster Proclamations shall be extended for the duration of the Gubernatorial Disaster Proclamations.

Section 5. During the duration of the Gubernatorial Disaster Proclamations, the requirement that a marriage license becomes effective one day after the date of issuance as set forth in the Illinois

Marriage and Dissolution of Marriage Act, 750 ILCS 5/207, is hereby suspended for couples who have obtained the marriage license pursuant to Section 1 of this Order.

Section 6. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

JB Pritzker, Governor

Issued by the Governor May 1, 2020
Filed by the Secretary of State May 1, 2020

FILED
INDEX DEPARTMENT
MAY 01 2020
IN THE OFFICE OF
SECRETARY OF STATE