

**Implications of the Illinois Civil Union Law  
with Respect to ELCA Positions and Policies**

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**Metropolitan Chicago Synod**

**Bishop Wayne N. Miller**

Even as the ELCA continues to live into the implications of the decisions of the 2009 Churchwide Assembly concerning human sexuality, these implications have been further nuanced in the state of Illinois by the passage of a Civil Union Law scheduled to take effect in June 2011.

This letter is designed to help pastors, congregations, and individuals in our synod clarify their own understanding of these matters. It represents neither an ELCA policy statement nor a normative legal opinion. It is intended to be as accurately descriptive as possible and does not necessarily reflect the personal opinions and preferences of this or any other bishop of our Church.

In the event that uncertainty about appropriate conduct in these matters persists, I encourage individuals to contact the bishop's office to continue the conversation about how best to live out your mission and vocation as agents of Christ's redeeming and reconciling love for the world.

**ELCA Policy and Practice**

1. The social statement *Human Sexuality: Gift and Trust*, adopted by the 2009 Churchwide Assembly, states: "Marriage is a covenant of mutual promises, commitment, and hope authorized legally by the state and blessed by God. The historic Christian tradition and the Lutheran Confessions have recognized marriage as a covenant between a man and a woman..." The social statement also acknowledges that consensus does not exist in this church concerning how to regard same-gender committed relationships.

This text from the approved social statement does not redefine the word "marriage" to include publicly accountable, life-long, monogamous same-gender relationships. To call such relationships "marriages" misrepresents the present position of the ELCA. ***There is no recognized public rite in the ELCA for a marriage between two people of the same gender.***

2. The 2009 Churchwide Assembly adopted actions on ministry policies, including the following: "RESOLVED, that the ELCA commit itself to finding ways to allow congregations that choose to do so to recognize, support, and hold publicly accountable lifelong, monogamous, same-gender relationships."

At the present time ***no recognized liturgical rite of this Church exists*** and no rite is contemplated for the religious solemnizing of publicly accountable, life-long, monogamous, same-gender relationships.

Neither pastors nor congregations are *compelled* to recognize, support, or hold publicly accountable life-long, monogamous same-gender relationships. However, if congregations choose to do so, it is a congregational matter to decide **how** to recognize, support, or hold these relationships publicly accountable.

Because the “if and how” questions are a congregational matter, congregations should establish an appropriate congregational process for deciding these questions, and if questions arise, the synod office may be consulted.

3. Pastors and other rostered leaders of the ELCA are accountable to the revised document “Vision and Expectations” for their personal and professional conduct, as well as "Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America," and "Definitions & Guidelines for Discipline." Rostered leaders who do not comply with the ministry standards established pursuant to the ELCA Constitution could be subjected to disciplinary proceedings for violation of "Definitions & Guidelines for Discipline."

The revised “Vision and Expectations” allows for the **possibility** of pastors and other rostered leaders entering into publicly accountable, life-long, monogamous same-gender relationships.

The revised “Vision and Expectations” document, however, **requires** pastors and professional leaders of this Church to be held accountable to the highest level of public accountability available to them in the state of their residence. This means that after June 1, 2011, pastors and rostered leaders residing in Illinois, and living in monogamous, life-long, same-gender relationships will be **required** to obtain civil unions, in the same way that heterosexual couples are required to be married.

In the event that obtaining a civil union represents a threat to the life, health or well-being of the non-rostered, same-gender partner, the bishop must be consulted immediately to find an appropriate pastoral response to this condition of threat.

4. At the present time, **no recognized liturgical rite of this Church exists** and no rite is contemplated for the religious solemnizing of heterosexual civil unions that are not marriages. It is inappropriate for pastors to solemnize such civil unions because of the inescapable confusion this would cause concerning the Church’s teaching and witness about marriage.
5. Because the solemnizing of civil unions is a matter of civil law only and no rite exists in the Church for performing this function, there is no definitive consensus or policy at this time as to whether it is professionally appropriate or acceptable pastoral conduct for pastors of the ELCA to solemnize civil unions. It is strongly recommended that pastors considering whether or not to perform civil unions consult with the bishop in advance.
6. Decisions about whether the congregation’s church building may be used for the solemnizing of civil unions are a congregational matter. Pastors, and other agents of the state, are **prohibited**

from solemnizing civil unions in a church building if the congregation council has prohibited such action.

### **Illinois Civil Law**

Under the new Illinois Law governing civil unions, pastors are **authorized but not required** to solemnize civil unions in the same way that pastors are authorized but not required to perform marriages. Pursuant to the new Illinois Civil Union Act, a civil union is entered into by applying for and obtaining a state license from a county clerk's office, having a formal ceremony, and then receiving a confirming certificate issued by the clerk's office. Applications will be available through any county clerk's office. After the application is signed and completed, the clerk will issue a license and certificate of civil union. The civil union license is valid for 60 days and is effective only in the county in which it was issued. Additionally, there is a one-day waiting period before the license becomes effective. Thereafter, couples may choose a judge, certain public officials, or a religious official to solemnize a civil union. The officiant must then complete the certificate, confirming that the ceremony has been performed, and forward it to the county clerk within 10 days of the civil union ceremony. Same-gender marriages that are legally formed in other states **are not** recognized as marriages in the state of Illinois. They are, however, automatically recognized by this state as civil unions.