



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0139

Introduced 2/9/2021, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

750 ILCS 5/221 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that upon completion of an affidavit provided by the county clerk, a person, still currently married, may request a certificate of the person's current marriage free of any gender identifying language. Provides that the request shall not permanently change the gender identifying language in the clerk's records, and the affidavit and issuance shall be kept in the permanent records of the clerk. Provides that if 2 parties currently married request a marriage certificate with gender identifiers changed, both parties shall appear before the clerk, indicate consent, and complete an affidavit. Provides that if a county provides a certified record, photocopy, or reproduction of an original record in lieu of a summary data sheet, the county clerk shall work with the Department of Public Health to develop a new certificate that can be issued in lieu of a reproduction of the prior record. Provides that when a clerk issues a nongendered marriage certificate, the certificate shall not include any language indicating it has been amended nor that it is not a true and accurate record of the facts stated therein.

LRB102 10217 LNS 15541 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 adding Section 221 as follows:

6 (750 ILCS 5/221 new)

7 Sec. 221. Request for changing or removing gender
8 identifying language on a marriage certificate.

9 (a) Upon completion of an affidavit provided by the county
10 clerk and confirmation of identity, a person, still currently
11 married, may request a certificate of the person's current
12 marriage free of any gender identifying language. The person
13 may request a change from terms such as "bride" and "groom" to
14 a nongendered term such as "spouse" or a variant of "Spouse 1"
15 or "Spouse A". Upon such request, both parties shall be listed
16 with a nongendered identifier on a certificate. The request
17 shall not permanently change the gender identifying language
18 in the clerk's records, and the affidavit and issuance shall
19 be kept in the permanent records of the clerk.

20 (b) If 2 parties currently married request a marriage
21 certificate with gender identifiers changed, such as "bride"
22 to "groom" or "groom" to "bride", both parties shall appear
23 before the clerk, indicate consent, and complete an affidavit.

1 If the clerk is technologically able and the parties desire,
2 the change in gender is permanent.

3 (c) If a county provides a certified record, photocopy, or
4 reproduction of an original record in lieu of a summary data
5 sheet, the county clerk shall work with the Department of
6 Public Health to develop a new certificate that can be issued
7 in lieu of a reproduction of the prior record. Nothing in this
8 subsection authorizes the county clerk to permanently mark or
9 deface a prior record in lieu of a summary data sheet
10 certificate.

11 (d) When a clerk issues a nongendered marriage certificate
12 under subsection (a), the certificate shall not include any
13 language indicating it has been amended nor that it is not a
14 true and accurate record of the facts stated therein.