



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3495

Introduced 2/5/2026, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/5

625 ILCS 5/2-110

625 ILCS 5/6-106

from Ch. 95 1/2, par. 2-110

from Ch. 95 1/2, par. 6-106

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Secretary of State shall permit applicants to choose between "male", "female", or "X" (rather than "male", "female", or "non-binary") on an application for an identification card, driver's license, or permit. Provides that an applicant who wants to change the sex listed on an issued identification card, driver's license, or permit must submit a gender designation form. Sets forth the requirements of the gender designation form.

LRB104 17180 SPS 30599 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Identification Card Act is amended  
5 by changing Section 5 as follows:

6 (15 ILCS 335/5)

7 Sec. 5. Applications.

8 (a) Any natural person who is a resident of the State of  
9 Illinois may file an application for an identification card,  
10 or for the renewal thereof, in a manner prescribed by the  
11 Secretary. Each original application shall be completed by the  
12 applicant in full and shall set forth the legal name,  
13 residence address and zip code, social security number, if the  
14 person has a social security number, birth date, sex and a  
15 brief description of the applicant. The applicant shall be  
16 photographed, unless the Secretary of State has provided by  
17 rule for the issuance of identification cards without  
18 photographs and the applicant is deemed eligible for an  
19 identification card without a photograph under the terms and  
20 conditions imposed by the Secretary of State. The applicant 7  
21 ~~and he or she~~ shall also submit any other information as the  
22 Secretary may deem necessary or such documentation as the  
23 Secretary may require to determine the identity of the

1 applicant, except as limited under subsection (a-5). In  
2 addition to the residence address, the Secretary may allow the  
3 applicant to provide a mailing address. If the applicant is an  
4 employee of the Department of Children and Family Services  
5 with a job title of "Child Protection Specialist Trainee",  
6 "Child Protection Specialist", "Child Protection Advanced  
7 Specialist", "Child Welfare Specialist Trainee", "Child  
8 Welfare Specialist", or "Child Welfare Advanced Specialist" or  
9 a judicial officer as defined in Section 1-10 of the Judicial  
10 Privacy Act, or a public official as defined in Section 10 of  
11 the Public Official Safety and Privacy Act, or a peace  
12 officer, the applicant may elect to have his or her office or  
13 work address in lieu of the applicant's residence or mailing  
14 address. An applicant for an Illinois Person with a Disability  
15 Identification Card must also submit with each original or  
16 renewal application, on forms prescribed by the Secretary,  
17 such documentation as the Secretary may require, establishing  
18 that the applicant is a "person with a disability" as defined  
19 in Section 4A of this Act, and setting forth the applicant's  
20 type and class of disability as set forth in Section 4A of this  
21 Act. For the purposes of this subsection (a), "peace officer"  
22 means any person who by virtue of his or her office or public  
23 employment is vested by law with a duty to maintain public  
24 order or to make arrests for a violation of any penal statute  
25 of this State, whether that duty extends to all violations or  
26 is limited to specific violations.

1           (a-5) ~~The~~ ~~Upon the first issuance of a request for~~  
2 ~~proposals for a digital driver's license and identification~~  
3 ~~card issuance and facial recognition system issued after~~  
4 ~~January 1, 2020 (the effective date of Public Act 101-513),~~  
5 ~~and upon implementation of a new or revised system procured~~  
6 ~~pursuant to that request for proposals,~~ the Secretary shall  
7 permit applicants to choose between "male", "female", or "X"  
8 "~~non binary~~" when designating the applicant's sex on the  
9 identification card application form or when changing the sex  
10 listed on an issued identification card. The sex designated by  
11 the applicant shall be displayed on the identification card  
12 issued to the applicant.

13           For an initial identification card, an applicant shall  
14 designate a sex on the application form. If the applicant's  
15 documents used to establish identity include a sex different  
16 than the sex the applicant has designated, then the applicant  
17 must submit a gender designation form.

18           An applicant who wants to change the sex listed on an  
19 issued identification card must submit a gender designation  
20 form.

21           The gender designation form shall only request the  
22 applicant's information, gender designation statement,  
23 attestation, and signature or mark. The applicant's  
24 information required on the form shall be limited to name as  
25 reflected on the applicant's current driver's license or  
26 identification card, if applicable; current driver's license

1 or identification card number, if applicable; and residential  
2 address of the applicant. The gender designation statement  
3 shall allow the applicant to designate a sex on the  
4 applicant's identification card as "male", "female", or "X".  
5 The attestation shall state that the applicant swears, under  
6 the penalty of perjury, that the request for the selected  
7 gender designation is to ensure that the applicant's  
8 identification card accurately reflects the applicant's gender  
9 identity and is not for a fraudulent or unlawful purpose.

10 The Secretary of State shall not require any additional  
11 question, documentation, support, certification, or  
12 verification to change a gender marker.

13 The Secretary of State shall not require any documentation  
14 other than the gender designation form to confirm the sex or  
15 gender identity of the applicant.

16 (b) Beginning on or before July 1, 2015, for each original  
17 or renewal identification card application under this Act, the  
18 Secretary shall inquire as to whether the applicant is a  
19 veteran for purposes of issuing an identification card with a  
20 veteran designation under subsection (c-5) of Section 4 of  
21 this Act. The acceptable forms of proof shall include, but are  
22 not limited to, Department of Defense form DD-214, Department  
23 of Defense form DD-256 for applicants who did not receive a  
24 form DD-214 upon the completion of initial basic training,  
25 Department of Defense form DD-2 (Retired), an identification  
26 card issued under the federal Veterans Identification Card Act

1 of 2015, or a United States Department of Veterans Affairs  
2 summary of benefits letter. If the document cannot be stamped,  
3 the Illinois Department of Veterans Affairs shall provide a  
4 certificate to the veteran to provide to the Secretary of  
5 State. The Illinois Department of Veterans Affairs shall  
6 advise the Secretary as to what other forms of proof of a  
7 person's status as a veteran are acceptable.

8 For each applicant who is issued an identification card  
9 with a veteran designation, the Secretary shall provide the  
10 Department of Veterans Affairs with the applicant's name,  
11 address, date of birth, gender, and such other demographic  
12 information as agreed to by the Secretary and the Department.  
13 The Department may take steps necessary to confirm the  
14 applicant is a veteran. If after due diligence, including  
15 writing to the applicant at the address provided by the  
16 Secretary, the Department is unable to verify the applicant's  
17 veteran status, the Department shall inform the Secretary, who  
18 shall notify the applicant that he or she must confirm status  
19 as a veteran, or the identification card will be canceled.

20 For purposes of this subsection (b):

21 "Armed forces" means any of the Armed Forces of the United  
22 States, including a member of any reserve component or  
23 National Guard unit.

24 "Veteran" means a person who has served in the armed  
25 forces and was discharged or separated under honorable  
26 conditions.

1 (b-1) An applicant who is eligible for Gold Star license  
2 plates under Section 3-664 of the Illinois Vehicle Code may  
3 apply for an identification card with space for a designation  
4 as a Gold Star Family. The Secretary may waive any fee for this  
5 application. If the Secretary does not waive the fee, any fee  
6 charged to the applicant must be deposited into the Illinois  
7 Veterans Assistance Fund. The Secretary is authorized to issue  
8 rules to implement this subsection.

9 (c) All applicants for REAL ID compliant standard Illinois  
10 Identification Cards and Illinois Person with a Disability  
11 Identification Cards shall provide proof of lawful status in  
12 the United States as defined in 6 CFR 37.3, as amended.  
13 Applicants who are unable to provide the Secretary with proof  
14 of lawful status are ineligible for REAL ID compliant  
15 identification cards under this Act.

16 (d) The Secretary of State may accept, as proof of date of  
17 birth and written signature for any applicant for a standard  
18 identification card who does not have a social security number  
19 or documentation issued by the United States Department of  
20 Homeland Security authorizing the applicant's presence in this  
21 country, any passport validly issued to the applicant from the  
22 applicant's country of citizenship or a consular  
23 identification document validly issued to the applicant by a  
24 consulate of that country as defined in Section 5 of the  
25 Consular Identification Document Act. Any such documents must  
26 be either unexpired or presented by an applicant within 2

1 years of its expiration date.

2 (Source: P.A. 103-210, eff. 7-1-24; 103-888, eff. 8-9-24;  
3 103-933, eff. 1-1-25; 104-234, eff. 8-15-25; 104-417, eff.  
4 8-15-25; 104-443, eff. 1-1-26; revised 1-7-26.)

5 Section 10. The Illinois Vehicle Code is amended by  
6 changing Sections 2-110 6-106 and as follows:

7 (625 ILCS 5/2-110) (from Ch. 95 1/2, par. 2-110)

8 Sec. 2-110. Authority to grant or refuse applications.

9 The Secretary of State shall examine and determine the  
10 genuineness, regularity and legality of every application for  
11 registration of a vehicle, for a certificate of title  
12 therefor, and for a driver's license and of any other  
13 application lawfully made to the Secretary of State, and may  
14 in all cases, except as limited under subsection (b-3) of  
15 Section 6-106, make investigation and verify the information  
16 and the authenticity of the documents submitted as may be  
17 deemed necessary or require additional information, and shall  
18 reject any such application if not satisfied of the  
19 genuineness, regularity or legality thereof or the truth of  
20 any statement contained therein, or for any other reason, when  
21 authorized by law.

22 (Source: P.A. 93-895, eff. 1-1-05.)

23 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

1           Sec. 6-106. Application for license or instruction permit.

2           (a) Every application for any permit or license authorized  
3 to be issued under this Code shall be made upon a form  
4 furnished by the Secretary of State. Every application shall  
5 be accompanied by the proper fee and payment of such fee shall  
6 entitle the applicant to not more than 3 attempts to pass the  
7 examination within a period of one year after the date of  
8 application.

9           (b) Every application shall state the legal name, zip  
10 code, date of birth, sex, and residence address of the  
11 applicant; briefly describe the applicant; state whether the  
12 applicant has theretofore been licensed as a driver, and, if  
13 so, when and by what state or country, and whether any such  
14 license has ever been canceled, suspended, revoked or refused,  
15 and, if so, the date and reason for such cancellation,  
16 suspension, revocation or refusal; shall include an  
17 affirmation by the applicant that all information set forth is  
18 true and correct; and shall bear the applicant's signature. In  
19 addition to the residence address, the Secretary may allow the  
20 applicant to provide a mailing address. In the case of an  
21 applicant who is a judicial officer, public official, or peace  
22 officer, the Secretary may allow the applicant to provide an  
23 office or work address in lieu of a residence or mailing  
24 address. The application form may also require the statement  
25 of such additional relevant information as the Secretary of  
26 State shall deem necessary to determine the applicant's

1 competency and eligibility. The Secretary of State may, in his  
2 discretion, by rule or regulation, provide that an application  
3 for a driver's ~~drivers~~ license or permit may include a  
4 suitable photograph of the applicant in the form prescribed by  
5 the Secretary, and he may further provide that each driver's  
6 ~~drivers~~ license shall include a photograph of the driver. The  
7 Secretary of State may utilize a photograph process or system  
8 most suitable to deter alteration or improper reproduction of  
9 a driver's ~~drivers~~ license and to prevent substitution of  
10 another photo thereon. For the purposes of this subsection  
11 (b):

12 "Peace officer" means any person who by virtue of his or  
13 her office or public employment is vested by law with a duty to  
14 maintain public order or to make arrests for a violation of any  
15 penal statute of this State, whether that duty extends to all  
16 violations or is limited to specific violations.

17 "Public official" has the meaning given in Section 10 of  
18 the Public Official Safety and Privacy Act.

19 (b-1) Every application shall state the social security  
20 number of the applicant; except if the applicant is applying  
21 for a standard driver's license and, on the date of  
22 application, is ineligible for a social security number, then:

23 (1) if the applicant has documentation, issued by the  
24 United States Department of Homeland Security, authorizing  
25 the applicant's presence in this country, the applicant  
26 shall provide such documentation instead of a social

1 security number; and

2 (2) if the applicant does not have documentation  
3 described in paragraph (1), the applicant shall provide,  
4 instead of a social security number, the following:

5 (A) documentation establishing that the applicant  
6 has resided in this State for a period in excess of one  
7 year;

8 (B) a passport validly issued to the applicant  
9 from the applicant's country of citizenship or a  
10 consular identification document validly issued to the  
11 applicant by a consulate of that country as defined in  
12 Section 5 of the Consular Identification Document Act,  
13 as long as such documents are either unexpired or  
14 presented by an applicant within 2 years of its  
15 expiration date; and

16 (C) a social security card, if the applicant has a  
17 social security number.

18 (b-3) The ~~Upon the first issuance of a request for~~  
19 ~~proposals for a digital driver's license and identification~~  
20 ~~card issuance and facial recognition system issued after~~  
21 ~~January 1, 2020 (the effective date of Public Act 101-513),~~  
22 ~~and upon implementation of a new or revised system procured~~  
23 ~~pursuant to that request for proposals,~~ the Secretary shall  
24 permit applicants to choose between "male", "female" or "X"  
25 "~~non-binary~~" when designating the applicant's sex on the  
26 driver's license or permit application form or when changing

1 the sex listed on an issued driver's license or permit. The sex  
2 designated by the applicant shall be displayed on the driver's  
3 license or permit issued to the applicant.

4 For an initial driver's license or permit, an applicant  
5 shall designate a sex on the application form. If the  
6 applicant's documents used to establish identity include a sex  
7 different than the sex the applicant has designated, then the  
8 applicant must submit a gender designation form.

9 An applicant who wants to change the sex listed on an  
10 issued driver's license or permit must submit a gender  
11 designation form.

12 The gender designation form shall only request the  
13 applicant's information, gender designation statement,  
14 attestation, and signature or mark. The applicant's  
15 information required on the form shall be limited to name as  
16 reflected on the applicant's current driver's license or  
17 identification card, if applicable; current driver's license  
18 or identification card number, if applicable; and residential  
19 address of the applicant. The gender designation statement  
20 shall allow the applicant to designate a sex on the  
21 applicant's driver's license or permit as "male", "female", or  
22 "X". The attestation shall state that the applicant swears,  
23 under the penalty of perjury, that the request for the  
24 selected gender designation is to ensure that the applicant's  
25 driver's license or permit accurately reflects the applicant's  
26 gender identity and is not for a fraudulent or unlawful

1 purpose.

2 The Secretary of State shall not require any additional  
3 question, documentation, support, certification, or  
4 verification to change a gender marker.

5 The Secretary of State shall not require any documentation  
6 other than the gender designation form to confirm the sex or  
7 gender identity of the applicant.

8 (b-5) Every applicant for a REAL ID compliant driver's  
9 license or permit shall provide proof of lawful status in the  
10 United States as defined in 6 CFR 37.3, as amended.

11 (c) The application form shall include a notice to the  
12 applicant of the registration obligations of sex offenders  
13 under the Sex Offender Registration Act. The notice shall be  
14 provided in a form and manner prescribed by the Secretary of  
15 State. For purposes of this subsection (c), "sex offender" has  
16 the meaning ascribed to it in Section 2 of the Sex Offender  
17 Registration Act.

18 (d) Any male United States citizen or immigrant who  
19 applies for any permit or license authorized to be issued  
20 under this Code or for a renewal of any permit or license, and  
21 who is at least 18 years of age but less than 26 years of age,  
22 must be registered in compliance with the requirements of the  
23 federal Military Selective Service Act. The Secretary of State  
24 must forward in an electronic format the necessary personal  
25 information regarding the applicants identified in this  
26 subsection (d) to the Selective Service System. The

1 applicant's signature on the application serves as an  
2 indication that the applicant either has already registered  
3 with the Selective Service System or that he is authorizing  
4 the Secretary to forward to the Selective Service System the  
5 necessary information for registration. The Secretary must  
6 notify the applicant at the time of application that his  
7 signature constitutes consent to registration with the  
8 Selective Service System, if he is not already registered.

9 (e) Beginning on or before July 1, 2015, for each original  
10 or renewal driver's license application under this Code, the  
11 Secretary shall inquire as to whether the applicant is a  
12 veteran for purposes of issuing a driver's license with a  
13 veteran designation under subsection (e-5) of Section 6-110 of  
14 this Code. The acceptable forms of proof shall include, but  
15 are not limited to, Department of Defense form DD-214,  
16 Department of Defense form DD-256 for applicants who did not  
17 receive a form DD-214 upon the completion of initial basic  
18 training, Department of Defense form DD-2 (Retired), an  
19 identification card issued under the federal Veterans  
20 Identification Card Act of 2015, or a United States Department  
21 of Veterans Affairs summary of benefits letter. If the  
22 document cannot be stamped, the Illinois Department of  
23 Veterans Affairs shall provide a certificate to the veteran to  
24 provide to the Secretary of State. The Illinois Department of  
25 Veterans Affairs shall advise the Secretary as to what other  
26 forms of proof of a person's status as a veteran are

1 acceptable.

2 For each applicant who is issued a driver's license with a  
3 veteran designation, the Secretary shall provide the  
4 Department of Veterans Affairs with the applicant's name,  
5 address, date of birth, gender and such other demographic  
6 information as agreed to by the Secretary and the Department.  
7 The Department may take steps necessary to confirm the  
8 applicant is a veteran. If after due diligence, including  
9 writing to the applicant at the address provided by the  
10 Secretary, the Department is unable to verify the applicant's  
11 veteran status, the Department shall inform the Secretary, who  
12 shall notify the applicant that he or she must confirm status  
13 as a veteran, or the driver's license will be canceled.

14 For purposes of this subsection (e):

15 "Armed forces" means any of the Armed Forces of the United  
16 States, including a member of any reserve component or  
17 National Guard unit.

18 "Veteran" means a person who has served in the armed  
19 forces and was discharged or separated under honorable  
20 conditions.

21 (f) An applicant who is eligible for Gold Star license  
22 plates under Section 3-664 of this Code may apply for an  
23 original or renewal driver's license with space for a  
24 designation as a Gold Star Family. The Secretary may waive any  
25 fee for this application. If the Secretary does not waive the  
26 fee, any fee charged to the applicant must be deposited into

1 the Illinois Veterans Assistance Fund. The Secretary is  
2 authorized to issue rules to implement this subsection.

3 (Source: P.A. 103-210, eff. 7-1-24; 103-933, eff. 1-1-25;  
4 104-234, eff. 8-15-25; 104-443, eff. 1-1-26.)