



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5637

by Rep. Ann M. Williams

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 certificate of marriage 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 license 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 certificate of marriage, 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.

LRB101 18473 LNS 67921 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" or "groom" to a
14 nongendered term such as "spouse" or a variant of "Spouse 1" or
15 "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 in
18 the clerk's records, and the affidavit and issuance shall be
19 kept in the permanent records of the clerk.

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

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

3 (c) If a county provides a certified record, photocopy, or
4 reproduction of an original license 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 certificate of
12 marriage under subsection (a), the certificate shall not
13 include any language indicating it has been amended nor that it
14 is not a true and accurate record of the facts stated therein.