



COSPONSORSHIP MEMORANDUM

"No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family."

"Marriage ... affords the permanency and stability important to children's best interests."

Justice Anthony Kennedy, *Obergefell v. Hodges*, June 26, 2015

TO: All Legislators

FROM: Senators Mark Spreitzer, Tim Carpenter, Kristin Dassler-Alfheim, Kelda Roys, Melissa Ratcliff

Representatives Lee Snodgrass, Angela Stroud, Randy Udell, Angelina Cruz, Greta Neubauer, Christian Phelps, Amaad Rivera-Wagner, Margaret Arney, Ryan Clancy.

DATE: May 29, 2025

RE: Cosponsorship of LRB 0842, the Marriage and Family Equality Act.

DEADLINE: June 05, 2025 at 5:00pm

In June 2014, same-sex couples had their right to legally marry upheld in Wisconsin, and one year later, the Supreme Court of the United States affirmed this right for couples across the country in *Obergefell v. Hodges*. In late 2022, the United States Congress passed bipartisan legislation providing statutory authority for same-sex and interracial marriages, The Respect for Marriage Act, which the President then signed into law.

LRB 0842, the Marriage and Family Equality Act, makes technical updates to Wisconsin law to account for marriage equality. The *Obergefell* decision requires that our statutes be read in a gender-neutral way so that same-sex and different-sex couples are treated equally under the

law. We strongly believe that our statutes should reflect this core value, and this legislation is more important than ever.

Even with the bipartisan passage of federal marriage legislation in the past, if *Obergefell* were to be overturned in the future, Wisconsin would cease to issue marriage licenses to same-sex couples due to the existing amendment in our constitution banning same-sex marriage. Today, we are also re-introducing LRB 3041, which removes this constitutional ban on marriage equality.

We have been contacted by multiple couples who have faced legal challenges to secure equal parental rights. A lack of clear guidance in statutes means same-sex couples often need to go to court to have their rights secured, which leads to considerable legal costs for both families and the state of Wisconsin. A recent [Wisconsin Watch article](#) highlights the difficulties faced by Wisconsin families – including Ruth and Jamie, who lived in the 15th Senate District when they were forced to go to court to secure their parental rights.

Although same-sex couples can legally marry, many couples in Wisconsin still face legal challenges because Wisconsin statutes have not kept up. Although some couples have successfully obtained an equal reading of the law by judges or state agencies, and have secured full recognition of their rights, many other couples have faced difficulties. For example, although *Obergefell* requires that the law accord the same protections for the parental relationships of same-sex couples as it provides for different-sex couples, Wisconsin's outdated marriage and family laws still refer specifically to "husbands and wives."

The Marriage and Family Equality Act makes technical updates to Wisconsin law to account for marriage equality. The bill changes statutory references from "husband and wife" to instead "spouse" or "spouses" and therefore includes both same-sex and different-sex married couples. This includes changes to areas like recreational licenses and income tax, but also insurance coverage, retirement or death benefits, medical assistance, and parentage and family law.

The bill also clarifies three key aspects of parentage for married couples:

- the right for married couples to jointly adopt children and for one spouse to adopt the other spouse's child;
- the right for married couples to jointly have a child through artificial insemination of one of the spouses; and
- the presumption that two people who have a child within their marriage are the parents of that child.

To be added as a cosponsor for this resolution, please reply to this email by **June 5 at 5:00pm. Cosponsors will be added to both the Assembly and Senate versions unless otherwise specified.**