



## Oppose SB 40

### WHAT THE BILL DOES:

- The bill provides that a clerk or deputy clerk shall not be required to issue a marriage license if such clerk has an objection to the issuance of such license on personal, ethical, moral, or religious grounds.
- If the clerk or deputy clerk declines to issue a marriage license on such grounds, the parties contemplating marriage may be issued a license by the State Registrar of Vital Records at a local Department of Motor Vehicles office.

### THE FACTS:

- As of December 2015, only one state in the country has passed a targeted religious exemption law that permits state officials to decline to marry couples of whose marriage they disapprove. <sup>1</sup>

### WHY WE OPPOSE IT:

- Clerks and deputy clerks, acting as agents of the state, act under the color of the law and no one acting under color of the law can violate the equal protections guaranteed to others under the United States Constitution.
  - On June 26, 2015 the United States Supreme Court held in *Obergefell v. Hodges* that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. <sup>2</sup>
- Government officials swear an oath to faithfully and impartially discharge the duties of their office. When public officials seek to deny services to taxpaying citizens based on their religious beliefs, they are not living up to that oath or serving the common good.
- Lastly, in America we believe that the government should treat everyone equally under the law and not discriminate. Government officials who have sworn an oath to serve the public shouldn't be able to pick and choose who they're going to serve based on their religious beliefs.

---

<sup>1</sup> [http://www.lgbtmap.org/equality-maps/religious\\_exemption\\_laws](http://www.lgbtmap.org/equality-maps/religious_exemption_laws)

<sup>2</sup> *Obergefell v. Hodges*, 576 U.S. \_\_\_ (2015).

*Equality Virginia is a state-wide, non-partisan advocacy, outreach, and education organization leading the Commonwealth toward equality for lesbian, gay, bisexual, and transgender Virginians.*