



Remove Virginia's Constitutional Ban on Same-Sex Marriages
Support HJ 538, SJ 2, SJ 9, and SJ 32

WHAT THE BILL DOES:

- The bill proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election.

THE FACTS:

- That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."¹
- Due to the U.S. Supreme Court 's landmark decision in *Obergefell v. Hodges*, this amendment is no longer valid.
- In *Obergefell v. Hodges*, the Supreme Court held that the Constitution does not permit the state to bar same-sex couples from marriage on the same terms as accorded to couples of the opposite sex.²
- The court further held that the right to marriage was a constitutional right under the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment.³

WHY WE SUPPORT IT:

- Virginia's constitutional ban on same-sex marriage and civil unions is no longer good law under the Supreme Court's holding in *Obergefell v. Hodges*.
- The current ban must be repealed so that same-sex couples may enjoy the right to marriage guaranteed in the United States Constitution.

¹ <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SJ9>

² *Obergefell v. Hodges*, 576 U.S. ____ (2015).

³ *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.