

## **SJR 249/HJR 9**

### Bill Summary

AAUW supports this amendment that would remove the language from the Virginia Constitution stating that a marriage is only between a man and a woman. We strongly support Civil Rights, Marriage Equity and are against all types of discrimination.

That section of the Constitution and other related provisions are no longer valid due to the United States Supreme Court's decision in *Obergefell v. Hodges*, which allowed for same-sex marriage across the country.

Constitutional amendments must be passed by both chambers of the General Assembly twice, with a House election in between, before going to Virginia voters for a final vote of approval.

Introduced by: Sen. Adam P. Ebbin

Introduced by: Del. Mark D. Sickles (Chief Patron)

Constitutional amendment (first reference); marriage between two individuals; repeal of same-sex marriage prohibition; affirmative right to marry. Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and prohibits the Commonwealth and its political subdivisions from denying the issuance of a marriage license to two parties contemplating a lawful marriage on the basis of the sex, gender, or race of such parties. The Commonwealth and its political subdivisions are required to recognize any lawful marriage between two parties and to treat such marriages equally under the law, regardless of the sex, gender, or race of such parties. The amendment provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

#### House:

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|-------------------------------|----------------------|
| • Elizabeth B. Bennett-Parker | David L. Bulova      |
| • Katrina Callsen             | Betsy B. Carr        |
| • Nadarius E. Clark           | Laura Jane Cohen     |
| • Joshua G. Cole              | Rae Cousins          |
| • Karrie K. Delaney           | Rozia A. Henson, Jr. |
| • Phil M. Hernandez           | Patrick A. Hope      |
| • Karen Keys-Gamarra          | Paul E. Krizek       |

- Amy J. Laufer
  - Marty Martinez
  - Marcia S. "Cia" Price
  - Holly M. Seibold
  - Marcus B. Simon
  - Joshua E. Thomas
  - Rodney T. Willett
- Alfonso H. Lopez
  - Adele Y. McClure
  - Sam Rasoul
  - Irene Shin
  - Shelly A. Simonds
  - Vivian E. Watts

#### Senate:

- Jennifer B. Boysko
- David W. Marsden
- Barbara A. Favola
- Stella G. Pekarsky

#### Past History

The Freedom to Marry in Virginia    Winning Marriage: *October 6, 2014*

Same-sex couples began marrying in Virginia on October 6, 2014 after the United States Supreme Court denied review of a federal legal case in which a federal judge and the U.S. Court of Appeals for the 4th Circuit ruled that denying same-sex couples the freedom to marry in Virginia is unconstitutional.

History and the Path to Victory:

- August 1975: The Code of Virginia is amended with a state statute restricting marriage to different-sex couples.
- March 15, 1997: The Virginia Legislature passes an additional state statute to deny legal respect to marriages between same-sex couples performed in other states. Governor George Allen signs the statute into law.
- November 7, 2006: Opponents of the freedom to marry in Virginia push through the Marshall-Newman Amendment, a constitutional amendment denying same-sex couples the freedom to marry and any other legal family status. The amendment cements clearly discriminatory language into the Virginia Constitution.
- 2006-2013: As Americans nationwide engage in conversations about why marriage matters, national and local advocates in Virginia take strides toward increasing understanding of same-sex couples and their families.
- May 2, 2013: Polling in Virginia tracks robust majority support for the freedom to marry, reflecting the power of the national discussion of why marriage matters.

- August 1, 2013: Same-sex couples, the American Civil Liberties Union and Lambda Legal file *Harris v. Rainey*, a federal class action legal case seeking the freedom to marry in Virginia. Shortly after, the American Foundation for Equal Rights files a separate case, *Bostic v. Rainey*, building momentum for marriage in the courts. Read the complaint – and meet the plaintiffs here.
- January 23, 2014: Virginia Attorney General Mark Herring announces that the Commonwealth of Virginia will not defend laws that prohibit same-sex couples from marrying, explaining that the laws are unconstitutional.
- February 13, 2014: U.S. District Court Judge Arenda L. Wright rules in favor of the freedom to marry in *Bostic v. Rainey*, striking down Virginia’s ban on same-sex couples from marrying. Read the ruling. The case is appealed to the 4th Circuit, which hears oral argument in May 2014 (hear audio below).
- July 28, 2014: The 4th Circuit Court of Appeals affirms the freedom to marry in the Virginia marriage case and later denies a motion to stay their ruling, meaning that the freedom to marry is set to take effect in the 4th Circuit when the court’s mandate issues in late August. Read the ruling.
- August 20, 2014: The United States Supreme Court grants a request to stay the 4th Circuit Court of Appeals’ ruling, placing the decision on hold while it considers hearing the case.
- October 6, 2014: The United States Supreme Court denies review of the pro-marriage ruling from the 4th Circuit Court of Appeals (and two other appellate decisions), resolving the question of the freedom to marry in Virginia and finally allowing same-sex couples to marry statewide.
- June 26, 2015: The United States Supreme Court rules in favor of the freedom to marry, ending marriage discrimination across the country.