

2021 SESSION

SENATE SUBSTITUTE

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SENATE JOINT RESOLUTION NO. 270

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on February 4, 2021)

(Patron Prior to Substitute—Senator Ebbin)

Proposing an amendment to Section 15-A of Article I of the Constitution of Virginia, relating to marriage; repeal of same-sex marriage prohibition; affirmative right to marry.

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 15-A of Article I of the Constitution of Virginia as follows:

ARTICLE I

BILL OF RIGHTS

Section 15-A. ~~Marriage~~ *Fundamental right to marry.*

That ~~only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions~~ *the right to marry is a fundamental right, inherent in the liberty of persons, and marriage is one of the vital personal rights essential to the orderly pursuit of happiness.*

This Commonwealth and its political subdivisions ~~shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage and agents shall issue marriage licenses, recognize marriages, and treat all marriages equally under the law regardless of the sex or gender of the parties to the marriage.~~

Religious organizations and clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

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