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SENATE BILL NO. 557

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to provide for the submission to the voters of a proposed 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.*

Patron—Ebbin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2022, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

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.

§ 2. The ballot shall contain the following question:

"Question: Shall the Constitution of Virginia be amended to enshrine in it the fundamental right to marry regardless of the sex or gender of the parties to the marriage and to repeal the current provision defining marriage as only a union between man and woman?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting in favor of the amendment, it shall become effective on January 1, 2023.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

INTRODUCED

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