

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB557

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|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input checked="" type="checkbox"/> | Introduced | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled |

2. Patron: Ebbin

3. Committee: Finance and Appropriations

4. Title: Constitutional amendment; repeal of same-sex marriage prohibition (submitting to qualified voters).

5. Summary: Provides for a referendum at the November 8, 2022, election to approve or reject an amendment that would repeal the constitutional provision defining marriage as only a union between a man and woman as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015).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 requires the Commonwealth and its political subdivisions and agents to 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 have the right to refuse to perform any marriage.

6. Budget Amendment Necessary: Yes – Item 89 of HB/SB 30.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|--------------|
| 2023 | \$307,000 | General Fund |
| 2024 | - | - |

8. Fiscal Implications: Section 30-19.9, Code of Virginia, requires the State Board of Elections to run advertisements in state newspapers and prepare posters and pamphlets providing public notice about proposed constitutional amendments. According to the Department of Elections, the estimated one-time cost relating to one referendum is \$307,000, which is based on 2020 amendments with a 10% inflation rate (based on the 6.8 percent Consumer Price Index factor in 2021 plus a 3.2 percent allowance for 2022). This amount consists of approximately \$100,000 for newspaper advertising costs and \$207,000 for printing and mailing pamphlets and posters.

If multiple proposed constitutional amendments or other statewide referenda were to be on the November 2022 ballot, there are some expected efficiencies in printing and advertising multiple proposed amendments and referenda at one time.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, and localities (General Registrars and Electoral Boards).

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB 605.

Date: 1/20/2022