

APPROVED BY JOINT P&E COMMITTEE 6/22/2026

Explanation for Proposed Constitutional Amendment
to Be Voted On at the November 3, 2026, Election

PROPOSED CONSTITUTIONAL AMENDMENT

ARTICLE I. Bill of Rights.
Section 15-A. Marriage.

EXPLANATION FOR VOTERS
QUESTION 2

Present Law

Marriages, civil unions, and other legal relationships with the same rights, benefits, and effects of marriage between persons of the same sex or gender are prohibited under Virginia's Constitution. This prohibition is no longer enforceable as a result of the United States Supreme Court decision in *Obergefell v. Hodges* in 2015, but the prohibition on marriages between persons of the same sex or gender remains in the state's Constitution. If the Supreme Court were to overturn its previous decision, that prohibition would be enforceable again.

Proposed Amendment

The proposed amendment removes the prohibition on marriages between persons of the same sex or gender from the Virginia Constitution's Bill of Rights. It is replaced with the fundamental right to marry, requiring the state to recognize and treat equally under the law any lawful marriage between two adult persons, regardless of the sex, gender, or race of either person. The proposed amendment prohibits the state from denying a marriage license to two adult persons because of their sex, gender, or race.

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BALLOT QUESTION

Should the Constitution of Virginia be amended to (i) remove the ban on same-sex marriage; (ii) affirm that two adults may marry regardless of sex, gender, or race; and (iii) require all legally valid marriages to be treated equally under the law?

FULL TEXT OF AMENDMENT

[Proposed new language is underlined. Deleted old language is ~~stricken~~.]

ARTICLE I

BILL OF RIGHTS

Section 15-A. Marriage.

~~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~~ 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~~ deny the issuance of a marriage license to two adult persons seeking a lawful marriage on the basis of the sex, gender, or race of such persons. 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 This Commonwealth and its political subdivisions shall recognize any lawful marriage between two adult persons and treat such marriages equally under the law, regardless of the sex, gender, or race of such persons.