

Virginia Constitutional Amendment 2 of 3

Repeal Same-Sex Marriage Ban

November 3, 2026 General Election Ballot

WHAT THIS AMENDMENT IS ABOUT

This amendment would remove Virginia's unenforceable ban on same-sex marriage from the constitution and replace it with a requirement that the state recognize and treat equally any lawful marriage between two adults, regardless of sex, gender, or race.

CURRENT LAW	PROPOSED LAW
• Virginia's Constitution contains a 2006 amendment stating only a marriage between one man and one woman is valid — and separately bars the state from recognizing civil unions or similar legal status for unmarried couples. • This has been unenforceable since Obergefell v. Hodges (2015) legalized same-sex marriage nationwide, but the ban remains written in the Constitution and would take effect again if that ruling were ever reversed. • Virginia state law already recognizes same-sex marriage (repealed the defunct statutory ban in 2020; affirmatively codified protection in 2024), but this is ordinary statute, not a constitutional guarantee.	• Removes the existing ban on same-sex marriage — and the related ban on recognizing civil unions — from the Constitution. • Replaces it with a requirement that Virginia recognize and treat equally any lawful marriage between two adults, regardless of sex, gender, or race. • Religious organizations and clergy retain the right to decline to perform any marriage. • Would make Virginia the fifth state to remove a constitutional same-sex marriage ban by ballot measure, after Nevada (2020) and California, Colorado, and Hawaii (2024).

WHAT THE BALLOT QUESTION ASKS

"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?"

HOW YOUR VOTE COUNTS

✓ YES Vote Means...	✗ NO Vote Means...
• The 2006 same-sex marriage ban — and its related civil-union ban — is removed from the Virginia Constitution. • New language requires Virginia to recognize and treat equally any marriage between two adults regardless of sex, gender, or race. • This protection is enshrined in the state constitution and would hold even if Obergefell were ever overturned; it can only be changed by another statewide vote.	• No change is made to the Virginia Constitution. • The 2006 ban language remains in the constitution — unenforceable now, but would take effect again if Obergefell were ever reversed. • Same-sex marriage stays legal in Virginia under current state law and federal precedent, but without independent state constitutional protection.

*This guide is non-partisan and presents facts only. It does not advocate for or against this amendment.
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