



LAWS OF DELAWARE
VOLUME 85
CHAPTER 327
153rd GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 2
FOR
SENATE BILL NO. 100

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO THE RIGHT TO MARRY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article I of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 23. Right to Marry.

(a) The right to marry is a fundamental right that may not be denied or abridged on account of any basis protected under § 21 of this Article or on the basis of gender.

(b)(1) All marriages that are legally valid under the laws of this State must be treated equally under the laws of this State.

(2) All laws of this State that are applicable to marriage, married spouses, or the children of married spouses apply equally to all marriages that are legally valid under the laws of this State.

(c) The right to marry under this section does not modify or infringe upon the right to freedom of religion under § 1 of this Article.

First leg of amendment to the Constitution approved June 30, 2026