

Race Requirements on Marriage Licenses

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Issue

Provide information on (1) Connecticut's law that requires individuals to disclose their race on marriage license application forms and (2) a recent court challenge to a similar law in Virginia.

Connecticut

Connecticut is one of at least eight states (Alabama, Delaware, Kentucky, Louisiana, New Hampshire, Minnesota, and Virginia) that require couples to identify their race before they can obtain a marriage license. Connecticut's law was enacted in 1848 (now codified at [CGS § 46b-25](#)). Because legislative history materials did not exist during that time, we were unable to determine the law's intent. According to the Department of Public Health, it does not use this racial data and collects it due to the statutory requirement.

Virginia

Like Connecticut, Virginia requires marriage license applicants to disclose their race on the license application form ([Va. Code Ann. § 32.1-267\(A\)](#)). In October 2019, a federal district court judge ruled that Virginia's law is unconstitutional, violating the right to due process afforded by the 14th Amendment (*Rogers et al. v Virginia State Registrar et al.*, 1:19-cv-01149 (2019)).

The ruling was issued in response to a lawsuit filed by three couples against the Virginia State Registrar and the clerks of the Arlington and Rockbridge circuit courts. The plaintiffs were denied marriage licenses after refusing to state their race on the application form. The plaintiffs also argued that the counties did not use uniform racial labels on their license applications, with some including labels that were archaic and derogatory (e.g., "Aryan" or "Mulatto").

Judge Rossie Alston ruled that requiring the couples to disclose their race in order to receive marriage licenses burdened their fundamental right to marry. The judge also stated that the law's requirement reflected Virginia's history of racialization. According to the lawsuit, the racial requirement was enacted as part of the Virginia Racial Integrity Act of 1924, originally called "An Act to Preserve the Integrity of the White Race." The act required marriage license applicants to identify themselves as "white" or "colored" to prevent the occurrence of interracial marriage, which was illegal in Virginia until 1967.

In response to the court's ruling, the state Attorney General issued new guidance directing clerks to issue marriage licenses to applicants regardless of whether they record their race. The marriage license [forms](#) were subsequently revised to allow applicants to check a box declining to identify their race.

Virginia's statute has not been repealed but the legislature is considering several bills to repeal it during the 2020 legislative session ([SB 19](#), [SB 62](#), [SB 1066](#), [HB 141](#), [HB 180](#)).

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