



Supreme Court to Rule on Same-sex Marriage

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Quick Facts

- On Jan. 16, 2015, the U.S. Supreme Court agreed to hear four cases challenging bans on same-sex marriage.
- Currently, 36 states and the District of Columbia allow same-sex marriage.
- The Supreme Court is expected to hear oral arguments in April 2015.
- The Supreme Court's decision is expected to be issued before its current term ends in late June 2015.

On Jan. 16, 2015, the U.S. Supreme Court agreed to take on the issue of whether same-sex couples have a constitutional right to marry or whether states are permitted to ban gay marriage.

On Jan. 16, 2015, the U.S. Supreme Court agreed to hear appeals in same-sex marriage cases from Ohio, Tennessee, Michigan and Kentucky. The Supreme Court will take on the issue of whether same-sex couples have a constitutional right to marry or whether states are permitted to ban gay marriage.

In its review, the Supreme Court will focus on a decision by the U.S. 6th Circuit Court of Appeals that upheld bans on same-sex marriage in Ohio, Tennessee, Michigan and Kentucky. These four states are among the 14 states that still have bans on same-sex marriage. Currently, same-sex marriage is available in 36 states and the District of Columbia.

The Supreme Court is expected to hear oral arguments in late April 2015. The Supreme Court's ruling is expected to be issued in the summer, most likely in late June 2015.

Overview of Same-sex Marriage Decisions

Following the Supreme Court's June 2013 ruling invalidating part of the federal Defense of Marriage Act (DOMA), a number of courts have addressed whether state laws prohibiting same-sex marriage are permissible. So far, five

out of the 13 federal appeals courts have issued decisions on same-sex marriage bans.

State laws prohibiting same-sex marriage have been invalidated by the 4th Circuit, 7th Circuit, 9th Circuit and 10th Circuit.

On Nov. 6, 2014, the 6th Circuit upheld state bans on same-sex marriage. The 6th Circuit ruled that the same-sex marriage issue should be decided in each state through the regular political process and not through the court system. The 6th Circuit's decision conflicts with the decisions from the other appeals courts, which created a split between the federal appeals courts on the same-sex marriage issue.

In October 2014, before the 6th Circuit's decision was issued, the Supreme Court declined to hear appeals in the other same-sex marriage cases. Supreme Court Justice Ruth Bader Ginsburg indicated that the main reason the Supreme Court decided not to review the same-sex marriage issue was that there was not a split in decisions among the federal appeals courts at that time.

Supreme Court Review

By taking on the same-sex marriage issue, the Supreme Court will likely resolve the split in

decisions between the federal appeals courts. In what will be a landmark decision, the Supreme Court is expected to decide whether the U.S. Constitution gives same-sex couples across the country the right to marry.

The Supreme Court has indicated that it will rule on two specific issues—the power of the states to ban same-sex marriages and the power of the states to refuse to recognize same-sex marriages performed in other states. The Supreme Court’s opinion has the potential to impact the legality of same-sex marriages throughout the United States, either by legalizing gay marriage or by overturning court decisions that have invalidated state bans on same-sex marriage.

