



Impact of the U.S. Supreme Court Decision in *Obergefell v. Hodges* on Tennessee

If the Court rules in favor of marriage equality, how soon will same-sex couples be able to apply for a marriage license?

Marriages should be allowed immediately. The Tennessee Attorney General has directed county clerks to begin issuing marriage licenses.

What should we do if the county clerk denies me a marriage license?

Hopefully this will not happen. If a county clerk refuses to issue a marriage license you have two choices.

If you want to get married as soon as possible, you may go to another county clerk who will comply with the Constitution and issue the license. Our partners at the Tennessee Equality Project are keeping a running list of county clerks who will issue licenses to same-sex couples after the Court's ruling. **For more information please email chris@tnequalityproject.com.**

Your second option is to help us challenge the refusal. **If you are interested in this option, please complete the form at <https://action.aclu.org/secure/tn-marriage-licenses>.** ACLU-TN will then contact you to determine if we can help.

What if the marriage license form still says "male applicant" and "female applicant" for the two people getting married?

It may take some time for forms to reflect the new state of the law. However, you should be allowed to fill in your names regardless of the gender identifiers on the form.

We are Tennessee residents, but we married in another state before the Supreme Court's decision. Do we need to remarry in Tennessee?

No. In fact, you cannot remarry in Tennessee if you have a valid marriage license from another state.

Will a Tennessee marriage be recognized by other states?

Yes. Your Tennessee marriage must be recognized by every other state and the federal government.

Can I be discriminated against at my place of employment for being married to someone of the same sex?

Maybe. Title VII of the 1964 Civil Rights Act protects employees against sex discrimination. It should prohibit an em-

ployer from discriminating against an employee based on the sex of that person's spouse. Religious organizations may be exempt from this requirement if the job meets certain requirements. Neither Title VII nor the Tennessee Human Rights Act protects an employee from discrimination based on their sexual orientation. The facts and circumstances will almost always determine whether an employee can seek relief from a court or government agency.

If you believe that you have been discriminated against because of the sex of your spouse, you should seek legal advice from an attorney, contact the Equal Employment Opportunity Commission (EEOC), or contact ACLU-TN at <http://www.aclu-tn.org/gethelp.htm>.

Does my employer have to offer spousal health insurance coverage and other employment benefits for same-sex spouses?

Maybe. As discussed above, Title VII protects employees against sex discrimination. It should prohibit an employer from denying spousal health insurance based on the sex of the spouse. Again, neither Title VII nor the Tennessee Human Rights Act protects an employee from discrimination based on his or her sexual orientation, so the specific facts and circumstances of a given situation will be critical.

If you believe that your spouse has been denied spousal benefits offered by your employer because of his or her gender, you should seek legal advice from an attorney, contact the Equal Employment Opportunity Commission (EEOC), or contact ACLU-TN at <http://www.aclu-tn.org/gethelp.htm>.

I am now married. How can I change my surname on my driver's license and other state documents?

To change your name on your driver's license following your marriage, go to a Tennessee Department of Safety Drivers' Services Center and present your current license and marriage certificate, provided your marriage certificate includes your full name and date of birth. The certificate must be the original or a certified copy that is registered after the marriage—not just the marriage license authorizing the union. **If your application to change your name on your license is denied, please contact ACLU-TN by completing our online form at <http://www.aclu-tn.org/gethelp.htm>.**

**For more on marriage equality in Tennessee, visit
www.aclu-tn.org/marriageTN.html**