

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH10473-LBx-514A (01/24)

Short Title: Defense of Marriage. (Public)

Sponsors: Representatives Lewis, Crawford, Hill, and Samuelson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS
3 THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS
4 THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE.

5 Whereas, marriage is a sacred covenant that solemnizes an inherently unique
6 and complementary relationship between a man and a woman; and

7 Whereas, North Carolina has a special interest in encouraging, supporting,
8 and protecting this unique relationship in order to promote the stability and welfare of
9 society and its children; and

10 Whereas, children raised by a mother and a father in an intact family are more
11 likely to enjoy higher levels of family stability, to perform better in school, to
12 experience a higher standard of living, to get married and stay married, and to avoid
13 poverty, crime, illegal drug use, unwed pregnancy, domestic violence, and other societal
14 ills; and

15 Whereas, same-sex households, by their very nature, deprive a child of either
16 a mother or a father; and

17 Whereas, countries that have redefined marriage to include relationships other
18 than one man and one woman have experienced an overall decline in societal support
19 for marriage, a reduction in the actual number of marriages taking place, an increase in
20 cohabitation, and an increase in the number of children being born out of wedlock; and

21 Whereas, North Carolina General Statute establishes, "A valid and sufficient
22 marriage is created by the consent of a male and female person who may lawfully
23 marry, presently to take each other as husband and wife, freely, seriously and plainly
24 expressed by each in the presence of the other..." (N.C.G.S. § 51-1), and "Marriages,
25 whether created by common law, contracted, or performed outside of North Carolina,

1 between individuals of the same gender are not valid in North Carolina" (N.C.G.S. §
2 51-1.2); and

3 Whereas, North Carolina is the ONLY state in the Southeastern U.S. that has
4 failed to take decisive action to safeguard its marriage laws by defining marriage in its
5 state constitution as the union of one man and one woman; and

6 Whereas, voters in 13 of the 15 states in the Southeastern U.S. have added a
7 definition of marriage in their state constitutions by an average passage rate exceeding
8 75%, and Florida voters will have the opportunity to do the same on November 4, 2008;
9 and

10 Whereas, the California Supreme Court issued an opinion on May 15, 2008,
11 recognizing a constitutional right to same sex "marriage" in that state, and the State of
12 California began issuing marriage licenses to same sex couples on June 16, 2008; and

13 Whereas, the issuance of marriage licenses by the State of California to same
14 sex couples is expected to prompt a rash of lawsuits around the country, as same sex
15 couples from across the nation travel to California to obtain marriage licenses, return
16 home, and then file legal action in their states of residence in an attempt to gain the
17 same legal status and recognition there; and

18 Whereas, states lacking a constitutionally protected definition of marriage,
19 like North Carolina, are the most vulnerable and likely targets of such legal attacks; and

20 Whereas, for the last four years, legislation calling for a State Marriage
21 Amendment has been introduced in the North Carolina House and the North Carolina
22 Senate, but these bills have not seen action on the floor of either chamber, thus denying
23 State lawmakers and the public the opportunity to vote on this critically important
24 legislation; and

25 Whereas, a statewide poll released May 20, 2008, by the John William Pope
26 Civitas Institute found that 71% of North Carolina voters statewide and 86% of African
27 American voters expressed support for a State Marriage Amendment, demonstrating the
28 widespread, bipartisan support for such an amendment; and

29 Whereas, the North Carolina General Assembly, being the appropriate policy-
30 making body of the State, should not leave the institution of marriage vulnerable to
31 redefinition by the courts; and

32 Whereas, the strongest defense against legal action seeking to overturn North
33 Carolina's marriage laws is amending the State Constitution to add a clear definition of
34 marriage "as the union of one man and one woman at one time"; and

35 Whereas, the North Carolina General Assembly should join every other state
36 in the Southeastern U.S. by taking decisive action to provide the voters of the State the
37 opportunity to amend the State Constitution to include a clear definition of marriage;
38 Now, therefore,

39 The General Assembly of North Carolina enacts:

40 **SECTION 1.** Article 14 of the North Carolina Constitution is amended by
41 adding the following new section:

42 "**Sec. 6. Marriage.**

43 Marriage is the union of one man and one woman at one time. This is the only
44 marriage that shall be recognized as valid in this State. The uniting of two persons of the

1 same sex or the uniting of more than two persons of any sex in a marriage, civil union,
2 domestic partnership, or other similar relationship within or outside of this State shall
3 not be valid or recognized in this State. This Constitution shall not be construed to
4 require that marital status or the rights, privileges, benefits, or other legal incidents of
5 marriage be conferred upon unmarried individuals or groups."

6 **SECTION 2.** The amendment set out in Section 1 of this act shall be
7 submitted to the qualified voters of the State at an election on November 4, 2008, which
8 election shall be conducted under the laws then governing elections in the State. Ballots,
9 voting systems, or both may be used in accordance with Chapter 163 of the General
10 Statutes. The question to be used in the voting systems and ballots shall be:

11 FOR AGAINST

12 Constitutional amendment to provide that marriage is the union of one man
13 and one woman at one time, and this is the only marriage that shall be recognized as
14 valid in this State."

15 **SECTION 3.** If a majority of votes cast on the question are in favor of the
16 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
17 amendment to the Secretary of State. The Secretary of State shall enroll the amendment
18 so certified among the permanent records of that office.

19 **SECTION 4.** The amendment set out in Section 1 of this act becomes
20 effective January 1, 2009.