

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 2803

Short Title: Defense of Marriage. (Public)

Sponsors: Representatives Lewis, Crawford, Samuelson, Parmon (Primary Sponsors); Allred, Avila, Barnhart, Bell, Blackwood, Blust, Boylan, Braxton, Brisson, Brown, Brubaker, Church, Clary, Cleveland, Cole, Current, Daughtride, Daughtry, Dockham, Dollar, England, Folwell, Frye, Furr, Gillespie, Grady, Gulley, Hill, Hilton, Holloway, Holmes, Howard, Hurley, Johnson, Justice, Justus, Killian, Kiser, Langdon, Love, McAllister, McComas, McElraft, McGee, Moore, Neumann, Pate, Pierce, Ray, Setzer, Spear, Stam, Starnes, Steen, Stiller, Thomas, Tillis, Walend, Walker, West, Wiley, and Yongue.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Judiciary I.

July 3, 2008

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

1 Whereas, North Carolina General Statute establishes, "A valid and sufficient
2 marriage is created by the consent of a male and female person who may lawfully
3 marry, presently to take each other as husband and wife, freely, seriously and plainly
4 expressed by each in the presence of the other..." (N.C.G.S. § 51-1), and "Marriages,
5 whether created by common law, contracted, or performed outside of North Carolina,
6 between individuals of the same gender are not valid in North Carolina" (N.C.G.S. §
7 51-1.2); and

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

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

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

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

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

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

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

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

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

40 Whereas, the North Carolina General Assembly should join every other state
41 in the Southeastern U.S. by taking decisive action to provide the voters of the State the
42 opportunity to amend the State Constitution to include a clear definition of marriage;
43 Now, therefore,
44 The General Assembly of North Carolina enacts:

