

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10214-MM-60 (03/14)

Short Title: Uphold Historical Marriage Act. (Public)

Sponsors: Representatives Pittman, Speciale, and Ford (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AFFIRM THAT SECTION 6 OF ARTICLE XIV OF THE NORTH CAROLINA
3 CONSTITUTION IS THE LAW OF THE STATE.

4 Whereas, the 10th Amendment of the United States Constitution states that "The
5 powers not delegated to the United States by the Constitution, nor prohibited by it to the States,
6 are reserved to the States respectively, or to the people"; and

7 Whereas, the enumerated powers of the federal government, as outlined in the
8 United States Constitution, do not include the authority or power to establish laws concerning
9 marriage; and

10 Whereas, it is, therefore, clear that laws concerning marriage are for each state to
11 establish and maintain severally and independently; and

12 Whereas, the People of the State of North Carolina approved the Marriage
13 Amendment of 2012, which is now included as Section 6 of Article XIV of the North Carolina
14 Constitution, with a 61% affirmative vote; and

15 Whereas, the United States Supreme Court overstepped its constitutional bounds
16 when it struck down Section 6 of Article XIV of the North Carolina Constitution in its
17 *Obergefell v. Hodges* decision of 2015; and

18 Whereas, the ruling of the United States Supreme Court not only exceeds the
19 authority of the Court relative to the State of North Carolina and a vote of the People of the
20 State on an issue pertaining solely to the State of North Carolina and the People of North
21 Carolina but also exceeds the authority of the Court relative to the decree of Almighty God that
22 "a man shall leave his father and his mother and hold fast to his wife, and they shall become
23 one flesh" (Genesis 2:24, ESV) and abrogates the clear meaning and understanding of marriage
24 in all societies throughout prior history; Now, therefore,
25 The General Assembly of North Carolina enacts:

26 **SECTION 1.** G.S. 51-1.2 reads as rewritten:
27 **"§ 51-1.2. Marriages between persons of the same gender not valid.**

28 (a) The General Assembly of the State of North Carolina declares that the *Obergefell v.*
29 *Hodges* decision of the United States Supreme Court of 2015 is null and void in the State of
30 North Carolina, and that the State of North Carolina shall henceforth uphold and enforce
31 Section 6 of Article XIV of the North Carolina Constitution, the opinion and objection of the
32 United States Supreme Court notwithstanding.

33 (b) Marriages, whether created by common law, contracted, or performed outside of
34 North Carolina, between individuals of the same gender are not valid in North Carolina."

35 **SECTION 2.** This act is effective when it becomes law.

