
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 23, OF THE HAWAII
CONSTITUTION TO DEFINE MARRIAGE AS BETWEEN A MAN AND A
WOMAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article I, section 23, of the Constitution of the
3 State of Hawaii to define marriage as only between a man and a
4 woman as husband and wife.

5 The legislature finds that the unique social institution of
6 marriage involving the legal relationship of matrimony between a
7 man and a woman is a protected relationship of fundamental and
8 unequalled importance to the State, the nation, and society.
9 During the 1997 legislative session, H.B. No. 117 was enacted to
10 propose an amendment to the state constitution by adding a new
11 section relating to marriage. The proposed new section provided
12 that the legislature "shall have the power to reserve marriage
13 to opposite sex couples." The proposed amendment was ratified
14 by Hawaii voters in the general election of November 3, 1998.
15 Although state law currently provides that a valid marriage
16 contract is only between a man and a woman, a constitutional



1 amendment that expressly limits marriage to a man and a woman
2 provides further clarification and specificity.

3 SECTION 2. Article 1, section 23, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "Section 23. [~~The legislature shall have the power to~~
6 ~~reserve marriage to opposite-sex couples.~~] A valid marriage
7 shall be only between a man and a woman as husband and wife."

8 SECTION 3. The question to be printed on the ballot shall
9 be as follows:

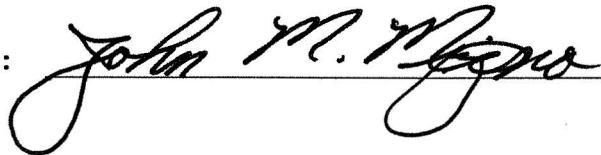
10 "Shall a valid marriage be defined to be only between a man
11 and a woman?"

12 SECTION 4. Constitutional material to be repealed is
13 bracketed and stricken. New constitutional material is
14 underscored.

15 SECTION 5. This amendment shall take effect upon compliance
16 with article XVII, section 3, of the Constitution of the State
17 of Hawaii.

18

INTRODUCED BY:



JAN 14 2010



Report Title:

State Constitution; Marriage

Description:

Constitutionally prohibits same sex marriage by defining a valid marriage as only between a man and a woman.

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