
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ALLOW
MARRIAGE BETWEEN SAME SEX COUPLES.

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 Hawaii Constitution
3 to define marriage as a relationship between two people as
4 husband, wife, or spouse.

5 The legislature finds that the equal treatment of all
6 people is of fundamental and unequalled importance to the State,
7 the nation, and society, and this interest extends to
8 recognizing equal rights in the legal relationship of matrimony.
9 During the 1997 legislative session, H.B. No. 117 was enacted to
10 propose an amendment to the Hawaii Constitution by adding a new
11 section relating to marriage. The proposed amendment was
12 ratified by Hawaii voters in the general election of November 3,
13 1998, and provides that the legislature "shall have the power to
14 reserve marriage to opposite sex couples." State law currently
15 provides that a valid marriage is only between a man and a
16 woman, which is contrary to the overriding interest of equality.
17 Therefore, a constitutional amendment that expressly recognizes



1 legal equality in marriage laws for opposite and same sex
2 couples is necessary.

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

5 "Section 23. [~~The legislature shall have the power to~~
6 ~~reserve marriage to opposite sex couples.~~] Marriage is a
7 legally sanctioned union between two people of the opposite or
8 same sex."

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

11 "Shall marriage be defined as a legally sanctioned union
12 between two people of the opposite or same sex?"

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 Constitutional material to be repealed is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

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

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INTRODUCED BY: John W. Lewis
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Report Title:

State Constitution; Marriage; Same-sex

Description:

Constitutionally allows same sex marriage by defining a marriage as a legal relationship between two people.

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