

---

---

## 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 In 1997, the legislature proposed an amendment to the Hawaii  
10 Constitution that added a new section relating to marriage. The  
11 proposed amendment was ratified by Hawaii voters in the general  
12 election of November 3, 1998, and provides that the legislature  
13 "shall have the power to reserve marriage to opposite sex  
14 couples". State law currently provides that a valid marriage  
15 exists only between a man and a woman, which is contrary to the  
16 overriding interest of equality. Therefore, a constitutional



1 amendment that expressly recognizes legal equality in marriage  
2 laws for opposite and same sex 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 legally  
7 sanctioned union between two people of the opposite or same  
8 sex."

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

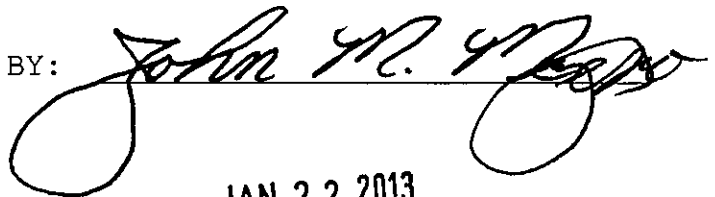
11 "Shall marriage be defined as a legally sanctioned union  
12 between two people of the opposite or same sex?"

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 Constitutional material to be repealed is  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  
17 compliance with article XVII, section 3, of the Hawaii  
18 Constitution.

19

INTRODUCED BY:



JAN 22 2013



# H.B. NO. 1005

**Report Title:**

State Constitution; Marriage; Same-sex

**Description:**

Proposes a constitutional amendment to define marriage as a legal relationship between two people of the opposite or same sex.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

