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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO DEFINE  
MARRIAGE AS THE LAWFUL UNION OF ONE MAN AND ONE 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 the lawful union of one  
4 man who is biologically male and one woman who is biologically  
5 female.

6       The legislature finds that the unique social institution of  
7 marriage involving the legally sanctioned union of one man and  
8 one woman is a protected relationship of fundamental and  
9 unequalled importance to the State, the nation, and society. For  
10 millennia, this traditional marital relationship has proven to  
11 be the foundation of strong and stable societies. The  
12 legislature further finds that Hawaii's existing marriage laws  
13 were intended to perpetuate this type of traditional family.

14       In 1997, the legislature enacted H.B. No. 117, which  
15 proposed amending the Hawaii Constitution to give the  
16 legislature the power to reserve marriage to opposite-sex  
17 couples. The proposed amendment, an assertion that social



1 policy issues of great importance should be decided by the  
2 elected representatives of the people rather than by appointed  
3 judges in the courts, was ratified by 69.2% of Hawaii voters  
4 during the general election of November 3, 1998. Since that  
5 time, however, the will of the voters who adopted this  
6 constitutional provision in order to protect traditional  
7 marriage has been disregarded by a vocal minority calling for  
8 the legislature to radically alter the fabric of society by  
9 permitting couples of the same sex to marry. Therefore, the  
10 legislature further finds that it is necessary and proper to  
11 submit this matter once again to the voters for resolution.

12 Although state law currently provides that a valid marriage  
13 contract shall be only between a man and a woman, a  
14 constitutional amendment that expressly defines marriage as the  
15 lawful union of one man who is biologically male and one woman  
16 who is biologically female is necessary to provide greater  
17 clarity and specificity.

18 SECTION 2. Article I, section 23, of the Constitution of  
19 the State of Hawaii is amended to read as follows:

20 **"MARRIAGE**

21 **Section 23.** [~~The legislature shall have the power to~~  
22 ~~reserve marriage to opposite-sex couples.~~] Marriage is the



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1 lawful union of one man who is biologically male and one woman  
2 who is biologically female."

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

5 "Shall marriage be defined as the lawful union of one man  
6 who is biologically male and one woman who is biologically  
7 female?"

8 SECTION 4. Constitutional material to be repealed is  
9 bracketed and stricken. New constitutional material is  
10 underscored.

11 SECTION 5. This amendment shall take effect upon  
12 compliance with article XVII, section 3, of the Constitution of  
13 the State of Hawaii.

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INTRODUCED BY:



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# H.B. NO. 8

**Report Title:**

State Constitution; Marriage

**Description:**

Proposes a constitutional amendment to define marriage as the lawful union of one man who is biologically male and one woman who is biologically female.

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