SB415

65109-1

By Senator Erwin (Constitutional Amendment)

RFD: Constitution, Campaign Finance, Ethics, and Elections

First Read: 11-MAR-04

65109-1:n:03/11/2004:JRC/tnh LRS2004-1452

SYNOPSIS: Under the Alabama Marriage Protection Act, the State of Alabama does not recognize a marriage of parties of the same sex.

This bill would propose an amendment to the Constitution of Alabama of 1901, to provide that a legal marriage shall only exist between a man and a woman, that no marriage license shall be issued in Alabama to parties of the same sex, and that the state shall not recognize a marriage of parties of the same sex that occurred as a result of the law of any other jurisdiction.

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide that a legal marriage shall only exist between a man and a woman, that no marriage license shall be issued in Alabama to parties of the same sex, and

that the state shall not recognize a marriage of parties of the same sex that occurred as a result of the law of any other jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) A legal marriage shall only exist between a man and a woman.

(b) No marriage license shall be issued in the State of Alabama to parties of the same sex.

(c) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued.

Section 2. An election upon the proposed amendment shall be held in conjunction with the 2006 primary election and shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional

amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to provide that a legal marriage shall only exist between a man and a woman, that no marriage license shall be issued in Alabama to parties of the same sex, and that the state shall not recognize a marriage of parties of the same sex that occurred as a result of the law of any other jurisdiction.

"Proposed by Act _____."

This description shall be followed by the following language:

"Yes ( ) No ( )."