HB1

68929-1

By Representative Allen (Constitutional Amendment)

RFD: Constitution and Elections

First Read: 01-FEB-05

PFD: 12/08/2004

68929-1:n:06/03/2004:JRC/th LRS2004-2796

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 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 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) Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting this unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

(b) Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, establishes their relationship as husband and wife, and which is recognized by the state as a civil contract.

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

(d) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or is alleged to have occurred as a result of the law of any

other jurisdiction regardless of whether a marriage license was issued.

(e) The State of Alabama shall not recognize as valid any common law marriage of parties of the same sex.

(f) A union replicating marriage of or between persons of the same sex in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and would not be recognized by this state as a marriage.

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 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 ( )."