HB320

71444-1

By Representatives Allen, Galliher, Albritton, Greeson, Thomas (E), Oden, Clouse, Hammon, Ison, McMillan, Brewbaker, Love, Bentley, McClendon, Greer, Wood, Hubbard, McClurkin, Hill, Morton, Humphryes, Beason, Ball, Payne, Carns, Sanderford, Gipson, Faust, Gaston, Williams (J), Williams (N) and Collier

(Constitutional Amendment)

RFD: Constitution and Elections

First Read: 08-FEB-05

71444-1:n:02/02/2005:JRC/LRS2005-625

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, to provide further for the definition of marriage as a legal union of one man and one woman as husband and wife and that marriage between persons of the same sex is prohibited.

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide further for the definition of marriage as a legal union of one man and one woman as husband and wife, to provide that marriage between persons of the same sex is prohibited, and to provide that the extension of specific legal benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes shall be considered and treated in all respects as having no legal force or effect in this state.

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) This amendment shall be known and may be cited as the Alabama Marriage Amendment.

(b) The Legislature finds that 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 the unique relationship in order to promote, among other goals, the stability and welfare of society and its children.

(c) In this state, a marriage may only be entered into by one man and one woman as husband and wife.

(d) In this state, a relationship between persons of the same sex shall not be construed as a common law marriage.

(e) In determining the meaning of any act of the Legislature, or of any ruling, regulation, or interpretation of the various administrative agencies of the state, the term "marriage" means the legal union of one man and one woman as husband and wife, and the term "spouse" refers only to a person of the opposite sex who is a husband or wife.

(f) Marriage between persons of the same sex is prohibited in this state. Any such marriage is against the strong policy of this state. Any such marriage shall have no legal force or effect in this state and, if attempted to be entered into in this state, is void ab initio and shall not be recognized by this state. Any such marriage entered into in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state.

(g) The recognition or extension by the state of specific legal benefits of a "legal marriage" to nonmarital relationships between persons of the same sex or different sexes is against the strong public policy of this state. Any public act, record, or judicial proceeding of this state that extends specific benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes is void ab initio. Any public act, record, or judicial proceeding of any other state, country, or other jurisdiction outside this state that extends specific legal benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state.

Section 2. An election upon the proposed amendment shall be held on the date of the next General 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 further for the definition of marriage as a legal union of one man and one woman as husband and wife, to provide that marriage between persons of the same sex is prohibited, and to provide that the extension of specific legal benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes shall be considered and treated in all respects as having no legal force or effect in this state.

"Proposed by Act _____."

This description shall be followed by the following language:

"Yes ( ) No ( )."