

1 SB109
2 72133-3
3 By Senators Mitchem, Dial, Roberts, Biddle, Barron, Denton,
4 Holley, Preuitt, Mitchell, Dixon, and Little (T)
5 (Constitutional Amendment)
6 RFD: Judiciary
7 First Read: 01-FEB-05

SB109

ENROLLED, 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) This amendment shall be known and may be cited as the Sanctity of Marriage Amendment.

(b) 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

1 children. A marriage contracted between individuals of the
2 same sex is invalid in this state.

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

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

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

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

17 (g) A union replicating marriage of or between
18 persons of the same sex in the State of Alabama or in any
19 other jurisdiction shall be considered and treated in all
20 respects as having no legal force or effect in this state and
21 shall not be recognized by this state as a marriage or other
22 union replicating marriage.

23 Section 2. An election upon the proposed amendment
24 shall be held in conjunction with the next special, primary,
25 or general election and shall be held in accordance with

1 Sections 284 and 285 of the Constitution of Alabama of 1901,
2 as amended, and the election laws of this state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to provide that no marriage license shall be
10 issued in Alabama to parties of the same sex and that the
11 state shall not recognize a marriage of parties of the same
12 sex that occurred as a result of the law of any other
13 jurisdiction.

14 "Proposed by Act _____."

15 This description shall be followed by the following
16 language:

17 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB109
Senate 08-FEB-05
I hereby certify that the within Act originated in and passed
the Senate.

McDowell Lee
Secretary

House of Representatives
Amended and passed 08-MAR-05

Senate concurred in House amendment 10-MAR-05

By: Senator Mitchem