**State marriage amendments**

**Alabama - Constitution**

AMENDMENT 774 RATIFIED

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

(c) 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.

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

(e) 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.

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

(g) A union replicating marriage of or between persons of the same sex in the State of Alabama or 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 as a marriage or other union replicating marriage.

**Alaska – Constitution**

Section 1.25 - Marriage.
To be valid or recognized in this State, a marriage may exist only between one man and one woman.

**Arizona – Constitution**

ARTICLE XXX. MARRIAGE
1. Marriage

Section 1. Only a union of one man and one woman shall be valid or recognized as a marriage in this state.

**Arkansas – Constitution**

Amend. 83.

1. Marriage. Marriage consists only of the union of one man and one woman.

2. Marital status. Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the legislature may recognize a common law marriage from another state between a man and a woman.

3. Capacity, rights, obligations, privileges, and immunities. The legislature has the power to determine the capacity of persons to marry, subject to this amendment, and the legal rights, obligations, privileges, and immunities of marriage

**California – Constitution**

Art. I, § 7.5 Only marriage between a man and a woman is valid or recognized in California.

**Colorado – Constitution**

Article 2, § 31

Only a union of one man and one woman shall be valid or recognized as a marriage in this state.

**Florida – Constitution**

Art. I, § 27. Marriage defined.—Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

**Georgia – Constitution**

Art. I, § IV Marriage.

Paragraph I. Recognition of marriage. (a ) This state shall recognize as marriage only the union of man and woman. Marriages between persons of the same sex are prohibited in this state.

(a) No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage. This state shall not give effect to any public act, record, or judicial proceeding of any other state or jurisdiction respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state or jurisdiction . The courts of this state shall have no jurisdiction to grant a divorce or separate maintenance with respect to any such relationship or otherwise to consider or rule on any of the parties' respective rights arising as a result of or in connection with such relationship.

**Hawaii – Constitution**

Art. I, § 23. The legislature shall have the power to reserve marriage to opposite-sex couples.

Law Journals and Reviews
The Hawai`i Marriage Amendment: Its Origins, Meaning and Fate. 22 UH L. Rev. 19.
The Future of Same-Sex Marriage. 22 UH L. Rev. 119.
The Fine Line Between Love and the Law: Hawai`i's Attempt to Resolve the Same-Sex Marriage Issue. 22 UH L. Rev. 149.
The Defense of Marriage Act: Sex and the Citizen. 24 UH L. Rev. 279.

**Idaho – Constitution**

Art. III, § 28. MARRIAGE. A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.

**Kansas – Constitution**

Art. 14 § 16: Marriage.
(a) The marriage contract is to be considered in law as a civil contract. Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void.
(b) No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage.

**Kentucky – Constitution**

§ 233A. Valid or recognized marriage -- Legal status of unmarried individuals.
Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

**Louisiana – Constitution**

Art. XII, § 15. Defense of Marriage
Section 15. Marriage in the state of Louisiana shall consist only of the union of one man and one woman. No official or court of the state of Louisiana shall construe this constitution or any state law to require that marriage or the legal incidents thereof be conferred upon any member of a union other than the union of one man and one woman. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. No official or court of the state of Louisiana shall recognize any marriage contracted in any other jurisdiction which is not the union of one man and one woman.

**Michigan – Constitution**

Art. I, § 25
Marriage.

Sec. 25. To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.

**Mississippi – Constitution**

Article 14, Section 263A. Marriage defined as only between a man and a woman. Marriage may take place and may be valid under the laws of this State only between a man and a woman. A marriage in another State or foreign jurisdiction between persons of the same gender, regardless of when the marriage took place, may not be recognized in this State and is void and unenforceable under the laws of this State.

**Missouri – Constitution**

Marriage, validity and recognition.
Section 33. That to be valid and recognized in this state, a marriage shall exist only between a man and a woman.

**Montana – Constitution**

Art. XIII, GENERAL PROVISIONS
Section 7. Marriage. Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state.

**Nebraska - Constitution**

I-29. Marriage; same-sex relationships not valid or recognized.
Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.

**Nevada - Constitution**

Art. I, Sec: 21. Limitation on recognition of marriage. Only a marriage between a male and female person shall be recognized and given effect in this state

**North Carolina – Proposed Amendment**

PROPOSED AMENDMENT
SECTION 1. Article 14 of the North Carolina Constitution is amended by adding the following new section:
"Sec. 6. Marriage.
Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts."

**North Dakota – Constitution**

Section 28. Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.

**Ohio - Constitution**

Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

**Oklahoma - Constitution**

SECTION II-35. Marriage defined – Construction of law and Constitution – Recognition of out-of-state marriages – Penalty.

A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

B. A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.

C. Any person knowingly issuing a marriage license in violation of this section shall be guilty of a misdemeanor.

**Oregon - Constitution**

Art. XV, Section 5a. Policy regarding marriage. It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage.

**South Carolina - Constitution**

SECTION 15. Lawful domestic unions recognizable in State; domestic unions created in another jurisdiction.

A marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized in this State. This State and its political subdivisions shall not create a legal status, right, or claim respecting any other domestic union, however denominated. This State and its political subdivisions shall not recognize or give effect to a legal status, right, or claim created by another jurisdiction respecting any other domestic union, however denominated. Nothing in this section shall impair any right or benefit extended by the State or its political subdivisions other than a right or benefit arising from a domestic union that is not valid or recognized in this State. This section shall not prohibit or limit parties, other than the State or its political subdivisions, from entering into contracts or other legal instruments.

**South Dakota – Constitution**

Art. XXI, § 9. Marriage. Only marriage between a man and a woman shall be valid or recognized in South Dakota. The uniting of two or more persons in a civil union,

domestic partnership, or other quasi-marital relationship shall not be valid or recognized in South Dakota.

**Tennessee – Constitution**

Sec. 18. Marital contract defined.

The historical institution and legal contract solemnizing the relationship of one (1) man and one (1) woman shall be the only legally recognized marital contract in this state. Any policy or law or judicial interpretation, purporting to define marriage as anything other than the historical institution and legal contract between one (1) man and one (1) woman, is contrary to the public policy of this state and shall be void and unenforceable in Tennessee. If another state or foreign jurisdiction issues a license for persons to marry and if such marriage is prohibited in this state by the provisions of this section, then the marriage shall be void and unenforceable in this state.

**Texas – Constitution**

Sec. 32. MARRIAGE.

(a) Marriage in this state shall consist only of the union of one man and one woman.

(b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.

**Utah – Constitution**

Article I, Section 29. [Marriage.]

(1) Marriage consists only of the legal union between a man and a woman.

(2) No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.

**Virginia – Constitution**

Section 15-A. Marriage.

That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions. This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.

**Wisconsin - Constitution**

Marriage. SECTION 13. [As created Nov. 2006] Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.