THE LEGAL EFFECTS OF AMENDMENT 1 TO THE NORTH CAROLINA CONSTITUTION
### Proposed House Bill (H.B. 777, 2011)

<table>
<thead>
<tr>
<th>Language of the Proposed Amendment:</th>
<th>Language of Existing N.C. Law:</th>
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<tbody>
<tr>
<td>“Marriage is the union of one man and one woman at one time. No other relationship shall be recognized as a valid marriage by the State.”</td>
<td>“A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each as husband and wife, ...”</td>
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“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.”
Amendment Proponent Rep. Paul Stam:

- “The meaning of ‘legal union’ as a judicially recognized status is concrete and clear in the context of family relationships. In federal law, ‘’marriage’ means only a legal union between one man and one woman as husband and wife...’” 1 U.S.C. §7 (2005). . . . The word ‘‘domestic’’ was added to the words ‘legal union’ to clarify that other legal arrangements, such as business partnerships, would not be affected by this amendment.”

Feb. 7, 2012
“Legal Union” in Section 3 of DOMA

“In determining the meaning of any Act of Congress, . . . the word 'marriage' means only a legal union between one man and one woman as husband and wife”
“Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State.”
California’s Proposition 8 (2008)

“If only marriage between a man and a woman is valid or recognized in California.”
AMENDMENT TYPE II: BAN ON SAME-SEX MARRIAGE AND SIMILAR STATUS

Alabama Const. Art. I, Sec. 36.03(g)

“A union replicating marriage of or between persons of the same sex . . . shall be considered and treated in all respects as having no legal force or effect . . . and shall not be recognized by this state as a marriage or other union replicating marriage.”
Amendment Type III: Ban Extends to Giving Unmarried Couples More Limited Rights

PROPOSED N.C. AMENDMENT

“Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. . . .”
Rights that Would be Affected

• Bar NC from passing same-sex marriage.
• Bar NC from passing civil unions.
• Invalidate existing domestic partnership benefits by municipalities (for ALL unmarried couples).
• Bar NC from passing limited status for unmarried couples like domestic partnerships.
• Bar NC from passing second-parent adoptions.
**Rights that could be Affected**
*(for all unmarried couples)*

- Domestic violence protections for unmarried couples.
- Parenting rights of unmarried partners developed to further the best interests of the child.
- Could prevent state from passing in the future:
  - Right to family hospital visitation privileges.
  - Right to make medical decisions if partner is incapacitated.
  - Right for domestic partners to make funeral and burial arrangements for one another.
  - Right to inherit from one another if they die without a will.
  - Right to be named guardian or conservator if one partner becomes incapacitated.
The End.
Thank you!