WHAT YOU SHOULD KNOW ABOUT THE LEGAL EFFECTS OF THE DOMESTIC LEGAL UNION AMENDMENT
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• **Summary:** By banning *domestic legal unions* other than marriage, the amendment would limit unmarried couples’ rights over their most important life decisions, whether these couples are same-sex or opposite-sex.

• **Amendment’s language extends beyond current law.** The proposed constitutional amendment is far broader than North Carolina’s current legal ban on same-sex marriage.
  - The current law bars any “marriage” except that between “a male and female person."
  - The proposed amendment states: “Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State.”

• **Amendment would certainly limit some rights beyond marriage.**
  - It would *ban civil unions*, which give same-sex couples the same rights as married couples, if the state sought to offer them in the future.
  - It would *bar the state from allowing unmarried couples to enter domestic partnerships*, which would give them a limited range of rights to care for one another, as a number of other states currently offer;
  - It would *prohibit the domestic partner insurance benefits* now offered by several local governments to their employees;

• **Scope of language is unclear and untested.** It is unclear what the term “domestic legal union” means, or how broadly the restriction on these unions applies. The term has never been interpreted by N.C. courts or courts in any other state.
• Courts could interpret language to threatens other rights. Because the language is unclear and untested, courts could find that it has the following impact on unmarried couples:

  o It could override existing **domestic violence protections for unmarried partners**. In fact, after passage of a similar amendment in Ohio, batterers in at least twenty-six separate cases had their domestic violence convictions dismissed or overturned. (Almost three years later, the Ohio Supreme Court ultimately restored domestic violence protections for unmarried partners, but only because the Ohio amendment’s language was narrower than our own.)

  o The Amendment could also prevent North Carolina from giving any further rights to committed couples in the future, as many states have done, including:

    ▪ the right to determine the **disposition of their deceased partner’s remains**;

    ▪ the right to make **medical decisions for their partner** if the partner becomes incapacitated;

    ▪ the right to **visit their partner in the hospital**;

    ▪ there is also some chance that courts would disallow **trusts, wills, and end-of-life directives** by one partner in favor of the other.