

WHAT YOU SHOULD KNOW ABOUT THE LEGAL EFFECTS OF AMENDMENT ONE

A proposal to amend the North Carolina Constitution will be on the ballot on May 8, 2012. The proposed Amendment on the ballot states "Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this state."

The Amendment bans much more than same-sex marriage: Current North Carolina law prohibits same-sex marriage. The proposed Amendment, however, prohibits the state from recognizing or treating as valid any "domestic legal union" except heterosexual marriage. In using this language, the Amendment would not just ban same-sex marriage, it would prohibit important protections for a broad range of North Carolina families.

The Amendment's language is vague and untested: The term, "domestic legal union" has never been used in North Carolina law before or interpreted by its courts. It is impossible to predict definitively how broadly courts will interpret the Amendment's prohibitions to extend, given its vague and untested language.

Besides prohibiting same-sex marriage, the Amendment would certainly have these far-reaching effects:

- North Carolina voters could not pass **civil unions** in the future
- State government could not allow unmarried couples to enter **domestic partnerships**, which would give them some rights and protections for themselves and their children
- Local governments could no longer offer **domestic partner insurance benefits to their employees**; this would eliminate the health-care benefits that Chapel Hill, Durham, Greensboro, and Mecklenburg and Orange Counties now provide to domestic partners and their children

Further, courts could interpret the Amendment to bar the state from giving *any* rights to unmarried couples and their families based on their relationships. The Amendment could take away:

- **child custody and parenting protections** that further the best interests of children
- **domestic violence and stalking protections** for unmarried people

The Amendment could also prevent North Carolina from giving any further protections to unmarried partners in the future, as many states have done, including allowing them:

- to make **emergency medical decisions for their partner**
- to **visit their partner in the hospital** if their partner becomes incapacitated
- to determine the **disposition of their deceased partner's remains**

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