

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 2438

Short Title: Defense of Marriage.

(Public)

Sponsors: Representatives Moore, Stiller, Hill, Crawford (Primary Sponsors); Allred, Almond, Barnhart, Blackwood, Blust, Brown, Brubaker, Capps, Clary, Cleveland, Cole, Culp, Current, Daughtrige, Dockham, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Hollo, Holloway, Holmes, Howard, Johnson, Justice, Justus, Kiser, Langdon, LaRoque, Lewis, McComas, McGee, McMahan, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Spear, Stam, Starnes, Steen, Vinson, Walend, Walker, West, Wiley, Wilson, and Wray.

Referred to: Rules, Calendar, and Operations of the House.

May 24, 2006

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article XIV of the North Carolina Constitution is amended by adding the following new section:

"Sec. 6. Marriage.

Marriage is the union of one man and one woman at one time. This is the only marriage that shall be recognized as valid in this State. The uniting of two persons of the same sex or the uniting of more than two persons of any sex in a marriage, civil union, domestic partnership, or other similar relationship within or outside of this State shall not be valid or recognized in this State. This constitution shall not be construed to require that marital status or the rights, privileges, benefits, or other legal incidents of marriage be conferred upon unmarried individuals or groups."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election to be held November 7, 2006, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

" [] FOR [] AGAINST

1 Constitutional amendment to provide that marriage is the union of one man
2 and one woman at one time. This is the only marriage that shall be recognized as valid
3 in this State. The uniting of two persons of the same sex or the uniting of more than two
4 persons of any sex in a marriage, civil union, domestic partnership, or other similar
5 relationship within or outside of this State shall not be valid or recognized in this State.
6 The constitution of North Carolina shall not be construed to require that marital status or
7 the rights, privileges, benefits, or other legal incidents of marriage be conferred upon
8 unmarried individuals or groups."

9 **SECTION 3.** If a majority of votes cast on the question are in favor of the
10 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
11 amendment to the Secretary of State. The Secretary of State shall enroll the amendment
12 so certified among the permanent records of that office. The amendment set out in
13 Section 1 of this act becomes effective January 1, 2007.

14 **SECTION 4.** This act is effective when it becomes law.