

Marriage Discrimination in State Constitutions

Last Updated Thursday, 04 December 2008

On November 4, 2008, voters passed marriage discrimination amendments in Arizona, California AND in Florida.

Read the actual texts of the 3 amendments that passed in 2008 and the 7 amendments that passed in 2006.

How do these amendments hurt unmarried people?

Thirty U.S. state constitutions now exclude same-sex couples from marriage. (Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin). Of those 30, two states prohibit same-sex unmarried relationships from having any legal recognition (Nebraska, Alabama). Of those 30, 15 states prohibit all unmarried relationships from having legal recognition that might be comparable to marriage (Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, Virginia, Wisconsin). These state constitutions were all recently amended and the amendments reverse a trend of expanding civil rights and fair labor practices for unmarried people.

AtMP opposes banning same-sex marriage because that discriminates against same-sex couples. Legalizing same-sex marriage would be one positive step in a broader movement toward recognizing family diversity in all its forms. Forty-four states have some form of law that bans same-sex marriage. Amending a state constitution prevents the state's courts from striking down these discriminatory laws. The majority of constitutional amendments further discriminate against not only same-sex couples but all unmarried Americans.

AtMP opposes constitutional definitions of marriage and prohibitions on the rights of unmarried people. Each state that amends its constitution in this mean-spirited manner further institutionalizes a hierarchy of relationships, unfairly privileging different-sex marriage and penalizing the great diversity of family types in which Americans increasingly choose to live for part or all of their lifetimes.

AtMP educates the public about how these restrictive constitutional amendments will harm individuals, couples and families, and mobilizes state residents to defeat the ballot measures.