

# HOUSE BILL No. 1153

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 1-1-5.6.

**Synopsis:** Marriage amendment ballot language. Requires that the question of approval of the constitutional amendment concerning marriage proposed by the 117th general assembly be placed on the 2014 general election ballot if the amendment is agreed to by the 118th general assembly. Prescribes the ballot language for the question. Describes the legislative intent of offering the constitutional amendment.

**Effective:** Upon passage.

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**Turner, Thompson**

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January 9, 2014, read first time and referred to Committee on Judiciary.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1153

A BILL FOR AN ACT to amend the Indiana Code concerning marriage.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 1-1-5.6 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **Chapter 5.6. Marriage Amendment to the State Constitution**

5 **Sec. 1.** As used in this chapter, "marriage amendment" refers  
6 to any amendment to Article 1 of the Constitution of the State of  
7 Indiana concerning marriage that was proposed by the one  
8 hundred seventeenth general assembly (P.L.231-2011) and agreed  
9 to by the one hundred eighteenth general assembly.

10 **Sec. 2.** The general assembly intends and establishes that the  
11 purpose of the marriage amendment is to restrict the state, through  
12 legislative, executive, or judicial action, from creating or  
13 recognizing a legal status between unmarried individuals  
14 equivalent or substantially similar to marriage between one (1)  
15 man and one (1) woman. The first sentence of the marriage  
16 amendment prohibits the recognition of marriage between persons



1 other than one (1) man and one (1) woman. The second sentence of  
 2 the marriage amendment prohibits the state from circumventing  
 3 the mandate of the first sentence by creating or recognizing a legal  
 4 status equivalent or substantially similar to marriage by a different  
 5 name.

6 **Sec. 3. The general assembly intends and establishes that the**  
 7 **marriage amendment does not prohibit or restrict in any way:**

8 (1) the extension of employment benefits by private sector  
 9 employers, political subdivisions of the state, or state  
 10 educational institutions to any beneficiary designated by an  
 11 employed individual;

12 (2) the adoption and enforcement of local ordinances granting  
 13 to any category or class of persons equal opportunities for  
 14 education, employment, access to public conveniences, access  
 15 to accommodations, or acquisition of property or to rent  
 16 property;

17 (3) an individual from entering into or enforcing terms of a  
 18 power of attorney, a will, a trust, or another similar lawful  
 19 agreement or instrument (regardless of name) established for  
 20 the benefit of another person;

21 (4) an individual from giving or enforcing a lawful consent or  
 22 other instrument (regardless of name) that grants powers,  
 23 rights, or privileges to, imposes obligations on, or provides for  
 24 the use by or transfer of property to another person;

25 (5) the protections provided under Indiana's domestic  
 26 violence laws or who may qualify for protection from  
 27 domestic violence; or

28 (6) action by the general assembly to protect or provide for  
 29 the property, health, or safety of unmarried persons by  
 30 appropriate legislation.

31 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) If the**  
 32 **amendment to Article 1 of the Constitution of the State of Indiana**  
 33 **concerning marriage proposed by the one hundred seventeenth**  
 34 **general assembly (P.L.231-2011) is agreed to by the one hundred**  
 35 **eighteenth general assembly, the amendment shall be submitted to**  
 36 **the electors of the state at the 2014 general election in the manner**  
 37 **provided for the submission of constitutional amendments under**  
 38 **IC 3.**

39 (b) Under Article 16, Section 1 of the Constitution of the State  
 40 of Indiana, which requires the general assembly to submit  
 41 constitutional amendments to the electors at the next general  
 42 election after the general assembly agrees to the amendment



1 referred to it by the last previously elected general assembly, and  
2 in accordance with IC 3-10-3, the general assembly prescribes the  
3 form in which the public question concerning the ratification of  
4 this state constitutional amendment must appear on the 2014  
5 general election ballot as follows:

6 **"PUBLIC QUESTION #1**

7 **Shall the Constitution of the State of Indiana be amended by**  
8 **adding the following language to Article 1:**

9 **"Section 38. Only a marriage between one (1) man and one (1)**  
10 **woman shall be valid or recognized as a marriage in Indiana.**

11 **A legal status identical or substantially similar to that of**  
12 **marriage for unmarried individuals shall not be valid or**  
13 **recognized."?".**

14 **(c) This SECTION expires July 1, 2017.**

15 **SECTION 3. An emergency is declared for this act.**

