



SPECIAL REPORT

50-State Survey Of Marriage Protection Amendments

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[At this writing, 27 states have constitutional amendments](#) banning same-sex marriage. Forty-one states have laws banning same-sex marriage.

TVC supports constitutional amendments that ban both homosexual marriage and homosexual civil unions—which provide the same legal benefits to homosexuals as married couples under the law. It is clear that much work needs to be done to defend marriage not only at the state level but at the national level through a constitutional amendment. A federal Defense of Marriage Act (DOMA) protects states from being forced to recognize out-of-state homosexual marriages.

Alabama: A constitutional amendment banning same-sex marriage was approved in June, 2006.

Alaska: Defense of Marriage Act is law and part of the state constitution. ACLU is suing to force the state to grant marriage benefits to unmarried couples.

Arizona: Voters rejected a constitutional amendment on marriage in 2006.

Arkansas: On Nov. 2, 2004, voters passed a constitutional amendment that bans homosexual marriage and forbids any civil unions or other unmarried arrangements synonymous to homosexual marriage. Vote was 75% to 25%.

California: In June, 2008, the California Supreme Court ruled that homosexual marriages should be legal in the state. To counter this effort, pro-family forces were successful in putting a marriage amendment on the ballot for November 2008. The marriage amendment will embed marriage as a one-man, one-woman union in the California State Constitution.

Colorado: Voters approved a constitutional amendment banning same-sex marriage in 2006.

Connecticut: No DOMA (Defense of Marriage Act) or constitutional amendment but adoption law refers to marriage as one man, one woman union. Connecticut Senate passed homosexual civil unions bill in April, 2005. It went into effect on October 1, 2005.

Delaware: DOMA as state law; no constitutional amendment.

Florida: Constitutional amendment will be voted on in November, 2008.

Georgia: On Nov. 2, 2004, voters passed a marriage amendment by a 76% margin and bans civil unions. It is being challenged by homosexuals.

Hawaii: Constitutional amendment bans same-sex marriage but state grants limited benefits

to same-sex partners.

Idaho: Voters approved a marriage amendment in 2006.

Illinois: DOMA enacted but constitutional amendment failed.

Indiana: State law prohibits same-sex marriage.

Iowa: DOMA as state law. Senate voted down constitutional amendment protecting marriage. A new marriage amendment has been submitted.

Kansas: Voters on April 5, 2005 passed a constitutional amendment defining marriage as a one man, one woman union. It passed by a 70% margin.

Kentucky: Voters on Nov. 2, 2004 passed a marriage amendment by a 75% margin. It bans homosexual marriage and civil unions.

Louisiana: DOMA as state law. Voters approved constitutional amendment banning same-sex marriage and civil unions by 4-to-1 margin. Vote overturned by liberal judge on Oct. 5, 2004. The case is in now in court awaiting a decision.

Maine: DOMA as state law. Constitutional amendment failed in House and Senate.

Maryland: State law prohibits same-sex marriage.

Massachusetts: In 2003, the Massachusetts Supreme Judicial Court ordered the legislature to enact a law granting marriage to homosexuals. In July, 2008, the Massachusetts legislature voted to remove residency requirement for out-of-state homosexual marriages.

Michigan: On Nov. 2, 2004, voters passed an amendment banning same-sex marriage and civil unions by a 59% margin.

Minnesota: DOMA as state law but constitutional amendment failed when legislature adjourned in May without voting on it. A marriage amendment is under consideration in 2005.

Mississippi: On Nov. 2, 2004, voters passed an amendment by an 86% margin. It bans same-sex marriage and does not recognize homosexual marriages from other states. Does not ban civil unions.

Missouri: DOMA as state law and written into the state constitution.

Montana: On Nov. 2, 2004, voters passed an amendment banning same-sex marriage by a 67% margin. ACLU is suing for spousal benefits for homosexuals. Does not ban civil unions.

Nebraska: DOMA is in the state constitution. ACLU sued to overturn amendment. In May, 2005, a federal judge declared DOMA unconstitutional. He was overruled in 2006 and the amendment was reinstated.

Nevada: DOMA written into the state constitution.

New Hampshire: State law bans same-sex marriage.

New Jersey: In 2006, Gov. Jon Corzine signed a bill permitting homosexuals to enter into civil unions.

New Mexico: Legislature killed marriage amendment in 2005.

New York: No DOMA. Bills recognizing or banning same-sex marriage have been introduced but none have passed yet. ACLU and Lambda Legal are suing for “right” to marry homosexuals.

North Carolina: An amendment was submitted in 2005.

North Dakota: 73% of the voters on Nov. 2, 2004 chose to amend the constitution to ban homosexual marriage and any other counterfeit of marriage, including civil unions.

Ohio: 62% of the voters on Nov. 2, 2004, voted to ban same-sex marriage and civil unions.

Oklahoma: 76% of the voters on Nov. 2, 2004, voted to protect marriage. The amendment bans any homosexual marriage/civil unions. Homosexuals are suing to overturn federal DOMA.

Oregon: 57% of the voters on Nov. 2, 2004, passed a constitutional amendment banning same-sex marriage. Does not ban civil unions.

Pennsylvania: DOMA as state law; constitutional amendment to be introduced.

Rhode Island: No DOMA. State Attorney General says state constitution mandates homosexual marriage.

South Carolina: Voters passed marriage amendment in 2006.

South Dakota: Voters passed a marriage amendment in 2006.

Tennessee: Voters passed a marriage amendment in 2006.

Texas: Voters passed an amendment protecting traditional marriage in November 2005.

Utah: 66% of the voters on Nov. 2, 2004, voted to protect marriage by banning homosexual marriage and civil unions.

Vermont: Homosexual civil unions are legal in this state. No DOMA has passed.

Virginia: Marriage amendment was passed in 2006.

Washington: DOMA as state law.

West Virginia: DOMA as state law. Law challenged by ACLU but it is upheld by state Supreme Court.

Wisconsin: Voters passed a marriage amendment in 2006.

Wyoming: Legislature killed amendment effort in 2005.

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