

**IN AND FOR THE STATE OF FLORIDA
FLORIDA SUPREME COURT**

Case No. SC05-1563

ADVISORY OPINION TO THE)
ATTORNEY GENERAL)
RE: FLORIDA MARRIAGE PROTECTION)
AMENDMENT)
_____)

NOTICE OF SUPPLEMENTAL AUTHORITIES

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Florida4Marriage.org, proponent of the Florida Marriage Protection Amendment (the “Amendment”), notifies the Court of the following supplemental authorities:

On November 8, 2005, after submission of Proponent’s Initial Brief, Texas voters enacted a constitutional amendment defining marriage. The amendment, Art. 1, sec. 32 of the Constitution, provides:

- (a) Marriage in this state shall consist only of the union of one man and one woman.
- (b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.

Eighteen additional states have adopted constitutional amendments defining marriage, as follows(in alphabetical order):

Alaska: Art. I, sec. 25 (1998): “To be valid or recognized in this State, a marriage may exist only between one man and one woman.”

Arkansas: Amendment 83 (2004):

Section 1. Marriage consists only of the union of one man and one woman.

Section 2. Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the legislature may recognize a common law marriage from another state between a man and a woman.

Section 3. The legislature has the power to determine the capacity of persons to marry, subject to this amendment, and the legal rights,

obligations, privileges, and immunities of marriage.

Georgia: Art I, sec. 4, paragraph 1 (2004):

(a) This state shall recognize as marriage only the union of man and woman. Marriages between persons of the same sex are prohibited in this state.

(b) No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage. This state shall not give effect to any public act, record, or judicial proceeding of any other state or jurisdiction respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state or jurisdiction. The courts of this state shall have no jurisdiction to grant a divorce or separate maintenance with respect to any such relationship or otherwise to consider or rule on any of the parties' respective rights arising as a result of or in connection with such relationship.

Hawaii: Art. I, sec. 23(1998): “The Legislature shall have the power to reserve marriage to opposite-sex couples.”

Kansas: Art. 15, sec. 16 (2005):

(a) The marriage contract is to be considered in law as a civil contract. Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void.

(b) No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage.

Kentucky: Sec. 233A (2004):

Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

Louisiana: Art. XII, sec. 15 (2004):

Marriage in the state of Louisiana shall consist only of the union of one man and one woman. No official or court of the state of Louisiana shall construe this constitution or any state law to require that marriage or the legal incidents thereof be conferred upon any member of a union other than the union of one man and one woman. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. No official or court of the state of Louisiana shall recognize any marriage contracted in any other jurisdiction which is not the union of one man and one woman.

Michigan: Art. I, sec. 25 (2004):

To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.

Missouri: Art. I, sec. 33 (2004): “That to be valid and recognized in this state, a marriage shall exist only between a man and a woman.”

Mississippi: Sec. 263-A (2004):

Marriage may take place and be valid under the laws of this state only between a man and a woman. A marriage in another state or foreign jurisdiction between persons of the same gender, regardless of when the marriage took place, may not be recognized in this state and is void and unenforceable under the laws of this state.

Montana: Art. XII, sec. 7 (2004): “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state.”

Nebraska: Art. I, sec. 29 (1999):

Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.

Nevada: Art. I, sec. 21 (2001): “Only marriage between a man and a woman shall be valid or recognized in Nevada.”

North Dakota: Art. XI, sec. 28 (2004):

Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.

Ohio Art. XV, sec. 11 (2004):

Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

Oklahoma: Art. 2, sec. 35 (2004):

A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

B. A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.

C. Any person knowingly issuing a marriage license in violation of this section shall be guilty of a misdemeanor.

Oregon: Art. XV, sec. 5a (2004):

It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage.

Utah: Art. I, sec. 29 (2004):

Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. mail delivery this 6th day of February, 2006, to the following:

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