



**Issue
Fact
Sheet**

Anti-LGBT, Anti-Marriage Constitutional Amendments

Oppose Discrimination in the North Carolina Constitution Oppose Senate Bill 1228/House Bill 2438

Discrimination has no place in our Constitution. Senate Bill 1228 and House Bill 2438, the so-called “Defense of Marriage” bills are attempts to write discrimination into our State’s most important document: our Constitution. The State Constitution is a document that enshrines and protects the rights of individuals. The proposed amendment would tarnish this document by explicitly denying basic civil rights to a group of citizens in our state.

It’s about more than marriage. The bill would not only deny equal marriage rights, which are already denied lesbian, gay, bisexual and transgender North Carolinians, but would also prohibit any recognition of civil unions, domestic partnerships, or similar relationships in the state. The language of the bill is so broad it could prevent private companies from extending domestic partner benefits to their employees.

The amendment deceives North Carolina voters. If Senate Bill 1228 passes, all voters would see on the ballot was an up or down vote on limiting marriage to one man and one woman. They wouldn’t be informed that the amendment also bans any form of relationship recognition for same-sex couples, and could limit the rights of unmarried opposite-sex couples.

The amendment would have unintended consequences. Since the passage of 16 state constitutional amendments in 2004 and 2005, we have already seen this kind of vague and undefined language used in broad ways. In Ohio, Cuyahoga County (Cleveland) is dismissing domestic violence charges against unmarried defendants, domestic partner benefits have been limited in Ohio and Michigan, and a Utah attorney is claiming the constitutional amendment there invalidates a protective order taken out against a man by his ex-girlfriend. The proposed amendment has broad language that would lead to similar problems here in North Carolina.

The amendment does nothing to address the state’s real problems. Our state faces major budget decisions. Nearly 1 in 6 North Carolinians has no health care coverage. 1.5 million North Carolinians are poor. The state legislature has numerous pressing issues that need to be addressed; spending time on writing discrimination into our state constitution is not one of these pressing issues.

The amendment is bad for the economy. Research has shown that innovative companies prefer to locate in areas that are welcoming to their gay employees. As we try to create new jobs and industry across the state, the amendment would send the wrong signal to major employers.

The Numbers

15 State legislatures rejected similar amendments in 2004.

143,680 Unmarried couples in North Carolina could be harmed by the broad language of the amendment, according to the 2000 Census.

94% of state legislators who voted *against* discriminatory amendments in 2004 won re-election, a higher re-elect rate than average, according to an Equality Federation/HRC study.