



# FAMILY ISSUE FACT SHEET

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## **HCR 2065/ SCR 1038 Marriage Amendment Referendum**

### **EXECUTIVE SUMMARY**

Marriage is and has always been defined as the union of one man and one woman. Arizona affirmed marriage in 1996 with a statute that prohibits marriage between persons of the same sex and stipulates that Arizona will not recognize the same-sex “marriages” of another state.<sup>1</sup> However, Arizona’s current law defining marriage as one man and one woman cannot control what a future court or legislature will do with marriage. The marriage amendment eliminates this uncertainty.

### **BACKGROUND**

Twenty-seven states have passed constitutional amendments protecting the definition of marriage as the union of one man and one woman. These amendments have passed with the support of more than sixty percent of the electorate in nearly all states, and many with more than seventy or eighty percent.<sup>2</sup> Marriage is a unifying issue for Americans. It cuts across religious beliefs, cultural backgrounds, and political associations. All but five states have either a statute or constitutional provision protecting the traditional definition of marriage.<sup>3</sup>

The Arizona Marriage Referendum gives the people the right to decide the future of marriage in Arizona. The constitutional amendment keeps the definition of marriage out of the hands of judicial and legislative activists. The Arizona Marriage Referendum simply reads: “Only a union between one man and one woman shall be valid or recognized as a marriage in this state.”

### **TALKING POINTS**

- **This amendment brings Arizonans together on an issue where there is widespread agreement – that marriage is the union of one man and one woman.** The majority of Arizonans believe marriage should remain one man and one woman. This referendum allows the voters to decide if the Arizona Constitution should reflect and protect that belief.
- **The people should decide the future of marriage in Arizona.** This amendment allows the people of Arizona to decide the future of marriage in our state – not the judges; not the politicians. The people have the right to define marriage in our state constitution.
- **This amendment was not considered by the voters in 2006.** This amendment is not about disagreements about benefits or domestic partnerships. This amendment simply is about defining marriage as the union of one man and one woman.

## CONCLUSION

The majority of Arizonans agree that marriage should be between one man and one woman. This referendum allows the people to decide whether the state constitution should reflect and protect that belief. The constitutional amendment keeps the decision about the definition of marriage in the hands of the people, instead of in the hands of judges or politicians.

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<sup>1</sup> A.R.S. §§ 25-101 and 25-112.

<sup>2</sup> CNN, *America Votes 2006: Key Ballot Measures*, (Nov. 2006), <http://www.cnn.com/ELECTION/2006/pages/results/ballot.measures/>; Thomas Roberts & Sean Gibbons, *11 States Approve Constitutional Amendments To Outlaw Gay Nuptials*, CNN.com (Nov. 3, 2004), <http://www.cnn.com/2004/ALLPOLITICS/11/02/ballot.samesex.marriage/index.html>.

<sup>3</sup> DOMA Watch, Alliance Defense Fund, *Issues by State*, <http://www.domawatch.org/stateissues/index.html> (last visited Feb. 10, 2008).