Same Sex Marriage, Civil Unions and Domestic Partnerships

Last Update: April, 2010

Quick facts on key states:

**Issues marriage licenses to same-sex couples:** Massachusetts, Connecticut, California*, Iowa, Vermont, New Hampshire, District of Columbia

**Recognizes same-sex marriages from other states:** Rhode Island, New York, Maryland

**Allows civil unions, providing state-level spousal rights to same-sex couples:** New Jersey *(Note: In Connecticut, Vermont and New Hampshire, same sex marriage has replaced civil unions.)*

**Statewide law provides nearly all state-level spousal rights to unmarried couples (Domestic Partnerships):** California, Oregon, Nevada, Washington

**Statewide law provides some state-level spousal rights to unmarried couples (Domestic Partnerships):** Hawaii, Maine, District of Columbia, Wisconsin

* The California Supreme Court ruled on May 15, 2008 that same sex couples have the right to marry in California. Proposition 8, which limits marriage to one man and one woman, was passed on November 4, 2008. The decision was appealed. Same-sex marriages performed before Proposition 8 was passed will remain valid, but same sex marriages are no longer performed in California.

Resources

NCSL's [Same-sex marriage timeline](#) provides a chronological account of significant events related to same-sex marriage since 2003.

A chart summarizing [civil unions/domestic partnership state statutes](#) provides information and links to laws in states that allow civil unions or domestic partnerships.

A table listing states with statutes defining marriage between one man and one woman, constitutional amendments defining marriage between one man and one woman, states without any laws prohibiting same sex marriage and states with constitutional amendments on the ballot this year.

States offering [benefits to same-sex partners of state employees](#).

Same-Sex Marriage Overview

In November 2003, the Massachusetts Supreme Judicial Court ruled that barring same-sex couples from civil marriage was unconstitutional. The Senate then asked the Court for an advisory opinion on the constitutionality of a proposed law that would bar same-sex couples from civil marriage but would create civil unions as a parallel institution, with all the same benefits, protections, rights and responsibilities under law. In February, the Court answered, "segregating same-sex unions from opposite-sex unions cannot possibly be held rationally to advance or preserve" the governmental aim of encouraging "stable adult relationships for the good of the individual and of the community, especially its children." Under this decision, the state of Massachusetts began issuing marriage licenses to same sex couples in May 2004.

This ruling is part of a larger public discussion of "marriage" and "family" that started in 1993 when the Hawaii Supreme Court ruled that laws denying same-sex couples the right to marry violated state constitutional equal protection rights unless the state could show a "compelling reason" for such discrimination. In 1996, a trial court ruled that the state had no such compelling reason and the case headed back to the Supreme Court. Voters adopted a Constitutional amendment in 1998, before the final ruling was issued, giving the Legislature the power to reserve marriage to opposite-sex couples and effectively ending the lawsuit.

In April 2000, Vermont approved landmark legislation to recognize civil unions between same-sex couples, granting them virtually all the benefits, protections and responsibilities that married couples have under Vermont law. The Vermont legislation was a result of the state Supreme Court ruling in *Baker v. Vermont* that said same-sex couples
are entitled, under the state constitution's "Common Benefits Clause," to the same benefits and protections as married opposite-sex couples. The court ruled that the Vermont Legislature must decide how to provide these benefits and protections, either by legalizing marriage for same-sex couples or by establishing an alternative system. In April 2005, Connecticut became the first state to legalize civil unions without prompting from the courts.

The Vermont Legislature chose to preserve marriage as the "legally recognized union of one man and one woman," but at the same time create a parallel system of civil unions for same-sex couples that goes beyond existing "domestic partnership" and "reciprocal beneficiaries" laws that exist in California and Hawaii and in many localities in the U.S. today.

In October, 2006, the New Jersey Supreme Court ordered the legislature to redefine marriage to include same-sex couples or to establish a separate legal structure, such as civil unions, to give same-sex couples the same rights as heterosexual marriage couples. In late 2006, the New Jersey legislature passed a statute allowing civil unions beginning February 19, 2007. New Hampshire passed legislation authorizing civil unions, which took effect on January 1, 2008.

In May, 2009, Vermont became the first state where the legislature, without judicial mandate, passed legislation to and allows states to do the same. Since 1996, Congress enacted the Defense of Marriage Act (DOMA) in 1996, which bars federal recognition of same-sex marriages and allows states to do the same. Since 1996, many states have enacted legislation prohibiting same-sex marriages or the recognition of same-sex marriages formed in another jurisdiction. States have traditionally recognized marriages solemnized in other states, even those that go against the marriage laws of that particular state. Under the full faith and credit clause of the U.S. Constitution, states are generally required to recognize and honor the public laws of other states, unless those laws are contrary to the strong public policy of that state.

Over half of the states have passed language defining marriage between a man and a woman in their state constitutions. Arizona is the only state where a constitutional amendment on the ballot in a general election has failed (2006). Typically, constitutional amendments have passed with an overwhelming majority.

There have been several proposals before Congress to amend the federal Constitution, defining marriage as between a man and a woman and ensuring that states would not be required to recognize same-sex marriages from other jurisdictions. President Bush has announced his support for such an amendment, however, he is receptive to allowing states to "define other arrangements." This could indicate that the President does not favor enacting a federal ban on civil union or domestic partnership laws. Opponents of the amendment cite federalism concerns in addition to support for same-sex marriages. A constitutional amendment requires 2/3 of the U.S. House and Senate and 3/4 of the state legislatures for enactment. For a summary of proposed federal legislation from 2002 to present, click here.

Defense of Marriage Acts (DOMA)

Congress enacted the Defense of Marriage Act (DOMA) in 1996, which bars federal recognition of same-sex marriages and allows states to do the same. Since 1996, many states have enacted legislation prohibiting same-sex marriages or the recognition of same-sex marriages formed in another jurisdiction. States have traditionally recognized marriages solemnized in other states, even those that go against the marriage laws of that particular state. Under the full faith and credit clause of the U.S. Constitution, states are generally required to recognize and honor the public laws of other states, unless those laws are contrary to the strong public policy of that state.

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Defense of Marriage Acts (DOMA)

Forty-one states currently have statutory Defense of Marriage Acts. Three of those states have statutory language that pre-dates DOMA (enacted before 1996) defining marriage as between a man and a woman. Thirty states have defined marriage in their constitutions. Arizona is the only state that has ever defeated a constitutional amendment defining marriage between a man and a woman (2006), but subsequently passed one in 2008.

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**In October, 2008, the Connecticut Supreme Court invalidated the state statute banning same-sex marriage.**

***In April, 2009, the Iowa Supreme Court invalidated the state statute banning same sex marriage.***

The three states that had statutory language defining marriage pre-dating DOMA are Wyoming (1957), Maryland (1973) and New Hampshire (1987).

For more information on same sex marriage issues, please contact Christine Nelson in NCSL's Denver office at 303.364.7700 or cyf-info@ncsl.org. For federal marriage issues, contact either Sheri Steisel or Lee Posey in the D.C. office at 202.624.5400 or fedhumserv-info@ncsl.org.
TIMELINE - Same Sex Marriage

State Legislatures and courts have struggled with the issue of same sex relationships for more than ten years now. This timeline covers recent events beginning with the Massachusetts Supreme Judicial Court decision in November 2003 that held rules and laws barring same sex marriages to be unconstitutional.

2003

November 2003

11/18- Massachusetts Supreme Judicial Court rules state constitution guarantees equal marriage rights for same sex couples

January 2004

1/20- State of the Union address: President Bush says we must “defend the sanctity of marriage”

February

2/4- Massachusetts S.J.C. answers question posed by the Senate, whether civil unions would be considered constitutional (no)
2/12- San Francisco, CA - Mayor Gavin Newsome authorizes city officials to issue marriage licenses to same sex couples, marries couples himself
2/20- Sandoval County, NM - County Clerk issues licenses, approx. 26 couples marry in front of the courthouse
2/20- New Mexico Attorney General issues opinion that same sex marriage is illegal in NM
2/24- President Bush announces support for federal constitutional amendment
2/27- New Paltz, NY - Mayor Jason West begins performing same sex marriages (no licenses- in NY, city clerks are not authorized to issue marriage licenses)

March

3/1- Ithaca, NY - Mayor Carolyn Peterson begins accepting marriage license applications from same sex couples and forwarding them to the state
3/2- New Paltz, NY Mayor charged with 19 counts of marrying people without a marriage license (a misdemeanor)
3/3- Multnomah County (Portland), OR – County Attorney issues legal opinion that county rules violate state constitution, Chairwoman Diane Linn orders rules changed, marriage licenses granted to same sex couples, couples marry
3/3- New York Attorney General Eliot Spitzer issues opinion that same sex marriage is illegal in NY because of "husband and wife" and "bride and groom" language in statute, but that same sex marriages from elsewhere must be recognized
3/5- New York Judge bars New Paltz Mayor from performing same sex marriages for one month, West says he will abide by judge’s decision while "considering legal options"
3/8- Seattle, WA - Mayor Greg Nickels signs an executive order that the city shall recognize same sex marriages among municipal workers and extend all the benefits of heterosexual spouses
3/8- Asbury, NJ - Deputy Mayor James Bruno solemnizes the marriage of two men who applied for a license
3/9- San Jose, CA – City council votes to offer identical benefits to all married city employees, extending better benefits to married same sex employees than were available under the city’s domestic partnership registry
3/9- New Jersey Attorney General warns Asbury city officials that they face prosecution on misdemeanor charges of issuing invalid marriage licenses and marrying people without licenses
3/10- Asbury, NJ city council votes 5-0 to stop issuing marriage licenses and performing weddings for same sex couples, and to file a lawsuit seeking a court opinion
3/11- California Supreme Court orders immediate halt to San Francisco same sex marriages and agreed to hear a case on the legality of those proceedings in May or June
3/11- Massachusetts’ Legislature votes to amend the state constitution to ban same sex marriage but allow civil unions
3/23- New Mexico judge issues a temporary restraining order to prevent the Sandoval County Clerk from issuing more marriage licenses to same sex couples
3/24- Benton County, OR stops issuing marriage licenses to all couples until the state decides the same sex marriage issue, in order to “treat everyone in the county equally”
3/29- Massachusetts’ Legislature votes a second time to amend the state constitution to ban same sex marriage but allow civil unions

April

4/20- Oregon circuit court judge orders halt to same sex marriages in Multnomah County, saying a state Supreme Court ruling is needed on the issue, but orders the state to recognize the 3,000 same sex marriages already performed there
4/20- California’s Assembly Judiciary Committee passes bill that would allow same sex marriage, the first legislative body to do so, but the legislation must pass the full Assembly before going to the Senate
4/20- Massachusetts lawmaker begins proceedings to have the four Supreme Judicial Court justices who formed the majority in the Goodridge case fired
4/26- Massachusetts Governor’s top legal counsel tells state justices of the peace to resign if they are unwilling to officiate at same sex marriages next month
4/27- Thirteen Massachusetts legislators file suit with the Supreme Judicial Court claiming it did not have the power to legalize same sex marriage

May

5/13- Federal judge rules against plaintiffs in Massachusetts case seeking to block same sex marriage
5/14- First U.S. Circuit Court of Appeals (Boston) refuses to immediately block same sex marriage, but agrees to hear case in June
5/14- U.S. Supreme Court declines to block municipal clerks in MA from issuing marriage licenses to same sex couples
5/15- Phoenix, AZ- Three pastors marry 40 same sex couples in an act of civil disobedience (it is illegal in AZ for a minister to knowingly solemnize a marriage for a couple without a license)
5/17- Same sex couples begin marrying in Massachusetts

July

7/13- Takoma Park, MD City Council unanimously passes resolution in favor of same sex marriage
7/13- New Paltz, NY town justice drops all charges against ministers who performed same sex marriages for couples with no licenses
7/14- U.S. Senate votes to block constitutional amendment to ban same sex marriage
7/22- U.S. House of Representatives approves legislation that would prohibit federal courts from overturning parts of the federal Defense of Marriage Act

August

8/3- Missouri voters approve amendment, adding language to state constitution that “to be valid and recognized in this state a marriage shall exist only between a man and a woman”
8/4- Washington Superior Court judge in King County rules the state’s Defense of Marriage Act unconstitutional
8/12- California Supreme Court rules that San Francisco government officials "exceeded their authority" when they legalized same-sex marriages earlier this year, nullifies the marriages
8/18- Massachusetts Superior Court judge declines to issue preliminary injunction against 1913 law that prevents out-of-state couples from receiving marriage licenses if the marriage would not be recognized in their home state
8/20- Louisiana Civil District judge rules unconstitutional the vote on proposed state constitutional amendment banning same sex marriage (scheduled for Sept. 18th)
8/23- Michigan's Board of State Canvassers votes to keep proposed constitutional ban on same sex marriage off the ballot in November

September

9/2- Louisiana Supreme Court dismisses three appeals that would block the September vote on a constitutional amendment, vote will go forward on the 18th
9/7- Washington Superior Court judge in Thurston County rules state ban on same sex marriage unconstitutional, the two Superior Court rulings will be combined in an appeal to the state Supreme Court
9/10- New York Supreme Court justice rejects the idea of invalidating more than 250 same sex marriages
9/18- Louisiana voters approve constitutional amendment
9/30- U.S. House of Representatives votes against federal constitutional amendment banning same sex marriage

October

10/5- Louisiana District Judge nullifies recently adopted constitutional amendment, ruling the issue was not properly and legally presented to voters

November

11/2- Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon and Utah voters approve constitutional amendments banning same sex marriage in those states
11/22- A Vermont family court rules that both parties in a same sex civil union are legal parents of a child
11/29- U.S. Supreme Court declines to hear case aimed at overturning the Massachusetts law that legalized same sex marriage

December

12/7- New York state court rules same sex couples were not denied equal protection, due process or free speech rights when denied the right to marry
January 2005

1/19- Louisiana Supreme Court reverses the District Court ruling that nullified recently adopted constitutional amendment, stating "each provision of the amendment is germane to the single object of defense of marriage and constitutes an element of the plan advanced to achieve this object"

1/19- U.S. District Court rules in favor of federal Defense of Marriage Act, says government has a legitimate interest in allowing states to ban same sex marriage

February

2/4- New York Supreme Court justice rules state law prohibiting same sex marriage is unconstitutional, concluding the right to marry the person of one's choosing is both a privacy right and a liberty right

March

3/05-Washington Supreme Court hears arguments appealing two lower court decisions ruling in favor of same-sex marriage

3/14- California Superior Court judge rules ban on same sex marriage is unconstitutional, writing "the state's protracted denial of equal protection cannot be justified simply because such constitutional violation has become traditional."

3/31- Governor of Maine signs into law a bill that adds sexual orientation to list of characteristics protected from discrimination in employment, housing or access to public accommodations. Bill specifies no connection to same sex marriage is implied or created.

April

4/5- Kansas voters approve constitutional amendment banning same sex marriage, becoming the 18th state to do so

4/13- Oregon Supreme Court overturns Multnomah County same sex marriages, stating that the marriage licenses were issued to same sex couples without authority and were void at the time they were issued.

4/15- New York City becomes the sixth locality in the state of New York to announce it will recognize same sex marriages and civil unions performed in other jurisdictions. Other localities are Brighton, Buffalo, Ithaca, Nyack and Rochester.

4/20- Connecticut legislature passes first same sex civil union bill in the nation not driven by a court decision.

4/22- Navajo Nation Tribal Council votes to ban same sex marriage, plural marriage and marriage between close relatives on tribal land in Arizona, New Mexico and Utah.

May

5/1- Navajo President Joe Shirley Jr. vetos the measure to ban same sex marriage.

5/2- Federal Court strikes down Nebraska's same-sex marriage ban in the state constitution.

June

Federal Court in California rules that Federal DOMA (Defense of Marriage Act) is constitutional.

September

California legislature becomes first legislative body in US to pass a bill legalizing same-sex marriage without a court order. Governor Arnold Schwarzenegger vetoes the legislation.
October

Alaska's Supreme Court rules that state and municipal governments must provide the same benefits to same-sex partners of employees that spouses receive.

November

- Texas approves a constitutional amendment prohibiting same-sex marriage.
- Maine voters reject a ballot initiative, keeping a gay-rights, anti-discrimination law approved by the legislature in March.
- A district court in Oregon throws out a suit challenging Oregon's constitutional amendment barring same-sex marriage.

December

- Opponents of same-sex marriage in Massachusetts collect enough signatures to force the legislature to consider a constitutional ban on same-sex marriage. A statewide vote could not occur until 2008, at the earliest.

January 2006

- Maryland Circuit Court rules that the state law banning same-sex marriage is discriminatory and "cannot withstand constitutional challenge." The case being heard by the Court of Appeals.

June

- Alabama passes a constitutional amendment defining marriage between one man and one woman.

July

- The New York Court of Appeals issues a decision upholding New York's marriage laws as constitutional. A trial court had earlier found that limiting marriage to a union between a man and a woman was unconstitutional. An appellate court reversed that decision.
- The Washington Supreme Court also upholds Washington's state laws regarding marriage as constitutional, despite a lower court ruling to the contrary.
- The Massachusetts Supreme Judicial Court rules that a proposed ballot initiative to define marriage between a man and a woman does not "reverse" previous judicial decision, which allowed gay marriage, and can move forward procedurally.

October

- The New Jersey Supreme Court orders the legislature to redefine marriage to include same-sex couples or to establish a separate legal structure to provides same-sex couples the same benefits as opposite sex couples.

November

- South Dakota, South Carolina, Virginia, Wisconsin, Tennessee, Colorado and Idaho pass constitutional amendments defining marriage between a man and a woman.
- Arizona becomes the only state in which a constitutional amendment to define marriage between a man and woman fails.

December

- The New Jersey legislature passes a statute establishing civil unions. The measure is signed by Governor Jon Corzine.
January 2007

-Massachusetts legislators pass a bill allowing a proposed constitutional amendment banning same-sex marriage to move forward.

February

The Rhode Island Attorney General issues a legal opinion allowing Rhode Island to recognize same sex marriages performed in Massachusetts, saying that the state prohibited discrimination based on sexual orientation and did not explicitly prohibit same sex marriage.

April

The Washington legislature approves a bill creating domestic partnerships, granting some of the rights married couples. The bill is signed by Governor Gregoire.

May

New Hampshire legislature approves a measure establishing civil unions. Governor Lynch signs the bill, which is effective January 1, 2008.

Oregon legislators pass a comprehensive domestic partnership statute, granting nearly all rights afforded to married couples to same-sex couples (similar to California's domestic partnerships). The bill is signed by Governor Kulongoski.

Maryland legislators pass two bills providing limited benefits to domestic partners. The first provides hospital visitation; the second allows domestic partners to transfer property deeds without fees. Both bills are signed by Governor O'Malley. The state does not have a domestic partner registry.

June

Massachusetts legislators pass legislation preventing a proposed constitutional amendment banning same-sex marriage from being placed on the ballot.

August

A Polk County Judge in Iowa overturns the state law banning same-sex marriage and orders the county recorder to allow marriage licenses for same-sex couples. The county is appealing the ruling to the Iowa Supreme Court.

September

The Maryland Supreme Court overturns a lower court decision ruling that same-sex couples do not have the right to marry.

May 2008

The California Supreme Court rules that banning same-sex marriage is unconstitutional. The ruling does not take effect until June, 2008. A ballot initiative, not yet certified, could allow voters to overturn this decision by amending the state constitution to define marriage between one man and one woman.

November

California voters pass Proposition 8, which amends the California state constitution to define marriage between one man and one woman. The vote is challenged in court, on the grounds that it was an illegal constitutional revision. Oral arguments will be heard in the state Supreme Court on March 5, 2009.
2009

April

The Iowa Supreme Court rules that banning same-sex marriage is unconstitutional. The ruling takes effect immediately and marriages can be performed beginning April 24, 2009.

The Vermont legislature passes a statute allowing same-sex marriage. Governor Douglas vetoed the bill, but the veto is overridden by the legislature. Vermont is the first state in which legislature, not the courts, authorized same-sex marriage.

The District of Columbia Council passes a resolution to recognize same-sex marriages performed in other states.
Civil Unions & Domestic Partnership Statutes
January, 2010

Christine Nelson

Civil Unions

Vermont

(Note: Vermont passed same sex marriage in May, 2009. As of September 1, 2009, civil unions are no longer available. However, civil unions entered into prior to September 1, 2009 will remain valid.)

Among the rights and responsibilities available to Vermont residents who enter into a civil union are:

- Responsibility for supporting each other “to the same degree and in the same manner as prescribed under law for married persons”;
- State tax benefits;
- Improved access to family health insurance policies and joint credit;
- The right to leave work to care for an ill partner;
- Co-parenting privileges and responsibilities for any child who becomes the child of one or both partners during the civil union;
- Automatic preference for the guardianship of, and medical decision making for, a partner should he or she become incapacitated;
- Inheritance rights (even without a will); and
- Equal access to state separation, divorce, child custody, child support and property division laws if the civil union ends.

http://www.sec.state.vt.us/otherprg/civilunions/civilunionlaw.html

New Hampshire

(Note: The New Hampshire legislature passed same sex marriage legislation in May, 2009 which will go into effect on January 1, 2010. All civil unions will be merged into marriage no later than January, 2011, unless otherwise annulled or dissolved. http://www.gencourt.state.nh.us/legislation/2009/HB0436.html)

In 2007 the Legislature passed a bill that created the legal status of civil unions. Parties to a civil union are entitled to all of the state-level spousal rights and responsibilities. Governor Lynch signed the bill into law, and it became effective January 1, 2008.


Connecticut

(Note: Connecticut now allows same sex marriage. On October 1, 2010, civil unions will cease to be provided and existing civil unions will be automatically converted to marriages.)

Same-sex couples in Connecticut are able to enter into civil unions thanks to a law that went into effect Oct. 1, 2005. Civil unions offer same-sex couples some of the benefits of marriage under state law, but none of the federal protections (such as Social Security survivor benefits), and there is no guarantee that the unions will be recognized by other states or the federal government.

The civil unions bill was approved by the Connecticut Legislature in April 2005 and signed by Gov. M. Jodi Rell. Before passing it, however, the state House of Representatives attached an amendment defining marriage as between a man and a woman. Connecticut was the first state to establish civil unions voluntarily, without having been ordered to do so by a court.


New Jersey  (has both Civil Unions and Domestic Partnerships)
Same-sex couples in New Jersey will be able to enter into civil unions beginning in February 2007. Civil unions offer same-sex couples state-level spousal rights and responsibilities, but none of the federal protections (such as Social Security survivor benefits), and there is no guarantee that the unions will be recognized by other states or the federal government. The domestic partnership law that was passed in 2004 will be available only to opposite-sex couples over the age of 62.

http://www.njleg.state.nj.us/2006/Bills/PL06/103_.HTM


**Domestic Partnerships**

**California**

California has passed three pieces of legislation that provide rights and responsibilities to registered domestic partners (same-sex couples and opposite-sex couples over the age of 62 are eligible to register). Assembly Bill 26 passed in 1999 established the statewide domestic partner registry and conferred a handful of rights which included hospital visitation and the right of state and local employers the ability to offer health care coverage to the domestic partners of their employees. Assembly Bill 25 was passed in 2001 and extended the rights of domestic partners to include the right to make medical decisions, the right to inherit when partner dies without a will, the right to use state step-parent adoption procedures, the right to use sick leave to care for a domestic partner and the right to be appointed as administrator of estate. In 2003 Assembly Bill 205 was passed, basically extending all of the state-level rights and responsibilities of marriage to domestic partners. The rights and responsibilities associated with Assembly Bill 205 went into effect on Jan. 1, 2005.

http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=00001-01000&file=297-297.5

**Oregon**

As of January 1, 2008, same-sex couples in Oregon will be able to enter into domestic partnerships that provide the same rights, benefits, and responsibilities as marriage under state law, thanks to the Oregon Family Fairness Act, Public Law Number 99, Oregon HB 2007 (2007). Domestic partnerships will offer same-sex couples the benefits of marriage under state law, but none of the federal protections (such as Social Security survivor benefits), and there is no guarantee that the partnerships will be recognized by other states or the federal government. (*Note: Law has not yet taken effect due to a federal court decision delaying implementation issued December, 2007.*)

www.leg.state.or.us/07reg/measures/hb2000.dir/hb2007.en.html

**Washington**

With a 2009 expansion of the law originally passed in 2007, registered domestic partners were afforded nearly all statewide spousal rights. However, this expansion was challenged by a ballot measure to repeal the additional benefits, Referendum 71, which passed in November, 2009. Washington's domestic partner law remains unchanged and provides a full scope of domestic partner benefits.


**Maine**

*(Note: The Maine legislature passed same sex marriage in 2009. However, the law was challenged by a ballot measure, Initiative 1, which passed November 3rd, 2009. The law was subsequently repealed.)*

Registered domestic partners are eligible for limited rights, including:

- Inheritance without a will
- Making funeral and burial arrangements
- Entitlement to be named a guardian or conservator if partner becomes incapacitated or to be named a representative to administer a deceased partner’s estate
- Entitlement to make organ and tissue donation
- Explicit protection in the state’s domestic violence laws
  http://janus.state.me.us/legis/statutes/22/title22sec2710.html

**Hawaii**

In 1997 the Hawaii Legislature passed a law that allows same-sex couples to enter into a reciprocal beneficiary relationship. Couples secure the following benefits from a reciprocal beneficiary relationship: inheritance without a will, ability to sue for the wrongful death of their reciprocal beneficiary, hospital visitation and health care decisions, consent to postmortem exams, loan eligibility, property rights (including joint tenancy), tort liability and protection...
under Hawaii domestic violence laws.

The Hawaii Reciprocal Beneficiaries law was enacted July 8, 1997. The law provides limited state rights to same-sex couples, relatives and friends. The law "represents a commitment to provide substantially similar government rights to those couples who are barred by law from marriage." Among the benefits extended to non-married reciprocal beneficiaries under the law are: property rights, including joint tenancy; the right to visit your partner in a hospital and make health care decisions for her or him; ability to inherit property without a will; and protection under Hawaii's domestic violence laws. (Hawaii's law establishes reciprocal beneficiaries, which is not limited to same-sex couples and can be used to contractually bind two parties, even those who may be already related, such as a brother and sister.)

http://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0572C/HRS_0572C-.htm

District of Columbia

(Note: In 2009, the DC Council passed a law recognizing same sex marriages performed in other states. At the end of 2009, the DC Council passed a resolution to allow same sex marriage in the District of Columbia.)

In 1992 the District of Columbia City Council passed a law that allows unmarried couples to register as domestic partners. Since that time, several rights have been added, including hospital visitation, the right to make medical decisions, the right to control the remains of a deceased partner, the right to take sick leave to take care of a partner and the right to sue for the wrongful death of a partner.

(DC's domestic partner registry was created in law in 1992, but Congress prohibited DC from expending any public money on the registry. This ban was lifted in 2002.)

Citations: D.C. Code §1-307.68; §1-612.31, 32(b); §3-413; §16-1001; §5-113.31, 33; §21-2210; §32-501, 701, 704, 705(a), 705(b), 705(c), 705(d), 706; §42-1102, 3404.02(b)(c), 3651.05(c)(3); §47-858.03; §47-902; §50-1501.02(e)(4) and various other section of the D.C. Code.

Nevada

In June, 2009, the Nevada Assembly overrode the Governor's veto establishing a statewide registry for domestic partners. The benefits are substantially comparable to the rights and responsibilities afforded in traditional marriage, though employers are not mandated to provide health care coverage for domestic partners.


Wisconsin

In June, 2009, the Wisconsin legislature passed a law establishing a statewide domestic partnership registry. Registered domestic partners in Wisconsin are now afforded some of the spousal benefits of marriage, including: inheritance and survivor protections, family and medical leave, medical/hospital visitation rights and exemption from the real estate transfer fee.

Wisconsin has a constitutional amendment defining marriage between one man and one woman. The amendment includes a clause that bans any legal status that is identical or substantially similar to marriage. Wisconsin is the first state with this type of constitutional amendment to also establish a domestic partner registry. The registry is being challenged in court.


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