

# VOTE NO X ON 1

## *What is being asked of Hawaii voters?*

CONSTITUTIONAL BALLOT QUESTION #1: Removal of Specific Language Concerning the Authority of the Legislature to Reserve Marriage to Opposite-Sex Couples

Shall the state constitution be amended to repeal the legislature's authority to reserve marriage to opposite-sex couples?

## *What does the Hawaii Constitution say about marriage?*

Section 23 Hawaii State Constitution.

**The legislature shall have the power to reserve marriage to opposite-sex couples.**

[Add HB 117 (1997) and election Nov 3, 1998]

## *History of the issue.*

In 1991, same-sex couples filed a lawsuit entitled Baehr v. Lewin against the Department of Health challenging the DOH's interpretation of Hawaii's marriage law as reserving marriage to opposite-sex couples. Hawaii Supreme Court in Baehr ruled in 1993 that the burden rested on the state to overcome the presumption that Hawaii's marriage law was unconstitutional and the trial court in Baehr subsequently ruled that the state did not overcome the presumption and therefore the statute violated the Hawaii Constitution. In response, the legislature proposed a constitutional amendment to effectively overrule the courts' holding regarding the issue and allow the legislature to define marriage as a union between a man and a woman.

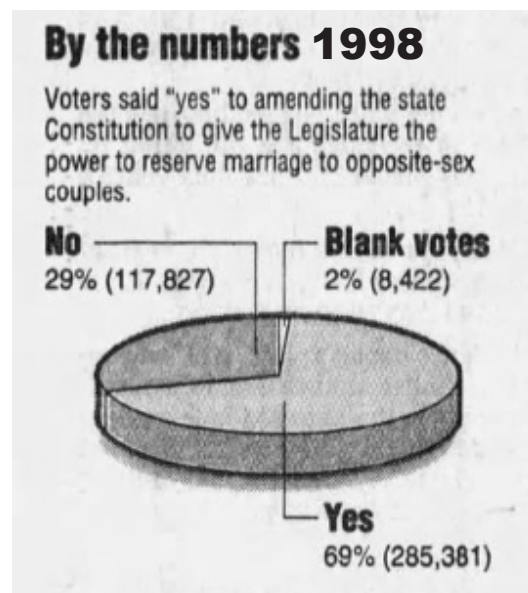
In 1998, Hawaii voters were therefore asked whether the constitution should be amended to grant the legislature this power. The voters overwhelmingly approved the proposed amendment. The percentage of blank votes was the lowest in voting history, reflecting the voters' clear understanding that a blank vote counted as a "No" vote.

## *What does a Yes, No, or Blank vote mean for the 2024 amendment?*

Voting "Yes" will remove the language that says, "the legislature shall have the power to reserve marriage to opposite-sex couples." This action would effectively take away the option under the Hawaii Constitution for Hawaii's citizens to decide on marriage definitions through their legislature

Voting "No" keeps the current language in place, maintaining the legislature's authority to define marriage.

A Blank Vote: A blank vote is automatically counted as a "No" vote.



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**VOTE NO ON 1. LET THE PEOPLE DECIDE.**