

## **BILL ANALYSIS**

H.J.R. 6  
By: Chisum  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

During the 78th Regular Session the Texas Legislature passed SB 7, sometimes known as “the Defense of Marriage Act (DOMA).” While Texas law prohibited issuing a marriage license to persons of the same sex, SB 7 made a marriage between persons of the same sex or a civil union contrary to the public policy of this state and void in this state. To this end, the measure included a provision stipulating that Texas would not recognize a marriage between persons of the same sex or a civil union in this state, regardless of the jurisdiction in which it was created.

Thirty-nine states have passed similar DOMA laws (two through public referendums). Five other states have laws that pre-date DOMA laws, but essentially accomplish the same purpose.

In addition to DOMA laws, fifteen states have constitutional amendments defining marriage as a union of a man and a woman.

Lawsuits challenging state DOMA laws are pending in at least 13 states and in federal court. As further litigation is filed in numerous states and in federal court, states have decided the best way to protect their DOMA laws is to pass constitutional amendments. Six other states are working on passage of an amendment during the coming year. Three additional states passed amendments in the last legislative session and must pass them once more before sending them to the voters.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Article I of the Texas Constitution by adding Section 32 to define marriage in this state as the union of one man and one woman.

Provides for election date of November 8, 2005 and specifies ballot language.

### **EFFECTIVE DATE**

If approved by the voters, H.J.R. 6 could take effect November 8, 2005 or on the date the votes are canvassed.