

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2004

## House Concurrent Resolution No. 5033

By Committee on Federal and State Affairs

2-3

12 A PROPOSITION to amend article 15 of the constitution of the state of  
13 Kansas by adding a new section thereto, concerning marriage.

14

15 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
16 *members elected (or appointed) and qualified to the House of Repre-*  
17 *sentatives and two-thirds of the members elected (or appointed) and*  
18 *qualified to the Senate concurring therein:*

19 Section 1. The following proposition to amend the constitution of the  
20 state of Kansas shall be submitted to the qualified electors of the state  
21 for their approval or rejection: Article 15 of the constitution of the state  
22 of Kansas is amended by adding a new section thereto to read as follows:

23 “§ 16. **Marriage. (a)** The marriage contract is to be considered in  
24 law as a civil contract. Marriage shall be constituted by one man  
25 and one woman only and the rights, **[benefits,]** privileges and in-  
26 cidents of marriage shall inure only to the ~~benefit of~~ parties to such  
27 a marriage. All other marriages are declared to be contrary to the  
28 public policy of this state and are void.”

29 “**(b) No relationship other than a marriage between one man**  
30 **and one woman shall be recognized by the state as being**  
31 **entitled to the ~~benefits~~ [rights, benefits, privileges and inci-**  
32 **ents] of marriage.”**

33 Sec. 2. The following statement shall be printed on the ballot with  
34 the amendment as a whole:

35 “*Explanatory statement.* There is currently no constitutional provision  
36 regarding the marriage relationship.

37 “A vote for this proposition would provide in the constitution that  
38 marriage is a civil contract between a man and a woman and that  
39 all other marriages are void, **and that no relationship other than**  
40 **a marriage between one man and one woman shall be rec-**  
41 **ognized by the state as being entitled to the ~~benefits~~ [rights,**  
42 **benefits, privileges and incidents] of marriage.**

43 “A vote against this proposition would allow the legislature to continue

1           ~~to determine by statute the nature of the marriage relationship will~~  
2           **not amend the Kansas constitution in the manner described**  
3           **above.”**

4           Sec. 3. This resolution, if approved by two-thirds of the members  
5           elected (or appointed) and qualified to the House of Representatives, and  
6           two-thirds of the members elected (or appointed) and qualified to the  
7           Senate, shall be entered on the journals, together with the yeas and nays.  
8           The secretary of state shall cause this resolution to be published as pro-  
9           vided by law and shall cause the proposed amendment to be submitted  
10          to the electors of the state at the general election in November in the  
11          year 2004 unless a special election is called at a sooner date by concurrent  
12          resolution of the legislature, in which case it shall be submitted to the  
13          electors of the state at the special election.