

Option J

N.C. Constitutional Amendments Publication Commission

Explanation of the proposed Amendment to Article 14 of the North Carolina Constitution

The 2011 General Assembly, in S.L. 2011-409, enacted a proposed amendment to the North Carolina Constitution which reads as follows:

Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts.

A current North Carolina law enacted in 1996 says that marriage between individuals of the same sex are not valid in North Carolina. This amendment would make that concept part of the North Carolina Constitution. If this amendment is passed by the voters, then under state law it can only be changed by another vote of the people.

The term “domestic legal union” used in the amendment is not defined in North Carolina law. There is debate among legal experts about how this proposed constitutional amendment may impact North Carolina law as it relates to unmarried couples of same or opposite sex and same sex couples legally married in another state, particularly in regard to employment-related benefits for domestic partners; domestic violence laws; child custody and visitation rights; and end-of-life arrangements. The courts will ultimately make those decisions.

The amendment also says that private parties may still enter into contracts creating rights enforceable against each other. This means that unmarried persons, businesses and other private parties may be able to enter into agreements establishing personal rights, responsibilities, or benefits as to each other. The courts will decide the extent to which such contracts can be enforced.

Averages

Sentences per Paragraph	2.5
Words per Sentence	21.5
Passive Sentences	40%
Flesch Reading Ease	37.4
Flesch-Kincaid Grade Level	12.0

Readability