

**Florida Marriage Protection Amendment  
LWVF Position  
Terry Coble, VP Program Planning**

At its March 15, 2008 meeting the Board of the LWVF voted unanimously to **oppose** the so-called Florida Marriage Protection Amendment, which will be on the November 2008 ballot. This decision by the LWVF Board is in line with decisions by State Leagues throughout the country in opposition to similar state constitutional amendments, including the State Leagues of Massachusetts, Maryland, Hawaii, and Minnesota. Below is the basis for the Board's decision.

**Language of Proposed Florida Amendment:**

*Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.*

**Analysis:**

As is the case in the other states in which Leagues opposed constitutional amendments, the language of the Florida amendment makes invalid any legal union other than heterosexual marriage which is treated as the equivalent of marriage. In addition to barring gay marriage, this language also makes all domestic partnerships invalid, whether between people of opposite sexes or the same sex.

There is no specific LWVUS or LWVF position regarding invalidation of legal unions other than heterosexual marriage. However, the following LWVUS principles and positions are relevant:

**1. LWVUS Principle:**

**The LWV believes that ... no person or group should suffer legal, economic or administrative discrimination.<sup>1</sup>**

Discussion – The proposed amendment would contravene this principle by introducing legal discrimination against gay, lesbian and unmarried heterosexual couples into the state constitution in the form of a ban on marriage and domestic partnerships. By prohibiting legal recognition of such relationships, the ban would also deny such couples many economic and health benefits enjoyed by people who are married or have entered into domestic partnership agreements. For instance, invalidation of marriage between same-sex couples prevents them from benefiting from Social Security, pension, taxation and inheritance protections accorded to married couples. Invalidation of domestic partnerships affects the right of individuals to include life partners in health care insurance coverage, to advocate for loved ones in a hospital setting and to be consulted in health care and end-of-life decisions.

**2. LWVUS Public Policy Positions:**

**Individual Liberties. Oppose major threats to basic constitutional rights.**

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<sup>1</sup> The LWVUS principles are “concepts of government” to which the League subscribes. They are a descendant of the Platform, which served from 1942 to 1956 as the national repository for “principles supported and positions taken by the League as a whole in fields of government to which it has given sustained attention.” Since then, the Principles have served two functions, according to the LWVUS Bylaws: 1) authorization for adoption of national, state and local program (Article XII), and 2) a basis for taking action at the national, state and local levels (Article XII).

Discussion – In 1967, the U.S. Supreme Court found that the right to marry is a fundamental right, protected by the U.S. Constitution. *Loving v. Virginia*, 388 U.S. 1 (1967). The issue in the *Loving* case was the validity of a state prohibition against interracial marriage. The U.S. Supreme Court has not decided a case involving a prohibition against gay marriage; however the Supreme Court of Massachusetts has found that the right of gay couples to marry is constitutionally protected.

**Social Policy. Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.**

Discussion – By preventing unions other than heterosexual marriages from being recognized, the Marriage Protection amendment would deny equal rights and opportunity to gay and lesbian couples as well as to heterosexual couples who wish the protection of a legally recognized domestic partnership, but do not wish to marry. As noted above, the prohibition against marriage between same sex partners denies these couples many economic health benefits enjoyed by married people, such as Social Security, pension, tax, and inheritance protections. Similarly, making both domestic partnerships and same-sex marriage unlawful prohibits inclusion of life partners in health care insurance coverage, and prevents health care providers from acknowledging the authority of life partners in health care and end-of-life decisions.

The current LWVF State Program (2007-09) is also relevant to this issue:

**LWVF State Program 2007-2009:**

**Social Policy. Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.**

Discussion – The above LWVUS position is included in the LWVF State Program for 2007-09. The inclusion of this statement in the current State Program provides support for the LWVF to take action on the proposed amendment.



**THE LEAGUE OF WOMEN VOTERS OF FLORIDA**

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**PRESS ADVISORY, May 11, 2008**

The League of Women Voters of Florida opposes the so-called Florida Marriage Protection Amendment, which will be included in the ballot for the November 2008 election, because it would:

- (1) Prohibit all domestic partnerships (between opposite sex and same sex partners), as well as gay marriage;
- (2) Discriminate against life partners who wish to enjoy the legal, economic and administrative benefits of a legally recognized relationship but cannot or do not wish to marry;
- (3) Contravene accepted League of Women Voters principles of social, economic and health justice.

The language of the “Marriage Protection” amendment precludes recognition of any legal union that is “treated as marriage or the substantial equivalent thereof” other than heterosexual marriage. By its terms, this language prohibits legal recognition of both gay marriage and any form of domestic partnership, whether between persons of the same or opposite sex.

President Dianne Wheatley-Giliotti states that “The League of Women Voters has long held that no person or group should suffer legal, economic or administrative discrimination. The League of Women Voters of Florida believes that all life partners in Florida should be able to advocate for their loved ones in health care settings and participate in end-of-life decisions. By prohibiting recognition of any legal union that is treated as marriage or its substantial equivalent, the so-called “Marriage Protection” amendment would prevent this.”

The impact of this proposed constitutional prohibition would be far-reaching in its social and economic impact because of the many legal, economic and health benefits conferred by legally recognized marriage and domestic partnerships. For instance, invalidation of domestic partnerships affects the right of individuals to include life partners in health care insurance coverage, to advocate for loved ones in a hospital setting and to be consulted in health care and end-of-life decisions.

Said Vice-President Terry A. Coble, “The League believes that our government should promote social and economic justice. Both marriage and domestic partnership confer significant economic and legal benefits. The “Marriage Protection” amendment would prevent people from entering into private relationships that protect them economically and legally.”