

Frequently Asked Questions

About the North Carolina Marriage Protection Amendment

■ **What is the Marriage Protection Amendment?**

The North Carolina Marriage Protection Amendment would put our State's historic definition of marriage into the Constitution where it will be protected from being altered or overturned by legislators or activist judges, as has occurred in other states. The measure provides, "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."

■ **When do voters consider the Marriage Protection Amendment?**

The measure will appear on the North Carolina primary election ballot, presently set for May 8, 2012.

■ **Why is it necessary to enact the amendment now?**

North Carolina is the only remaining southern state that has not protected marriage in its constitution, and as threats to marriage are increasing, the Amendment is necessary to prevent activist judges or future legislatures from redefining marriage in North Carolina. As recently as October 2011, same-sex couples demanded marriage licenses in Asheville, setting up a potential legal challenge to North Carolina's laws defining marriage as the union of one man and one woman. In December 2011, such a lawsuit was filed challenging our state's marriage laws on state constitutional grounds. Among other things, the lawsuit charges that our marriage laws are unconstitutional because they do not allow same-sex couples to marry. By securing marriage as the union of one man and one woman in our state constitution, challenges such as this lawsuit will not be possible. Additionally, without the amendment, any same-sex couples "married" elsewhere could move to North Carolina and sue to have their "marriage" recognized by the State of North Carolina. These types of lawsuits have already been filed across the country in Texas, Oklahoma, Pennsylvania, New Jersey, Wyoming, New Mexico, Nebraska, Missouri, Indiana, and Rhode Island. Each of these lawsuits demands that the definition of marriage for *everyone* be permanently changed to suit the needs of just *one same-sex couple*.

■ **Does this amendment change the definition of marriage in North Carolina?**

No. The amendment takes our current definition of marriage as between one man and one woman and embodies it in our state Constitution, where activist judges and legislators cannot meddle with or overturn it.

■ **Why is marriage worth preserving?**

The institution of marriage predates government and has served as the foundation of family and society for thousands of years. Marriage is a deep social good, as it brings together the two halves of humanity—men and women—and provides the ideal environment for raising children. Marriage benefits men and women, their children, our economy, and the state as a whole. It is not merely a private contract, but a social institution of great public importance.

■ **What is the "Common Good" of Marriage?**

Marriage serves a vital and universal societal purpose – to channel biological drive and sexual passion into enduring family units that have the best opportunity to ensure the care and

education of any children produced by that biological drive and sexual passion. Indeed, the United States Supreme Court has said that marriage is, “fundamental to the very existence and survival of the [human] race.” By encouraging men and women to marry, society helps promote the ideal—that children will be known by and cared for by the man and woman responsible for bringing them into the world. The overwhelming body of social science evidence establishes that children do best when raised by their married mother and father in a low conflict marriage. While there are many different kinds of families, we all agree that, as a state, we should promote and encourage the best possible environment for our children, whether at home, school, or elsewhere. No matter one’s view of same-sex “marriage,” it is undeniable that every child born into a same-sex relationship is intentionally denied the love and affection of one of their biological parents.

■ **Why does the state need to be involved in marriage anyway?**

The answer can be summarized in one word: children. Protecting the interests of children is the primary reason that government regulates and licenses marriage in the first instance. Marriage between a man and a woman protects and promotes the well-being of children by allowing the children produced from the sexual union of the two adults to benefit from being raised by both her father and mother. While death, divorce, and other circumstances sometimes prevent it, children do best when raised by a loving mother and father within the bounds of a low-conflict marriage. Marriage is a special relationship in our society reserved exclusively for heterosexual unions because only the intimate relationship between men and women has the ability to produce children as a result of that sexual union.

■ **Does the amendment prohibit State and local government from providing for civil unions or domestic partnerships?**

The amendment is clear that marriage shall be the only domestic legal union valid or recognized in North Carolina. Civil unions and domestic partnerships *created in some states* are just marriage substitutes, and the Amendment will not allow legal recognition for any substitutes for marriage between a man and a woman.

■ **Does the amendment take away private contractual rights for unmarried couples?**

No. The second sentence of the Amendment is clear: “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.”

For instance, a private company could agree to provide legally enforceable health benefits to same-sex couples, and the couple could enforce this agreement in court.

■ **Does the amendment prohibit local governments or the UNC System from providing benefits to unmarried partners?**

No. The amendment would not prohibit the granting of benefits to an individual government employee and another person designated by him. The amendment does not prevent governments or universities within North Carolina from extending benefits to the same-sex partner of a student or employee.

■ **Does it interfere with benefits that private employers provide to gay couples?**

No. Nothing in the amendment interferes with any benefits that private employers provide to their employees and others.

■ **Will the amendment damage North Carolina’s economy?**

North Carolina is consistently ranked one of the best places to do business. The amendment will not change that, because it will not change North Carolina's current definition of marriage or business climate. If anything, the amendment will help our economy. States with a marriage protection amendment in their state constitution are some of our country's top performing economic states. Six of the "top ten performing states" for "creating jobs, economic development and prosperity in challenging times," as identified in a study published by the National Chamber Foundation, also have state marriage amendments in their constitutions. Finally, the Bureau of Labor Statistics reported in March that of the six states with the lowest unemployment rate, four of them had state marriage amendments. (Six of the ten states with the lowest unemployment rates had a state marriage amendment.)

■ **Does the amendment target same-sex couples or treat them unfairly?**

The amendment isn't against anyone, but pro-marriage and pro-North Carolina. The amendment doesn't change our marriage laws, but preserves our historic understanding of marriage by securing that definition in our constitution. Gays and lesbians have the right to live as they choose, and this amendment doesn't change that, but they do not have the right to redefine marriage for the rest of society.

■ **Shouldn't marriage be broad enough to accommodate the growing number of same-sex couples who are raising children?**

Gay activists are propounding the misperception that gay couples are raising children just like opposite sex couples do. The truth is that very few same-sex couples are raising children. According to the Williams Institute, a gay think tank at UCLA, only 22% of same-sex couples are raising children. (Most of those couples involve children from a prior heterosexual relationship.) Because the number of same-sex couples is so small, and because so few of them are raising children, only 0.12 percent of US households constitute same-sex couples raising children. Why should the definition of marriage be redefined for the 99.88% of households in order to accommodate the desires of the 0.12%?

■ **Does the amendment enshrine discrimination into our State Constitution?**

To define marriage as the union of one man and one woman, as it has always been, discriminates against nobody. The amendment does not interfere with how people choose to live, or prohibit the extension of benefits to unmarried couples. The amendment simply secures our state's enduring definition of marriage in our state constitution.

■ **Shouldn't we leave it to the legislature to make our laws?**

The constitution is the people's document and belongs to citizens, not the legislature. The only way that the North Carolina Constitution is ever amended is through the collective will of the people at the ballot box, and the legislature voted to give the people the opportunity to decide this issue at the ballot box. This vote gives every North Carolina voter a chance to have a say on how our constitution should read. Don't miss this opportunity to make your personal mark on the future of our state.

**To get involved in the campaign to adopt the Marriage Protection Amendment, go to
www.VoteFORMarriageNC.com**