

2005-2006 #109 Prohibition on Legal Status Similar to Marriage

1 **Amendment _ is a proposed amendment to the Colorado Constitution that:**

- 2 ♦ prohibits the state and local governments from creating or recognizing any legal
3 relationship similar to marriage as described in current Colorado statutes.

4 **Summary and Analysis**

5 Colorado statutes require that a marriage be between a man and a woman, and be
6 licensed, solemnized, and registered. Colorado statutes also recognize common law
7 marriage between a man and a woman who live together and hold themselves out publicly
8 as husband and wife. Spouses in a common law marriage have the same benefits and
9 responsibilities as those in a licensed marriage.

10 Amendment _ prohibits any legal relationship that is similar to marriage. It does
11 not define the phrase "similar to marriage." Without a definition of this phrase, the impact
12 of Amendment _ on other legal relationships is not clear.

13 **Argument For**

14 1) Establishing legal relationships that are similar to marriage dilutes the value of
15 the traditional family as the ideal protective and nurturing environment for raising children.
16 Amendment _ prevents potential harm to children by prohibiting legal relationships, such
17 as domestic partnerships, that extend marital rights and responsibilities to others.

18 2) Amendment _ does not prohibit same-sex couples from pursuing their personal
19 relationships. It only prohibits the state and local governments from legally sanctioning
20 such relationships. It also ensures that Colorado courts cannot recognize or create such
21 relationships.

22 **Argument Against**

23 1) The language used in the proposal is vague, which could lead to lengthy
24 litigation to determine its meaning and to unintended consequences. The proposal could
25 deny recognition of marriages from other states or countries where marriage requirements
26 are different than in Colorado.

1 2) Amendment _ could have the effect of prohibiting domestic partnerships and
2 voiding existing local government policies that extend benefits to same-sex couples.
3 Prohibiting legal recognition of these partnerships and voiding these policies undermines
4 the security and stability of same-sex families.

5 **Estimate of Fiscal Impact**

6 Amendment _ is not expected to affect state and local revenues or spending. Costs
7 that may result from potential legal challenges relating to the amendment are not included
8 as part of the fiscal impact.