

**2005-2006 #139 Constitutional Domestic Partnerships**

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

- 2       ♦ requires the legislature to enact statutes to provide for domestic partnerships;
- 3       ♦ defines the term "domestic partnership"; and
- 4       ♦ states that domestic partnerships are not similar to marriage.

5 **Summary and Analysis**

6           Under Colorado law, there is no process for same-sex couples to establish a legally  
7 binding relationship with legal protections, benefits, and responsibilities. Amendment \_  
8 establishes domestic partnerships as an option for two eligible adults of the same sex to  
9 legally commit to one another. The amendment requires the legislature to pass laws  
10 consistent with the rights and responsibilities listed in Referendum H, which establishes  
11 domestic partnerships. (The analysis of Referendum H is on page\_.)

12           Amendment \_ defines a domestic partnership as a legal relationship between two  
13 adults who are at least eighteen years of age and the same sex. The individuals may not  
14 be married, partners in another domestic partnership, or related by adoption or blood.

15 **Arguments For**

16           1) Placing Amendment \_ in the state constitution guarantees same-sex couples  
17 equal treatment under Colorado law. Amendment \_ provides committed same-sex couples  
18 legal protections, responsibilities, and benefits while making no change to the legal status  
19 of marriage, which consists of the union of one man and one woman.

20           2) Establishing legal standards of responsibility and a framework for resolving  
21 disputes for same-sex couples is in the state's interest. Domestic partnerships benefit  
22 individuals, their families, and the broader community by holding partners accountable for  
23 commitments made in raising children, incurring debt, and owning property.

1    **Arguments Against**

2           1) Domestic partnerships diminish the significance of marriage for society by  
3 reducing marriage to a list of benefits and responsibilities. The benefits given to married  
4 couples are intended to support child rearing by one man and one woman. The state has an  
5 interest in restricting official recognition and legal protection to these married couples to  
6 provide stability for the individuals, their families, and the broader community.

7           2) Domestic partnerships extend benefits to same-sex couples that are not extended  
8 to any other two unmarried people. Many of the rights and responsibilities of married  
9 couples are already available to any couple willing to enter into contracts. However, under  
10 Amendment \_\_, only domestic partners are given the rights and responsibilities that are not  
11 currently available by contract.

12    **Estimate of Fiscal Impact**

13           *State revenues and expenditures:* The state will charge \$15 for domestic  
14 partnership certificates resulting in new state revenues of \$52,500 per year, based on an  
15 estimated 3,500 certificates annually. State expenditures of \$136,000 are expected to  
16 review and process civil rights complaints alleging discrimination on the basis of  
17 employment, housing, and public accommodation. These costs do not include spending that  
18 may result from legal challenges to Amendment \_\_ or from potential changes in the number  
19 and complexity of other court cases involving same-sex couples.

20           *County revenues and expenditures:* County clerks are expected to collect a \$7  
21 license fee for each domestic partnership to offset their costs. Thus, \$24,500 in license fee  
22 revenue for counties is anticipated.