

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENTS TO THE CONSTITUTION OF THE STATE (MARRIAGE)

Introduced By: Senators Ciccone, DiPalma, Ruggerio, Walaska, and McCaffrey

Date Introduced: March 13, 2013

Referred To: Senate Judiciary

1 WHEREAS, The issue of state recognition of same-sex marriage has created a division
2 between those who propose recognition of such marriages on grounds that the right to marry is a
3 fundamental human right which the government must make equally available to all citizens, and
4 those who oppose same-sex marriage and believe that requiring governmental recognition of such
5 marriages impinges on their right to freedom of religion guaranteed by Article I Section 3 of our
6 Constitution; both sides agree, however, on the fundamental importance of marriage to a well-
7 ordered and productive society; and

8 WHEREAS, That freedom of religion is constitutionally protected and a bedrock value in
9 society and government action which would require people to affirmatively recognize, perform or
10 facilitate a form of marriage which is offensive to and forbidden by their religion impinges on
11 their right to freedom of religion guaranteed by the First Amendment to the Constitution of the
12 United States and Article I Section 3 of the Constitution of Rhode Island; and

13 WHEREAS, Article XIV Section 1 of our Constitution permits the General Assembly to
14 draft and recommend a constitutional amendment to balance these important rights and to submit
15 it to the people for debate and decision in the general election of 2014.

16 ACCORDINGLY, the General Assembly pursuant to Article XIV Section 1 proposes and
17 recommends a constitutional amendment for approval at the general election of 2014 as follows:

18 1. CONSTITUTIONAL AMENDMENT-MARRIAGE

19 Approval of this amendment will recognize and define marriage in the state of Rhode

1 Island as a legally recognized union of two (2) people.

2 APPROVE _____

3 REJECT _____

4 A new section shall be added to an included in Article I of the Constitution to read as
5 follows:

6 Article I:

7 "Section 25. [Right to Marry](#)

8 Marriage in this state is the legally-recognized union of two (2) people. The right of the
9 people to marry shall not be denied on the basis of the gender of the parties thereto. A marriage
10 between persons of the same gender validly entered and certified in another jurisdiction which
11 does not otherwise violate the laws or public policy of this state shall not be denied because of the
12 gender of the parties thereto.

13 PROVIDED HOWEVER, That a regularly licensed or ordained minister, elder, priest,
14 imam, rabbi or similar official of a religious order or body authorized by the rules and customs of
15 that order or body to perform a marriage ceremony shall not be required to solemnize or officiate
16 in any particular marriage or religious rite of any marriage in violation of the right to free exercise
17 of religion guaranteed by the First Amendment to the United States Constitution and by the
18 Constitution of Rhode Island. Each religious organization, association or society has exclusive
19 control over its own theological doctrines, policy teachings, and beliefs regarding who may marry
20 within that faith. An official of a religious order or body authorized to join individuals in
21 marriage and who fails or refuses to witness, officiate or perform any marriage shall not be
22 subject to any fine or other penalty for that failure or refusal; and

23 PROVIDED FURTHER, That, notwithstanding any other provision of law, a religious
24 organization, association, society or a fraternal benefit society, and any nonprofit institution or
25 organization operated, supervised or controlled by a religious organization, association or society,
26 and a fraternal benefit society which is not operated, supervised or controlled by a religious
27 organization, association or society but which has among its stated purposes the promotion and
28 support or protection of a religious organization, association or society and which restricts
29 membership to practicing members of that religious organization, association or society and any
30 officer, employee or member thereof, acting in an official capacity on behalf of the entities
31 described above, shall not be required to provide services, accommodations, advantages,
32 facilities, goods, or privileges to an individual if the request for the services, accommodations,
33 advantages, facilities, goods, or privileges is related to: (1) The solemnization of a marriage or
34 celebration of a marriage that is in violation of these entities religious beliefs; and (2) The

1 promotion of marriage through any social or religious programs or services, in violation of these
2 entities' religious beliefs. A refusal by an entity, employee or member described in this section to
3 provide services, accommodations, advantages, facilities, goods or privileges in accordance with
4 this section shall not create a civil claim or cause of action or result in any state or governmental
5 action to penalize, withhold benefits from, or discriminate against the entity or individual; and

6 PROVIDED FURTHER, That a fraternal benefit society that is operated, supervised or
7 controlled by a religious organization and a fraternal benefit society which is not operated,
8 supervised or controlled by a religious organization but which has among it's stated purposes the
9 promotion and support or protection of a religious organization and which restricts membership
10 to practicing members of that religious organization and any employee or member thereof, acting
11 on behalf of the entities described above, shall not be required to admit any individual as a
12 member or to provide benefits to any individual if to do so would violate the society's religious
13 belief or the religious beliefs of the religious organization to which the members adhere. A
14 refusal by a fraternal benefit society member or employee described herein to admit an individual
15 as a member or to provide benefits to an individual may not create a civil claim or cause of action
16 or constitute the basis for the withholding of governmental benefits or services from the fraternal
17 benefit society.

18 PROVIDED FURTHER, That a small business which provides services,
19 accommodations, advantages, facilities, goods or privileges for the solemnization or celebration
20 of marriage shall not be required to provide such services, accommodations, advantages,
21 facilities, goods or privileges if the requested services, accommodations, advantages, facilities,
22 goods or privileges are for a ceremony of solemnization or celebration of a marriage which
23 violates the small business owner's religious beliefs; and a refusal by a small business to provide
24 services, accommodations, advantages, facilities, goods or privileges in accordance with this
25 section shall not create a civil claim or cause of action or result in any state or local governmental
26 action to penalize, withhold benefits from, or discriminate against the small business. The term
27 "small business" as used here shall mean a proprietorship, partnership, corporation, or limited
28 liability company, and its employees, acting within the scope of their employment, and its
29 officers and directors, acting on behalf of the small business within the scope of their position,
30 which has five or less employees.

31 RESOLVED, That the voting places in the several cities and towns shall be kept open
32 during the hours required by law for voting therein for general officers of the state; and be it
33 further

34 RESOLVED, That the secretary of state shall cause said proposition of amendment to be

1 published as a part of this resolution in the newspaper of the state prior to the date of the said
2 meetings of the said electors; and said proposition shall be inserted in the warrants or notices to
3 district meetings of said electors; the district meetings shall be conducted in the same manner as
4 now provided by law for the town, ward, and district meetings for the election of general officers
5 of the state.

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