

Features of State Same-Sex Marriage Constitutional Amendments

At the 2004 general elections, 13 states adopted state constitutional bans on same-sex marriage. Before that year, four states had such bans in effect. This table summarizes key features of the amendments.

State/Date of Adoption	Defines or recognizes marriage as only between a man and a woman	Provides for the legislature to define marriage	Prohibits same sex marriage	Does not recognize/voids same sex marriage	Bans/does not recognize civil unions
Alaska (1999)	X				
Arkansas (2004)	X				
Georgia (2004)	X		X	X ¹	X
Hawaii (1998)		X			
Kentucky (2004)	X			X	X
Louisiana ² (2004)	X			X ³	X
Michigan (2004)	X			X	X
Missouri (2004)	X			X ⁴	
Mississippi (2004)	X				
Montana (2004)	X				
Nebraska (2000)	X				X
Nevada (2002)	X				
North Dakota (2004)	X			X	X
Ohio (2004)	X				X
Oklahoma (2004)	X		X ⁵	X ⁶	X
Oregon (2004)	X				
Utah (2004)	X				X

¹ Specifically mentions marriage entered in another jurisdiction or state.

² After the amendment was ratified by voters, it was challenged on grounds of violating the single subject rule. Plaintiffs argued that defining marriage and banning civil unions were two different questions. The state supreme court rejected that argument. *Forum for Equality PAC v. McKeithen*, 2005 WL 106567 (January 19, 2005).

³ Specifically mentions marriage entered in another jurisdiction or state.

⁴ Specifically mentions marriage entered in another jurisdiction or state.

⁵ Misdemeanor to issue marriage license to same-sex couple.

⁶ Specifically mentions marriage entered in another jurisdiction or state.

For more information: Contact legislative analyst Deborah McKnight at 651-296-5056.