The 2011 General Assembly approved a measure (Session Law 2011-409) that would put language into the North Carolina Constitution related to legally recognized marriages in the state.

The proposed amendment to Article 14 of the North Carolina Constitution would add a new section, to be called Section 6. It would read as follows:

"Sec. 6. Marriage.
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."

The General Assembly also approved the language that voters will see on the ballot this spring as they consider this constitutional amendment:

[ ] FOR [ ] AGAINST
Constitutional amendment to provide that marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State.

The Constitutional Amendments Publication Commission has approved language for an official explanation of the proposed amendment that can be provided to voters to assist them in understanding the amendment. The Commission has only three members including Secretary of State Marshall, North Carolina Attorney General Roy Cooper and the General Assembly's Legislative Services Officer George Hall. Concerns about the official explanation should be directed to the Commission and not to the State Board of Elections or a county board of elections.

Here is the official explanation adopted by the Commission:

> A current North Carolina law enacted in 1996 says that marriage between individuals of the same sex is not valid in North Carolina. This amendment would make that concept part of the North Carolina Constitution. If this amendment is passed by the voters, then under state law it can only be changed by another vote of the people.
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> The term "domestic legal union" used in the amendment is not defined in North Carolina law. There is debate among legal experts about how this proposed constitutional amendment may impact North Carolina law as it relates to unmarried couples of same or opposite sex and same sex couples legally married in another state, particularly in regard to employment-related benefits for domestic partners; domestic violence laws; child custody and visitation rights; and end-of-life arrangements. The courts will ultimately make those decisions.
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> The amendment also says that private parties may still enter into contracts creating rights enforceable against each other. This means that unmarried persons, businesses and other private parties may be able to enter into agreements establishing personal rights, responsibilities, or benefits as to each other. The courts will decide the extent to which such contracts can be enforced.