



SPONSOR: Sen. Huxtable & Sen. Lockman & Sen. Townsend &
Rep. Snyder-Hall
Sens. Cruce, Hansen, Hoffner, Paradee, Pinkney, Poore,
Seigfried, Sokola, Sturgeon; Reps. Burns, Bush, Gorman,
Harris, Heffernan, Lambert, Phillips, Romer, Ross Levin

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 100

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO
THE RIGHT TO MARRY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members
elected to each house thereof concurring therein):

1 Section 1. Amend Article I of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 23. Right to Marry.

4 The right to marry is a fundamental right that may not be denied or abridged on account of any basis protected
5 under § 21 of this Article.

6 (1)a. This State and its political subdivisions shall recognize marriages by couples regardless of the gender of
7 the married individuals.

8 b. This State and its political subdivisions shall issue marriage licenses to couples regardless of the gender
9 of the 2 individuals.

10 (2) All legally valid marriages must be treated equally under the law.

11 (3) The right to marry regardless of gender does not modify or infringe upon the right to freedom of religion
12 under § 1 of this Article. Religious organizations and members of the clergy have the right to refuse to solemnize a
13 marriage under this section.

SYNOPSIS

This Act is the first leg of an amendment to the Delaware Constitution establishing that the right to marry is a
fundamental right and that Delaware and its political subdivisions shall recognize marriages and issue marriage licenses to
couples regardless of gender. The right to marry regardless of gender does not infringe upon the right to freedom of religion
because religious organizations and members of the clergy have the right to refuse to solemnize a marriage.

Senate Substitute No. 1 for Senate Bill No. 100 differs from Senate Bill No. 100 by connecting the right to marry
with the equality of rights provided under Art. 1, § 21 of the Delaware Constitution on the basis of race, color, national
origin, or sex.

Amending the Delaware Constitution requires not only the passing of the changes in this Act, but also passage of the same changes after the next general election by the next General Assembly.

This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend the Delaware Constitution.

Author: Senator Huxtable