



# J

# Repealing the Definition of Marriage in the Constitution

Placed on the ballot by the legislature • Passes with a majority vote

## Amendment J proposes amending the Colorado Constitution to:

- repeal the definition that states only a union of one man and one woman is a valid or recognized marriage in Colorado.

## What Your Vote Means

**YES** A “yes” vote on Amendment J repeals language in the Colorado Constitution that defines a valid marriage as a union between one man and one woman.

**NO** A “no” vote on Amendment J maintains the current language in the Colorado Constitution that defines a valid marriage as a union between one man and one woman.

## Summary and Analysis of Amendment J

### What is the status of same-sex marriage in Colorado?

Colorado’s constitution and state statute both define a valid marriage as the union between one man and one woman. However, same-sex marriage in Colorado is currently legal because of court rulings that have declared federal and state bans on same-sex marriage to be unconstitutional. In 2014 and 2015, the Colorado Supreme Court and U.S. Supreme Court both ruled that same-sex couples have a right to marry and in 2022, the U.S. Congress repealed the previous ban on same-sex marriage from federal law. All 50 states are now required to recognize same-sex marriages lawfully entered in any state.

### What does Amendment J do?

In 2006, Colorado voters approved an amendment to Colorado’s constitution stating that only the union of one man and one woman is a valid or recognized marriage in Colorado. Amendment J repeals this language, which has been declared unconstitutional by state and federal courts.

Because this language has been ruled unconstitutional, it does not currently impact the ability of same sex couples to marry in Colorado. However, if the U.S. Supreme Court overturns its previous rulings, the legality of same-sex marriage would revert to each state. In this case, Colorado’s current constitutional definition of a valid marriage as the union of one man and one woman, as well as an existing Colorado statute that defines marriage similarly, could prohibit new same-sex marriages in the state. It is unclear how Colorado’s court rulings would be affected by a federal ruling.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State’s elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

## Argument For Amendment J

- 1) The right of same-sex couples to marry is currently protected by state and federal court rulings and by federal law. However, if the U.S. Supreme Court overturns its previous rulings in the future, leaving the current definition of marriage in Colorado's constitution jeopardizes the ability of same-sex Coloradans to marry. Marriage is a basic right, and Colorado's constitution should reflect this right for all state residents.

## Argument Against Amendment J

- 1) Marriage should be a union between one man and one woman, and this definition of marriage should be preserved in the Colorado Constitution. If court rulings regarding same-sex marriage change in the future, the Colorado Constitution should reflect that marriage is a union between one man and one woman.

## Fiscal Impact of Amendment J

Amendment J will not have a fiscal impact on state or local governments. It conforms the Colorado Constitution to current practice and rulings by the Colorado Supreme Court and U.S. Supreme Court.