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

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

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

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

1. CONSTITUTIONAL AMENDMENT-MARRIAGE

Approval of this amendment will recognize and define marriage in the state of Rhode
Island as a legally recognized union of two (2) people.

APPROVE ____________

REJECT ____________

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

Article I:

“Section 25. Right to Marry

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

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

PROVIDED FURTHER, That, notwithstanding any other provision of law, a religious organization, association, society or a fraternal benefit society, and any nonprofit institution or organization operated, supervised or controlled by a religious organization, association or society, and a fraternal benefit society which is not operated, supervised or controlled by a religious organization, association or society but which has among its stated purposes the promotion and support or protection of a religious organization, association or society and which restricts membership to practicing members of that religious organization, association or society and any officer, employee or member thereof, acting in an official capacity on behalf of the entities described above, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual if the request for the services, accommodations, advantages, facilities, goods, or privileges is related to: (1) The solemnization of a marriage or celebration of a marriage that is in violation of these entities religious beliefs; and (2) The
promotion of marriage through any social or religious programs or services, in violation of these
entities' religious beliefs. A refusal by an entity, employee or member described in this section to
provide services, accommodations, advantages, facilities, goods or privileges in accordance with
this section shall not create a civil claim or cause of action or result in any state or governmental
action to penalize, withhold benefits from, or discriminate against the entity or individual; and

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

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

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

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

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