
By: **Senator Harris**

Introduced and read first time: February 13, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment - Judicial Construction of Maryland Equal**
3 **Rights Amendment - Limitation**

4 FOR the purpose of adding a new provision to the Maryland Constitution that
5 establishes that the prohibition against the abridgement or denial of equality of
6 rights under the law because of sex under the Maryland Constitution may not be
7 construed to allow a court to invalidate a law of this State that defines marriage;
8 and submitting this amendment to the qualified voters of the State of Maryland
9 for their adoption or rejection.

10 BY proposing an amendment to the Maryland Constitution
11 Declaration of Rights
12 Article 46

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
15 concurring), That it be proposed that the Maryland Constitution read as follows:

16 **Declaration of Rights**

17 Article 46.

18 (A) Equality of rights under the law shall not be abridged or denied because of
19 sex.

20 (B) NOTHING IN THIS ARTICLE MAY BE CONSTRUED TO ALLOW A COURT TO
21 INVALIDATE A LAW OF THIS STATE THAT DEFINES MARRIAGE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
23 determines that the amendment to the Maryland Constitution proposed by this Act
24 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
25 Maryland Constitution concerning local approval of Constitutional Amendments do
26 not apply.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing Section
28 proposed as an amendment to the Maryland Constitution shall be submitted to the

1 legal and qualified voters of this State at the next general election to be held in
2 November, 2006 for their adoption or rejection in pursuance of directions contained in
3 Article XIV of the Maryland Constitution. At that general election, the vote on this
4 proposed amendment to the Constitution shall be by ballot, and upon each ballot
5 there shall be printed the words "For the Constitutional Amendment" and "Against
6 the Constitutional Amendment," as now provided by law. Immediately after the
7 election, all returns shall be made to the Governor of the vote for and against the
8 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
9 further proceedings had in accordance with Article XIV.