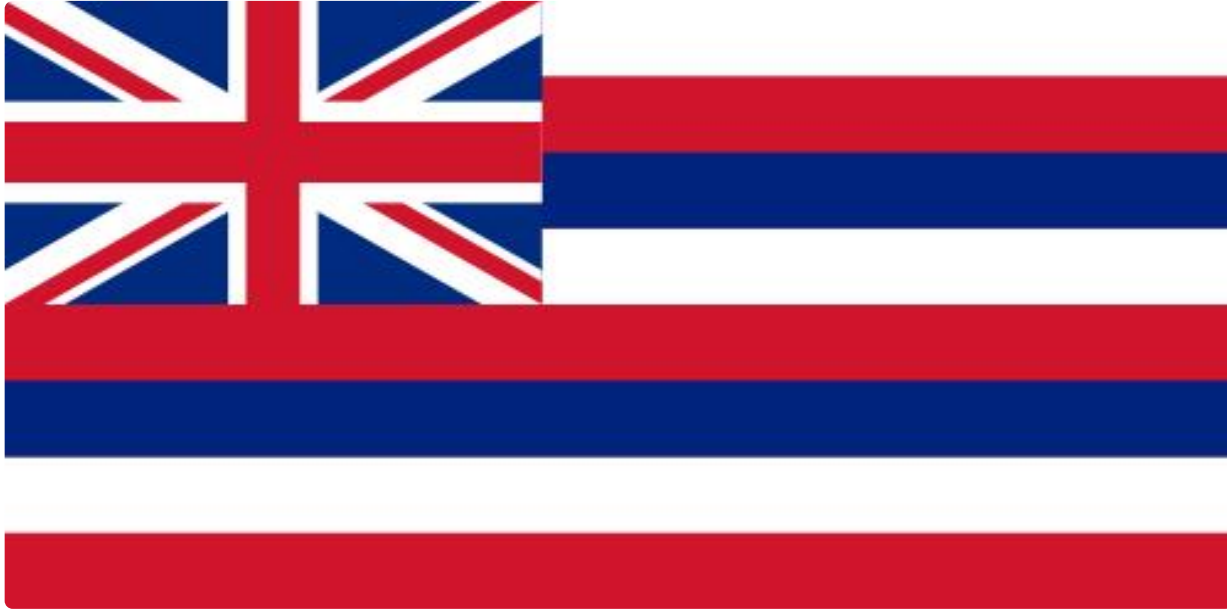


Hawaii will join California this Nov. in deciding constitutional amendments regarding same-sex marriage

By Jackie Mitchell / April 22, 2024



Voters in Hawaii will join those in California in deciding on a constitutional amendment related to same-sex marriage in Nov. 2024. Both states follow Nevada, which decided a constitutional amendment in 2020.

While California, like Nevada, will be voting on whether to repeal language defining marriage as between one man and one woman, the amendment in Hawaii is different. In Hawaii, an amendment was passed in 1998 that said the legislature could “reserve marriage to opposite-sex couples.” The amendment itself did not prohibit same-sex marriage. In 1994, following a court ruling that challenged the state’s restrictions on issuing marriage licenses to same-sex couples, the state passed a law specifying that marriage is a union between one man and one woman. In 2013, the state passed the Hawaii Marriage Equality Act, which legalized same-sex marriage.

In 2020, Nevada became the first state to repeal constitutional language prohibiting same-sex marriage. Voters approved the amendment 62% to 38%.

In 2023, the California State Legislature referred a [constitutional amendment](#) to the general election ballot to repeal constitutional language defining marriage as a union between one man and one woman. The ballot measure would also establish a state constitutional right to marriage.

On April 9, 2024, the Hawaii State Legislature referred a constitutional amendment to the ballot that would repeal language from the Hawaii Constitution saying the legislature can reserve marriage to opposite-sex couples. The exact language that would be repealed is: “The legislature shall have the power to reserve marriage to opposite-sex couples.”

In 2013, the state passed the Hawaii Marriage Equality Act, which allowed for same-sex marriage in Hawaii.

This year’s constitutional amendment was introduced as House Bill 2802 (HB 2802). On March 5, the House voted 43-6 to pass the amendment. Among the 45 House Democrats, 42 voted ‘Yes’, and one voted ‘No’. Among the six House Republicans, one voted ‘Yes’, and five voted ‘No’. The Senate voted 41-1 to pass the amendment on April 9. All 23 Senate Democrats voted ‘Yes’. Of the two Senate Republicans, one voted ‘Yes’ and one voted ‘No’.

In the 2015 U.S. Supreme Court case *Obergefell v. Hodges*, the United States Supreme Court ruled 5-4 that same-sex marriage is protected under the Due Process and Equal Protection Clauses of the Fourteenth Amendment. The ruling invalidated same-sex marriage bans as unconstitutional.

The constitutional amendment is the first certified for the ballot in Hawaii in 2024. Voters in Hawaii have not decided on a constitutional amendment since 2016 when one was approved and one was rejected. The legislature could refer additional amendments to this year’s ballot during the current legislative session, which is expected to adjourn on May 3, 2024.