



LOCAL NEWS

Voters could repeal Legislature’s authority on same-sex marriage

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Posted: May 5, 2024 / 08:03 PM HST

Updated: May 6, 2024 / 12:22 PM HST



HONOLULU (KHON2) — An amendment to repeal the Legislature’s authority to limit marriage to opposite-sex couples will be on the November ballot.

More than 30 years ago, Hawaii’s Supreme Court made a historic decision following *Baehr v. Lewin*, a case involving three same-sex couples denied the right to marriage.

“It was May 5, 1993, when the Hawaii Supreme Court ruled in favor of same-sex marriage. The first court in the world to do so,” stated former appellate court judge, Daniel Foley.

Public backlash was swift leading to Article 1, Section 23, a constitutional amendment passed by voters in 1998 giving the legislature the authority to limit marriage to opposite-sex couples.

“This is the only provision in our Constitution that really limits individual rights, individual autonomy,” said Representative Scott Saiki.

Foley, who was also the lawyer representing the plaintiffs in *Baehr v. Lewin*, said he remembers the hurt and pain felt throughout LGBTQ+ communities on election night when the rights he secured for same-sex couples were overturned.

Now, HB2802, a bill to repeal the 1998 amendment has left that decision on the ballot leaving it up to voters once again.

“Hawaii voters have the opportunity in November to undo a grave injury to our constitution and to our LGBTQ community,” said Nikos Leverenz, Hawaii Harm Reduction Center Manager. “Let’s ensure that no matter what happens on the federal level, people in Hawaii are protected.”

According to Rep. Saiki who introduced the bill, if the ballot measure gets enough votes, it would ensure Hawaii’s laws and courts continue to respect marriage equality even if the federal Supreme Court may change its position.

“We will finally have closure,” stated Foley. “Marriage equality will be secure for the LGBTQ community in Hawaii forever to come.”

At the time, the 1998 constitutional amendment was approved by 69% of voters. Today, public opinion supporting same-sex marriage has grown, but if the measure does not receive enough support, the power to define marriage will remain with the legislature.

Marriage rights were extended to same-sex couples in 2013, making Hawaii the 15th state to legalize gay marriage. By 2015, the U.S. Supreme Court declared same-sex marriage legal in all states.