

The Pathway to a Marriage Amendment

By Tod Perdelwitz

Why Iowa Needs a Marriage Amendment

In 1998 the Iowa Legislature passed the Defense of Marriage Act making it part of the Code of Iowa as Section 595.2, paragraph 1. It simply states that, "Only a marriage between a male and a female is valid."

On April 3, 2009, the Iowa Supreme Court rendered an opinion that this section of the Iowa Code violates the equal protection clause in the Iowa Constitution.

Because the Iowa Constitution takes precedence over the Code of Iowa, the opinion of the Supreme Court has been allowed by our Legislature to effectively remove the definition of marriage from the Code of Iowa, thus opening it up to same-sex marriage.

By adding a Marriage Amendment to the Constitution, the term "marriage" will once again be defined as being between a man and a woman. The result will be that wherever the word "marriage" is used in the Iowa Code it will automatically be defined by the Marriage Amendment in the Constitution.

An Outline of the Amendment Process

1. An Iowa Senator or Representative must begin the process by proposing a constitutional amendment in their chamber (House or Senate) of the legislature during a General Assembly. *It is important to understand that a single **General Assembly** runs for the **two years** between elections. Each General Assembly is made up of a first and a second session. A session runs from January to May. We are currently in the middle of the 83rd General Assembly. The first session has just ended and the second session of the 83rd General Assembly will convene on January 11, 2010.*
2. Both the Iowa Senate and the Iowa House must pass the amendment during the General Assembly (either the first or second session) by a simple majority. This means that at least 26 of Iowa's 50 Senators and at least 51 of our 100 Representatives must vote in favor of the amendment. If that fails to occur, the amendment process stops.
3. After the amendment is passed in both houses, nothing happens with the amendment until after a general election and a new General Assembly is seated.
4. Then the amendment must again be passed by a simple majority of both houses during that General Assembly (either the first or second session). Again, if that fails to occur, the amendment process stops.

5. If an amendment passes in the new (consecutive) General Assembly, then it is submitted to the people of Iowa for a vote. The timing of the election for the amendment is up to the legislature: They could call a special election almost immediately, or they could wait until the next general election to let the people vote.
6. If a majority of the eligible voters in Iowa vote for the amendment, it becomes part of the Iowa Constitution as soon as the votes are counted.

Current Timeline for a Marriage Amendment

The first session of the 83rd General Assembly has now adjourned. In spite of valiant efforts that were made by some Republicans in the House to bring a Marriage Amendment to a vote, the Democrat leadership in both the House and the Senate have refused to allow a Marriage Amendment to even be debated. (Iowa Governor Chet Culver, has the power to call a special session to discuss a marriage amendment, but it appears unlikely that he will do that.)

The same General Assembly will meet again in 2010 for its second session. It will have another opportunity to begin the amendment process during that session. It is critical that the marriage amendment is brought up for debate and passed. If the legislature fails to act on a marriage amendment in the 2010 session, it will delay the amendment process by at least two years.

In the general election in November 2010, we will elect a new General Assembly. It will be the 84th General Assembly. If the current (83rd) General Assembly has passed a marriage amendment, then the 84th General Assembly will be able to vote on it again as early as January 2011.

The legislature could then order a special election for the people to vote on the amendment as soon as is practical. Such an election could take place as early as March or April 2011, if our legislators are sufficiently motivated.

In summary, we are a minimum of 2 years from seeing a marriage amendment become part of the Iowa Constitution. In the meantime, we must stay in the battle.

Write often to your Iowa Senator and Representative. Let them know you won't back down. Make them understand that they have **no chance** of getting your vote if they do not vote in favor of a marriage amendment.

Above all, pray. Ask God, who designed the institution of marriage, to intervene on our behalf, and do those things that are beyond our power to save the great State of Iowa for future generations.

Amending the Constitution / Official Documentation

Article X of the Iowa Constitution lays out the methods for amending the Constitution, to allow the people to reform their government. The process takes much more time in Iowa than

in some other states. Our founders had the wisdom to make certain that any changes to the supreme law of the state are well thought out, rather than a passing fad.

There are two ways that the Constitution may be amended: Section I deals with the normal amendment process, while Section 3 provides a means to call a “Constitutional Convention.”

In our opinion, a Constitutional Convention is not desirable, as it opens up the possibility that the entire Constitution could be thrown out and re-written. Therefore, it is Section I that we need to understand. ARTICLE X, Section I reads:

How proposed - submission. Sec. I. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this state.

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