

HOUSE BILL 1239

D4

2lr3041

By: **Delegate Alston**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Straw Ballot – Definition of Marriage**

3 FOR the purpose of requiring that one question with three options be placed on the
4 ballot at the general election in November 2012 to determine the sense of the
5 voters in the State on the legal definition of marriage and providing three
6 options relating to which marriages should be valid in the State; providing for
7 the carrying out of the straw ballot; providing that the vote on the question is
8 advisory only; and generally relating to the holding of a straw ballot at the
9 general election in November 2012.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That under the provisions of the Election Law Article, the county boards
12 of elections, in consultation with and at the direction of the State Board of Elections,
13 shall prepare and include on the ballot for the general election in November 2012 the
14 following question with three options for the voters of the State and instruct the voters
15 to choose one of the options:

16 “Do you favor:

17 (a) the enactment of a law providing that the marriage of two individuals of
18 the same sex who are not otherwise prohibited by law from marrying is valid in
19 Maryland? [box to check];

20 (b) the continuation of the current law providing that only a marriage
21 between a man and a woman is valid in Maryland? [box to check]; or

22 (c) the repeal of the law prohibiting bigamy and the enactment of a law
23 providing that the marriage of any number of individuals of the same or opposite sex
24 who are not otherwise prohibited by law from marrying is valid in Maryland? [box to
25 check]”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the county boards of
2 elections, in consultation with and at the direction of the State Board of Elections,
3 shall do those things necessary and proper to place this question with three options on
4 the ballot prepared for the November general election of 2012, so that each
5 participating voter in the counties of the State may have the opportunity to cast a vote
6 on the question. The question shall be proposed, presented, tallied, and reported in
7 general accordance with the provisions of the Election Law Article. The vote on this
8 question is advisory only.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2012, contingent on the failure of S.B. 241 and H.B. 438 during the 2012
11 session of the General Assembly. If either S.B. 241 or H.B. 438 is enacted, this Act
12 shall be null and void without the necessity of further action by the General Assembly.