

Amendment J: Repealing the Definition of Marriage in the Constitution

Placed on the ballot by the legislature • Passes with a majority vote

1 **Amendment J proposes amending the Colorado Constitution to:**

- 2 • repeal the definition of marriage as the union between one man and one woman.

3 **What Your Vote Means**

4 **YES**

5 A “yes” vote on Amendment J repeals
6 language in the Colorado Constitution
7 that defines marriage as a union between
8 one man and one woman.

9 **NO**

10 A “no” vote on Amendment J maintains
11 the current language in the Colorado
12 Constitution that defines marriage as a
13 union between one man and one woman.

14 **Summary and Analysis of Amendment J**

15 **What is the status of same-sex marriage in Colorado?**

16 Colorado’s Constitution and state statute both define marriage as the union between one
17 man and one woman. However, same-sex marriage in Colorado is currently legal because of
18 court rulings that have declared federal and state bans on same-sex marriage to be
19 unconstitutional. In 2014 and 2015, the Colorado Supreme Court and U.S. Supreme Court
20 both ruled that same-sex couples have a right to marry and in 2022, the U.S. Congress
21 repealed the previous ban on same-sex marriage from federal law. All 50 states are now
22 required to recognize same-sex marriages lawfully entered in any state.

23 **What does Amendment J do?**

24 Amendment J repeals language in Colorado’s Constitution stating that only the union of one
25 man and one woman is a valid or recognized marriage in Colorado.

26 Because this language has been ruled unconstitutional by state and federal courts, it does
27 not currently impact the ability of same sex couples to marry in Colorado. However, if the
28 U.S. Supreme Court overturns its previous rulings, the legality of same-sex marriage would
29 revert to each state. In this case, Colorado’s current constitutional definition of marriage as
30 the union of one man and one woman, as well as an existing Colorado statute that defines
31 marriage similarly, could prohibit new same-sex marriages in the state.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State’s elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

1 **Arguments For Amendment J**

- 2 1) The right of same-sex couples to marry is currently protected by state and federal court
3 rulings and by federal law. However, if the U.S. Supreme Court overturns its previous
4 rulings in the future, leaving the current definition of marriage in Colorado’s Constitution
5 may jeopardize the ability of same-sex Coloradans to marry. Marriage is a basic right,
6 and Colorado’s Constitution should reflect this right for all state residents.

7 **Arguments Against Amendment J**

- 8 1) Marriage is a union between one man and one woman, and this definition of marriage
9 should be preserved in the Colorado Constitution. If court rulings regarding same-sex
10 marriage change in the future, the Colorado Constitution should reflect that marriage is
11 a union between one man and one woman.

12 **Fiscal Impact of Amendment J**

13 Amendment J will not have a fiscal impact on state or local governments. It conforms the
14 Colorado Constitution to current practice and rulings by the Colorado Supreme Court and
15 U.S. Supreme Court.