

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 that states only a union of one man and one woman is a
3 valid or recognized marriage in Colorado.

4 **What Your Vote Means**

5 **YES**

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

10 **NO**

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

16 **Summary and Analysis of Amendment J**

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

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23 repealed the previous ban on same-sex marriage from federal law.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

25 **What does Amendment J do?**

26 In 2006, Colorado voters approved an amendment to Colorado’s constitution stating that
27 only the union of one man or one woman is a valid or recognized marriage in Colorado.
28 Amendment J repeals this language, which has been declared unconstitutional by state and
29 federal courts.

30 Because this language has been ruled unconstitutional, it does not currently impact the
31 ability of same sex couples to marry in Colorado. However, if the U.S. Supreme Court
32 overturns its previous rulings, the legality of same-sex marriage would revert to each state.
33 In this case, Colorado’s current constitutional definition of a valid marriage as the union of

1 one man and one woman, as well as an existing Colorado statute that defines marriage
2 similarly, could prohibit new same-sex marriages in the state. It is unclear how Colorado's
3 court rulings would be affected by a federal ruling.

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>

4 **Argument For Amendment J**

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

10 **Argument Against Amendment J**

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

15 **Fiscal Impact of Amendment J**

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

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Last Draft Comments from Interested Parties

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Legislative Council Staff received no public comments on the last mailed draft of Amendment J.

Amendment J
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Contact List

Interested Party	Organization Name	Email Address
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Interested Party	Organization Name	Email Address
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Annie Kurtz	ACLU of Colorado	akurtz@aclu-co.org
Andrea Kuwik		kuwik@bellpolicy.org
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Contact List (Cont.)

Interested Party	Organization Name	Email Address
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		carolyn@chec.org
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1 **Ballot Title:**

2 Shall there be an amendment to the Colorado constitution removing the ban on same-sex marriage?

3 **Text of Measure:**

4 *Be It Resolved by the Senate of the Seventy-fourth General Assembly of the State of Colorado, the House of*
5 *Representatives concurring herein:*

6 **SECTION 1.** At the election held on November 5, 2024, the secretary of state shall submit to the registered
7 electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

8 In the constitution of the state of Colorado, **repeal** section 31 of article II as follows:

9 **Section 31. Marriages - valid or recognized.** ~~Only a union of one man and one woman shall be valid or~~
10 ~~recognized as a marriage in this state.~~

11 **SECTION 2.** Each elector voting at the election may cast a vote either "Yes/For" or "No/Against" on the following
12 ballot title: "Shall there be an amendment to the Colorado constitution removing the ban on same-sex
13 marriage?"

14 **SECTION 3.** Except as otherwise provided in section 1-40-123, Colorado Revised Statutes, if a majority of the
15 electors voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.