

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

Sponsor Statement

House Joint Resolution 1: *Proposing an amendment to the State Constitution relating to marriage.*

HJR 1 proposes that an amendment to the State Constitution be placed on the ballot of the next general election, to remove Article 1 section 25, which states “To be valid or recognized in this State, a marriage may exist only between one man and one woman.” HJR 1 would allow the people of Alaska to reconsider this section of our Constitution which both federal courts have ruled to be unenforceable.

In 2014, a year before same-sex marriage was nationally legitimized, our federal district courts ruled that Alaska’s ban on same-sex marriage is “unconstitutional as a deprivation of basic due process and equal protection principles under the Fourteenth Amendment of the U.S. Constitution.” The district court also stated that “...no state interest provides ‘exceedingly persuasive justification’ for the significant infringement of rights that they (Alaska’s same-sex marriage laws) inflict upon homosexual individuals.” (Hamby v. Parnell).

In the historic 2015 Supreme Court case of Obergefell v. Hodges, state-level bans on same-sex marriage were similarly declared unconstitutional and in violation of equal protection and due process.

As our federal courts revise and reinterpret the rule of law, the legislature must also review and revise existing statute to better reflect the ever-changing landscape of our country and the state of Alaska. In 2014, public opinion shifted in support of legalized gay marriage, and a recent poll reflects that the number of Alaskans who support this has only continued to grow. HJR 1 permits the people of Alaska to reconsider an overruled portion of our constitution, and to determine for themselves whether to change it.

I urge you to consider this legislation which could potentially realign our constitution with present day rule of law. Contact Megan Holland with questions at 465-4939.