

RC 125

**Assembly Constitutional Amendment No. 5**

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Adopted in Assembly June 26, 2023

*Sue Parker*

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*Chief Clerk of the Assembly*

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Adopted in Senate July 13, 2023

*Paula Costello*

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*Secretary of the Senate*

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This resolution was received by the Secretary of State this

20th day of July, 2023, at 2

o'clock P.M.

*[Signature]*

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*Deputy Secretary of State*

## RESOLUTION CHAPTER \_\_\_\_\_

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Section 7.5 of Article I thereof, relating to rights.

## LEGISLATIVE COUNSEL'S DIGEST

ACA 5, Low. Marriage equality.

The California Constitution provides that only a marriage between a man and a woman is valid or recognized in California, and federal law permanently enjoins the state from enforcing this constitutional provision.

This measure would repeal this unenforceable constitutional provision and would instead provide that the right to marry is a fundamental right, as specified.

WHEREAS, Courts have recognized that same-sex couples and interracial couples have the right to marry; and

WHEREAS, This measure, if approved by the voters, would repeal language in the California Constitution stating marriage is only between a man and woman; and

WHEREAS, This measure, if approved by the voters, would amend the California Constitution to include the fundamental right to marry as furthering the rights to enjoy life, liberty, safety, happiness, and privacy, and the rights to equal protection and due process; now, therefore, be it

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 2023–24 Regular Session commencing on the fifth day of December 2022, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First—That Section 7.5 of Article I thereof is repealed.

Second—That Section 7.5 is added to Article I thereof, to read:

SEC. 7.5. (a) The right to marry is a fundamental right.

(b) This section is in furtherance of both of the following:

(1) The inalienable rights to enjoy life and liberty and to pursue and obtain safety, happiness, and privacy guaranteed by Section 1.

(2) The rights to due process and equal protection guaranteed by Section 7.

**FILED**  
in the office of the Secretary of State  
of the State of California

JUL 20 2023

At 2:00 O'Clock P M.

By [Signature]  
Deputy Secretary of State

Attest:

[Signature]

Secretary of State