

PROPOSITION **3** **CONSTITUTIONAL RIGHT TO MARRIAGE.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

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The text of this measure can be found on page 75 and the Secretary of State's website at voterguide.sos.ca.gov.

- Amends California Constitution to recognize fundamental right to marry, regardless of sex or race.
- Removes language in California Constitution stating that marriage is only between a man and a woman.

**SUMMARY OF LEGISLATIVE ANALYST'S
ESTIMATE OF NET STATE AND LOCAL
GOVERNMENT FISCAL IMPACT:**

- No change in revenues or costs for state and local governments.

FINAL VOTES CAST BY THE LEGISLATURE ON ACA 5 (PROPOSITION 3)
(CHAPTER 125, STATUTES OF 2023)

Senate:	Ayes 31	Noes 0
Assembly:	Ayes 67	Noes 0

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

The federal courts have said that same-sex couples can marry, but outdated language in the California Constitution still says that marriage can only be between a man and a woman.

PROPOSAL

Proposition 3 updates the Constitution to match what the federal courts have said about who can marry.

FISCAL EFFECTS

Proposition 3 would not change who is allowed to marry in California. This means there would be no change in revenues or costs to state and local governments.

Visit sos.ca.gov/campaign-lobbying/cal-access-resources/measure-contributions/2024-ballot-measure-contribution-totals for a list of committees primarily formed to support or oppose this measure.

Visit fppc.ca.gov/transparency/top-contributors.html to access the committee's top 10 contributors.

★ ARGUMENT IN FAVOR OF PROPOSITION 3 ★

3

VOTE YES on Proposition 3—*Protect Your Freedom to Marry!*

Proposition 3 protects every Californian's right to marry—regardless of gender or race.

Proposition 3 would update our state constitution to align with existing law that allows marriage for same-sex couples, reflecting current court decisions and our values as Californians.

Proposition 3 is supported by a broad and bipartisan coalition of civic and faith leaders as well as civil rights leaders.

Why we need Proposition 3:

Although marriage equality for same-sex couples has been the law of the land in the United States for years, California's Constitution still says that same-sex couples are not allowed to marry. Recent threats against fundamental rights have made it clear California must be proactive in protecting the freedom to marry regardless of gender or race.

Proposition 3 removes discriminatory language from the California Constitution that states marriage is only between a man and a woman and replaces it with a provision that establishes the right to marry as a fundamental right, enshrining protections for same-sex and interracial couples.

California has always been a leader in protecting civil rights and individual freedom. Proposition 3 continues that legacy.

The proposition respects the freedom of religion in California. It would not change the existing rights of clergy and religious denominations to refuse to perform a marriage.

Supporters of Proposition 3 urge you to vote YES:

"Proposition 3 protects the right of every Californian, regardless of gender or race, to marry the person they love."—Equality California

"As a faith leader, I support Proposition 3 because it protects the right to marry while respecting faith communities' First Amendment rights."—The Rev. Jeff R. Johnson, bishop of the Evangelical Lutheran Church in America's Sierra Pacific Synod

"This ballot measure comes at a pivotal moment when the U.S. Supreme Court has made clear its willingness to revoke hard-won rights, endangering the freedoms of millions of Californians."—American Civil Liberties Union of Northern California

"Although marriage equality for same-sex couples has been the law of the land in the United States for years, California's Constitution still says that same-sex couples are not allowed to marry. Let's fix it by voting YES on Proposition 3. Honoring the fundamental rights of all people and fighting discrimination wherever it exists is a California value. Prop. 3 helps further California's commitment to protecting civil rights for all its residents."—Dolores Huerta, President, Dolores Huerta Foundation

YES on Proposition 3 means FREEDOM and EQUAL RIGHTS for all.

Learn more at: yesonprop3CA.com

Assemblymember Evan Low

Tony Hoang, Executive Director
Equality California

Jodi Hicks, CEO
Planned Parenthood Affiliates of California

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 3 ★

The authors of Proposition 3 claim it's about the "freedom to marry," but that's not true. This extreme amendment goes TOO FAR and puts vulnerable people at risk. It's not just about updating our state laws. This measure takes away essential safeguards that protect marriage and children.

Supporters say we need Prop. 3 due to "discrimination." But same-sex marriage has been legal since 2015, and no one is trying to change that: not the Supreme Court nor anyone else. There is simply NO REASON to pass this dangerous measure.

Proposition 3 removes ALL protections on marriage, including limits on children, close relatives, and three or more people marrying each other. All civilized societies prohibit these things because they HURT PEOPLE. That's why the unclear wording of Prop. 3 will cause huge problems.

Backers claim to care about civil rights and fairness. However, Proposition 3 puts what adults want ahead

of what children need. By saying mothers and fathers aren't necessary, it IGNORES years of studies and basic common sense affirming that kids do best when raised by both parents in a stable home.

California can support equal rights without this risky and unnecessary measure. Proposition 3 THREATENS our shared values of healthy families, healthy children, and a healthy society. It's not about equality; it's about radically changing marriage and family.

Let's protect our kids, families, and communities. Vote NO on Proposition 3!

Learn more at www.Proposition3.net or www.CaliforniaFamily.org.

Jonathan Keller, President
California Family Council

Rev. Tanner DiBella, Founder
The American Council of Evangelicals

★ ARGUMENT AGAINST PROPOSITION 3 ★

Californians should vote NO on Proposition 3, the so-called “Freedom to Marry” initiative. Supporters say it updates our constitution to match current laws, but it actually changes the definition of marriage in DANGEROUS and unexpected ways.

The big problem with Proposition 3 is that it overrides all laws on marriage. A “fundamental right” to marry means it would remove protections against child marriages, incest, and polygamy. Is this what we want for California? The unclear wording of Prop. 3 would lead to SERIOUS PROBLEMS that harm our society.

You may hear we need this measure to protect against possible Supreme Court decisions. But same-sex marriage has been legal across the country since 2015. Proposition 3 is fixing a problem that doesn't exist and is instead causing HARM.

Some supporters say “extremist politicians” could threaten marriage rights. But it is the backers of Proposition 3 who are EXTREME by wanting to remove all marriage guidelines. Sadly, all the talk about “equality” hides the RADICAL changes behind this proposal.

Current laws and court decisions already protect the right to marry, regardless of gender, sexual orientation, race, or ethnicity. These laws also protect children, prevent exploitation, and keep marriage as a union between two consenting adults. But Proposition 3 would REMOVE these defenses.

Instead of protecting civil rights in California, this measure risks the civil rights of children. It even opens the door to polygamy—marriage between more than two people. This would only exploit vulnerable women and children. Is this the kind of “EQUALITY” we want in our state?

By changing the definition of marriage, this measure also suggests that children don't need both a mom and a dad.

This goes against years of research showing that kids do best when raised by their mother and father in a stable, married home.

Children without a mother or father are more likely to have emotional issues, take part in risky behaviors, struggle in school, and face financial problems.

Proposition 3 INCREASES RISKS to kids' emotions, physical health, and education.

California is a leader in diversity and acceptance. But TRUE PROGRESS doesn't mean getting rid of all rules and protections. We should update our laws carefully while keeping necessary safeguards.

Instead of rushing to redefine marriage in ways that EXCLUDE a child's mother or father, we should insist that all adults conform to the needs of children. Proposition 3 FAILS this test badly.

Don't be tricked by talk of “love” and “acceptance.” Proposition 3 is a RECKLESS and unneeded measure that would hurt our state. It removes important protections for marriage while pretending to expand rights.

Californians deserve better than this poorly written and HARMFUL proposition. We can protect marriage and civil rights without allowing child brides, incest, and polygamy. Vote NO on Proposition 3 to keep common-sense marriage rules and protect our children, families, and society.

For more information, visit www.Proposition3.net or www.CaliforniaFamily.org.

Jonathan Keller, President
California Family Council

Tanner DiBella, President
The American Council for Evangelicals

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 3 ★

Proposition 3's opponents are wrong. Here are the facts: Proposition 3 PROTECTS the right of Californians to marry, regardless of gender or race.

Proposition 3 DOES NOT change California's laws regarding age requirements for marriage or the number of people in a marriage.

Aaron Tang, a constitutional law expert at the University of California, Davis, notes, “Proposition 3 removes outdated language in the California Constitution prohibiting marriage between same-sex couples.”

For decades, Proposition 3's opponents have sought to deny marriage rights to same-sex couples. They want to keep discriminatory language in the state constitution. That is why they oppose Proposition 3.

FAITH LEADERS & CIVIL RIGHTS GROUPS SUPPORT YES ON 3

The vast majority of Californians believe that every Californian, regardless of gender or race, should have

the right to marry the person they love. That's why Proposition 3 is supported by a broad and bipartisan coalition of faith leaders, civil rights advocates, and family-centered organizations.

California has always been a leader in protecting civil rights and individual freedom. Proposition 3 continues that legacy.

Learn more at yesonprop3CA.com.

VOTE YES ON PROPOSITION 3—PROTECT YOUR FREEDOM TO MARRY

Senator Scott Wiener

Mia Kirby, Senior Regional Organizing Lead
Human Rights Campaign

Maria Roman, Vice President
TransLatin@ Coalition