

House File 101 - Introduced

HOUSE FILE 101

BY HEARTSILL, HOLT, SALMON,
GASSMAN, FISHER, SHEETS,
KOOIKER, and WATTS

A BILL FOR

1 An Act relating to the granting of a marriage license when the
2 parties are of the same gender and the related appellate
3 jurisdiction of the supreme court.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 595.3, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. Where both parties are of the same
4 gender.

5 Sec. 2. COUNTY REGISTRAR DUTIES AND CONSTITUTIONAL
6 AMENDMENT. Pursuant to section 595.3, subsection 6, as
7 enacted in this Act, the county registrar shall not grant a
8 marriage license where both parties are of the same gender
9 until such time as an amendment to the Constitution of
10 the State of Iowa defining marriage as the legal union of
11 one man and one woman is submitted to the electorate for
12 ratification. Following submission of such amendment to the
13 electorate for ratification, if the amendment is ratified, the
14 prohibition against a county registrar granting a marriage
15 license to parties of the same gender shall continue to
16 be enforced following the effective date of the amendment.
17 Following submission of such amendment to the electorate for
18 ratification, if the amendment is not ratified, section 595.3,
19 subsection 6, as enacted in this Act, is repealed upon the
20 official certification of the vote.

21 Sec. 3. APPELLATE JURISDICTION. The supreme court shall
22 not have appellate jurisdiction over any prohibitions or
23 restrictions established by this Act relating to the granting
24 of a marriage license in this state.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill provides that a marriage license shall not be
29 granted where both parties are of the same gender. The bill
30 directs that the county registrar shall not grant a marriage
31 license where both parties are of the same gender until such
32 time as an amendment to the Constitution of the State of Iowa
33 defining marriage as the legal union of one man and one woman
34 is submitted to the electorate for ratification. Following
35 submission of the amendment to the electorate for ratification,

1 if the amendment is not ratified, the provision prohibiting the
2 granting of a marriage license where both parties are of the
3 same gender is repealed upon the official certification of the
4 vote.

5 The bill also provides that the supreme court does not have
6 appellate jurisdiction over any prohibitions or restrictions
7 established by the bill relating to the granting of a marriage
8 license in this state.