



PO. Box 29816
Lincoln NE, 68529
(402) 982-1572
lwnnebraska.org

March 1, 2023

Senator Justin Wayne, Chair, and Members of the Judiciary Committee
State Capitol, Lincoln, NE

RE: LR26CA (Day) Constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska

SUPPORT – *Please include this testimony from the League of Women Voters of Nebraska as part of the public hearing record for LR26CA.*

Dear Senator Wayne and Members of the Judiciary Committee:

The League of Women Voters of Nebraska supports equal rights for all under state and federal law. We support legislation to equalize the legal rights, obligations and benefits available to same-gender couples with those available to heterosexual couples, including legislation to permit same-gender couples to marry under civil law. It is our understanding that the civil status of marriage is already clearly distinguished from the religious institution of marriage and that religious rights will be preserved.

Nebraska marriage laws should be updated to be in compliance with the Respect for Marriage Act – which received bipartisan support in the U.S. Congress before becoming law on Dec. 13, 2022 – and U.S. Supreme Court precedent. In 2015, the Supreme Court found in favor of marriage equality in *Obergefell v. Hodges* on the grounds that the right to marry is a fundamental right held by all couples under both the due process clause and equal protection clause of the 14th Amendment to the U.S. Constitution. The ruling requires all states and territories to recognize same-sex marriages on the same terms and conditions that they do heterosexual marriages. This case – which will celebrate its eighth anniversary this summer – was codified into federal law in 2022 with Public Law No. 117-228.

It is important that we take steps now to update the language in Nebraska's state Constitution to reflect our national policy of marriage equality. It is worth noting that *Obergefell v. Hodges* was not the culmination of one court case but rather a consolidation originally representing 16 couples from four states. All of these cases were decided in favor of the same-sex couples, and each defense was undoubtedly costly to their respective states. It is not in the interest of the taxpayers of Nebraska to potentially find themselves embroiled in fruitless and expensive legal battles. Having updated language in our state Constitution provides clarity and protection, both for individuals as well as the state.

The League of Women Voters of Nebraska believes this is an important issue. As Nebraskans, we appreciate the opportunity to vote to make our Constitution more inclusive. Thank you for considering our position and for all you do for our state.

Sincerely,

MaryLee Moulton, President, LWNNE
Sara Lee, Social Policy Action Team, LWNNE
Jill McDermott, Social Policy Director, LWNNE
Rachel Gibson, Vice President-Action, LWNNE