

5398-S

Sponsor(s): Senate Committee on Law & Justice (originally sponsored by Senators Swecker, Zarelli, Oke and Schow)

Brief Title: Reaffirming and protecting the institution of marriage.

SB 5398-S.E - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Declares a compelling interest of the state of Washington to reaffirm its historical commitment to the institution of marriage as a union between a man and a woman as husband and wife and to protect that institution.

Declares same-sex marriages will not be recognized in Washington, even if they are made legal in other states.

Declares that a marriage between two persons that is recognized as valid in another jurisdiction is valid in this state only if the marriage is not prohibited or made unlawful under RCW 26.04.020.

VETO MESSAGE ON SB 5398-S

February 21, 1997

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5398 entitled:

"AN ACT Relating to reaffirming and protecting the institution of marriage;"

This bill amends the marriage statute by prohibiting same-sex marriage and prohibiting the state of Washington from recognizing any marriage that is not valid in this state. The first prohibition is unnecessary because persons of the same sex are already barred from legally marrying in the state of Washington. A Washington Court of Appeals decision, *Singer v. Hara*, 11 Wa. App. 247 (1974), clearly held that the Washington marriage statute does not allow marriage between persons of the same sex. The Washington Supreme Court approved the Singer analysis in *Marchioro v. Chaney*, 90 Wn. 2d 298 (1978).

In 1996, the federal Defense of Marriage Act exempted the individual states from any requirement that they recognize or give effect to same-sex marriages from other states. Washington courts have consistently held that marriages not recognized under Washington law will not be recognized or given effect in Washington, even if valid in the jurisdiction where they were contracted. The second prohibition of the ESSB 5398 is therefore unnecessary.

As I said in my Inaugural Address, I will oppose measures that divide, disrespect or diminish our humanity. Our overarching principle should be to promote civility, mutual respect and unity. This legislation fails to meet this test.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 5398 in its entirety.

Respectfully submitted,
Gary Locke
Governor