

HOUSE FILE _____
BY SHERMAN

A BILL FOR

1 An Act protecting religious liberty and state sovereignty
2 relating to marriage.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. RELIGIOUS LIBERTY — RECOGNITION OF
2 MARRIAGE. The state of Iowa recognizes freedom of religion
3 as an unalienable right and recognizes the institution of
4 marriage as a sacred religious sacrament that is inextricably
5 and fundamentally bound with free exercise of that right. The
6 state of Iowa also recognizes the deep historical and religious
7 roots that uniformly defined and understood marriage to be the
8 union between one male and female. Therefore, no resident of
9 Iowa shall be compelled, coerced, or forced to recognize any
10 same-sex unions or ceremonies as marriage, notwithstanding
11 any laws to the contrary that may exist in other states, and
12 no legal action, criminal or civil, shall be taken against
13 citizens in Iowa for refusal or failure to recognize or
14 participate in same-sex unions or ceremonies.

15 Sec. 2. RECOGNITION OF THE NULLITY OF CERTAIN FEDERAL ACTS
16 RELATIVE TO THE STATE OF IOWA. The state of Iowa considers
17 certain elements of the federal Respect for Marriage Act, Pub.
18 L. No. 117-228, relating to the definition of marriage to be
19 null and void ab initio and to have no effect whatsoever in
20 Iowa for the following reasons:

21 1. Any attempt by the federal entity to erect a legal
22 definition of marriage plainly falls outside the enumerated
23 powers of Article I, section 8, of the Constitution of the
24 United States.

25 2. Any attempt by the federal entity including Congress
26 to define or redefine marriage violates the establishment
27 clause of the first amendment to the Constitution of the United
28 States.

29 3. The Respect for Marriage Act violates the tenth amendment
30 to the Constitution of the United States by encroaching upon
31 state powers that are reserved to the states or to the people.

32 EXPLANATION

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

35 This bill relates to protecting religious liberty and state

1 sovereignty relating to marriage.

2 The bill provides that the state of Iowa recognizes freedom
3 of religion as an unalienable right and recognizes the
4 institution of marriage as a sacred religious sacrament that is
5 inextricably and fundamentally bound with free exercise of that
6 right. The state of Iowa also recognizes the deep historical
7 and religious roots that uniformly defined and understood
8 marriage to be the union between one male and female.

9 Therefore, no resident of Iowa shall be compelled, coerced,
10 or forced to recognize any same-sex unions or ceremonies as
11 marriage, notwithstanding any laws to the contrary that may
12 exist in other states, and no legal action, criminal or civil,
13 shall be taken against citizens in Iowa for refusal or failure
14 to recognize or participate in same-sex unions or ceremonies.

15 The bill also specifies reasons why the state of Iowa
16 considers certain elements of the federal Respect for Marriage
17 Act, Pub. L. No. 117-228, relating to the definition of
18 marriage to be null and void ab initio and to have no effect
19 whatsoever in Iowa.