

New Hampshire Governor's Statement on Same-Sex Marriage Legislation

Gov. John Lynch released the following statement today regarding same-sex legislation in New Hampshire:

"The gay marriage debate in New Hampshire has been filled with passion and emotion on all sides.

"My personal views on the subject of marriage have been shaped by my own experience, tradition and upbringing. But as Governor of New Hampshire, I recognize that I have a responsibility to consider this issue through a broader lens.

"In the past weeks and months, I have spoken with lawmakers, religious leaders and citizens. My office has received thousands of phone calls, letters and emails. I have studied our current marriage and civil union laws, the laws of other states, the bills recently passed by the legislature and our history and traditions.

"Two years ago, we passed civil unions legislation here in New Hampshire. That law gave same-sex couples in civil unions the same rights and protections as marriage. And in typical New Hampshire fashion, the people of this state embraced civil unions and agreed we needed to continue our tradition of opposing discrimination.

"At its core, HB 436 simply changes the term 'civil union' to 'civil marriage.' Given the cultural, historical and religious significance of the word marriage, this is a meaningful change.

"I have heard, and I understand, the very real feelings of same-sex couples that a separate system is not an equal

system. That a civil law that differentiates between their committed relationships and those of heterosexual couples undermines both their dignity and the legitimacy of their families.

“I have also heard, and I understand, the concerns of our citizens who have equally deep feelings and genuine religious beliefs about marriage. They fear that this legislation would interfere with the ability of religious groups to freely practice their faiths.

“Throughout history, our society’s views of civil rights have constantly evolved and expanded. New Hampshire’s great tradition has always been to come down on the side of individual liberties and protections.

“That is what I believe we must do today.

“But following that tradition means we must act to protect both the liberty of same-sex couples and religious liberty. In their current form, I do not believe these bills accomplish those goals.

“The Legislature took an important step by clearly differentiating between civil and religious marriage, and protecting religious groups from having to participate in marriage ceremonies that violate their fundamental religious beliefs.

“But the role of marriage in many faiths extends beyond the actual marriage ceremony.

“I have examined the laws of other states, including Vermont and Connecticut, which have recently passed same-sex marriage laws. Both go further in protecting religious institutions than the current New Hampshire legislation.

“This morning, I met with House and Senate leaders, and the sponsors of this legislation, and gave them language that will

provide additional protections to religious institutions.

“This new language will provide the strongest and clearest protections for religious institutions and associations, and for the individuals working with such institutions.

It will make clear that they cannot be forced to act in ways that violate their deeply held religious principles.

“If the legislature passes this language, I will sign the same-sex marriage bill into law. If the legislature doesn’t pass these provisions, I will veto it.

“We can and must treat both same-sex couples and people of certain religious traditions with respect and dignity.

“I believe this proposed language will accomplish both of these goals and I urge the legislature to pass it.

Below is the language Gov. Lynch has proposed for the same Sex legislation.

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I. Notwithstanding any other provision of law, a religious organization, association, or society, or any individual who is managed, directed, or supervised by or in conjunction with a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, shall not be required to provide services, accommodations, advantages, facilities, goods or privileges to an individual if such request for such services, accommodations, advantages, facilities, goods or privileges is related to the solemnization of a marriage, the celebration of a marriage, or the promotion of marriage through religious counseling, programs, courses, retreats, or housing designated for married individuals, and such solemnization, celebration, or promotion of marriage is in violation of their religious beliefs and faith. Any refusal to provide services,

accommodations, advantages, facilities, goods or privileges in accordance with this section shall not create any civil claim or cause of action or result in any state action to penalize or withhold benefits from such religious organization, association or society, or any individual who is managed, directed, or supervised by or in conjunction with a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

II. The marriage laws of this state shall not be construed to affect the ability of a fraternal benefit society to determine the admission of members pursuant to RSA 418:5, and shall not require a fraternal benefit society that has been established and is operating for charitable and educational purposes and which is operated, supervised or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the fraternal benefit society's free exercise of religion as guaranteed by the first amendment of the Constitution of the United States and part 1, article 5 of the Constitution of New Hampshire

III. Nothing in this chapter shall be deemed or construed to limit the protections and exemptions provided to religious organizations under RSA § 354-A:18.

IV. Repeal. RSA 457-A, relative to civil unions, is repealed effective January 1, 2011, except that no new civil unions shall be established after January 1, 2010.