

## **Overview - Hawaii's Same-Sex Marriage Saga**

- **December 17, 1990, three same sex couples apply for marriage licenses with Hawaii's Department of Health. Licenses are denied because the marriage law requires opposite sex couples.**
- **May 1, 1991, three same-sex couples sue the state for the right to marry.**
- **May 5, 1993, the Hawaii State Supreme Court holds the existing Hawaii statute reserving marriage to one man and one woman (Sec. 572-1, Hawaii Revised Statutes) violates the Hawaii State Constitution's equal protection clause. (Article 1, section 5 of the State Constitution).**
- **The State Supreme Court declares the only way the current state statute reserving marriage to one man and one woman can be upheld is if the state of Hawaii demonstrates to a lower court that it has a "compelling state interest" in maintaining the current law supporting traditional marriage.**
- **In April 1994, lawmakers amend the marriage law, even more specifically reserving marriage for one man and one woman.**
- **In 1996, a trial is held in the lower court to determine if the state can demonstrate a compelling interest in preserving marriage as a union between one man and one woman.**
- **December 1996, a lower state court judge finds the state has failed to demonstrate a "compelling state interest" in denying same-sex couples the right to marry. He declares unconstitutional the state statute reserving marriage for one man and one woman. Finally, he orders the State Department of Health to stop denying marriage licenses "solely because the applicants are of the same sex." The State appeals the decision to the Hawaii Supreme Court.**
- **April 1997, House Bill 117 passes into law allowing the people of Hawaii to vote on a constitutional amendment giving the legislature the right to reserve marriage to opposite sex couples. A reciprocal beneficiaries law also passes, granting non-married couples many rights and benefits of marriage, including hospital visitation, insurance benefits, and property and inheritance rights.**
- **November 1998, nearly 70% of the people of Hawaii vote to uphold marriage between one man and one woman. The Hawaii State Constitution is amended clearly indicating the legislature has the power to reserve marriage to opposite sex couples.**
- **December 1999, the Hawaii Supreme Court finally declares rules in favor of the state, declaring the original lawsuit now moot. The Court explains that the constitutional amendment has placed Hawaii's traditional marriage law on new footing.**
- **December 1999, same-sex marriage proponents claim the decision only denies them marriage licenses not marriage benefits. They vow to seek legislation granting same-sex couples all the rights and benefits of marriage, such as adoption and child custody, simply without the marriage title.**