
HOUSE BILL 2176

State of Washington 58th Legislature 2003 Regular Session

By Representatives Boldt, Ahern, McMahan, Crouse and Schindler

Read first time 02/28/2003. Referred to Committee on Juvenile
Justice & Family Law.

1 AN ACT Relating to reaffirming and protecting the institution of
2 marriage; amending RCW 26.04.020; creating new sections; and providing
3 for submission of this act to a vote of the people.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
6 Washington state defense of marriage act.

7 **Sec. 2.** RCW 26.04.020 and 1998 c 1 s 4 are each amended to read as
8 follows:

9 (1) Marriages in the following cases are prohibited:

10 (a) When either party thereto has a wife or husband living at the
11 time of such marriage;

12 (b) When the husband and wife are nearer of kin to each other than
13 second cousins, whether of the whole or half blood computing by the
14 rules of the civil law; or

15 (c) When the parties are persons other than a male and a female.

16 (2) It is unlawful for any man to marry his father's sister,
17 mother's sister, daughter, sister, son's daughter, daughter's daughter,

1 brother's daughter or sister's daughter; it is unlawful for any woman
2 to marry her father's brother, mother's brother, son, brother, son's
3 son, daughter's son, brother's son or sister's son.

4 (3) A marriage between two persons that is recognized as valid in
5 another jurisdiction is valid in this state only if the marriage is not
6 prohibited (~~(or made unlawful)~~) under subsection (1)(a)(~~(7-1)~~) or (c)
7 of this section, or unlawful under subsection (2) of this section.

8 (4) The uniting of two persons in a nonmarital domestic
9 relationship, including a civil union, domestic partnership, or other
10 similar relationship when the persons are other than a male and a
11 female is not valid in this state, and such a uniting of two persons
12 recognized as valid in another jurisdiction is not recognized as valid
13 in this state.

14 (5) A person in a nonmarital domestic relationship shall not
15 qualify for, or receive, any spousal, familial, or marital benefit,
16 privilege, advantage, or entitlement, or any equivalent thereof, that
17 is paid for, directly or indirectly, in whole or in part, with public
18 funds.

19 NEW SECTION. Sec. 3. This act is necessary for the preservation
20 of the public peace, health, morals, or safety, or support of the state
21 government and its existing public institutions.

22 NEW SECTION. Sec. 4. The provisions of this act are to be
23 liberally construed to effectuate the policies and purposes of this
24 act. In the event of conflict between this act and any other provision
25 of law, the provisions of this act shall govern.

26 NEW SECTION. Sec. 5. If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. Sec. 6. The secretary of state shall submit this act
31 to the people for their adoption and ratification, or rejection, at the
32 next general election to be held in this state, in accordance with

1 Article II, section 1 of the state Constitution and the laws adopted to
2 facilitate its operation.

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