

CA CR 25 - AS INTRODUCED

2026 SESSION

26-2956
09/08

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **25**

RELATING TO: relative to the right to marry.

PROVIDING THAT: the right to marry is a fundamental civil right and that the state shall protect the right of every individual, regardless of sex, gender identity, sexual orientation, or race, to marry and to have their marriage legally recognized.

SPONSORS: Rep. Wade, Straf. 15; Rep. Butler, Straf. 12; Rep. A. Murray, Hills. 20; Rep. Lloyd, Hills. 8; Rep. D. Germana, Ches. 1; Sen. Watters, Dist 4; Sen. Fenton, Dist 10

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution would establish marriage as a fundamental civil right and that the state shall protect the right of every individual, regardless of sex, gender identity, sexual orientation, or race, to marry and to have their marriage legally recognized.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: relative to the right to marry.

PROVIDING THAT: the right to marry is a fundamental civil right and that the state shall protect the right of every individual, regardless of sex, gender identity, sexual orientation, or race, to marry and to have their marriage legally recognized.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the first part of the constitution be amended by inserting after article 5 the following
2 new article:

3 [Art.] 5-a. [Right to Marry.] The right to marry is a fundamental civil right. The state of New
4 Hampshire recognizes and shall protect the right of every individual, regardless of sex, gender
5 identity, sexual orientation, or race, to marry and to have their marriage legally recognized. No law,
6 ordinance, policy, or governmental action in this state shall deny or abridge the right to marry, or
7 refuse to recognize a lawful marriage, on the basis of sex, gender identity, sexual orientation, or race.
8 All marriages and all spouses shall be afforded equal treatment under the laws of New Hampshire.
9 No law, ordinance, policy, or governmental action shall assign differing rights, obligations,
10 protections, or benefits to marriages or spouses on the basis of sex, gender identity, sexual
11 orientation, or race. Any marriage validly entered into in accordance with the laws of New
12 Hampshire, or any other state, shall be recognized as valid and lawful in New Hampshire.

13 II. That the above amendment proposed to the constitution be submitted to the qualified
14 voters of the state at the state general election to be held in November, 2026.

15 III. That the selectmen of all towns, cities, wards and places in the state are directed to
16 insert in their warrants for the said 2026 election an article to the following effect: To decide
17 whether the amendments of the constitution proposed by the 2026 session of the general court shall
18 be approved.

19 IV. That the wording of the question put to the qualified voters shall be:
20 "Are you in favor of amending the first part of the constitution by inserting after article 5 the
21 following new article:

22 [Art.] 5-a. [Right to Marry.] The right to marry is a fundamental civil right. The state of New
23 Hampshire recognizes and shall protect the right of every individual, regardless of sex, gender
24 identity, sexual orientation, or race, to marry and to have their marriage legally recognized. No law,
25 ordinance, policy, or governmental action in this state shall deny or abridge the right to marry, or
26 refuse to recognize a lawful marriage, on the basis of sex, gender identity, sexual orientation, or race.
27 All marriages and all spouses shall be afforded equal treatment under the laws of New Hampshire.

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2 protections, or benefits to marriages or spouses on the basis of sex, gender identity, sexual
3 orientation, or race. Any marriage validly entered into in accordance with the laws of New
4 Hampshire, or any other state, shall be recognized as valid and lawful in New Hampshire."

5 V. That the secretary of state shall print the question to be submitted on a separate ballot
6 with other constitutional questions or on the official ballot. The ballot containing the question shall
7 include 2 ovals next to the question allowing the voter to vote "Yes" or "No." If no oval is marked, the
8 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular
9 official ballot except that the words "Questions Relating to Constitutional Amendments proposed by
10 the 2026 General Court" shall be printed in bold type at the top of the ballot.

11 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
12 becomes effective when the governor proclaims its adoption.

13 VII. Voters' Guide.

14 AT THE PRESENT TIME, there is no right to marry in the state constitution.

15 IF THE AMENDMENT IS ADOPTED, the constitution would guarantee the right to
16 marriage equality and equal treatment under the law regardless of sex, gender identity, sexual
17 orientation, or race.