



# THE CASE FOR INCLUSION

News and Legal Analysis on Issues Related to Diversity and Inclusion

## New Challenges for Same Sex Marriage in North Carolina

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When same-sex marriage became legal in North Carolina, [magistrates were told that their oath of office required them to fulfill their duties to any couple who possessed a valid marriage license](#). In response, at least one magistrate resigned.

Senate Bill 2, seemingly introduced in response to magistrate resignation, made quite a splash in North Carolina. The bill provides that county magistrates may refuse to perform civil marriage ceremonies for same-sex couples, or any other couples, if the ceremony violates their religious beliefs.

The bill also allows for some county employees to refuse to handle marriage licenses for couples whose marriages do not comport with their religious standards. Given the timing of the bill and the state's recent struggles with the issue, it is pretty likely that it was intended to allow magistrates to refuse to perform same-sex marriages, even though it claims to apply to any marriage. You can read the bill [HERE](#).

The bill passed in the Senate in February of 2015. In late May, the bill was passed in the North Carolina House of Representatives.

[North Carolina Governor Pat McCrory vetoed the bill](#), stating "I recognize that for many North Carolinians, including myself, opinions on same-sex marriage come from sincerely held religious beliefs that marriage is between a man and a woman. However, we are a nation and a state of laws. Whether it is the president, governor, mayor, a law enforcement officer, or magistrate, no public official who voluntarily swears to support and defend the Constitution and to discharge all duties of their office should be exempt from upholding that oath; therefore, I will veto Senate Bill 2."

Yesterday, the North Carolina House of Representatives voted to override North Carolina Governor Pat McCrory's Veto of Senate Bill 2. After securing the required three-fifths majority, the bill became law.

This law is essentially a stand-off between two fundamental rights: equal protection under the law and religious freedom. Although the law remains in place at the moment, it is very likely that a lawsuit will result from its implementation.