

MARRIAGE PROTECTION ACT - H3022 (*Proposed*)

BY CHUMLEY, G.R. SMITH, BURNS, HILL, PUTNAM, ALLISON, AND DANING

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 1, Title 20 of the 1976 Code is amended by adding:

"Section [20-1-235](#). (A) No state or local taxpayer funds or governmental salaries may be paid for an activity that includes the licensing or support of same-sex marriage.

(B) No state or local governmental employee officially shall recognize, grant, or enforce a same-sex marriage license. If an employee violates this subsection, the employee must not continue to receive a salary, pension, or other employee benefit at the expense of the taxpayers of this State.

(C) No taxes or public funds may be utilized to enforce a court order requiring the issuance or recognition of a same-sex marriage license.

(D) A court of this State shall dismiss a legal action challenging a provision of this section and shall award costs and attorney's fees to a person or entity named as a defendant in the legal action.

(E) No person employed by this State or a local governmental entity who violates or interferes with the implementation of this section may continue to receive a salary, pension, or other employee benefit.

(F) The State is not subject to suit in law or equity pursuant to the eleventh amendment of the United States Constitution for complying with the provisions of this section, regardless of a contrary federal court ruling.

(G) If a judicial officer violates this section, that judicial officer is disqualified from office pursuant to Section 19, Article V of the South Carolina Constitution, 1895."

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this , and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

This is the proposed bill to enforce our state constitutional amendment recognizing Biblical marriage.