**South Carolina General Assembly**

121st Session, 2015-2016

**S. 787**

**STATUS INFORMATION**

Senate Resolution

Sponsors: Senator Fair

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Introduced in the Senate on May 19, 2015

Currently residing in the Senate Committee on **Judiciary**

Summary: United States' Supreme Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/19/2015 Senate Introduced ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2015\05-19-15.docx))

5/19/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2015\05-19-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=787&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/19/2015](file:///p:\pprever\2015-16\787_20150519.docx)

**A** **SENATE RESOLUTION**

TO PROCLAIM THAT IF THE UNITED STATES’ SUPREME COURT RULES BY JUDICIAL FIAT TO OVERTURN THE VOTES OF THE PEOPLE AND OF LEGISLATURES THROUGHOUT THE STATES AND SO REWRITE THOSE STATES’ CONSTITUTIONS, THAT THE TRADITION OF ALLOWING THE UNITED STATES’ SUPREME COURT TO HOLD THE FINAL AUTHORITY ON JUDICIAL RULINGS BE ABANDONED AND THAT HENCEFORTH A MAJORITY OF STATES BE ALLOWED TO OVERRIDE A SUPREME COURT DECISION AND MAKE THE DECISION VOID.

Whereas, the United States’ Supreme Court has taken up the issue of whether or not same‑sex marriage should be imposed upon all the States; and

Whereas, at least thirty‑six states have passed constitutional amendments stating that marriage is between only one man and one woman; and

Whereas, several methods have been used to pass those amendments, including voter referendum to place it on the ballot, state legislatures passing such amendments with super majorities, and voter approval for ratification, and in some states, including the governor’s signature as well; and

Whereas, marriage laws have always been in the purview of the individual states and not the federal government, and laws pertaining to marriage‑whether they be age restrictions or familial restrictions‑have always been in the purview of the individual states; and

Whereas, millions of voters have voted directly that marriage is between one man and one woman; and

Whereas, the United States’ Supreme Court has taken upon itself through Marbury vs. Madison the final authority on constitutional law and states’ rights, and is willing to override the clearly expressed will of the people; and

Whereas, according to the Constitution, decisions of such importance must be passed by Congress as a constitutional amendment and then sent to the states for ratification; and

Whereas, when the Supreme Court struck down part of the Defense of Marriage Act (DOMA), in which marriage was federally recognized as only between one man and one woman, the Supreme Court did not strike down the other provisions of DOMA which allow states to refuse to recognize forms of marriage that are not legal in their state. Now, therefore,

Be it resolved by the Senate:

That the members of the Senate, by this resolution, proclaim that if the United States’ Supreme Court rules by judicial fiat to overturn the votes of the people and of legislatures throughout the states and so rewrite those states’ constitutions, the tradition of allowing the United States’ Supreme Court to hold the final authority on judicial rulings be abandoned and that henceforth a majority of states be allowed to override a Supreme Court decision and make the decision void.

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