



DEPARTMENT OF THE ATTORNEY GENERAL

**News Release**

**NEIL ABERCROMBIE**  
GOVERNOR

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**ATTORNEY GENERAL ANNOUNCES RELEASE OF  
FORMAL OPINION NO. 13-1**

**HONOLULU – Attorney General David M. Louie issues Formal Opinion Concluding that the Hawaii State Legislature has the Constitutional Authority to Consider and Enact a Bill Relating to Marriage Equity.**

Attorney General Louie has announced that he has issued Formal Opinion No. 13-1 (Op. No. 13-1) in which he has concluded that pursuant to Article III, section 1 of the Hawaii State Constitution, the Legislature has the authority, if it so chooses, to consider and enact a bill relating to marriage equity.

On September 9, 2013, Governor Neil Abercrombie called the Legislature into special session, scheduled to commence October 28, 2013, to consider a bill Relating to Marriage (the Proposed Bill), a copy of which the Governor contemporaneously issued. According to the Proposed Bill, the purpose “is to recognize marriages between individuals of the same sex in the State of Hawaii.” Proposed Bill, section 1.

The issue of marriage equity has generated vigorous discussion among legislators, community organizations, religious organizations, and individuals. As a result of these discussions, Senator Les Ihara requested that the Attorney General provide a legal opinion with respect to whether the Legislature has the authority to consider, and if it so chooses, to enact the Proposed Bill.

Attorney General Louie stated that “following a comprehensive legal analysis by the very capable deputy attorneys general in my office, I have concluded that the Legislature unquestionably has the constitutional authority to consider and enact the Proposed Bill.” Because of the significant controversy surrounding the cultural, religious, political, and legal concerns raised by the Proposed Bill, Attorney General Louie decided that the subject warranted publication of a formal legal opinion. “I hope that by issuing Op. No. 13-1, the community at large will have a greater understanding

of the Legislature’s constitutional authority to enact legislation relating to marriage”  
stated Attorney General Louie.

A copy of Op. No. 13-1 can be reviewed and downloaded at  
<http://ag.hawaii.gov/publications/opinions/>.

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