



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
WASHINGTON, D.C. 20001-2745

January 5, 2010

Vincent C. Gray
Chairman At-Large
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Suite 504
Washington, D.C. 20004

Dear Mr. Gray:

Enclosed please find a Notice of Public Hearing for the purpose of determining whether the proposed measure, "Preservation of Traditional Marriage One Man One Woman 2009" is a proper subject for initiative in the District of Columbia. The hearing will take place on Tuesday, February 16, 2010 at 10:30a.m., at One Judiciary Square, 441 4th Street, N.W., Suite 280N, Washington, D.C. 20001

If you would like to address the issue of whether the proposed measure presents a proper subject for initiative, the Board requests that written memoranda be filed with the Office of the General Counsel for the Board no later than 4:00p.m., on Thursday, February 11, 2010 at One Judiciary Square, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please note given the time constraints associated with the referendum process, the deadline to file any memoranda must be strictly adhered to by all interested parties. Additionally, you will be permitted to present your arguments on this measure at the hearing on February 16, 2010.

Sincerely,

Kenneth J. McGhie
General Counsel

Enclosure

BOARD OF ELECTIONS AND ETHICS

NOTICE OF PUBLIC HEARING RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections and Ethics shall consider in a public hearing whether the proposed measure "Preservation of Traditional Marriage One Man One Woman 2009" is a proper subject matter for initiative, at the Special Board Meeting on Tuesday, February 16, 2010 at 10:30am., One Judiciary Square, 441 4th Street, N.W., Suite 280, Washington DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, February 11, 2010 to the Board of Elections and Ethics, General Counsel's Office, One Judiciary Square, 441 4th Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel's office at 727-2194 no later than February 11, 2010.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

PRESERVATION OF TRADITIONAL MARRIAGE ONE MAN ONE WOMAN 2009

SUMMARY STATEMENT

The purpose of this initiative is to allow the citizens of the District of Columbia to vote to preserve traditional marriage as between one man one woman.

- This initiative would define marriage as between one man and one woman.
- This initiative would amend as follows:
- Section 1283 (DC Official Code section 46-401) is redesignated as section 1283

"Marriage is the legally recognized union between one man and one woman. No person may enter into a marriage in the District of Columbia with another person unless it is a man and a man.

LEGISLATIVE TEXT

To repeal the District of Columbia's "Religious Freedom and Civil Marriage Equality Act of 2009."

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this Act may be cited as the "Religious Freedom and Civil Marriage Equality Amendment Act of 2009".

Sec. 2 Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C., Official Code § Sec 46-401 *passim*), is amended as follows:

(a) Section 1283 (D.C. Official Code '46-401) is redesignated as section 1283a. (a) A new section 1283 is added to read as follows: "Sec. 1283 EQUAL ACCESS TO MARRIAGE.

(a) Marriage is the legally recognized union of 2 persons. Any person may enter into a marriage in the District of Columbia with another person, regardless of gender, unless the marriage is expressly prohibited by section 1283a or section 1285.

(b) Where necessary to implement the rights and responsibilities relating to the marital or familial relationships, gender-specific terms shall be construed to be gender neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law, or any other source of civil law."

(c) Section 1287a (D.C. Official Code '46-405.01) is amended by striking the phrase "sections 1283" and inserting the phrase "sections 1283a" in its place.

(d) Section 1288 (D.C. Official Code § 46-406) is amended by adding new subsections (c), (d), and (e) to read as follows:

“(c) No priest, imam, rabbi, minister, or other official of any religious society who is authorized to solemnize or celebrate marriages shall be required to solemnize or celebrate any marriage.

“(d) Each religious society has exclusive control over its own theological doctrine, teachings, and beliefs regarding who may marry within that particular religious society’s faith.

“(e) Notwithstanding any other provision of law, a religious society, or a nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society, shall not be required to provide services, accommodations, facilities, or goods for a purpose related to the solemnization or celebration of a same-sex marriage, or the promotion of same-sex marriage through religious programs, counseling, courses, or retreats, that is in violation of the religious society’s beliefs. A refusal to provide services, accommodations, facilities, or goods in accordance with this subsection shall not create any civil claim or cause of action, or result in a District action to penalize or withhold benefits from the religious society or nonprofit organization that is operated, supervised or controlled by or in conjunction with a religious society.”

Sec. 3. Section 3 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702), is amended as follows:

(a) Subsection (d) (3) is amended to read as follows:

“(3) A domestic partnership shall terminate by operation of law if the domestic partners marry each other.”

(b) Subsection (e) (3) is amended by striking the word “marriage” and inserting the phrase “certification of marriage” in its place.

(c) A new subsection (j) is added to read as follows:

“(j)(1) Two persons in a valid domestic partnership pursuant to this act may apply for and receive a marriage license in accordance with Chapter Forty-Three of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391;) D.C. Official Code ‘46-401 *passim*).

“(2) Two persons who are in a domestic partnership and have registered their domestic partnership pursuant to this section shall not be charged a marriage license fee.”

Sec. 4 Section 16-903 of the District of Columbia Official Code is amended by striking the phrase “46-401” and inserting the phrase “46-401.01” in its place.

Sec 5 Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602 (c) (3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code ‘1-206.02 (c) (3).

Sec.6 Effective Date.

The act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c) (1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code ‘1-206.02(c) (1), and publication in the District of Columbia Register.