

D.C. Elections Board Denies Petition for Marriage Vote

✖ The District of Columbia Board of Elections and Ethics today rejected a petition for a citizens' initiative seeking to define marriage as the union of one man and one woman.

The Stand4MarriageDC Coalition in September filed the Marriage Initiative of 2009, which would have allowed traditional marriage supporters to gather signatures to get an initiative on the district ballot.

In its decision, the two-member board ruled that the initiative would violate the Human Rights Act (HRA) because the city council in May passed a measure recognizing same-sex marriages performed elsewhere.

"If passed, the Initiative would, in contravention of the HRA, strip same-sex couples of the rights and responsibilities of marriages currently recognized in the District," the elections board wrote in its decision.

Attorneys with Stand4MarriageDC argued that the District of Columbia Court of Appeals ruled in *Dean v. District of Columbia* that denying same-sex marriage licenses did not violate the HRA. "'Marriage' requires persons of opposite sex; there cannot be discrimination against a same-sex marriage if, by independent statutory definition extended to the [HRA], there can be no such thing," the appeals court had ruled.

But the elections board found that though same-sex marriage is not explicitly mentioned in the HRA, the act "must be read broadly to eliminate the many proscribed forms of discrimination in the district."

The board previously denied a referendum petition seeking to

repeal the Jury and Marriage Amendment Act of 2009, which recognized same-sex marriages performed elsewhere. At that time, the board ruled that the referendum would violate the HRA but said the coalition could “avail themselves of the initiative process.”

In its decision today, the board said, “Stating that a party may avail themselves of the initiative process is not the equivalent of asserting that the party is entitled to actually have the initiative appear on the ballot.”

Traditional marriage supporters called the board’s decision undemocratic.

“This board is charged with the responsibility of protecting, not denying, the right of the citizens to vote and to engage in the legislative process guaranteed to them,” said Cleta Mitchell, one of the attorneys representing the coalition.

Bishop Harry Jackson, chairman of Stand4MarriageDC, called the decision “outrageous” and “a slap in the face of every resident of the District of Columbia.”

“To deny the people their fundamental right to vote on such an important issue as the definition of marriage in our society is simply appalling,” Jackson said.

Stand4MarriageDC said it would appeal to the federal courts and Congress for the right of Washington, D.C., residents to vote on the definition of marriage.

The marriage initiative was partly an attempt to block a homosexual marriage bill introduced into the city council last month. The measure has the support of at least 10 of the 13 council members and is to be voted on in December. An amendment that would have allowed individuals to decline to provide services for same-sex weddings was rejected in committee last week.