

# Pa. County Issues Same-Sex Marriage Licenses Despite Ban

The state of Pennsylvania is suing a suburban Philadelphia county that by Wednesday had issued 36 marriage licenses to gay couples despite a state ban on same-sex nuptials.

The Montgomery County Register of Wills, D. Bruce Hanes, an elected official who issues marriage licenses, has been processing them for couples of the same gender for the past week, said county spokesman Frank Custer.

"I decided to come down on the right side of history and the law and was prepared to issue a license to the couple," Hanes said in a statement.

The state Health Department, part of the administration of Gov. Tom Corbett, a Republican, on Tuesday filed a lawsuit seeking to stop Hanes.

"The clerk's actions are in direct defiance of the express policy of the commonwealth that marriage shall be between one man and one woman," said the lawsuit filed in state Commonwealth Court.

The lawsuit comes less than two weeks after Pennsylvania Attorney General Kathleen Kane, a Democrat, announced she would not defend the state's ban on **same-sex marriage**. She refused to fight a lawsuit brought by the American Civil Liberties Union, which was believed to be the first federal case since the U.S. Supreme Court ruled on June 26 that the U.S. government must recognize same-sex marriages in states where it is legal.

Corbett's Office of General Counsel said on Tuesday it would step in to defend the state's ban on gay marriage.

Pennsylvania's **Defense of Marriage Act** was amended in 1996 to ban same-sex nuptials and to void same-sex marriages of state residents that might have been recognized in another state.

Thirteen U.S. states and the District of Columbia recognize gay marriage. Among them, Delaware, Minnesota and Rhode Island legalized gay marriage this year. Pennsylvania is among six potential states targeted by gay marriage advocates for a future push to legalize same-sex nuptials in 2015 and 2016, according to Freedom to Marry advocacy group.

In Montgomery County, Hanes' decision to provide the marriage licenses was hailed by the two Democrats who sit on the three-member Board of Commissioners, which governs Montgomery County. The third member, a Republican, said on Facebook the controversy belonged in court.

Hanes began issuing the licenses at the request of a same-sex couple who ultimately decided not to marry.

Montgomery County Solicitor Ray McGarry will file a response to the lawsuit sometime after Wednesday, Custer said.

"In the meantime the Register of Wills office will continue to issue marriage licenses to same-sex couples," McGarry said in a statement on Tuesday.

The county, with a population of more than 800,000, borders Philadelphia.

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*Editing by Barbara Goldberg and Richard Chang*

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