

April 26, 2004

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative related to the definition of marriage (File No. SA2004RF0016).

Background

Under current California law, only marriage between a man and a woman is valid and recognized. The U. S. Constitution does not define marriage nor does it require states to define marriage. One way to amend the U.S. Constitution is for two-thirds of the states' legislatures to request that Congress call a constitutional convention.

Major Provisions of the Initiative

At the beginning of every legislative session, this measure requires the Legislature to consider a request to Congress for a U. S. constitutional convention. The measure requires the Legislature to consider such a request each session until the U. S. Constitution is amended to either (1) define marriage between a man and a woman or (2) grant states the right to define marriage on their own. If Congress convenes a constitutional convention, the measure requires the Legislature to send representatives to the convention.

Fiscal Effect

The legislative requirement related to a constitutional convention would have no fiscal effect. If Congress convened a constitutional convention, the state would experience minor one-time costs to send representatives to the convention.

Summary. This measure would have potentially minor one-time state costs.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Donna Arduin
Director of Finance