

October 30, 2009

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional amendment initiative related to marriage (A.G. File No. 09-0039).

Background

State law does not contain any restrictions on marriage between two persons based on race, color, creed, ancestry, national origin, or religion. In November 2008, voters passed Proposition 8 to define in the State Constitution that only marriage between a man and a woman is valid or recognized in California. However, state law allows couples of the same sex where both partners are at least 18, or unmarried couples of the opposite sex where at least one partner is 62 years or older, to register as domestic partners. In most instances, registered domestic partners are provided the same rights and benefits as married couples. For example, both married individuals and domestic partners are entitled to alimony and community property rights.

Proposal

This measure amends the State Constitution to (1) repeal Proposition 8, which states that only marriage between a man and a woman is valid or recognized in California, and (2) define marriage as between only two persons no matter their race, color, national origin, sex, gender, sexual orientation, or religion. In addition, the measure states that it does not require clergy of any church to perform a marriage in violation of his or her religious beliefs.

Fiscal Effect

By repealing Proposition 8, this measure would make marriage between individuals of the same sex valid and recognized in California. As a result, there would likely be additional spending on wedding ceremonies in the state by same-sex couples, including

spending by people from outside of California. Particularly in the near term, this could increase revenues to state and local governments (primarily sales tax revenues). Over the longer run, however, this measure would likely have little fiscal impact on state and local governments.

Fiscal Summary. Over the long run, this measure would likely have little fiscal impact on state and local governments.

Sincerely,

Mac Taylor
Legislative Analyst

Michael C. Genest
Director of Finance