

August 12, 2011

Hon. Kamala D. Harris
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Dawn McFarland
Initiative Coordinator

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed a proposed constitutional amendment initiative related to marriage (A.G. File No. 11-0017, Amdt. #1-S).

Background

California law defines marriage as a personal relationship arising out of a civil contract between two consenting adults. In November 2008, voters passed Proposition 8, which amended the State Constitution to specify 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.

Constitutional challenges to Proposition 8 are currently pending in both state and federal courts.

Proposal

This measure amends the Constitution to repeal Proposition 8. In addition, the measure would replace the term “marriage” with “civil marriage” in state law. Finally, the measure states that it is not intended to modify or change any school curriculum or to require clergy of any church to perform a service not congruent with their faith.

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 in the state on wedding ceremonies 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

Ana J. Matosantos
Director of Finance