



June 9, 2009

VIA ELECTRONIC MAIL

Kenneth J. McGhie
General Counsel's Office
District of Columbia Board of Elections and Ethics
One Judiciary Square
441 4th Street, N.W., Suite 270
Washington, D.C. 20001

RE: A Referendum Concerning the Jury and Marriage Amendment Act of 2009
Board Hearing at 10:30 a.m. on Wednesday, June 10, 2009

Dear Mr. McGhie:

This letter will serve as the Referendum Proponents'¹ memorandum supporting "A Referendum Concerning the Jury and Marriage Amendment Act of 2009," filed with the District of Columbia Board of Elections and Ethics on May 27, 2009.

I. Background of the Proposed Referendum.

The Council of the District of Columbia passed the Jury and Marriage Amendment Act of 2009, Act No. 18-0070 (the "Act"), on May 5, 2009, by a vote of 12 to 1 with Councilmember Marion Barry casting the lone vote against the Act. The Act was signed by Mayor Adrian M. Fenty on May 6, 2009, and transmitted to the United States Congress on May 11, 2009. Following the required period of review by the United States Congress, the Act is scheduled to become effective on July 6, 2009.

The Act would add a new section to the D.C. Code, Section 1287a, providing legal recognition to same-sex "marriages" entered into in other jurisdictions. Unrelated to the proposed referendum, the Act would also amend the consanguinity provision in the District's marriage statutes, D.C. Code § 46-401, to make the list of marriages void *ab initio* gender neutral and amend certain disclosure provisions in D.C. Code § 47-1805.04 pertaining to the release of tax information to the United States District Court for the District of Columbia.

The Act provides in pertinent part:

¹ The Referendum Proponents are Bishop Harry R. Jackson, Jr., Rev. Walter E. Fauntroy, Dr. Patricia Johnson, Melvin Dupree, Sandra B. Harris, Bobby Perkins, Sr., and Rev. Dale E. Wafer.