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San Mateo County Supervisors Join Challenges to Prop. 8

Public Agencies Fight for Marriage Equality in California

REDWOOD CITY, Calif. – The San Mateo County Board of Supervisors unanimously voted today to join the City and County of San Francisco, County of Los Angeles, City of Los Angeles and Santa Clara County in their petition to the California Supreme Court challenging the constitutionality of Proposition 8, which denied same-sex couples the right to marry.

“This is a civil rights matter,” said Board President Adrienne J. Tissier. “The state Supreme Court found that the ability to marry is a fundamental right for all Californians, because all Californians have a right to be treated equally under the law. This Board has a responsibility to act to prevent discrimination from being written into our state constitution.

“Less than a generation ago, Californians of different racial backgrounds could not legally marry each other,” Tissier added. “Those laws were found to be unconstitutional and for the same reasons, Prop. 8 is also unconstitutional.”

Earlier this month, 52 percent of voters statewide approved Prop. 8 to overturn the state Supreme Court’s May 15 ruling that gave same-sex couples a constitutional right to marry in California. However, nearly 62 percent of voters in San Mateo County supported the right of same-sex couples to marry by voting “No” on Prop. 8.

Under California’s constitutional structure, the courts are the final arbiters of equal protection violations. The California Supreme Court has already held that same-sex couples have a right to marry under the equal protection clause of the California constitution.

The suit filed by the public agencies argues that the California Constitution’s equal protection provisions do not allow a bare majority of voters to use the amendment process to divest politically disfavored groups of constitutional rights. Such a sweeping redefinition of equal protection would require a constitutional revision rather than a mere amendment, according to the petition filed by the public agencies.

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Suits filed with the state Supreme Court can be found at: www.courtinfo.ca.gov/courts/supreme/

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