

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, as it stands today, the California Constitution provides that only a marriage between a man and a woman is valid or recognized in California; however, legal precedence currently permanently enjoins the state from enforcing this constitutional provision; and

WHEREAS, Assembly Constitutional Amendment (ACA) 5 was introduced by Assemblymember Evan Low, (D-Campbell) on February 15, 2023. ACA 5 aimed to enshrine in the California Constitution the right to marriage equality. ACA is a legislatively referred ballot initiative, which will appear on the November 5, 2024, ballot as the “Freedom to Marry Ballot Initiative”; and

WHEREAS, the Freedom to Marry Ballot Initiative, if approved by the voters, will remove the Proposition 8’s 2008 clause in the California Constitution: “Only a marriage between a man and a woman is valid or recognized in California.” (Cal. Const. Art. I Sec. 7.5.)”; and

WHEREAS, while this language had been deemed unconstitutional in the State soon after, it has remained in the California Constitution since. Following the Supreme Court of the United States’ (SCOTUS) landmark ruling in Obergefell v. Hodges in 2015, no State was then permitted to refuse to recognize a lawful same-sex marriage performed in another State on the grounds that it is a same-sex marriage. (Id. at 681.); and

WHEREAS, one year before the Obergefell decision, then State Senator Mark Leno, (D-San Francisco) introduced Senate Bill (SB) 1306 (Chapter 82, Statutes of 2014), which sought to remove the provisions in the Family Code, which stated that marriage is only between a man and a woman. The bill also sought to reset the marriage sections in gender-neutral terms in the State of California; and

WHEREAS, and while it is true that marriage equality is currently the law in the United States; however, it is not impossible that this will not always remain the case because Courts can change. As we saw with the Dobbs v. Jackson (2022) decision, which overturned Roe v. Wade and decades of precedent for bodily autonomy, no legal precedent is safe from judicial changemaking. Especially considering the ideological makeup of today’s SCOTUS; and


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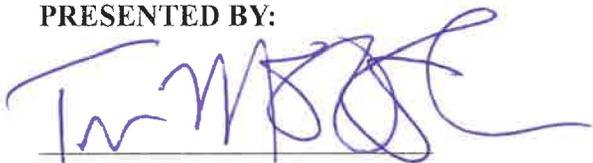
WHEREAS, regardless of the probability that the SCOTUS could revisit Obergefell, this ballot initiative seeks to anticipate any possible legal challenge to marriage equality by enshrining marriage equality in the State Constitution; and

WHEREAS, marriage equality is about equal treatment under the law and the ability for LGBTQ couples to enjoy recognition and dignity in the eyes of the State. For these reasons, both the California Supreme Court and the SCOTUS have found that bans on marriage equality are unconstitutional; and

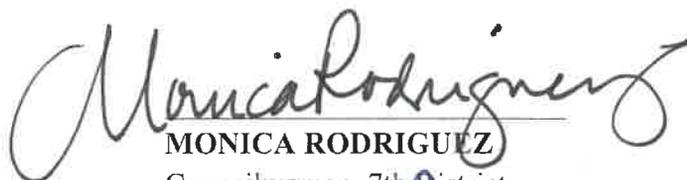
WHEREAS, removing the California Constitution's provision denying marriage equality will not only remove the potential of an unconstitutional infringement on a fundamental right from our constitution but also will ensure that the provision will not go back into effect should the legal precedents on marriage equality ever change:

NOW THEREFORE BE IT RESOLVED that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2024-2025 State Legislative Program SUPPORT for the "Freedom to Marry Ballot Initiative".

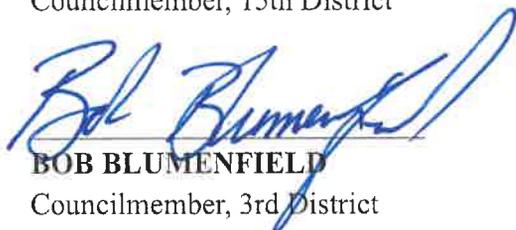
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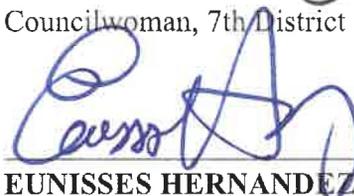
TIM McOSKER
Councilmember, 15th District



MONICA RODRIGUEZ
Councilwoman, 7th District

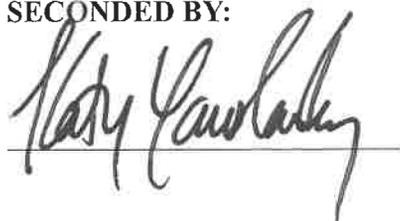


BOB BLUMENFIELD
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ORIGINAL