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Wisconsin Family Action's FAQ for Domestic Partner Registry Legal Challenge

1. Why is Wisconsin Family Action challenging in court the statewide, same-sex domestic partnership registry that became law in the 2010-2011 state budget signed by Governor Doyle?

- The governor's domestic partner registry creates a legal status for same-sex domestic partnerships that is substantially similar to that of marriage, in direct violation of the Wisconsin constitutional Marriage Protection Amendment, approved by voters in 2006 by nearly 60%.
- Marriage, the state constitution, the will of the people and the democratic process must be defended. This is an egregious misuse of power by elected officials.

2. How does the registry violate the will of the people?

- Elected officials should never pass laws that violate the will of Wisconsin voters who legitimately amended the state constitution in a fair election. The people have spoken on this issue with a constitutional amendment that very clearly prohibits this kind of marriage counterfeit.
- The Wisconsin constitution requires an appropriately rigorous process for amendments.
 - i. An amendment must be approved in the State Legislature twice, in two consecutive legislative sessions.
 - ii. Then the amendment must be approved by a majority of Wisconsin voters in an election.
- Wisconsin's Marriage Protection Amendment met all of the requirements. The amendment was approved by the State Legislature in two consecutive sessions, 2003-2004 and 2005-2006. Then, in November 2006, Wisconsin voters approved the amendment 59.4% to 41.6%.
- Two state legislatures and several statewide organizations vetted and debated the amendment for three and a half years in public hearings, legislative chambers, the public square and the media. Voters were well educated and prepared to cast their ballots on Election Day in 2006.

3. What does the Marriage Protection Amendment say?

- *"Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state."*
Wisconsin Constitution; Article XIII, Section 13.
- The first part defines marriage as between one man and one woman. The second part protects the institution of marriage by prohibiting marriage look-alikes and counterfeits or marriage by another name.

(Over)

4. How does this registry violate the Marriage Protection Amendment?

- The registry creates a new legal status for domestic partnerships—two same-sex, unmarried individuals—that is substantially similar to that of marriage.¹ It is designed to be limited to couples defined in a way and subject to the same limitations of kinship, exclusivity, age, etc., as marriage save for the requirement that this status, unlike marriage, is for persons of the same sex.

Such domestic partnerships are entered into by same-sex partners and are officially created and acknowledged in essentially the identical way that marriages are entered into by a man and woman and are officially created and acknowledged.²

5. How does this registry undermine marriage?

- This desire to redefine marriage is based on self-interest. Such marriage imitations render marriage meaningless, which is precisely why voters approved the marriage amendment. At this time, we should be strengthening marriage, not tearing it down by redefining, remaking, or reconfiguring this foundational societal institution.
- This is precisely the type of marriage imitation that the constitutional amendment approved by Wisconsin voters was intended to prevent. A reasonable observer would conclude that the registry creates a legal status that is essentially the same as marriage. This is an assault on the people, the state constitution, the democratic process, and the institution of marriage, which the people voted so recently and so overwhelmingly to protect. Wisconsin Family Action, First Freedoms Foundation and Alliance Defending Freedom will vigorously defend the definition of marriage that has been affirmed by the people of Wisconsin and existed even before Wisconsin was founded.

Additional related materials available at wifamilyaction.org

¹ Fair Wisconsin claims they were heavily involved in the crafting of the domestic partnership registry and that the registry creates a legal status for same-sex couples: <http://fairwisconsin.blogspot.com/2009/07/domestic-partnerships-reference-guide.html>.

² *Appling v. Doyle*