



WISCONSIN FAMILY ACTION
Marriage|Family|Life|Liberty

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MILWAUKEE & DANE COUNTY CLERKS BLATANTLY UNCONSTITUTIONAL
Wisconsin Family Action calls on Attorney General to stop the lawlessness

Madison – Last Friday, Milwaukee County Clerk Joe Czarnezki and Dane County Clerk Scott McDonell announced they are now issuing domestic partnership registrations to opposite-sex couples, in direct violation of existing state law.

In 2009, Governor Doyle and the state legislature enacted as a part of the state’s budget a statewide, same-sex-only domestic partnership registry that in many ways mimics marriage. Chapter 770 of the state statutes clearly includes the requirement that the two persons involved in this domestic partnership must be **“members of the same sex”** S.770.05 (5).

“It is unbelievable that these arrogant county clerks think they can just ignore the law and do what they want,” said Julaine Appling, president of Wisconsin Family Action (WFA). “This is an amazing overreach of power. They are simply taking matters into their own hands and saying the State Constitution and any other binding law doesn’t matter. County clerks have absolutely no authority to unilaterally make law. None whatsoever.”

Wisconsin Family Action has fought against this registry from the time it was proposed. WFA sued alleging the registry violated the Marriage Protection Amendment passed by nearly 60% of the people in 2006. The case went to the Wisconsin Supreme Court, where WFA lost in 2013. At no point in these protracted legal proceedings was there anything in any court opinion, including in the Supreme Court’s ruling, indicating that the registry had to include opposite-sex couples. Likewise, the state legislature has not taken any action whatsoever regarding this registry.

Since last June, WFA has repeatedly asked elected officials, from the Governor down, to dissolve this domestic partnership registry, arguing that in light of the US Supreme Court in June 2015 legalizing same-sex marriage, the registry was no longer needed and was in fact discriminatory against heterosexual couples. Other than State Representative Jeremy Thiesfeldt (R-Fond du Lac), no official was inclined to take action.

Appling continued, “This registry was in retaliation against the marriage amendment. Proponents said it wasn’t ‘fair’ that same-sex couples couldn’t get benefits. The liberal progressives wrote and passed this law to try to erode marriage—and now liberals are trying to take it a step further with no legal authority again using the ‘fair’ argument. Clearly, making marriage utterly meaningless is their endgame. And clearly they will stop at nothing to get what they want—including ignoring the law. We are calling on Wisconsin Attorney General Brad Schimel to issue an immediate injunction against this lawlessness.”

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Wisconsin Family Action is a statewide, not-for-profit organization actively strengthening, preserving and promoting marriage, family, life and liberty in Wisconsin.