

Resolution No.: 17-31
Introduced: January 25, 2011
Adopted: February 1, 2011

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen, Council President Ervin, Council Vice President Berliner, and Councilmembers Rice, Navarro, Leventhal, Riemer, Elrich, and Andrews

SUBJECT: Resolution Urging Maryland General Assembly to Enact Full Marriage Equality in the 2011 Legislative Session

Background

1. Montgomery County believes in the core principles of non-discrimination on the basis of race, color, religion, national origin, marital status, genetic status, sex, sexual orientation, disability, and gender identity.
2. Marriage is a unique civil institution, administered by the State, and separate and distinct from any religious, ethnic or other tradition.
3. Couples whose marriages are honored by the government have access to more than 400 state-administered benefits, protections, and responsibilities that are otherwise unavailable to same-sex families including vital protections at times of great vulnerability such as birth, death, illness, disability and unemployment.
4. On September 18, 2007, the Maryland Court of Appeals ruled that it was the province of the Maryland General Assembly to remove the ban on marriage for same-sex couples.
5. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that, "no state shall ... deny to any person within its jurisdiction the equal protection of the laws".
6. Several states have instituted civil union laws as an attempt at compromise. The states that have created "separate but equal" institutions have found that they fall short of providing all of the same rights and privileges as legal marriage and offer a blanket invitation for discrimination in all aspects of life for same-sex couples and families.
7. On February 23, 2010, the Maryland Attorney General issued an opinion in favor of recognition of same-sex marriages performed in other jurisdictions. This allowed for extension of some state-administered benefits to same-sex families, but not all.
8. On December 15, 2009, the District of Columbia enacted full marriage equality and joined the States of Massachusetts, Connecticut, Iowa, New Hampshire and Vermont in granting same-sex marriages. At this time, same-sex couples can marry in 12 countries on 4 continents.
9. Marriage strengthens families. It gives committed couples the tools and the security to build a life together and to protect their family. Denied the freedom to marry, same-sex couples and their families are deprived of the critical safety-net that comes with marriage.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Montgomery County Council recognizes that the opportunity to publicly and legally commit to share one's life with the person of one's choice is of the most central aspects of human experience, and denial of marriage to same-sex couples is the denial of a fundamental civil right.

Therefore, the Montgomery County Council urges:

That the Maryland General Assembly pass the *Religious Freedom and Civil Marriage Protection Act* to amend state law to remove references to sex and gender as eligibility requirements for a civil marriage license and provide all of the state-administered legal benefits, protections and obligations of marriage, regardless of sexual orientation;

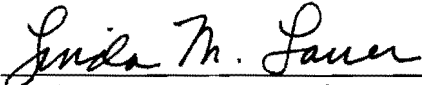
That the Montgomery County Delegation and members of the General Assembly cosponsor, advocate, and vote for passage of the *Religious Freedom and Civil Marriage Protection Act*;

That the Speaker of the House of Delegates and President of the Senate move marriage equality legislation to the floor of their respective chambers for a vote during this legislative session;

That the Governor of Maryland sign into law the *Religious Freedom and Civil Marriage Protection Act* upon its passage by the General Assembly;

That this resolution be sent to Governor of Maryland, the Honorable Chairs and Members of the Montgomery County House and Senate Delegations, the President of the Maryland Senate and Speaker of the Maryland House of Delegates.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council