



September 3, 2009

SUMMARY OF REFERENDUM MEASURE 71 TO THE PEOPLE

Expanding the state rights and responsibilities
of state-registered domestic partners.

*This summary has been prepared in response to specific questions about the provisions and effects of Referendum-71 and is provided for legislative purposes only; it is **not** provided as an expression for or against the ballot measure. Please remember that it is inappropriate to use public resources to support or oppose a ballot measure. Please refer to the 2008-09 Legislative Ethics Manual or contact Senate Counsel for further guidance on when and how comment on ballot measures is appropriate.*

During the 2009 Session, the Legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5688, which expanded the rights and responsibilities of state registered domestic partners. The people have filed a sufficient referendum petition on this measure. If approved by the voters, E2SSB 5688 becomes effective 30 days after the election at which it is approved.

BRIEF SUMMARY

E2SSB 5688 provides that for all purposes under state law, state registered domestic partners are to be treated the same as married spouses and that provisions of E2SSB 5688 are to be liberally construed to achieve equal treatment, to the extent not in conflict with federal law.

BACKGROUND

In 2007 the Legislature passed, and the Governor signed, SSB 5336 which created a domestic partnership registry in the Office of the Secretary of State. The legislation allows individuals to enter into a state-registered domestic partnership so long as the individuals meet certain criteria, such as sharing a common residence; being at least 18 years of age; being members of the same sex; or if not of the same sex one person must be at least 62 years of age.

The 2007 legislation extended certain powers and rights available to spouses to domestic partners, such as health care facility visitation rights, and the ability to grant informed consent for health care for a domestic partner who is not competent.

In 2008 the Legislature enacted Second Substitute House Bills 3104 which expanded the rights and responsibilities of domestic partners. The legislation amended statutes related to dissolutions; community property; estate planning; taxes; court process; service to indigent veterans and other public assistance; conflicts of interest for public officials; and guardianships. For example, domestic partners seeking to dissolve their partnership are required to seek dissolution under the same state law as married couples.

In 2009 the Legislature enacted E2SSB 5688 which further expanded the rights and responsibilities of domestic partners. Under E2SSB 5688, domestic partners have the same rights and responsibilities under state law as marital couples.

SUMMARY OF REFEREUNDUM-71 (R-71)

If R-71 is approved by the voters, E2SSB 5688, enacted by the Legislature in 2009, becomes effective 30 days after the election. The changes in law governing domestic partners that were enacted in 2007 and 2008 will not be impacted by this referendum.

R-71 provides that:

It is the intent of the Legislature that for all purposes under state law, state registered domestic partners must be treated the same as married spouses.

State and local agencies are required to amend their rules to reflect the intent of the Legislature to ensure that all privileges, immunities, rights, benefits, or responsibilities granted or imposed by statute to an individual because that individual is or was a spouse in a marital relationship are granted or imposed on equivalent terms to an individual because that individual is or was in a state-registered domestic partnership.

The terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family apply equally to state-registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage apply equally to state-registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law.

Gender specific terms such as husband and wife used in any statute, rule, or other law are construed to be gender neutral, and applicable to individuals in state-registered domestic partnerships.

For further information please contact Senate Committee Services:

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Senate Government Operations & Elections Committee

This summary should not be considered legislative history for purposes of interpreting Referendum 71.