

ARKANSAS**Toddler Marriage Law Upheld**

A judge upheld Oct. 10 an Arkansas law that inadvertently allows opposite-sex infants to wed.

The statute, signed by Democratic Gov. Mike Beebe, can only be changed by the Legislature, ruled Circuit Judge Tom J. Keith. The law intended to establish 18 as the minimum age to marry but also allow pregnant teenagers to marry with parental consent.

The word "not" contained in the bill, however, allows anyone who is not pregnant to marry at any age if the parents allow it. The law reads, "In order for a person who is younger than 18 years of age and who is not pregnant to obtain a marriage license, the person must provide the county clerk with evidence of parental consent to the marriage."

A code revision commission attempted to correct the technical error, but it decided it was beyond its power. Beebe did not announce plans to hold a special session to correct the law.

The law does not explicitly exclude same-sex couples from marrying; however, the Arkansas Constitution contains an amendment limiting marriage to opposite-sex couples.

The Christian group that promoted the same-sex marriage ban has started collecting signatures for a voter initiative to bar gays and lesbians from adopting children or serving as foster parents in Arkansas. The measure also would prevent unmarried opposite-sex couples living together from adopting or fostering children.

CALIFORNIA**Schwarzenegger Vetoes Same-Sex Marriage Bill**

California Gov. Arnold Schwarzenegger vetoed Assembly Bill 43, authored by Assemblyman Mark Leno, D-San Francisco, Oct. 12. The bill, dubbed the Religious Freedom and Civil Marriage Protection Act, would have granted gay and lesbian Californians the right to marry.

Rallies were held throughout the state Oct. 15 at Harvey Milk Plaza in San Francisco and in



An Arkansas law accidentally allowing opposite-sex toddlers to marry was signed by Democratic Gov. Mike Beebe.

Bakersfield, Lakeport, Modesto, Porterville, Sacramento, Stockton and Ukiah.

The California Legislature passed the Religious Freedom and Civil Marriage Protection Act twice in successive legislative sessions, by increasing majorities. Schwarzenegger's veto is a sequel to his veto two years ago.

Property Tax Protections Upheld

A California Court of Appeal unanimously affirmed the validity of a Board of Equalization rule Oct. 3 that protects domestic partners from increased property taxes when one of the partners dies and the other inherits the couple's home. State law has long provided this protection for surviving heterosexual spouses.

The case began in March 2005 when Sutter and Orange counties challenged the rule in state court. Represented by the National Center for Lesbian Rights, Lambda Legal and the law firm of Munger, Tolles & Olson, Equality California and three same-sex couples intervened in the litigation to defend the rule. Orange County later left the litigation, but Tehama and Madera counties joined it.

In 2006, Sacramento Superior Court Judge Jack Sapunor rejected the challenge and upheld the rule, and the assessors appealed. In a decision issued Oct. 3, the Third District of the California Court of Appeal unanimously upheld his ruling.

"The panel's decision means that surviving partners will be able to stay in their homes and not see their property taxes double or even triple," said Brian Chase, senior staff attorney in Lambda Legal's Western Regional Office. "We're pleased the appeals court has upheld what nearly everyone agrees on—that same-sex couples deserve the same protections in a crisis as everyone else. The Board of Equalization thought so. The lower court thought so. What's surprising is that the county assessors challenged the rule in the first place."

After the lawsuit was filed, the California Legislature codified the Board of Equalization rule by enacting Senate Bill 565, authored by state Sen. Carole Migden, D-San Francisco. The bill became effective Jan. 1, 2006. The Court of Appeal decision confirms that both the Board of Equalization and the Legislature have the authority to define what constitutes a change of ownership among family members, including registered domestic partners. 10

Compiled by JAYMEE R. CUTI



California state Sen. Carole Migden, D-San Francisco, wrote a bill ensuring that domestic partners are protected from increased property taxes should one partner die and the other inherit the house.

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