



FACT SHEET

Jackson v. District of Columbia Board of Elections and Ethics

ABOUT Jackson v. District of Columbia Board of Elections and Ethics

On Sept. 1, 2009, Bishop Harry R. Jackson, Jr.; Del. Walter E. Fauntroy; and other D.C. registered voters filed the Marriage Initiative of 2009. The initiative provides that “[o]nly marriage between a man and a woman is valid or recognized in the District of Columbia,” affirming the district’s only definition of marriage at that time. The initiative was to be placed on the ballot for district voters to express their views either for or against the initiative. However, on Nov. 17, 2009, the D.C. Board of Elections rejected the initiative on the basis that the measure would have the effect of authorizing “discrimination” in violation of the D.C. Human Rights Act of 1977. A lawsuit contesting this decision, on behalf of Jackson, Fauntroy, and other D.C. voters, was filed by Alliance Defense Fund and Stand4MarriageDC attorneys the next day. The lawsuit contends that the D.C. Charter, which serves as a constitution for the district, guarantees citizens the right to initiate and vote on any legislation except for “laws appropriating funds.” It is undisputed that the Marriage Initiative of 2009 does not seek to appropriate funds.

On Dec. 15, 2009, the District of Columbia Council voted 11-2 for final approval of Bill 18-0482, which permits the District of Columbia to issue marriage licenses to members of the same sex. The law was signed two days later as the “Religious Freedom and Civil Marriage Equality Amendment Act of 2009” by D.C. Mayor Adrian Fenty. On March 3, 2010, the District of Columbia began accepting marriage license applications from same-sex couples.

CURRENT STATUS OF Jackson v. D.C. Board of Elections and Ethics AS OF 5/3/10

On Nov. 18, 2009, ADF and Stand4MarriageDC attorneys appealed the decision of the D.C. Board of Elections to deny the voters of D.C. the right to have their say on the Marriage Initiative of 2009. On Jan. 14, 2010, the D.C. Superior Court affirmed the decision of the Board of Elections to deny the presentation of the initiative to the voters. The decision is now on appeal. ADF Senior Legal Counsel Austin R. Nimocks is presenting oral argument at an appellate hearing scheduled for May 4 before the District of Columbia Court of Appeals.

FOCUS OF HEARING – WHAT IS AT STAKE?

Tuesday’s hearing will determine whether the D.C. Council can trump the democratic process and lock out registered D.C. voters from expressing their collective voice on the definition of marriage in the district—a right guaranteed by the D.C. Charter. A Jan. 28 *Washington Post* [poll](#) showed that 59 percent of adult D.C. residents believe voters should be allowed to vote yes or no on the law.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Austin R. Nimocks

Austin R. Nimocks serves as senior legal counsel for the Alliance Defense Fund at its Washington, D.C., Regional Service Center, where he litigates as a member of the marriage litigation team. Before joining ADF in 2007, he served more than 10 years in private practice, most recently at Austin R. Nimocks & Associates, P.L.L.C., in Biloxi, Miss. Nimocks earned his J.D. from the Baylor University School of Law in Waco, Texas. He is admitted to the bars of the District of Columbia, Texas, Mississippi, Alabama, and Arizona, and has appeared before various federal and state courts around the country.

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