



FACT SHEET

Jackson v. District of Columbia Board of Elections and Ethics

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

On Dec. 15, 2009, the District of Columbia Council voted 11-2 for final approval of Bill 18-0482, which redefines marriage statutes in the district to include the union of same-sex partners. 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 Jan. 5, the bill was submitted to Congress for approval. This permitted Bishop Harry Jackson and seven other registered D.C. voters to file a [referendum](#) with the D.C. Board of Elections and Ethics—which they did on Jan. 6—to give the district’s voters the opportunity to vote on the law. On Feb. 4, the board rejected the proposed referendum 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 claim, on behalf of Jackson and other voters, was filed by Alliance Defense Fund and Stand4MarriageDC attorneys the next day. They contend that the D.C. Charter, which serves as a constitution for the district, guarantees citizens the right to vote on any act passed by the D.C. Council unless it is an emergency act, an act levying taxes, or an act appropriating funds to the general operations budget. The act at issue does not fall under any of these. It is undergoing review by Congress and will become law on March 2 unless Congress disapproves it or the court grants a motion filed by ADF and Stand4MarriageDC attorneys to stop it from going into effect.

CURRENT STATUS OF Jackson v. D.C. Board of Elections and Ethics AS OF 2/18/10

On Feb. 5, ADF and Stand4MarriageDC attorneys appealed the decision of the D.C. Board of Elections to deny a referendum filed by Jackson and other D.C. voters to allow the people of D.C. to vote on the district’s marriage redefinition law. ADF and Stand4Marriage attorneys representing Jackson filed a motion the same day to keep the proposed law from going into effect in March. ADF Senior Legal Counsel Austin R. Nimocks is presenting oral argument at a hearing scheduled for Feb. 19 before the Superior Court for the District of Columbia.

FOCUS OF HEARING – WHAT IS AT STAKE?

Friday’s hearing will represent the next step in the effort to determine whether the D.C. Board of Elections will be allowed to trump the democratic process and prohibit registered D.C. voters from deciding if the marriage redefinition law passed by the D.C. Council should be enacted. A new definition of marriage should not be imposed upon the people of D.C. without their consent. 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 D.C. Council’s marriage redefinition 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, and is admitted to the bars of the District of Columbia, Texas, Mississippi, Alabama, and Arizona, along with several other federal and state courts.

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