



FACT SHEET ***Jansson v. Bowen***

ABOUT Jansson v. Bowen

On June 3, California's secretary of state certified a citizen initiative, the California Marriage Protection Act, for the November ballot. The measure, also known as Proposition 8, would add the following words to the state's constitution: "Only marriage between a man and a woman is valid or recognized in California." The state's attorney general recently changed the ballot title from "limit on marriage" to "eliminates right of same-sex couples to marry," thus violating state law by creating an unfair, biased, and inflammatory ballot title that is only supposed to be general in nature. The change makes the language too narrow, since Proposition 8 is designed to protect marriage as the union of one man and one woman. If adopted, it would define marriage in a way that would prevent any number of other types of unions from being recognized as marriage, including polygamy. The initiative is not narrowly aimed at same-sex "marriage," thus the new ballot title language does not accurately describe the purpose of the amendment.

CURRENT STATUS OF Jansson v. Bowen AS OF 8/6/08

On July 29, Alliance Defense Fund and ProtectMarriage attorneys filed a petition for a writ of mandate in the case, asking the court to order the state's attorney general to comply with the law and his responsibilities regarding the phrasing of the ballot title and summary.

FOCUS OF HEARING – WHAT IS AT STAKE?

The state's attorney general is obligated to apply the law in a way that's fair to all Californians, rather than in a way that influences elections. The changes to the original ballot title violate the legal requirement of the election code, which states that it be "a true and impartial statement of the purpose of the measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure."

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ABOUT ADF

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ABOUT Tim Chandler

Tim Chandler is legal counsel for the Alliance Defense Fund. He received his juris doctor from UCLA School of Law and is a Blackstone Fellow. He is admitted to the bar in California, as well as to the U.S. Court of Appeals for the 9th Circuit and each federal district court in California.