

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

July 5, 2023

The Honorable Scott Wiener
California State Senator
California State Capitol
1021 O Street, Suite 6630
Sacramento, CA 95814-4900

Re: Board of Supervisors Resolution No. 332-23

Dear Senator Wiener:

On June 13, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 332-23 (Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the Ban on Marriage Equality in the California State Constitution), which was enacted on June 23, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 332-23 (File No. 230715)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


f Angela Calvillo
Clerk of the Board

ll:ak:jw:ams

- c. Members of the Board of Supervisors, Supervisors Ahsha Safai, Rafael Mandelman, Joel Engardio, Matt Dorsey, Shamann Walton, Hillary Ronen, Aaron Peskin, Connie Chan, Dean Preston
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the
2 Ban on Marriage Equality in the California State Constitution]

3 **Resolution supporting Assembly Constitutional Amendment No. 5, introduced by**
4 **Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-**
5 **sex marriage equality in the California State Constitution and reverse Proposition 8.**

6
7 WHEREAS, On February 12, 2004, San Francisco became the most high-profile
8 municipality in the nation to allow same-sex marriage when then-Mayor Gavin Newsom
9 marked national Freedom to Marry Day by allowing same-sex couples to get married at our
10 County Clerk's office in San Francisco City Hall; and

11 WHEREAS, The weddings that took place at City Hall showed the world that change is
12 possible and that love means love as Del Martin and Phyllis Lyon were married after nearly 51
13 years together; and

14 WHEREAS, In 2008, Californians adopted Proposition 8 by a narrow 52-48% margin to
15 amend the California constitution to ban same-sex marriage; and

16 WHEREAS, San Francisco strongly opposed this misguided measure by an
17 overwhelming 75-25%; and

18 WHEREAS, In 2010, Proposition 8 was overturned by Judge Vaughn Walker in
19 *Hollingsworth v. Perry*, who found that it was unconstitutional under both the Due Process and
20 Equal Protection Clauses of the Constitution; and

21 WHEREAS, In 2015, the United States Supreme Court decided *Obergefell v. Hodges*
22 cases and concluded that the right of same-sex couples to marry exists in every state and that
23 states must recognize the marriages validly performed in other jurisdictions; and

24 WHEREAS, While the Supreme Court's decision should be settled law, it is clear there
25 is a risk of reversal, with Justice Clarence Thomas stating in a concurrence to the *Dobbs v.*

1 *Jackson Women's Health Organization* case that "in future cases, we should reconsider all of
2 this Court's substantive due process precedents;" and

3 WHEREAS, In July 2022, the United States Congress passed the Respect for Marriage
4 Act to respect same-sex and interracial marriages, as well as those married under another's
5 state law, and to provide federal benefits such as Social Security and tax benefits; and

6 WHEREAS, The Respect for Marriage Act does not require states to issue marriage
7 licenses to same-sex couples and would not reverse Proposition 8; and

8 WHEREAS, A copy of Assembly Constitutional Amendment No. 5 is enclosed in File
9 No. 230715; and

10 WHEREAS, On February 14, 2023, Assembly Member Evan Low and Senator Scott
11 Wiener, along with many colleagues, introduced Assembly Constitutional Amendment No. 5 to
12 repeal Proposition 8 and protect same-sex couples against threats from the United States
13 Supreme Court; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
15 Constitutional Amendment No. 5 and urges its passage in the California State Legislature;
16 and, be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
18 to submit a copy of this resolution to the Speaker of the State Assembly, Assembly Member
19 Evan Low, Senator Scott Wiener, and the members of San Francisco's legislative delegation,
20 Assembly Members Matt Haney and Phil Ting.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230715

Date Passed: June 13, 2023

Resolution supporting Assembly Constitutional Amendment No. 5, introduced by Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-sex marriage equality in the California State Constitution and reverse Proposition 8.

June 13, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230715

I hereby certify that the foregoing Resolution was ADOPTED on 6/13/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

06/23/2023

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

06/23/2023

Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

July 5, 2023

The Honorable Evan Low
California State Assembly Member
California State Capitol
P.O. Box 942849
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 332-23

Dear Assembly Member Low:

On June 13, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 332-23 (Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the Ban on Marriage Equality in the California State Constitution), which was enacted on June 23, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 332-23 (File No. 230715)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


f Angela Calvillo
Clerk of the Board

ll:ak:jw:ams

- c. Members of the Board of Supervisors, Supervisors Ahsha Safai, Rafael Mandelman, Joel Engardio, Matt Dorsey, Shamann Walton, Hillary Ronen, Aaron Peskin, Connie Chan, Dean Preston Tom Paulino, Mayor's Liaison to the Board of Supervisors Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director Susanna Conine-Nakano, Mayor's Office Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the
2 Ban on Marriage Equality in the California State Constitution]

3 **Resolution supporting Assembly Constitutional Amendment No. 5, introduced by**
4 **Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-**
5 **sex marriage equality in the California State Constitution and reverse Proposition 8.**

6
7 WHEREAS, On February 12, 2004, San Francisco became the most high-profile
8 municipality in the nation to allow same-sex marriage when then-Mayor Gavin Newsom
9 marked national Freedom to Marry Day by allowing same-sex couples to get married at our
10 County Clerk's office in San Francisco City Hall; and

11 WHEREAS, The weddings that took place at City Hall showed the world that change is
12 possible and that love means love as Del Martin and Phyllis Lyon were married after nearly 51
13 years together; and

14 WHEREAS, In 2008, Californians adopted Proposition 8 by a narrow 52-48% margin to
15 amend the California constitution to ban same-sex marriage; and

16 WHEREAS, San Francisco strongly opposed this misguided measure by an
17 overwhelming 75-25%; and

18 WHEREAS, In 2010, Proposition 8 was overturned by Judge Vaughn Walker in
19 *Hollingsworth v. Perry*, who found that it was unconstitutional under both the Due Process and
20 Equal Protection Clauses of the Constitution; and

21 WHEREAS, In 2015, the United States Supreme Court decided *Obergefell v. Hodges*
22 cases and concluded that the right of same-sex couples to marry exists in every state and that
23 states must recognize the marriages validly performed in other jurisdictions; and

24 WHEREAS, While the Supreme Court's decision should be settled law, it is clear there
25 is a risk of reversal, with Justice Clarence Thomas stating in a concurrence to the *Dobbs v.*

1 *Jackson Women's Health Organization* case that "in future cases, we should reconsider all of
2 this Court's substantive due process precedents;" and

3 WHEREAS, In July 2022, the United States Congress passed the Respect for Marriage
4 Act to respect same-sex and interracial marriages, as well as those married under another's
5 state law, and to provide federal benefits such as Social Security and tax benefits; and

6 WHEREAS, The Respect for Marriage Act does not require states to issue marriage
7 licenses to same-sex couples and would not reverse Proposition 8; and

8 WHEREAS, A copy of Assembly Constitutional Amendment No. 5 is enclosed in File
9 No. 230715; and

10 WHEREAS, On February 14, 2023, Assembly Member Evan Low and Senator Scott
11 Wiener, along with many colleagues, introduced Assembly Constitutional Amendment No. 5 to
12 repeal Proposition 8 and protect same-sex couples against threats from the United States
13 Supreme Court; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
15 Constitutional Amendment No. 5 and urges its passage in the California State Legislature;
16 and, be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
18 to submit a copy of this resolution to the Speaker of the State Assembly, Assembly Member
19 Evan Low, Senator Scott Wiener, and the members of San Francisco's legislative delegation,
20 Assembly Members Matt Haney and Phil Ting.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230715

Date Passed: June 13, 2023

Resolution supporting Assembly Constitutional Amendment No. 5, introduced by Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-sex marriage equality in the California State Constitution and reverse Proposition 8.

June 13, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230715

I hereby certify that the foregoing Resolution was ADOPTED on 6/13/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

06/23/2023

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

06/23/2023

Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

July 5, 2023

The Honorable Anthony Rendon
Speaker of the California State Assembly
California State Capitol, Room 219
P.O. Box 942849
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 332-23

Dear Speaker Rendon:

On June 13, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 332-23 (Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the Ban on Marriage Equality in the California State Constitution), which was enacted on June 23, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 332-23 (File No. 230715)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


A Angela Calvillo
Clerk of the Board

ll:ak:jw:ams

- c. Members of the Board of Supervisors, Supervisors Ahsha Safai, Rafael Mandelman, Joel Engardio, Matt Dorsey, Shamann Walton, Hillary Ronen, Aaron Peskin, Connie Chan, Dean Preston
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the
2 Ban on Marriage Equality in the California State Constitution]

3 **Resolution supporting Assembly Constitutional Amendment No. 5, introduced by**
4 **Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-**
5 **sex marriage equality in the California State Constitution and reverse Proposition 8.**

6
7 WHEREAS, On February 12, 2004, San Francisco became the most high-profile
8 municipality in the nation to allow same-sex marriage when then-Mayor Gavin Newsom
9 marked national Freedom to Marry Day by allowing same-sex couples to get married at our
10 County Clerk's office in San Francisco City Hall; and

11 WHEREAS, The weddings that took place at City Hall showed the world that change is
12 possible and that love means love as Del Martin and Phyllis Lyon were married after nearly 51
13 years together; and

14 WHEREAS, In 2008, Californians adopted Proposition 8 by a narrow 52-48% margin to
15 amend the California constitution to ban same-sex marriage; and

16 WHEREAS, San Francisco strongly opposed this misguided measure by an
17 overwhelming 75-25%; and

18 WHEREAS, In 2010, Proposition 8 was overturned by Judge Vaughn Walker in
19 *Hollingsworth v. Perry*, who found that it was unconstitutional under both the Due Process and
20 Equal Protection Clauses of the Constitution; and

21 WHEREAS, In 2015, the United States Supreme Court decided *Obergefell v. Hodges*
22 cases and concluded that the right of same-sex couples to marry exists in every state and that
23 states must recognize the marriages validly performed in other jurisdictions; and

24 WHEREAS, While the Supreme Court's decision should be settled law, it is clear there
25 is a risk of reversal, with Justice Clarence Thomas stating in a concurrence to the *Dobbs v.*

1 *Jackson Women's Health Organization* case that "in future cases, we should reconsider all of
2 this Court's substantive due process precedents;" and

3 WHEREAS, In July 2022, the United States Congress passed the Respect for Marriage
4 Act to respect same-sex and interracial marriages, as well as those married under another's
5 state law, and to provide federal benefits such as Social Security and tax benefits; and

6 WHEREAS, The Respect for Marriage Act does not require states to issue marriage
7 licenses to same-sex couples and would not reverse Proposition 8; and

8 WHEREAS, A copy of Assembly Constitutional Amendment No. 5 is enclosed in File
9 No. 230715; and

10 WHEREAS, On February 14, 2023, Assembly Member Evan Low and Senator Scott
11 Wiener, along with many colleagues, introduced Assembly Constitutional Amendment No. 5 to
12 repeal Proposition 8 and protect same-sex couples against threats from the United States
13 Supreme Court; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
15 Constitutional Amendment No. 5 and urges its passage in the California State Legislature;
16 and, be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
18 to submit a copy of this resolution to the Speaker of the State Assembly, Assembly Member
19 Evan Low, Senator Scott Wiener, and the members of San Francisco's legislative delegation,
20 Assembly Members Matt Haney and Phil Ting.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230715

Date Passed: June 13, 2023

Resolution supporting Assembly Constitutional Amendment No. 5, introduced by Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-sex marriage equality in the California State Constitution and reverse Proposition 8.

June 13, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230715

I hereby certify that the foregoing Resolution was ADOPTED on 6/13/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

06/23/2023

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

06/23/2023

Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

July 5, 2023

The Honorable Phil Ting
California State Assembly Member
California State Capitol, Suite 8230
P.O. Box 942849
Sacramento, CA 94249-0019

Re: Board of Supervisors Resolution No. 332-23

Dear Assembly Member Ting:

On June 13, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 332-23 (Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the Ban on Marriage Equality in the California State Constitution), which was enacted on June 23, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 332-23 (File No. 230715)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


A Angela Calvillo
Clerk of the Board

ll:ak:jw:ams

- c. Members of the Board of Supervisors, Supervisors Ahsha Safai, Rafael Mandelman, Joel Engardio, Matt Dorsey, Shamann Walton, Hillary Ronen, Aaron Peskin, Connie Chan, Dean Preston
Jessica Duong, Assembly Member Phil Ting Chief of Staff
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the
2 Ban on Marriage Equality in the California State Constitution]

3 **Resolution supporting Assembly Constitutional Amendment No. 5, introduced by**
4 **Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-**
5 **sex marriage equality in the California State Constitution and reverse Proposition 8.**

6
7 WHEREAS, On February 12, 2004, San Francisco became the most high-profile
8 municipality in the nation to allow same-sex marriage when then-Mayor Gavin Newsom
9 marked national Freedom to Marry Day by allowing same-sex couples to get married at our
10 County Clerk's office in San Francisco City Hall; and

11 WHEREAS, The weddings that took place at City Hall showed the world that change is
12 possible and that love means love as Del Martin and Phyllis Lyon were married after nearly 51
13 years together; and

14 WHEREAS, In 2008, Californians adopted Proposition 8 by a narrow 52-48% margin to
15 amend the California constitution to ban same-sex marriage; and

16 WHEREAS, San Francisco strongly opposed this misguided measure by an
17 overwhelming 75-25%; and

18 WHEREAS, In 2010, Proposition 8 was overturned by Judge Vaughn Walker in
19 *Hollingsworth v. Perry*, who found that it was unconstitutional under both the Due Process and
20 Equal Protection Clauses of the Constitution; and

21 WHEREAS, In 2015, the United States Supreme Court decided *Obergefell v. Hodges*
22 cases and concluded that the right of same-sex couples to marry exists in every state and that
23 states must recognize the marriages validly performed in other jurisdictions; and

24 WHEREAS, While the Supreme Court's decision should be settled law, it is clear there
25 is a risk of reversal, with Justice Clarence Thomas stating in a concurrence to the *Dobbs v.*

1 *Jackson Women's Health Organization* case that "in future cases, we should reconsider all of
2 this Court's substantive due process precedents;" and

3 WHEREAS, In July 2022, the United States Congress passed the Respect for Marriage
4 Act to respect same-sex and interracial marriages, as well as those married under another's
5 state law, and to provide federal benefits such as Social Security and tax benefits; and

6 WHEREAS, The Respect for Marriage Act does not require states to issue marriage
7 licenses to same-sex couples and would not reverse Proposition 8; and

8 WHEREAS, A copy of Assembly Constitutional Amendment No. 5 is enclosed in File
9 No. 230715; and

10 WHEREAS, On February 14, 2023, Assembly Member Evan Low and Senator Scott
11 Wiener, along with many colleagues, introduced Assembly Constitutional Amendment No. 5 to
12 repeal Proposition 8 and protect same-sex couples against threats from the United States
13 Supreme Court; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
15 Constitutional Amendment No. 5 and urges its passage in the California State Legislature;
16 and, be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
18 to submit a copy of this resolution to the Speaker of the State Assembly, Assembly Member
19 Evan Low, Senator Scott Wiener, and the members of San Francisco's legislative delegation,
20 Assembly Members Matt Haney and Phil Ting.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230715

Date Passed: June 13, 2023

Resolution supporting Assembly Constitutional Amendment No. 5, introduced by Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-sex marriage equality in the California State Constitution and reverse Proposition 8.

June 13, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230715

I hereby certify that the foregoing Resolution was ADOPTED on 6/13/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

06/23/2023

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

06/23/2023

Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

July 5, 2023

The Honorable Matt Haney
California State Assembly Member
California State Capitol, Room 5310
P.O. Box 942849
Sacramento, CA 94249-0017

Re: Board of Supervisors Resolution No. 332-23

Dear Assembly Member Haney:

On June 13, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 332-23 (Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the Ban on Marriage Equality in the California State Constitution), which was enacted on June 23, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 332-23 (File No. 230715)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


f Angela Calvillo
Clerk of the Board

ll:ak:jw:ams

- c. Members of the Board of Supervisors, Supervisors Ahsha Safai, Rafael Mandelman, Joel Engardio, Matt Dorsey, Shamann Walton, Hillary Ronen, Aaron Peskin, Connie Chan, Dean Preston
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting Assembly Constitutional Amendment No. 5 (Low and Wiener) - Removing the
2 Ban on Marriage Equality in the California State Constitution]

3 **Resolution supporting Assembly Constitutional Amendment No. 5, introduced by**
4 **Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-**
5 **sex marriage equality in the California State Constitution and reverse Proposition 8.**

6
7 WHEREAS, On February 12, 2004, San Francisco became the most high-profile
8 municipality in the nation to allow same-sex marriage when then-Mayor Gavin Newsom
9 marked national Freedom to Marry Day by allowing same-sex couples to get married at our
10 County Clerk's office in San Francisco City Hall; and

11 WHEREAS, The weddings that took place at City Hall showed the world that change is
12 possible and that love means love as Del Martin and Phyllis Lyon were married after nearly 51
13 years together; and

14 WHEREAS, In 2008, Californians adopted Proposition 8 by a narrow 52-48% margin to
15 amend the California constitution to ban same-sex marriage; and

16 WHEREAS, San Francisco strongly opposed this misguided measure by an
17 overwhelming 75-25%; and

18 WHEREAS, In 2010, Proposition 8 was overturned by Judge Vaughn Walker in
19 *Hollingsworth v. Perry*, who found that it was unconstitutional under both the Due Process and
20 Equal Protection Clauses of the Constitution; and

21 WHEREAS, In 2015, the United States Supreme Court decided *Obergefell v. Hodges*
22 cases and concluded that the right of same-sex couples to marry exists in every state and that
23 states must recognize the marriages validly performed in other jurisdictions; and

24 WHEREAS, While the Supreme Court's decision should be settled law, it is clear there
25 is a risk of reversal, with Justice Clarence Thomas stating in a concurrence to the *Dobbs v.*

1 *Jackson Women's Health Organization* case that "in future cases, we should reconsider all of
2 this Court's substantive due process precedents;" and

3 WHEREAS, In July 2022, the United States Congress passed the Respect for Marriage
4 Act to respect same-sex and interracial marriages, as well as those married under another's
5 state law, and to provide federal benefits such as Social Security and tax benefits; and

6 WHEREAS, The Respect for Marriage Act does not require states to issue marriage
7 licenses to same-sex couples and would not reverse Proposition 8; and

8 WHEREAS, A copy of Assembly Constitutional Amendment No. 5 is enclosed in File
9 No. 230715; and

10 WHEREAS, On February 14, 2023, Assembly Member Evan Low and Senator Scott
11 Wiener, along with many colleagues, introduced Assembly Constitutional Amendment No. 5 to
12 repeal Proposition 8 and protect same-sex couples against threats from the United States
13 Supreme Court; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
15 Constitutional Amendment No. 5 and urges its passage in the California State Legislature;
16 and, be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
18 to submit a copy of this resolution to the Speaker of the State Assembly, Assembly Member
19 Evan Low, Senator Scott Wiener, and the members of San Francisco's legislative delegation,
20 Assembly Members Matt Haney and Phil Ting.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 230715

Date Passed: June 13, 2023

Resolution supporting Assembly Constitutional Amendment No. 5, introduced by Assembly Member Evan Low and Senator Scott Wiener, to remove the ban on same-sex marriage equality in the California State Constitution and reverse Proposition 8.

June 13, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230715

I hereby certify that the foregoing Resolution was ADOPTED on 6/13/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

06/23/2023

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

06/23/2023

Date