

QUESTION 6: REFERENDUM BY PETITION

Statutory Enactment Petitioned to Statewide Referendum – Civil Marriage Protection Act

Chapter 2 of 2012 (House Bill 438)

Summary

This Act amends current law to allow gay and lesbian couples to obtain a civil marriage license. Other prohibitions and age restrictions relating to who may legally marry remain in place.

The Act also provides religious protections. Religious entities retain exclusive control over their own theological doctrines, policy teachings, and beliefs regarding who may marry within that faith. No official of a religious order or body authorized to perform a marriage ceremony may be required to celebrate or officiate any particular marriage or religious rite of marriage in violation of the right to free exercise of religion as guaranteed by the U.S. and Maryland constitutions, and may not be subject to any fines or other penalties for the failure or refusal to do so.

Further, under the Act no religious entity may be required to provide services, accommodations, advantages, facilities, goods, or privileges if they are related to the celebration of a marriage that violates the entity's religious beliefs or to the promotion of marriage through any social or religious programs or services, unless State or federal funds are received for that specific program or service, nor does a refusal to provide any create a civil claim or cause of action. Moreover, the State may not penalize, withhold benefits from, or discriminate against the entity because of the refusal. The protections in the Act extend to associations, societies, or nonprofit institutions or organizations operated, supervised, or controlled by a religious entity. If this question is approved by voters, the resulting changes to the statute cannot be interpreted to prohibit any religious entities from limiting admission to or giving preferences to individuals of the same religion or denomination when otherwise permitted by law.

Finally, the Act also states that a fraternal benefit society that is operated, supervised, or controlled by a religious organization may not be required to admit individuals as members or provide insurance benefits if doing so would be a violation of its religious beliefs. Such refusals may not create a civil claim or cause of action or form the basis for the withholding of governmental benefits or services.

The Act does not affect existing laws prohibiting discrimination in employment, housing, or public accommodations on the basis of sexual orientation.