



MEDIA ADVISORY

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JUDICIAL COUNCIL OF
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Supreme Court Denies Petition to Remove Marriage Initiative from November Ballot

San Francisco—The California Supreme Court today issued an order denying a petition, filed June 20, 2008, that sought to remove from the November 2008 election ballot an initiative measure that, if approved, would add a provision to the California Constitution limiting marriage to couples made up of a man and a woman. (*Bennett v. Bowen*, S164520.)

The court's vote was unanimous.

The initiative measure, designated Proposition 8 on the November 2008 ballot, was certified as having qualified for the ballot on June 2, 2008. On June 20, 2008, opponents of the measure filed a petition with the Supreme Court requesting the court to issue an order directing the Secretary of State to refrain from taking any further action that would result in the placement of the initiative measure on the November 2008 ballot.

The petition argued that the measure should not be submitted to the voters because (1) the measure represented a constitutional "revision" rather than a constitutional "amendment" and thus could only be adopted by a constitutional convention or by legislative submission to the voters, and (2) the petitions that were circulated for signatures to qualify the measure for the ballot contained a summary that materially misstated the proposed initiative's effects.

The proponents of the measure filed an opposition to the petition on June 30, 2008, challenging the petition's contentions, and petitioners filed a reply brief on July 10, 2008.

The court today denied the petition and request for stay by minute order, without elaboration. The matter was considered at the court's regular Wednesday conference.

A copy of the court's order is attached.

S164520

IN THE SUPREME COURT OF CALIFORNIA

En Banc

BRIAN BENNETT et al., Petitioners,

v.

DEBRA BOWEN, as Secretary of State, etc., Respondent;

DENNIS HOLLINGSWORTH et al., Real Parties in Interest.

**SUPREME COURT
FILED**

JUL 16 2008

Frederick K. Ohlrich Clerk

Deputy

The Request For Judicial Notice In Support Of Petition For Extraordinary Relief, Including Writ Of Mandate And Request For Stay, received June 20, 2008, is granted.

Secretary of State Bowen's request that we judicially notice the excerpts from the Summary of General Election Calendar contained in her preliminary response to the Petition For Extraordinary Relief, Including Writ of Mandate And Request For Stay, filed June 30, 2008, is granted.

The Request For Judicial Notice In Support of letter brief of Amici Curiae, received July 11, 2008, is granted.

The Application for Stay and Petition For Extraordinary Relief, Including Writ of Mandate, filed June 20, 2008, is DENIED.

The Motion By Campaign For California Families, Randy Thomasson, And Larry Bowler To Intervene As Real Parties In Interest, filed June 30, 2008, is denied as moot.

GEORGE

Chief Justice