



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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August 4, 2006

Mr. Kevin J. Kennedy
Executive Director
State Elections Board
17 West Main Street, Suite 310
Madison, WI 53703

Dear Mr. Kennedy:

You have asked me to provide the explanatory statement required by Wis. Stat. § 10.01(2)(c) regarding a referendum question to be submitted to the people at the general election on November 7, 2006.

QUESTION

“Marriage. Shall section 13 of article XIII of the constitution be created to provide that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state and that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state?”

EXPLANATION

Under present Wisconsin law, only a marriage between a husband and a wife is recognized as valid in this state. A husband is commonly defined as a man who is married to a woman, and a wife is commonly defined as a woman who is married to a man.

A “yes” vote would make the existing restriction on marriage as a union between a man and a woman part of the state constitution, and would prohibit any recognition of the validity of a marriage between persons other than one man and one woman.

A “yes” vote would also prohibit recognition of any legal status which is identical or substantially similar to marriage for unmarried persons of either the same sex or different sexes. The constitution would not further specify what is, or what is not, a legal status identical or substantially similar to marriage. Whether any particular type of domestic relationship, partnership or agreement between unmarried persons would be prohibited by this amendment would be left to further legislative or judicial determination.

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A "no" vote would not change the present law restricting marriage to a union between a man and a woman nor impose restrictions on any particular kind of domestic relationship, partnership or agreement between unmarried persons.

Very truly yours,



Peggy A. Lautenschlager
Attorney General

PAL:TJB:ajw