

BOARD OF ELECTIONS AND ETHICS**NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections and Ethics shall consider in a public hearing whether the proposed measure "Preservation of Traditional Marriage One Man One Woman 2009" is a proper subject matter for initiative, at the Special Board Meeting on Tuesday, February 16, 2010 at 10:30am., One Judiciary Square, 441 4th Street, N.W., Suite 280, Washington DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, February 11, 2010 to the Board of Elections and Ethics, General Counsel's Office, One Judiciary Square, 441 4th Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel's office at 727-2194 no later than February 11, 2010.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE**PRESERVATION OF TRADITIONAL MARRIAGE ONE MAN ONE WOMAN 2009****SUMMARY STATEMENT**

The purpose of this initiative is to allow the citizens of the District of Columbia to vote to preserve traditional marriage as between one man one woman.

- This initiative would define marriage as between one man and one woman.
- This initiative would amend as follows:
- Section 1283 (DC Official Code section 46-401) is redesignated as section 1283

"Marriage is the legally recognized union between one man and one woman. No person may enter into a marriage in the District of Columbia with another person unless it is a man and a woman.

LEGISLATIVE TEXT

To repeal the District of Columbia's "Religious Freedom and Civil Marriage Equality Act of 2009."

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this Act may be cited as the "Religious Freedom and Civil Marriage Equality Amendment Act of 2009".

Sec. 2 Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C., Official Code § Sec 46-401 *passim*), is amended as follows:

(a) Section 1283 (D.C. Official Code '46-401) is redesignated as section 1283a. (a) A new section 1283 is added to read as follows: "Sec. 1283 EQUAL ACCESS TO MARRIAGE.

(a) Marriage is the legally recognized union of 2 persons. Any person may enter into a marriage in the District of Columbia with another person, regardless of gender, unless the marriage is expressly prohibited by section 1283a or section 1285.

(b) Where necessary to implement the rights and responsibilities relating to the marital or familial relationships, gender-specific terms shall be construed to be gender neutral for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law, or any other source of civil law."

(c) Section 1287a (D.C. Official Code '46-405.01) is amended by striking the phrase "sections 1283" and inserting the phrase "sections 1283a" in its place.

(d) Section 1288 (D.C. Official Code § 46-406) is amended by adding new subsections (c), (d), and (e) to read as follows:

“(c) No priest, imam, rabbi, minister, or other official of any religious society who is authorized to solemnize or celebrate marriages shall be required to solemnize or celebrate any marriage.

“(d) Each religious society has exclusive control over its own theological doctrine, teachings, and beliefs regarding who may marry within that particular religious society’s faith.

“(e) Notwithstanding any other provision of law, a religious society, or a nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society, shall not be required to provide services, accommodations, facilities, or goods for a purpose related to the solemnization or celebration of a same-sex marriage, or the promotion of same-sex marriage through religious programs, counseling, courses, or retreats, that is in violation of the religious society’s beliefs. A refusal to provide services, accommodations, facilities, or goods in accordance with this subsection shall not create any civil claim or cause of action, or result in a District action to penalize or withhold benefits from the religious society or nonprofit organization that is operated, supervised or controlled by or in conjunction with a religious society.”

Sec. 3. Section 3 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702), is amended as follows:

(a) Subsection (d) (3) is amended to read as follows:

“(3) A domestic partnership shall terminate by operation of law if the domestic partners marry each other.”

(b) Subsection (e) (3) is amended by striking the word “marriage” and inserting the phrase “certification of marriage” in its place.

(c) A new subsection (j) is added to read as follows:

“(j)(1) Two persons in a valid domestic partnership pursuant to this act may apply for and receive a marriage license in accordance with Chapter Forty-Three of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391;) D.C. Official Code ‘46-401 *passim*).

“(2) Two persons who are in a domestic partnership and have registered their domestic partnership pursuant to this section shall not be charged a marriage license fee.”

Sec. 4 Section 16-903 of the District of Columbia Official Code is amended by striking the phrase “46-401” and inserting the phrase “46-401.01” in its place.

Sec 5 Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602 (c) (3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code ‘1-206.02 (c) (3).

Sec.6 Effective Date.

The act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c) (1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code ‘1-206.02(c) (1), and publication in the District of Columbia Register.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 9, 2010
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. TO 12:00 P.M. MORNING HEARING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON HEARING SESSION**

A.M.

WARD FIVE

18039 **Application of Jason Lefebure**, pursuant to 11 DCMR § 3104.1, for a
ANC-5A special exception for a rear addition to an existing one-family detached
dwelling under section 223, not meeting the side yard (section 405), requirements
in the R-1-B District at premises 1510 Kearney Street, N.E. (Square 4010, Lot
44).

WARD THREE

18040 **Application of David and Cornelia Royle**, pursuant to 11 DCMR §
ANC-3D 3104.1, for a special exception for a rear addition to an existing one-family
detached dwelling under section 223, not meeting the side yard (section 405),
requirements in the R-1-B District at premises 5415 Potomac Avenue, N.W.
(Square 1443, Lot 822).

WARD FOUR

18043 **Application of Mark Ewert and Steven Stichter**, pursuant to 11 DCMR
ANC-4C § 3103.2, for a variance from the lot occupancy requirements under
section 403, a variance from the rear yard requirements under section 404, and a
variance from the nonconforming structure provisions under subsection 2001.3, to
allow a rear first floor deck addition to an existing row dwelling in the R-4
District at premises 401 Rock Creek Church Road, N.W. (Square 3236, Lot 46).

P.M.

WARD THREE

BZA PUBLIC HEARING NOTICE

MARCH 9, 2010

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THIS APPLICATION WAS CONTINUED FROM THE NOVEMBER 10, 2009, PUBLIC HEARING SESSION:

17987 **Application of El Jardin’ Infantil**, pursuant to 11 DCMR §3104.1, for a
ANC-3D special exception to allow a child development center (12 children, 2 staff)
 under section 205, in the R-1-B District at premises 2108 48th Street,
 N.W.(Square 1390, Lot 825).

WARD ONE

18044 **Application of Rock Creek Market, LLC**, pursuant to 11 DCMR §
ANC-1A 3103.2, for a variance from the use provisions to allow the sale of
 prepared food at an existing grocery store under subsection 330.5, in the R-4
 District at premises 644-646 Rock Creek Church Road, N.W. (Square 3034, Lot
 809).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

MARC D. LOUD, CHAIRMAN, SHANE L. DETTMAN, MERIDITH H. MOLDENHAUER AND A MEMBER OF THE ZONING COMMISSION -----

----- BOARD OF ZONING ADJUSTMENT, BY CLIFFORD MOY, SECRETARY TO THE BZA, JAMISON L. WEINBAUM, DIRECTOR.