

Agenda Report

October 21, 2024

TO: Honorable Mayor and City Council

FROM: Office of the City Manager

SUBJECT: SUPPORT OF PROPOSITION 3 “CONSTITUTIONAL RIGHT TO MARRIAGE” ON THE NOVEMBER 5, 2024 STATE GENERAL ELECTION BALLOT

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is covered by the common sense exemption set forth in State CEQA Guidelines Section 15061(b)(3) as CEQA only applies to projects that may have a significant effect on the environment; and
2. Support Proposition 3 on the November 5, 2024 state ballot.

BACKGROUND:

At the September 30, 2024 City Council meeting, Councilmember Lyon requested and the Mayor approved this item to be added to the October 21 City Council Agenda. Due to proximity of the general election, there is not enough time for it to be presented to the Legislative Policy Committee. Proposition 3, “Constitutional Right to Marriage,” was put on the November 5, 2024 state general election ballot by the California Legislature. The proposition would amend the California Constitution to recognize the fundamental right to marry, regardless of sex or race by removing language stating that marriage is only between a man and a woman.

According to the State Legislative Analyst, the federal courts have said that same-sex couples can marry, but outdated language in the California Constitution still says that marriage can only be between a man and a woman. Proposition 3 updates the Constitution to match what the federal courts have said about who can marry. The analysis noted no fiscal effects as there would be no change in revenue or costs to state and local governments. The Secretary of State voter information guide is also provided (Attachment A) which includes the state legislature vote as well as arguments in favor and against the proposition.

The text of the proposition is as follows (~~strikethrough~~ to note deletions and *italic type* to show new language):

~~SEC 7.5. Only marriage between a man and a woman is valid or recognized in California.~~

SEC 7.5. (a) The right to marry is a fundamental right. (b) This section is in furtherance of both of the following:

(1) The inalienable rights to enjoy life and liberty and to pursue and obtain safety, happiness, and privacy guaranteed by Section 1.

(2) The rights to due process and equal protection guaranteed by Section 7.

A YES vote on this measure means: Language in the California Constitution would be updated to match who currently can marry. There would be no change in who can marry.

A NO vote on this measure means: Language in the California Constitution would not be changed. There would be no change in who can marry.

COUNCIL POLICY CONSIDERATION:

The consideration of Proposition 3 is consistent with the City Council's strategic goals to support and promote the quality of life.

ENVIRONMENTAL ANALYSIS:

The proposed action has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061 (b)(3), the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The decision to support Proposition 3 would have no adverse impact on the environment.

FISCAL IMPACT:

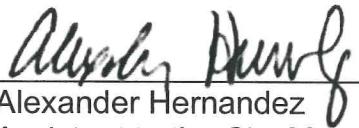
No budget requests are included in this report.

Respectfully submitted:




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Approved by:



for MIGUEL MÁRQUEZ
City Manager
NICHOLAS G. RODRIGUEZ
Assistant City Manager

Attachments

Attachment A – California Secretary of State Voter Information Guide – Proposition 3