



JOINT STATEMENT TO CALIFORNIA RELIGIOUS LEADERS REGARDING PROPOSITION 8

- **Religious leaders have the right to educate members of their congregation about Proposition 8 (the California Marriage Protection Act).** Under the federal tax code, religious leaders may speak freely and forcefully on important issues of public policy, including Proposition 8 which, if successful, will reverse the State Supreme Court's recent same-sex "marriage" decision. Pastors and other religious leaders have the right to discuss legislative issues, support or oppose legislation, encourage their members to support or oppose legislation, and offer facts and materials about important legislation as long as the information is educational and is not designed to support a particular political party or candidate. Tax exempt religious organizations may lawfully spend an "insubstantial" amount of their funds yearly on issue lobbying for Proposition 8. An insubstantial amount is generally less than 10% of organizational resources¹.
- **Religious organizations have the right to conduct non-partisan voter registration drives.** Religious organizations have tremendous freedom and opportunities to register their members, and others, to vote. A non-partisan voter registration drive means that there is no implied or explicit endorsement of a specific party or candidate and all people are encouraged to register to vote equally, regardless of their political affiliation. Such registration drives may also include a church setting up a voter registration table or petition signature gathering table in their lobby or mailing registration cards to their members.
- **Religious organizations cannot currently be forced to perform same-sex marriages.** The California Supreme Court stated very clearly in its recent ruling, which found a new constitutional right to same-sex "marriage," that its opinion does not mean that same-sex couples can force religious organizations to change their practices or, more specifically, demand to be wed in churches across California. Simply put, no religious leader or official can be forced to "solemnize a marriage in contravention of his religious beliefs." *In re Marriage Cases*, page 117. This right is grounded in California Constitution's Free Exercise Clause which provides "Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State." Cal. Const., art. I, § 4. In addition to state rights, churches and religious organizations have substantial protections under the federal constitution and federal law. Even the leading proponents for same-sex marriage agree with this principle.

¹ Religious organizations desiring to move beyond advocacy and financially support efforts through congregational giving should contact ProtectMarriage.com for free legal advice regarding California election law issues.

● While some comfort may be taken in light of the above legal rights, we believe that a redefinition of marriage will lead to other threats and the ultimate loss of existing protections. If Proposition 8 fails in November, we believe there will be a number of very serious negative legal consequences for religious organizations, among them:

● **Challenges to Non-profit Status:** Churches may be forced to respond to formal complaints to the FTB and IRS challenging their non-profit status for refusing to perform same-sex “marriages.”

● **Forced Hiring of Homosexuals:** The California Legislature and U.S. Congress will face increased pressure to remove religious exemptions from existing employment laws, resulting in churches and other religious organizations being forced to hire practicing homosexual and transgender employees.

● **Legal Persecution:** Religious leaders and churches which open their facilities to the public for marriage ceremonies will be sued for refusing to rent their organization’s facilities to same sex couples for “marriage” ceremonies. Religious leaders may be sued for personally refusing to perform same-sex “marriages.” Pastors may face fines or imprisonment for violation of “hate-speech” laws for basing their messages on the Bible.

The undersigned organizations are available to answer your legal questions related to Proposition 8. We are also committed to providing free legal advice and will consider offering a complete legal defense to any pastor, religious leader, church or religious organization that is legally threatened as a result of engaging in the lawful activities outlined on page 1 above. A sample resolution that will help your organization to define and protect its right to refuse to perform same-sex marriages or be forced to make its facilities available for same-sex marriage ceremonies is available separately at www.protectmarriage.com.



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