



STATE OF WISCONSIN
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CORRESPONDENCE MEMORANDUM

DATE: August 28, 2014

TO: Employee Trust Funds Board
Teachers Retirement Board
Wisconsin Retirement Board

FROM: Dan Hayes, Attorney

SUBJECT: Status of Court Decision on Wisconsin's Same-Sex Marriage Prohibition

This memo is for informational purposes only. No Board action is required.

This memo provides an update on the federal lawsuit challenging Wisconsin's constitutional prohibition on same-sex marriage.

On June 6, 2014, the United States District Court for the Western District of Wisconsin declared that Wisconsin's constitutional provision prohibiting same-sex marriage violated the both the equal protection and due process clauses of the U.S. Constitution. No court order was issued at the time that decision. Rather, the court allowed the parties to submit briefs regarding the content of the order. One week later, on June 13, 2014, the court issued an order that, among other items, directed all state agencies to treat same-sex couples the same as different sex couples in the context of rights, protections, obligations and benefits of marriage. However, the court also issued a stay of the order. A stay means the order will not be enforced, pending further appeals.

The state then appealed the decision to the United States Court of Appeals for the Seventh Circuit, and the court consolidated the case with a similar case from Indiana. On August 26, 2014, a three-judge panel heard oral arguments and rigorously questioned the attorneys for all parties.

The next step will be a decision by the three-judge panel. It is likely that the parties that do not prevail will either ask that another decision be issued by the full appeals court, which consists of 11 seats, one of which is currently vacant, or request that the case be heard by the U.S. Supreme Court.

Staff will be available at the Board meeting to answer questions.

Reviewed and approved by Robert J. Conlin, Secretary

Electronically Signed:
09/05/2014

Board	Mtg Date	Item #
JM	9.25.14	5D