

League of Women Voters Files Amicus Brief in Proposition 8 Case

The League of Women Voters of California filed an [amicus brief](#) today with the California Supreme Court in the case of *Perry v. Brown*.

The *Perry* case arises out of the legal battle over Proposition 8, which passed in November 2008 and barred same-sex marriage in California. The issue before the Supreme Court is whether the proponents of a ballot measure have the authority under state law to defend the measure in court when state officials refuse to do so. After the federal district court struck down Proposition 8 as unconstitutional last August, both then-Attorney General Jerry Brown and then-Governor Arnold Schwarzenegger declined on behalf of the state to appeal the court's decision. In December 2010, the U.S. Court of Appeals for the Ninth Circuit requested that the California Supreme Court decide the issue of whether ballot measure proponents have legal authority or "standing" to defend the measure in court.

The LWVC's amicus curiae ("friend of the court") brief argues against allowing proponents of ballot measures to defend those measures in court when state officials have decided not to do so, describing it as "an invitation to chaos." It notes the enormous practical problems that follow if proponents are allowed to make litigation decisions for the state. Moreover, the League contends that for California's government to function in an orderly manner, the state must speak with one voice in cases involving initiative measures; allowing proponents to step into the shoes of the state subverts the role of the executive branch.

The League has been deeply involved in the initiative process. It supports citizens' right of direct legislation through the initiative process, and has advocated for measures that would improve the process and against measures that would undermine its rational and appropriate operation. LWVC President Janis R. Hirohama said: "As a good government organization, we believe that giving ballot measure proponents the right to make litigation decisions for the state is a bad idea. It would inject further complexity and confusion into the initiative system, lead to unintended harmful consequences, and undermine the principle of separation of powers."

The law firm of [Greines, Martin, Stein & Richland LLP](#) provided pro bono representation to the League in the filing of the amicus brief.

Information about *Perry v. Brown* can be found on the [California Supreme Court Web site](#).

Founded in 1920, the League of Women Voters is a nonpartisan political organization that encourages informed and active participation in the democratic process and influences public policy through education and advocacy. It does not support or oppose any political party or candidate.