



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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August 25, 2008

The Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, 17th Floor
Boston, MA 02108

Dear Secretary Galvin:

You have asked for my opinion whether chapter 216 of the acts of 2008, "An Act Relative to Certain Marriage laws," may be the subject of a referendum petition under Amendment Article 48 of the Massachusetts Constitution ("art. 48"). Your request arises because a referendum petition signed by ten qualified voters, calling for the repeal of chapter 216, was filed with your office in timely fashion.

I have reviewed the petition and have concluded that chapter 216 is not excluded from the referendum by any provision of art. 48. I therefore enclose the "fair, concise summary" required by art. 48.

Cordially,

A handwritten signature in black ink that reads "Martha Coakley".

Martha Coakley

Enc.



SUMMARY OF ST. 2008, C. 216

This law eliminates restrictions against persons from other states getting married in Massachusetts on the same terms as Massachusetts residents.

The law eliminates the prohibition against a person getting married in Massachusetts if the marriage would be void if performed in the person's home state. Under the law, such a person's marriage is no longer void in Massachusetts if performed here, and it is no longer a crime to knowingly issue a license for, or to perform, such a marriage in this state.

The law also eliminates the requirement that a city or town clerk, before issuing a marriage license to a person from another state, verify that the marriage would not be prohibited from being performed in the person's home state.