



ELECTION 06: Homosexual activists eye victory in South

By Michael Foust

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Editor's note: This is the second in a series of special preview stories about the 2006 Election.

Today: A preview of marriage amendment votes in South Carolina, Virginia and Tennessee.

Monday: A preview of Wisconsin's effort to pass a marriage amendment.

NASHVILLE, Tenn. (BP)--Thanks to a quirk in Tennessee law, a proposed constitutional marriage amendment there could get an overwhelming majority of votes on Election Day -- and still not pass.

The Tennessee Constitution requires that constitutional amendments not only win a majority of votes but also get a "majority of all the citizens of the state voting for governor." Simply put, that means the marriage amendment must get a majority of all the votes cast in the governor's race. If 1 million people vote in the gubernatorial election, then the marriage amendment, to pass, must get at least 500,001 "yes" votes.

It's a peculiar law that has pro-family leaders in Tennessee anxious, even though they're confident that a majority of citizens side with them and oppose "gay marriage." Four years ago, social conservatives in the state hoped the unique law would help them defeat a vote to legalize the lottery. The lottery, though, won. Now, those same conservatives are hoping that they, too, can clear the constitutionally high hurdle.

The quirky law means that someone who votes in the governor's race but skips the marriage amendment portion of the ballot is in fact helping defeat the amendment, which is known as Amendment 1.

Tennessee is one of three southern states voting on marriage amendments on Election Day. The other two are South Carolina and Virginia.

"Our greatest fear really is complacency in view of the fact that our constitution requires more than a simple majority," David Fowler, president of the Family Action Council of Tennessee, told Baptist Press. "We must also attain a certain minimum number of votes, and anything less than that minimum number of voters makes the margin of victory meaningless. We're trying to make sure people know they have to get out and vote. They can't assume that the other people will vote yes and carry the day."

Support by Christian conservatives is critical in Tennessee but also in Virginia, where polls show the amendment question surprisingly close. A Mason-Dixon poll conducted Oct. 17-19 showed 52 percent of Virginia likely voters supporting the amendment, 42 percent opposing it. To date, the 20 states that have adopted marriage amendments have approved them with an average of 71 percent of the vote.

A victory in a southern state would provide homosexual activists a landmark victory. Victoria Cobb, executive director of the Family Foundation of Virginia, estimates that by the end of the election amendment opponents will have outspent supporters in her state by a margin of five to one.

"A lot of voters feel like this is a slam dunk and they don't realize how important it is that they are active in the campaign and that they tell everyone they know to vote yes," Cobb told BP. "They think Virginia is a conservative state, which is an overstatement."

"Christians should make sure that their churches are informed, as well as their neighbors, their co-workers," Cobb added. "We need every voter at the polls on Nov. 7 voting yes."

Virginia's amendment, known as Ballot Question No. 1, has drawn opposition from numerous newspaper editorials and several big-name state politicians, including Democratic Gov. Tim Kaine, who previously stated he supported the amendment but now says he believes it goes too far in what it prohibits. He appeared at a news conference Oct. 24 arguing Ballot Question No. 1 would have "unintended consequences" by infringing on private agreements between unmarried couples.

But Attorney General Bob McDonnell, a Republican, disagrees, and issued an opinion saying the goal of the amendment is to "prevent attempts to establish same-sex marriage, or similar relationships that attempt to create marriage-like unions by any other name." Private agreements, McDonnell said, would not be impacted.

In addition, the Virginia Board of Elections released an explanation that conflicted with Kaine's argument. In it, the board said that if the amendment passes, "legal rights, benefits, and obligations" will "continue to be available to unmarried persons" -- including protections under the domestic violence laws, ownership of property as joint tenants, disposition of property by will and the naming of an agent to make end-of-life decisions.

At issue is a sentence in the amendment that says Virginia cannot "create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." Amendment supporters say the sentence would prohibit same-sex civil unions -- the very thing that might become legal in New Jersey following a ruling by that state's high court. The court ordered the legislature to legalize either "gay marriage" or a parallel classification that provides "the rights and benefits" of marriage.

Cobb called Kaine's argument a "scare tactic that has no basis in legal reality."

"We cannot know what another state will call marriage several years from now," she said. "Vermont called them civil unions. California called them domestic partnerships. This sentence is designed to capture the essence of marriage."

Churches are playing a large role in the promotion of the amendments in Virginia, Tennessee and South Carolina. Conservative organizations in all three states have launched websites that include church resources, such as bulletin inserts.

South Carolina's amendment, known as Amendment 1, would prohibit both "gay marriage" and civil unions and would prevent its state court from following New Jersey's lead.

"A lot of Christians don't realize the importance of voting," Marie Connelly, a spokesperson for the South Carolina Palmetto Family Council, told BP. "[The New Jersey decision] is an eye-opener for people to say, 'Wait a second, I don't want that happening in my state, and this is something I can do to prevent that.'"

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For more information about the amendments, visit www.realmarriage.org for Tennessee's amendment, www.va4marriage.org for Virginia's amendment and www.realmarriage.info for South Carolina's amendment.

For more information about the national debate over "gay marriage," visit <http://www.bpnews.net/samesexmarriage>

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