

Utah Federal Court Holds Same-Sex Couples Allowed to Marry

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December 23, 2013

A U.S. District Court in Utah has held that “Utah’s prohibition on same-sex marriage conflicts with the United States Constitution’s guarantees of equal protection and due process under the law. The State’s current laws deny its gay and lesbian citizens their fundamental right to marry and, in so doing, demean the dignity of these same-sex couples for no rational reason.” *Kitchen v. Herbert*, No. 2:13-cv-217 (D. Utah Dec. 20, 2013). The *Kitchen* decision was issued the day after the New Mexico Supreme Court issued a similar decision. For more information, please see [New Mexico Supreme Court Holds Same-Sex Couples Allowed to Marry](#).

The plaintiffs included two couples who were denied marriage licenses by the Salt Lake County Clerk’s office, and a couple who was married in Iowa and wished to have the marriage recognized in Utah. The three couples challenged Amendment 3 to the Utah Constitution, requiring that marriage be limited to a union between a man and a woman, which passed in 2004 with support from 66 percent of voters.

According to the plaintiffs, Utah’s prohibition of same-sex marriages infringed their rights to due process and equal protection under the Fourteenth Amendment. Defending its law, Utah argued that the State has the right to define marriage free from federal interference.

Judge Shelby held that, based on the U.S. Supreme Court’s recent decision in *U.S. v. Windsor*, 133 S. Ct. 2675 (2013), Amendment 3 to the State Constitution violated the plaintiffs’ due process rights and rights to equal protection under the United States Constitution. Judge Shelby compared Amendment 3 to laws prohibiting interracial marriage which were challenged in the 1960s, and noted that Amendment 3 “deprive[d] a targeted minority of the full measure of human dignity and liberty by denying them the freedom to marry the partner of their choice.”

A number of same-sex marriages have taken place since the decision was issued.

This ruling has far-reaching implications for employers in Utah in terms of employee benefits and leave entitlements.

In addition, Jackson Lewis’ Post-*Windsor*/DOMA Resource Group (organized to provide assistance following U.S. Supreme Court’s decision in *United States v. Windsor*, invalidating a key part of the federal Defense of Marriage Act (DOMA), and to track changes in state same-sex marriage laws) is available to assist you in staying compliant with all applicable federal, state and local laws.

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