



VILLAGE OF CORRALES

RESOLUTION NO.13-037

A RESOLUTION URGING THE SANDOVAL COUNTY CLERK TO ISSUE MARRIAGE LICENSES TO SAME-SEX COUPLES.

WHEREAS, the Constitution of the State of New Mexico requires that equal rights shall not be denied on account of the sex of any person, N.M. Const. Art. II, Section 18; and

WHEREAS, New Mexico state statutes prohibit only certain marriages that are with relatives within a certain degree of consanguinity and those that are with minors, while same-sex marriage is not prohibited, NMSA 1978, Section 40-1-9 (1876, as amended through 2013); and

WHEREAS, pursuant to New Mexico state statutes a valid same-sex marriage from another jurisdiction is recognized in New Mexico, NMSA 1978, Section 40-1-4 (1862-63); N.M. Op. Att’y Gen. No. 11-01 (2011); and

WHEREAS, New Mexico state marriage laws are gender neutral and do not define marriage as between a man and a woman, NMSA 1978, Section 40-1-1 (1862-63) (“Marriage is contemplated by the law as a civil contract [by] the consent of the contracting parties.”); and

WHEREAS, the New Mexico Attorney General has publicly stated that the Attorney General’s office will not challenge any county clerk who decides to issue marriage licenses to same-sex couples, as reported in various news media; and

WHEREAS, New Mexico First Judicial District Judge Sarah Singleton has ruled that the Santa Fe County Clerk must issue marriage licenses to same-sex couples seeking to be married, or show cause why the Clerk should not be required to do so, *State ex rel. Hanna et al. v. Salazar*, No. D-101-CV-201302182, First Judicial Dist. Ct. for Santa Fe County, N.M. (*Alternative Writ of Mandamus* issued August 22, 2013); and

WHEREAS, New Mexico Second Judicial District Judge Alan Malott has ruled that the Bernalillo County Clerk must issue marriage licenses to same-sex couples seeking to be married, or show cause why the Clerk should not be required to do so, *Griego et al. v. Toulouse Oliver et al.*, No. D-202-CV-201302757, Second Judicial Dist. Ct. for Bernalillo County, N.M. (*Declaratory Judgment, Injunction and Peremptory Writ of Mandamus* issued August 26, 2013); and

WHEREAS, the County Clerks of both Santa Fe County and Bernalillo County, rather than attempt to show cause why they should not issue marriage licenses to same-sex couples, have commenced to issue such licenses in accordance with the order of the district courts of those counties; and

WHEREAS, the County Clerks of other New Mexico counties, including Doña Ana County, Valencia County, San Miguel County and Taos County have commenced to issue marriage licenses to same-sex couples in accordance with the aforementioned constitutional and statutory provisions as interpreted by district courts of the State of New Mexico; and

WHEREAS, the Internal Revenue Service of the United States reported on August 29, 2013, that it would recognize all marriages equally for income tax purposes, regardless whether the parties are of the same or different sexes; and

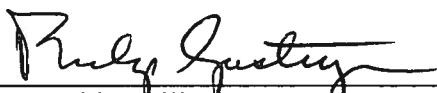
WHEREAS, the members of the Governing Body of the Village of Corrales have taken an oath to uphold the Statutes and Constitution of the State of New Mexico, and have a duty to preserve and defend the rights of the citizens of the Village of Corrales;

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES

that we most strongly urge the Clerk of Sandoval County, New Mexico, to uphold the Clerk's mandatory non-discretionary duty to issue marriage licenses in accordance with New Mexico statutes and the New Mexico Constitution by issuing marriage licenses on an equitable, nondiscriminatory basis, without regard to sex.


Approved This 10th Day of September 2013

VILLAGE OF CORRALES



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan Reyes, Village Clerk
[SEAL]