

Spotlight on Records

Civil Unions and Same-Sex Marriage

In 1997, three same-sex couples sued the State of Vermont and the towns that had denied them marriage licenses. The couples lost the case and appealed to the Vermont Supreme Court. On December 20, 1999, the Supreme Court [ruled](#) in the plaintiffs' favor, stating that they were "entitled under Chapter 1, Article 7 of the [Vermont Constitution](#) to obtain the same benefits and protections offered by Vermont law to married opposite-sex couples." However, this ruling did not order the defendant towns to issue marriage licenses. Instead, the ruling charged the State Legislature with the task of devising a solution.

The House Judiciary Committee introduced bill H.847 in 2000, intended to create state recognition for civil unions between two people of the same sex. Legislative committee hearing records in VSARA record series [LEG-006](#) show how the issue was [debated](#) over several weeks. Simultaneously, counter measures were taken up, including H.479, an act to clarify the existing laws concerning marriage, as well as a [constitutional amendment proposal](#) to define the act of marriage as between one man and one woman. Correspondence maintained in legislative committee records (series [A-116](#)) and the records of Governor Howard Dean (series [A-187](#)) were received from interested and concerned citizens, both [in support of](#) and [against](#) same-sex unions. Messages of [approval](#) and [opposition](#) came from [out of state](#) as well. Thousands of signatures appeared on petitions to preserve traditional marriage, and some called to [put it to a vote](#) of Vermonters. Ultimately, H.847 passed the House 76 to 69, and passed the Senate 19 to 11. Governor Dean signed the legislation into law as [Act 91](#) on April 26, and the law went into effect on July 1, 2000, making Vermont the first state to have civil unions for same-sex couples.

Implementation of the new law was not easy. There were many who opposed the law; [Governor Dean defended](#) his signing of the bill by stating his belief that "every Vermonter deserves the same rights—no more or less—as his or her neighbors." It can be seen in the records from Secretary of State Deborah Markowitz (series [A-353](#)) that some town clerks and other public officials did not feel comfortable about issuing civil union certificates, though Attorney General William Sorrell [stressed the importance](#) of upholding their public duties as obligated by statute. Opponents of civil unions adopted a slogan of "Take Back Vermont" and signs soon peppered the Vermont landscape. The next legislative session saw more introductions of bills trying to undo the law.

A section of Act 91 created the Vermont Civil Union Review Commission to prepare a plan to inform Vermonters about the act, to collect information about the implementation of the act as well as the recognition of Vermont civil unions by other states, and to evaluate the impact and effectiveness of the act. The [commission's report](#) found that Act 91 had minimal impact on state government and judicial functions, and had minimal impact in other states, amongst other conclusions. The commission ceased to exist in 2002, and later the conversation progressed to the next step, legalizing gay marriage.

Leaders heard testimony and input from many varied perspectives, including religious communities and youth and family organizations, but also from business institutions, as can be seen in record series [A-077](#), the [records of the Department of Tourism and Marketing](#). S.115 was introduced in March of 2009 and passed the Senate later that month. Governor James Douglas cautioned that he would veto the bill, but it passed the House on April 3 by a vote of 94 to 52. Governor Douglas [vetoed the bill](#) as promised and the bill went back to the legislature, where the veto was overridden on April 7. It became law as [Act 3](#) and went into effect on September 1, 2009. Vermont became the fifth state to legalize same-sex marriage, and was the first to do so through legislation rather than by a court ruling.

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