



## **The Facts About Colorado's Domestic Partnership Referendum**

### **What's a Domestic Partnership?**

One year after the voters approve the referendum this November, you and your partner can go to your county courthouse and obtain a domestic partnership license, which costs the same amount as a marriage license. Once you obtain this license, you and your partner would be eligible for many of the protections and responsibilities now available only to straight, married couples.

### **Who is eligible?**

Any Colorado same-sex couple, at least 18 years of age, not currently party to another domestic partnership or marriage.

### **Why same-sex couples only?**

The Domestic Partnership Referendum is designed specifically to remedy the unfair legal disparities that exist between committed same-sex couples and straight couples. Suggesting that creating some degree of parity and fairness under Colorado law somehow creates "extra" or "special" rights is a smokescreen being created to divert attention from the issue of fairness and equality for all Coloradans.

### **What legal protections and responsibilities will we receive if we become domestic partners?**

You will be guaranteed the ability to visit your partner in the emergency room, hospital, or nursing home. Your partner will be able to carry out your healthcare wishes if you are incapacitated as well as your funeral wishes. Your ability to leave property to your partner, name him or her as a workers' compensation beneficiary, and many more bedrock protections and responsibilities not available through legal contracts will be granted to domestic partners.

### **Will we still need to have wills, powers of attorney, and other legal documents?**

Yes. Experts recommend that everyone, gay or straight, execute an estate plan. But if you are in a domestic partnership, your ability to ensure that you can leave your estate to your partner will be greatly strengthened. And, the domestic partnership referendum would end the unfair situation where, if you were to die without a will, it is highly likely that the government would inherit your estate instead of your partner.

### **What happens when couples split up?**

There will be a legal process in place to dissolve domestic partnerships similar to procedures now in place for divorce.

**I'm getting older and I'm concerned that if I'm incapacitated my partner, who knows my wishes better than anyone, won't be able to direct my care.**

The domestic partnership referendum would grant you the legal protection to ensure that your partner can direct your care and advocate on your behalf if you are in a hospital, nursing home, other health care facility, or at home.

### **Can we have a ceremony at our church or synagogue?**

If your church or synagogue chooses to offer a blessing or other rite for domestic partners, then, of course you can. The choice of whether to offer such ceremonies or blessings is solely that of the religious denomination or congregation.

### **Is a domestic partnership the same as marriage?**

No. Marriage would still be defined in law as the union of one man and one woman. And the referendum cannot give you access to the more than 1,000 federal protections and responsibilities that are automatically granted to married couples, nor can the referendum require other states to recognize your domestic partnership.

### **So, if it's not marriage, why should we vote for it?**

Domestic partnerships offer a huge step forward for committed gay and lesbian couples. Domestic partners would receive a wide range of essential protections and benefits, including the right to visit your partner in the hospital, emergency room or nursing home, and direct your partner's care if he or she were incapacitated.

### **Why don't we rely on the courts to grant us our rights instead of risking a vote?**

It is important for the people to have their say on this proposal to level the legal playing field between committed same-sex couples and straight couples. When a majority of voters approve domestic partnerships, it will have solid credibility and stature thanks to the voters stamp of approval. The good news is that a growing number of Coloradans understand the importance of ending existing legal discrimination.

### **I've heard some people argue that domestic partnerships will undermine marriage. Is that true?**

It's hard to see how granting to same-sex partners the legal protections and responsibilities over health care, property and inheritance, insurance, and other priorities affects existing or potential heterosexual marriages. In fact, the domestic partnership referendum will strengthen commitments among same-sex partners.

### **Would Colorado be the only state to legally recognize same-sex couples?**

No. Seven states and the District of Columbia have laws in place that give same-sex couples some degree of benefits similar to those provided to married couples.

### **Would Colorado recognize same-sex marriages from Canada?**

No. State law is clear on this topic and same-sex marriages are not recognized. Passage of the Domestic Partnership Referendum would not change this. Because their marriage is not recognized in Colorado, a same-sex couple married in Canada who moved to Colorado would be eligible to apply for Domestic Partnership status.

### **How can we get involved in helping to pass the referendum?**

Coloradans for Fairness and Equality was formed to work to pass domestic partnerships and oppose the Constitutional ban on same-sex marriage. Visit the website at [www.FairEqual.org](http://www.FairEqual.org) to learn the many ways you can play an important role in passing this long-overdue reform to our state laws.