

What is Proposition 8?

Proposition 8 was a ballot initiative, and a California state constitutional amendment, passed in the November 2008 elections, which, under the California Marriage Protection Act, says that "only marriage between a man and a woman is valid or recognized in California."

The proposition overturned the California Supreme Court's ruling — from the same year — that same-sex couples "have a constitutional right to marry." However, Prop 8 didn't affect the state's domestic partnerships or same sex marriages performed before November 5, 2008. Nonetheless, the passage of Prop 8 — the same day the first African American president was elected — unleashed protests, demonstrations and numerous lawsuits challenging the proposition's validity.

United States District Court Judge Vaughn Walker, who is openly gay, overturned Proposition 8 on August 4, 2010 in the case *Perry v. Schwarzenegger*, ruling that it violated both the Due Process and Equal Protection clauses of the United States Constitution. The Ninth Circuit Court of Appeals continued the stay, keeping Walker's ruling "on hold pending appeal."

On February 7, 2012, in a 2–1 decision, a Ninth Circuit Court of Appeals panel affirmed Walker's decision declaring the Proposition 8 ban on same-sex marriage to be unconstitutional.

On June 26, 2013, the same day the Supreme Court announced its decision in the *Windsor* case, the Justices ruled in a 5 to 4 decision to send another case, [Hollingsworth](#), back to California to address Proposition Eight (8). There the Supreme Court held that the petitioners did not have the standing to challenge the lower courts decision throwing out Proposition 8, which would deny same sex individuals to marry in California. The decision paved the way for same sex marriage to begin again in California in late July 2103.