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Judge's ruling lifts stay on civil unions

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**John Killen, The Oregonian**

A federal judge this afternoon threw out a lawsuit against Oregon's domestic partnership law, allowing the legislation to go into effect about 4:20 p.m.

The verdict was greeted with honking horns and shouts of joy outside the federal courthouse in downtown Portland.

Grinning amid a scrum of reporters, Jeana Frazzini, executive director of Basic Right Oregon, a gay rights group, called the decision "thrilling."

"Not only did we win on the merits of the case, we really won new rights," she told a gaggle of reporters outside the federal courthouse in Portland.

Frazzini urged same sex couples to head immediately to county offices around the state to begin registering their civil unions, to obtain a slew of legal rights formerly available only to married opposite sex couples.

"Head over before the offices close or first thing Monday morning," she said.

Most who right away headed across the Willamette River to the Multnomah County offices would have been disappointed. County officials, upon hearing the news, said they will begin certifying domestic partnerships on Monday at 8 a.m. at the county building at 501 S.E. Hawthorne Blvd.

Officials said the ruling came as a surprise and they were not prepared to begin certifying domestic partnerships this afternoon.

"Fortunately, we normally stop issuing marriage licenses at 4:45," said Mike Watson, operations supervisor for marriage licenses and domestic partnership registry.

Still, two men rushed to the registry as soon as they heard the ruling, picking up their declaration of domestic partnership paperwork at 4:45 p.m.

Friday's ruling by U.S. District Judge Michael Mosman came a little more than a month after he had blocked Oregon's domestic partnership law for gays and lesbians from taking effect, as scheduled, in early January.

Kraig Scattarella/The

Oregonian

Jenna Frazzini (right) of Basic rights Oregon reacts to news that Judge Michael Mosman threw out a suit against Oregon's domestic partnership law.

At the time, Mosman said opponents should have a chance to make their case for a statewide election on civil unions.

His ruling came as a surprise, just four days before gay couples would have been eligible for most of the same legal benefits of marriage. Couples across Oregon had planned to show up at county offices Jan. 2 to register as partners.

But instead, Mosman set the Feb. 1 hearing to hear a lawsuit by gay-rights opponents challenging the state's methods for verifying voter signatures.

Opponents gathered signatures last summer to try to overturn civil unions on the November 2008 ballot but were rejected by state officials who determined that they fell 96 signatures short of the 55,179 needed for a referendum on a law passed by the Legislature.

The judge ruled that ultimately there was no constitutional right when you sign a petition to have the signature counted.

That decision flummoxed attorneys for the appellants.

"To suggest that anyone's signature doesn't matter runs contrary to what people expect when they sign a petition," said attorney Austin R. Nimocks, who plans to file an appeal with the state this month.

Earlier, Mosman had said attorneys for opponents showed that the rights of voters may have been violated if their signatures were wrongly rejected.

The judge's ruling didn't affect a companion state law that took effect in early January, banning discrimination against gays in work, housing and public places.

The two new laws, both passed by the 2007 Legislature, marked the biggest advance for gay rights in Oregon history. Nine other states have similar laws granting legal recognition to gay couples.

Supporters of the new law were stunned by the judge's late December decision. Hundreds had already made plans to register for domestic partnerships.

One survey showed that more than 500 couples were planning to register statewide, and as many 200 planned to do so in Multnomah County alone.

The new law would allow gay couples to file joint state tax returns, inherit each other's property, make medical decisions for each other and enjoy most of the other state benefits and responsibilities that married residents receive.

If they have a falling out, they would have to go to court to dissolve their union just as married couples do. Same-sex partners with children could end up facing child support payments if they dissolve their domestic partnerships.

Oregon domestic partnerships, however, would carry no legal authority in other states nor would the federal government recognize them.

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