

To: All Executive Branch Agencies
From: Mark G. Ahearn, General Counsel to Governor Mike Pence
Date: July 7, 2014
Subject: Status of Same Sex Marriages According to Indiana Law and Pursuant to Court Order

In order to ensure all Indiana executive branch agencies operate with a common understanding of the law and pursuant to uniform management guidance, I issue the following explanation and instructions with respect to the courts' rulings on same sex marriages.

As a reminder of the various court rulings and executive branch responses in this matter, I note the following:

1. On Wednesday, June 25, 2014, the U.S. District Court issued a ruling and order striking down Indiana's statute defining marriage (see Indiana Code § 31-11-1-1).
2. That same day, Governor Pence, while expressing support for the Attorney General's appeal of the District Court's ruling, nonetheless, directed that all executive branch agencies must comply with the District Court's order as detailed in written instructions the next day from the Governor's general counsel to all executive branch agencies.
3. On Friday, June 27, 2014, the U.S. Court of Appeals for the 7th Circuit issued a stay of the District Court's order pending resolution of Indiana's appeal by the Attorney General and the Governor's general counsel instructed all executive branch agencies to stop any processes they had commenced in complying with the District Court order of June 25.
4. On Tuesday, July, 1, 2014, the 7th Circuit lifted its stay with respect to one same sex couple, Amy Sandler and Nikole Quasney, and ordered recognition of their marriage on an emergency basis pending further order of the court.

Now that the 7th Circuit has ruled, agencies are to proceed as follows:

1. To ensure that the state respects the rule of law, executive branch agencies are instructed to comply with the 7th Circuit Order issued on June 27, 2014, which stays the U.S. District Court Order issued on June 25, 2014. Accordingly, Indiana Code § 31-11-1-1 is in full force and effect and executive branch agencies are to execute their functions as though the U.S. District Court Order of June 25, 2014 had not been issued. Also in compliance with the rule of law, the State will comply with the Court of Appeal's individual order recognizing the marriage of Amy Sandler and Nikole Quasney.
2. As this office may not be familiar with every law pertaining to every agency or with the interaction of those laws with federal or other laws, there may be specific instances in which this policy must be applied differently. If your agency has such a legal situation, please, review with your general counsel and contact me (232-4579) or Steve Simcox (234-8543).

Thank you.