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State of Rhode Island and Providence Plantations

State House, Room 224
Providence, Rhode Island 02903
401-222-2080

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SECRETARY OF STATE
PROVIDENCE, RHODE ISLAND

Lincoln D. Chafee
Governor

EXECUTIVE ORDER

12-02

May 14, 2012

RECOGNITION OF OUT OF STATE, SAME-SEX MARRIAGES

WHEREAS, since at least 1904, Rhode Island has recognized marriages validly celebrated in other states and countries under the principle of comity, regardless of whether the couple could have married in Rhode Island, *Ex Parte Chace*, 58 A. 978 (R.I. 1904); and

WHEREAS, many Rhode Island same-sex couples have been validly married in other states and countries; and

WHEREAS, the Rhode Island Attorney General issued a formal opinion in 2007 stating that same-sex marriages from other jurisdictions do not violate this state's public policy and therefore must be recognized under principles of comity and full faith and credit, *Op. R.I. Att'y Gen.* (February 20, 2007); and

WHEREAS, the principles articulated in that formal opinion remain unaltered despite regular legislative and judicial attention to same-sex relationships; and

WHEREAS, Rhode Island law does not explicitly prohibit or state any public policy against recognizing the lawful, out of state marriages of same-sex couples—indeed, through both legislation and case law, Rhode Island has long established an affirmative policy of preventing discrimination on the basis of sexual orientation and of supporting the personal, emotional, and legal commitments of same-sex couples; and

WHEREAS, the Rhode Island civil union law expands the state's public policy of supporting the legal commitments of same-sex couples, and extends recognition for alternative spousal relationships of same-sex couples from other states; and

WHEREAS, the recognition of out of state, same-sex couples' marriages comports with this state's law and public policy and ensures that those couples and their children have equal access to the protections and obligations already extended by the State to different-sex married couples and couples who enter civil unions; and

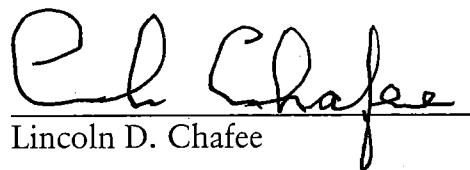
WHEREAS, the Governor, as Chief Executive of this State, is obligated to ensure that all executive state departments, agencies, and offices execute their duties and functions consistent with state law and policy.

NOW, THEREFORE, I, LINCOLN D. CHAFEE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. All executive state departments, agencies, and offices shall recognize the lawful marriages of same-sex couples as valid for any purpose arising within the execution of its duties.
2. Every department, agency, and office shall conduct a review of policy statements and regulations, and those statutes whose construction is within their purview, to ensure that terms relating to a spousal or familial relationship, including but not limited to "spouse," "husband," and "wife," are construed in a manner that encompasses lawful marriages of same-sex couples, unless some other provision of law or controlling court decision would bar their ability to do so. Where multiple constructions of statutory provisions are possible, all departments, agencies and offices shall adopt the interpretation that favors recognition of, and equal extension of benefits, protections, obligations, or responsibilities to, the marriages of same-sex couples.
3. Upon completing its review, each department, agency, or office shall: (i) take steps to direct staff on the proper construction of relevant terms in statutes, regulations, or policies, whether through internal memorandum or policy statement; (ii) initiate the processes to amend any regulation in need of alteration to comply with this Order; and (iii) review and, where necessary, amend all forms used or issued by the State to ensure that all terms connoting a marital or familial relationship are phrased so as to apply to all married couples, including same-sex couples.

This Order shall take effect immediately.

So Ordered:


Lincoln D. Chafee