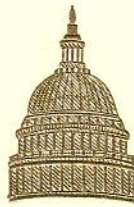


JONI K. ERNST  
IOWA



December 7, 2022

Dear GOP County Committee:

While I'm sorry I cannot speak to each of you in person, I wanted to take a moment and talk with you about the Respect for Marriage Act (RMA). While I remain confident in my vote, I understand that many of you disagree with the bill and my support of it. I write not to change your mind but to explain my reasons.

My decision to vote in favor of this legislation was not taken lightly and required a thorough review of what the bill does and does not do. This included thoughtful consideration regarding the protection of religious liberties. I also considered the vast amount of positive changes to the bill from the version that passed the House of Representatives earlier this year. To help explain my thinking, I want to clarify what the bill does and does not do.

The Respect for Marriage Act:

- 1) Does not provide a federal right for same-sex marriage;
- 2) Does not require religious institutions to recognize same-sex marriage; and
- 3) Does not authorize or recognize polygamous marriages.

However, there are some things the Respect for Marriage Act does do. This bill:

- 1) Only applies to government actors, not private individuals or churches;
- 2) Contains new and explicit protections for non-profit religious organizations; and
- 3) Maintains the status quo in Iowa.

Attached is further information explaining these points. I hope you read this letter and leave with a full understanding of my decision and the impact of this narrow bill, as well as my steadfast commitment to protecting religious freedom. I know some of us will not see eye-to-eye on this vote, but I do respect your opinions and beliefs. Thank you for taking the time to better understand my vote. My staff and I are always available to discuss these issues with you.

Very truly yours,

A handwritten signature in blue ink that reads "Joni K. Ernst". The signature is written in a cursive, flowing style.

Joni K. Ernst  
United States Senator

**1. The RMA does NOT provide a federal right for same-sex marriage.**

In *Obergefell v. Hodges*, the U.S. Supreme Court found that the 14<sup>th</sup> Amendment to the Constitution requires states to license and recognize same-sex marriages. The Iowa Supreme Court came to the same decision nearly a decade before. The RMA does *not* codify *Obergefell*, nor does it provide a federal right for same-sex couples to marry. It does *not* require states to allow same-sex marriage. Instead, it only requires government actors—both at the federal and state level—to recognize marriages as defined by states.

If the RMA is signed into law, the Supreme Court’s decision in *Obergefell* will still be the law of the land. Changes only come if the Supreme Court reverses that decision. At that point, the decision to allow or deny same-sex marriages within a state *would be left up to that state*. Since Iowa was the fourth state in the country to recognize same-sex marriage over a decade ago, that recognition would continue, unless the Iowa Constitution is changed.

**2. The RMA does NOT require religious institutions to recognize same-sex marriage.**

For the first time in federal law, the RMA contains a specific protection for religious non-profit organization—including churches, religious schools, and faith-based social agencies—to prevent them from being forced to provide goods, services, or accommodations in connection with the celebration of a same-sex marriage. *The bill flatly prohibits any litigation for such a denial*. As a result, if a church or religious school refuses to hold or cater a same-sex wedding or related celebration, they are *explicitly protected* from a lawsuit.

The bill was endorsed by a wide-array of faith-based groups including: the Church of Jesus Christ of Latter-day Saints, the Seventh-day Adventist Church, the National Association of Evangelicals, the Union of Orthodox Jewish Congregations of America, the Council for Christian Colleges and Universities, among several others. Many of these entities believe marriage is only between one man and one woman, and they support the religious liberty provisions in the RMA—which provide important safeguards against government retaliation and meaningful recognition of their beliefs in public policy.

**3. The RMA does NOT authorize or recognize polygamous marriages.**

The final bill that I supported in the Senate makes clear that this legislation does *not* require or authorize federal or state governments to recognize polygamous marriages. The bill authors in the Senate tightened the language to limit the recognition of marriages to two individuals.

**1. The RMA only applies to government actors, NOT private individuals or churches.**

Because the law only governs state and federal actors, these are the only entities that can violate the law. The bill does not provide new grounds on which to sue churches, non-profit religious organizations, and people of faith based on their religious beliefs—this includes non-profit adoption agencies, which are further protected by the Supreme Court decision in *Fulton v. City of Philadelphia*.

The RMA has no impact on private, for-profit businesses, such as wedding photographers, graphic designers, or cake bakers. These entities are still protected by the decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, which confirmed the freedom to operate a business according to a person's religious beliefs. The Supreme Court appears poised to reaffirm this decision as they consider a similar case this term.

Despite for-profit businesses not being included in the bill, I voted in favor of an amendment put forward by Senator Mike Lee (R-Utah) that would codify the freedom to operate a business according to your religious beliefs.

**2. The RMA contains new and explicit protections for non-profit religious organizations.**

Under current federal law, there are no specific protections for religious organizations who refuse to participate in same-sex marriages. However, the RMA, for the first time, provides protections for people and organizations of faith that do not exist under current law. This is an important win for the advancement of religious liberties, and some of the most robust protections enshrined in federal law in a generation.

Additionally, the RMA continues to protect all religious liberties and conscience protections available under the Constitution and federal law. This includes the Religious Freedom Restoration Act, which limits the government from infringing on a person's religious liberties.

**3. The RMA maintains the status quo in Iowa.**

Should the RMA be signed into law, the status of same-sex marriage in Iowa will not change. The way churches and for-profit businesses operate will not change. That is why I voted for the bill. By passing this bill, the Senate has reaffirmed vital religious liberty protections, and added additional new protections for non-profit religious institutions. The RMA both protects and preserves religious liberties, while also ensuring that all married couples are entitled to the rights and responsibilities of marriage—as has been the case in Iowa for over a decade, without any concrete attempt to change the Iowa Constitution.