

Nez Perce County will issue marriage licenses to same-sex couples

Elizabeth Rudd/Lewiston Tribune

Same-sex couples in Nez Perce County can get married in Lewiston starting today.

Nez Perce County Clerk-Auditor Patty O. Weeks said Tuesday evening she plans to begin issuing marriage licenses at the start of business today following the 9th U.S. Circuit Court of Appeals decision to strike down Idaho's ban on same-sex marriage and a mandate to immediately allow the marriages.

"At 8 o'clock we will be issuing same-sex marriage licenses," Weeks said. "We'll be good to go."

A three-judge panel from the San Francisco-based federal appeals court issued a unanimous ruling Tuesday, declaring same-sex marriage in both Idaho and Nevada legal. The decision upheld a previous ruling from a lower court in Idaho that determined the ban unconstitutional. Judge Stephen Reinhardt, who wrote the federal ruling, said the bans on same-sex marriages in both states violated equal protection rights and neither provided a legitimate reason to discriminate against gay couples.

The appellate court's decision came down at mid-afternoon Tuesday and was followed a few hours later with the mandate for the ruling to go into effect immediately. The issued mandate overrides a seven-day window between when a ruling is issued and goes into effect based on the Federal Rules of Appellate Procedure. The weeklong period is typically in place to allow for an appeal should one party want to contest the ruling.

It was unclear Tuesday evening if other county clerks across the state would take the same approach as Weeks. Todd Dvorak, a spokesman for Idaho Attorney General Lawrence Wasden's office, said he did not know if county clerks would begin issuing marriage licenses at the start of business today.

"We are still reviewing the decisions and orders issued today by the 9th U.S. Circuit Court of Appeals," Attorney General Lawrence Wasden said in a statement. "It's still too early to know fully what the decision and orders mean for Idaho and how the state will proceed."

Dvorak said he was unable to provide any further details on what the next step would be for the attorney general's office.

Elsewhere in north central Idaho, Clearwater County received one inquiry Tuesday about obtaining a same-sex marriage license, Clerk-Auditor Carrie Bird said.

But because the issue was still unclear Tuesday afternoon, "We told them we'd know more information tomorrow," Bird said. "This is hot off the press. Our every intention is to abide by the law. If it goes through we should be ready to issue licenses."

The state's clerk-auditors are scheduled to discuss the ruling through a webinar broadcast at 2:30 p.m. Mountain Time Friday.

And while clerks in Idaho and Lewis counties did not receive any inquiries about same-sex marriage licenses, spokeswomen in both counties said their applications have been updated to include gender-neutral language.

"As far as I know we're ready to go," said Lewis County Clerk-Auditor Cathy Larson. "We kind of had a big rush (to get ready) when it came through the last time ... to be able to accommodate (applicants) and make it as seamless as possible."

Latah County Clerk-Auditor Susan Petersen said she was unsure of what the ruling meant for the county because she had not received a copy or been given any official notification of changes. Her office hadn't received any inquiries from the public on if they could apply for a marriage license, but Petersen said the paperwork is ready so the licenses could be issued immediately.

While Weeks said she is prepared to issue licenses, she is still concerned about if the Idaho Bureau of Vital Records and Health Statistics, which maintains the state's records for marriage certificates, will be prepared and organized for the quick change.

"We just want to make sure vital statistics is going to accept them (our forms) when we send them down," Weeks said. "We wouldn't want to make couples go through that process and then have them rejected in Boise."

Reporters Kathy Hedberg and Ralph Barthodlt also contributed to this story.

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