

Vote NO on Article 11 Domestic Partnerships

We, the undersigned elected members of Arlington Town Meeting, write in opposition to Article 11 which would dramatically expand the definition of Domestic Partnerships.

We are concerned that the proposed amendment to offer legal recognition for a new array of consensual/non monogamous or polyamorous relationships, is overbroad and will result in unforeseen consequences that will negatively impact our equity, justice, and access efforts as a community.

Last year, the Select Board unanimously supported the formal recognition of domestic partnerships defined as two persons who meet certain requirements, including living in the same household, sharing expenses, and not being married to someone else. The Board declined to support a proposed expansion of the partnership to more than two people as proposed by the proponent. The Board said it “understands and appreciates that such an expansion would rest on uncertain legal footing”. That question was answered by the Attorney General's office which said that the definition of DP to include more than 2 people did not violate any state law. At the end of the 2021 TM, the bylaw approving DPs, and amended to include two or more people who met certain requirements, including to live in the same household, to share expenses, and to not be married to someone else, was approved and is current law in Arlington.

Most of us, some a bit reluctantly, voted in favor of the proposal recommended last year by the SB and amended by Mr. Meeks' motion to expand the bylaw to include more than two people. After all, it was only in 2020 that Somerville became the first municipality in the country to pass a polyamory domestic partnership ordinance, followed in 2021 by Cambridge and then in 2021 by Arlington. We respect the proponents' commitment to and work done on behalf of this issue, but this time we believe they have gone too far.

The proponent is working with the Polyamory Legal Advocacy Coalition (PLAC) in concert with their efforts to seek legal recognition and benefits for polyamorous relationships as they/PLAC seek to have them defined. That is, domestic partnerships defined as any number of concurrent relationships with any number of partners, some of them married. That is what Article 11 seeks to do. Contrary to some TMMs thinking Article 11 is a "tweaking" of the bylaw we passed last year, it means a radical change in the bylaw. It would eliminate the requirement that to enter a domestic partnership, the prospective partners must not be married to someone else. In addition, a member of a domestic partnership may be a member of other separate domestic partnerships at the same time. Town counsel has confirmed that this is an accurate reading of the motion under Article 11. This would mean, for example, that the Town of Arlington as the employer of a member of multiple separate domestic partnerships could have to financially support that member's leave to take care of multiple domestic partners in multiple relationships, including domestic partners already married to a single spouse.

The choice to embark on consensual non monogamy is just that - a choice. It is not equivalent to a person having an immutable/unchangeable characteristic like race, sexual orientation, or disability where the government must sometimes act to protect that person's rights. As a policy matter, we are not convinced that polyamory needs recognition by a government as a protected class, particularly with the expansive definition before you in Article 11. The dramatic expansion of the term domestic partner to include this wide range of consensual non monogamous relationships dilutes the efforts to seek equity and fairness on behalf of historically marginalized and at-risk populations. In addition, this expansion may have the unintended consequence of turning currently supportive employers against extending benefits to folks who are in a committed relationship but have decided not to formalize the relationship with marriage.

We ask that you vote NO on Article 11.

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