

IN THE SUPREME COURT OF ALABAMA
March 12, 2015

1140460

Ex parte State of Alabama ex rel. Alabama Policy Institute, Alabama Citizens Action Program, and John E. Enslin, in his official capacity as Judge of Probate for Elmore County.

ORDER

On March 3, 2015, this Court issued an opinion in which we held that the issuance of marriage licenses to same-sex couples is contrary to Alabama law, that Alabama probate judges have a ministerial duty to comply with that law, and that nothing in the United States Constitution alters or overrides this duty. Consistent with this holding, in Part IV of our opinion, we expressly ordered the named respondents to discontinue issuing marriage licenses to same-sex couples. On March 10, 2015, we issued an order adding Judge Don Davis, Judge of Probate for Mobile County, to this proceeding as a respondent and extending our March 3, 2015, order to include him.

In Part IV of our March 3 opinion, we also joined as respondents all probate judges other than the named respondents and Judge Davis¹ and temporarily enjoined these

¹Judge John E. Enslin was joined and realigned as a relator.

additional respondents from issuing any marriage license contrary to Alabama law. Our order of March 3 further gave each such additional respondent five business days in which to file an answer, if the respondent elected to do so,² and to show cause, if any, as to why he or she should not be bound by the order of this Court. Having received no meritorious showing by any of the additional respondents as to why he or she should not be bound in the same manner as are the named respondents and Judge Davis, all respondents continue hereafter to be bound by the order of this Court. Accordingly, all probate judges in this State may issue marriage licenses only in accordance with Alabama law as described in our opinion of March 3, 2015.

Stuart, Bolin, Parker, Murdock, Main, Wise, and Bryan, JJ., concur.

Shaw, J., dissents.

I, Julia Jordan Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 12th day of March, 2015

Julia Jordan Weller
Clerk, Supreme Court of Alabama *sm*

²We have received but one answer from among the 62 additional respondent probate judges. Among other things, that respondent states that, even in the absence of an order from this Court, she would not issue any marriage license contrary to Alabama law.

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SHAW, Justice (dissenting).

As explained in my dissent in Ex parte State ex rel. Alabama Policy Institute, [Ms. 1140460, March 3, 2015] ___ So. 3d ___, ___ (Ala. 2015), I do not believe that this Court has jurisdiction in this case; therefore, I dissent.