



Achieving Marriage Equality in Ohio

A Collaborative and Strategic Path Forward

History of Marriage Equality

Baker v. Vermont, 1999

- Court rules same-sex couples entitled to equal rights
- Civil unions passed through legislature

Lawrence v. Texas, 2003

- Overturned 1986 decision in Bowers v. Hardwick
- Unconstitutional for states to criminalize sodomy

Goodridge v. MA Dept. of Health, 2004

- First high court opinion granting marriage rights
- Two election cycles to keep referendum off ballot

History of Marriage Equality

2004: 14 U.S. states pass constitutional amendments banning same-sex marriage

Ohio: 62% in favor; 38% opposed

Oregon: 57% in favor; 42% opposed

History of Marriage Equality

Legislative victories:

- Connecticut 2008
- Vermont 2009
- District of Columbia 2009
- New Hampshire 2010
- New York 2011

Maine:

- Passed legislature in 2009
- Referendum to overturn in 2009 passed 53%-47%
- Represented approximately 33,000 vote difference

History of Marriage Equality

Court victories:

Iowa

- Varnum v. Brien, 2009
- 3 Iowa Supreme Court Justices removed in 2010 for voting that state could not ban same-sex marriage

California

- In re Marriage Cases, 2008: constitutional right to same-sex marriage under CA constitution
- Prop 8, November 2008, overturned 52%-48%

Current Status of Marriage Equality

30 states with constitutional amendments

- North Carolina passed in May 2012, 61%-39%
- Arizona defeated broad amendment in 2006, passed narrow amendment just banning same-sex marriage in 2008

12 states do not permit same-sex marriages

6 states plus the District of Columbia recognize same-sex marriage

Current Status of Marriage Equality

Washington and Maryland

- Legislature passed marriage equality in 2012
- November referendum so voters may overturn

Maine

- Attempting to become first state to achieve marriage equality by popular vote in November
- 3 years of full-time campaigning since referendum

Minnesota

- November vote on amendment to ban same-sex

Current Status of Marriage Equality

Oregon

- Campaigning for 3-4 years on marriage equality
- Millions of dollars spent on media and field campaign
- Was looking to become first state to overturn constitutional amendment
- Decided 2 more years of work was necessary
- Likely to be on the ballot on 2014

Current Status of Marriage Equality

Marriage Equality Lawsuits

- Prop 8, 9th Circuit (would just apply to CA)
- *Sevcik v. Sandoval*, Nevada federal court, Equal Protection (would potentially make same-sex marriage legal nationally)
- DOMA challenges (Section 3 -- affects immigration, federal taxes, Social Security and all federal rights; no challenge to Section 2 -- affects one state's recognition of out-of-state marriages)

Current Status of Marriage Equality

Marriage Equality Lawsuits

- Case challenging denial of equal benefits to same-sex partners of military personnel (would affect a limited number of people directly, but could have broad legal implications as precedent and is a great way to show impact of marriage discrimination to more conservative folks)

LGBT Rights in Ohio

- Super-DOMA constitutional amendment
- No second parent adoption rights
- No statewide non-discrimination law
- No safe schools protection for LGBT students
- No hate crimes law
- Can't change birth certificate gender marker

LGBT Rights in Ohio

Local laws and policies have more protections:

- Non-discrimination laws in 14 jurisdictions
- Domestic partner benefits and registries
- Hate crimes laws
- Contractor non-discrimination/benefits
- Enumerated school district policies

Private companies non-discrimination/partner benefits

National Polling on Marriage Equality

ABC News/Washington Post (May 2012):

- After President's and NAACP's support
- 53% support, 39% oppose
- 39% strongly favor, 32% strongly oppose

Gallup (May 2012):

- 53% support, 45% oppose

Questions:

- Significant difference between general public opinion and likely voters

Polling in Ohio on Marriage Equality

May 2012: 35% support, 52% oppose

- Likely voters
- Has not yet been released
- Not sure whether it measures full impact of Obama/NAACP announcements
- Not sure whether religious freedom was addressed

October 2011: 32% support, 55% oppose

Highest "public opinion" poll shows 44% support