



## THE GAY AND NON-GAY PARTNERSHIP WORKING TO WIN MARRIAGE EQUALITY NATIONWIDE

### **Pro-Marriage Incumbents and Candidates Win Elections**

#### ***Taking a Stand to End the Exclusion of Same-Sex Couples from Marriage Does Not Hurt Incumbents or Candidates in Their Elections***

For many years now, legislators across the country have taken votes on measures aimed at ending the exclusion of same-sex couples from marriage outright, on measures that move in the direction of marriage equality (such as partnership and civil union), and on measures aimed at discriminating against same-sex couples and their kids, denying them the freedom to marry and other legal protections.

As the number of pro-marriage incumbents and candidates continues to expand, they are winning their elections at overwhelming rates. Their success stands in bold contrast to the commonly held belief that supporting marriage equality ends political campaigns and careers. The evidence is unequivocal: exhibiting the leadership and voting right on the freedom to marry often helps and rarely hurts candidates and politicians.

#### ***If I Vote to Support the Freedom to Marry, Will I Be Re-Elected?***

- **Legislators Who Voted to Support the Freedom to Marry Have a 100% Re-Election Rate.** By the 2006 election, two states had seen legislative votes to support the freedom to marry for same-sex couples: several votes in the Massachusetts legislature on a proposed constitutional amendment which would repeal the freedom to marry in Massachusetts, and the California legislature's passage of a bill to end the exclusion of same-sex couples from marriage. In Massachusetts, every legislator who voted to protect marriage equality and ran for re-election prevailed (195 for 195). In California the same was true, every incumbent who supported marriage equality and ran for re-election won.

#### ***If I Change My Vote to Supporting the Freedom to Marry, Will I Be Re-Elected?***

- **Legislators Who Evolved Their Position from Opposing to Supporting the Freedom to Marry Have a 100% Re-Election Rate.** Legislators in Massachusetts who evolved their position on the freedom to marry for same-sex couples, from opposing equality with the anti-marriage amendment to supporting fairness and voting against the amendment, were all re-elected.

#### ***If I Vote Against an Anti-Marriage Constitutional Amendment, Will I Be Re-Elected?***

- **In 2004, 94% of Legislators Who Voted Against Discrimination Were Re-Elected.** According to a survey conducted by the Human Rights Campaign and the Equality Federation, prior to the 2004 election, 640 legislators across the country who voted against an anti-marriage constitutional amendment in their state in 2004 faced re-election. 604 won their elections (94%), and only 1.7 percent (11) of the 640 legislators arguably lost their race because of their vote against discrimination. [Standing Up for Equality<sup>1</sup>, January 2005]

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<sup>1</sup> *Standing Up for Equality*, Human Rights Campaign & Equality Federation, January 2005:  
<http://www.hrc.org/documents/StandingUpforEquality.pdf>

## *If I Support The Freedom to Marry In An Open-Seat Election, Will I Win?*

- **In Open-Seat Races, Pro-Marriage Candidates Prevailed Against Anti-Marriage Candidates a Vast Majority of the Time, and this Stance Was Not a Factor in Losses.** In open-seat races since 2004 where pro-marriage candidates squared off against anti-marriage candidates, pro-marriage candidates won 71-percent of the races. In Massachusetts, since the 2003 *Goodridge* decision of the state high court upholding the freedom to marry, 25 out of 32 (78%) open-seat races where these face-offs took place were won by pro-marriage candidates. In California, pro-marriage candidates won 65-percent of the open-seat elections (30 out of 46). For the pro-marriage candidates who lost, their pro-marriage stance did not play a factor in their campaigns.

## **Examples of How Supporting the Freedom to Marry Does Not Hurt Political Leaders**

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### **Massachusetts**

Information provided by MassEquality<sup>2</sup>

#### **Incumbents:**

**Incumbents Who Opposed an Anti-Marriage Amendment to Undo Marriage Equality Won All of Their Re-Election Campaigns.** In two consecutive election cycles (2004 and 2006), every legislator who voted for marriage equality and ran for re-election prevailed (195 for 195). In 2004, 80 legislators who voted against the anti-marriage amendment ran for re-election. All 80 were re-elected. In 2006, 115 legislators who voted against the anti-marriage amendment ran for re-election. All 115 were re-elected.<sup>3</sup>

- Of these 195 incumbents, 106 ran unopposed, 79 drew opponents and won by a margin of 20 percent or greater. Of the ten that had opposition and won by fewer than 20 percentage points: 7 won by a margin of 10 percent or greater and 3 won by a margin of under 10 percent.
- The vast majority of the challenges were in 2004, when Governor Romney ran and bankrolled 131 Republicans to take on Democratic incumbents. In 2004, of the 80 pro-marriage legislators, 28 ran unopposed. In 2006, of the 115 pro-marriage legislators, 78 ran unopposed.

<sup>2</sup> MassEquality is a coalition of local and national organizations defending equal marriage rights for same-sex couples in Massachusetts: <http://massequality.org/>

<sup>3</sup> This excludes legislators who voted against the amendment because they oppose both marriage equality and civil unions.

**Incumbents Who Changed Their Vote, from Supporting an Anti-Marriage Amendment in 2004 to Opposing It in 2005, Had a Perfect Re-Election Record in 2006.** All of the incumbents whose position on marriage evolved from supporting the anti-marriage amendment to opposing it, 35 out of 35, won re-election. Of those 35, 70 percent (28 out of 35) ran unopposed.

**Incumbents Who Supported an Anti-Marriage Amendment Were Defeated by Pro-Marriage Candidates.** In the two election cycles since the *Goodridge* marriage decision, four incumbents who voted to advance a constitutional amendment to the ballot lost their seats to pro-marriage legislators—three of them in Democratic primaries. In 2004, Steve Canessa defeated Mark Howland (1,301 to 1,021) and Carl Sciortino defeated Vincent Ciampa (2,311 to 2,218). In 2006, John Fernandes defeated Marie Parente (4,823 to 3,328) and Tom Conroy defeated Susan Pope (8,472 to 8,037).

### **Open-Seat Candidates:**

**Pro-Marriage Candidates Prevailed Against Anti-Marriage Candidates in Open-Seat Races a Vast Majority of the Time, and None Lost Because of this Stance.** Since the *Goodridge* decision, in the 32 open-seat races where pro-marriage candidates have squared off against candidates who supported the anti-marriage amendment, the pro-marriage candidate won 25 out of 32 elections (78% won). Of the 7 pro-marriage candidates who lost, none of the losses were tied to their stance on marriage.

**Deval Patrick, a Pro-Marriage Candidate for Governor in 2006, Won His Race by a Landslide Against an Anti-Marriage Candidate.** Deval Patrick won the governor's race in 2006 by a landslide of 20 points as a pro-marriage candidate against an anti-marriage opponent. Governor Patrick became one of the first two pro-marriage governors in U.S. history, the other being Eliot Spitzer of New York who was also elected in 2006.

### **Conclusions:**

Fear of a backlash against incumbent legislators in Massachusetts who voted against sending an anti-marriage constitutional amendment to the ballot proved unfounded.

Fear of a backlash against incumbent legislators in Massachusetts who changed their positions from supporting an anti-marriage amendment to opposing it proved unfounded.

With regard to Democrats, if there is a threat to incumbent Democrat legislators on this issue, it is from incumbent Democrats who support the amendment being challenged by pro-marriage Democrats in the primary. In these primaries, the strong Democratic support for marriage equality may cause vote shifts to the challengers.

Incumbents who support marriage equality are safe for three basic reasons:

- Voters simply do not make decisions about for whom to vote for state legislature based on a candidate's position on the issue of marriage equality. No matter how the issue is framed, it has not made a significant impact on an election (with the possible exception of hurting anti-equality incumbents in Democratic primaries). Voters care about issues that affect their own lives—jobs, health care, education, taxes—not whether same-sex couples in their community are marrying.
  - ▶ In a Merrimack College Bay State Poll, October 2004, in a ranking of problems facing the Commonwealth, voters ranked gay marriage 15 out of 17, with just 1.6 percent stating it was the greatest problem facing the Commonwealth.

- Once marriage equality was real, not a hypothetical, voters in Massachusetts proved comfortable with it, seeing that families were helped and no one hurt. Since the *Goodridge* decision, numerous polls have shown that anywhere from 57 percent to 62 percent of voters support marriage equality.
- Advocates who defend marriage equality have been vigilant about supporting candidates who stand for equality. MassEquality alone has done nearly 1.5 million pieces of direct mail; conducted nearly 50 polls in legislative districts; and encouraged thousands of members to volunteer and contribute to campaigns.

## California

Information provided by Equality California<sup>4</sup>

### Incumbents:

**Supporters of the Freedom to Marry Defeated Anti-Marriage Opponents in the 2006 California Primary Election.** In the only two races in the June 2006 primary where candidates who voted for AB 849, the bill to allow same-sex couples to marry in California, ran against candidates who did not vote for the bill, both pro-marriage candidates won.

- In the District 4 Board of Equalization race, pro-marriage stalwart Judy Chu prevailed against Jerome Horton who consistently did not support legislation protecting the LGBT community, including AB 849, while he was in the Assembly. Judy Chu's support for marriage helped her in her campaign as the Equality California Political Action Committee engaged tens of thousands of voters in her district promoting her pro-marriage vote and her leadership.
- In San Bernardino County's 34th Senate District, Assemblymember Gloria Negrete McLeod, who voted for the marriage bill knowing that her district might not support such a vote, soundly defeated Assemblymember Joe Baca Jr. who did not vote for AB 849 and said he would vote against it in the Senate. Equality California Political Action Committee was able to mobilize volunteers and McLeod's LGBT constituents because of her strong support for fairness and equality, thus contributing to her victory.

**Pro-Marriage Incumbents Swept Seats in the Legislature in the 2006 California General Election.** Out of the 23 pro-marriage incumbents running for re-election in the Legislature, each and every candidate who voted for the EQCA-sponsored Religious Freedom and Civil Marriage Act (AB 849) in 2005 won his or her race.

### Open-Seat Candidates:

**Pro-Marriage Candidates Who Ran in Open-Seat Races Against Anti-Marriage Candidates Prevailed a Vast Majority of the Time, and None Lost Because of this Stance.** Since the first marriage vote in 2005, in the 46 2006 General Election open-seat races where pro-marriage candidates squared off against candidates who opposed it, the pro-marriage candidate won in 30 out of 46 races (65% won). For the 16 who lost, their support of the freedom to marry for same-sex couples was not a factor in their loss.

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<sup>4</sup> Equality California is California's lesbian, gay, bisexual and transgender (LGBT) civil rights and advocacy organization: <http://www.eqca.org/>

## Conclusions:

Marriage just wasn't an issue in ANY of the 2006 races from Governor on down. It just didn't come up and marriage supporters did not pay ANY price for their votes.

In fact, the voters of California have spoken again through their elected officials—two separate legislatures have now passed bills removing the different-sex restriction on marriage, and gained more support in the process. After the first passage in 2005, legislators faced the voters and not a single pro-marriage incumbent lost, while several pro-marriage candidates won election in the primary and general, defeating more anti-gay candidates. When a new legislature again passed a marriage bill in 2007, the measure picked up 22 new votes in the Assembly and four new votes in the Senate compared to 2005. Indeed, the popular will of the people has been rightfully voiced through their representatives in California.

## **Connecticut**

Information provided by Love Makes a Family<sup>5</sup>

### Incumbents:

Every legislator who voted for the civil union bill was re-elected except in a few instances where they were defeated by an opponent who supported full marriage equality.

## **New Jersey**

Information provided by Garden State Equality<sup>6</sup>

**13 of 15 Legislative Candidates Who Supported the Freedom to Marry and Were Endorsed By Garden State Equality Won Their 2007 Democratic Primaries.** Thirteen of Garden State Equality's fifteen endorsed candidates won their Democratic primaries. All of these 13 winners support marriage equality legislation.

## **Vermont**

Information provided by Vermont Freedom to Marry Task Force<sup>7</sup>

### Public Opinion:

**Since 2000, Public Opinion about Vermont's Civil Union Law, and about the Freedom to Marry for Same-Sex Couples, Has Shifted Dramatically.** A November 2004 Associated Press election-day exit poll found that 40% of Vermonters believed that gay and lesbian couples should be allowed to marry, and 37%, while not prepared to embrace full equality, did support the civil union law. Only 20% of Vermonters continued to oppose both. Over a four year period, about 25% of Vermonters shifted from opposing the civil union law to supporting that law or full equality in civil marriage.

<sup>5</sup> Love Makes a Family (LMF) is a statewide non-profit advocacy organization working for equal marriage rights for same-sex couples in Connecticut: <http://www.lmfct.org/>

<sup>6</sup> Garden State Equality is New Jersey's LGBTI-rights advocacy organization: <http://www.gardenstateequality.org/>

<sup>7</sup> The Vermont Freedom to Marry Task Force (VFMTF) is a non-profit organization committed to gaining civil marriage equality for same-sex couples in Vermont: <http://www.vtfreetomarry.org/>

- A year and a half later, in January, 2006, an independent polling agency found that 42% of Vermonters believed that gay and lesbian couples should be allowed to marry, and another 11% leaned in that direction. Only 37% of Vermonters opposed marriage for same-sex couples, with another 3% leaning in that direction.

**Vermont's Legislature, Too, Has Rebounded in the Direction of Fairness.** Since the civil union law passed, the ground has shifted dramatically in the direction of equality in Vermont. In 2004, Democrats retook the Vermont House by a substantial margin. By 2006, Democratic, Progressive, and Democratic-leaning Independents made up 2/3 of Vermont's House and Senate.

## Nationwide State Legislators in 2004

### Incumbents:

**Even in 2004, At the Height of the Anti-Gay Attack Campaign and Early in the National Debate Over Marriage Following Massachusetts, A Full 94% of Legislators Who Voted Against Anti-Marriage Amendments Were Re-Elected.** Prior to the 2004 election, 640 legislators who voted against an anti-marriage constitutional amendment in their state in 2004 faced re-election. 604 won their elections (94%), and only 1.7 percent (11) of the 640 legislators lost their race because of their vote against discrimination.<sup>8</sup>

- **Nine States Had 100% Re-Election Rates for Legislators Who Voted Against Anti-Marriage Amendments.** In California, Indiana, Iowa, Kentucky, Massachusetts, Oklahoma, South Carolina, South Dakota, and Tennessee, not a single legislator who voted against discrimination and ran for re-election lost his or her race.<sup>9</sup>

**In 2004, 97% of State Legislators Who Voted Against Anti-Marriage Amendments in 2004 in Five Midwestern States Were Re-Elected.** 100 out of 103 incumbents who voted against discrimination in 2004 in Michigan, Wisconsin, Minnesota, Illinois, and Iowa won their races. By contrast, only 91% of state legislators who voted to support anti-marriage amendments and ran for re-election won their races (196 out of 215). Also, of the three incumbents who lost, the candidate's pro-marriage stance only marginally affected one race.<sup>10</sup>

<sup>8</sup> *Standing Up for Equality*, Human Rights Campaign & Equality Federation, January 2005: <http://www.hrc.org/documents/StandingUpforEquality.pdf>

<sup>9</sup> *Ibid.*

<sup>10</sup> *Impact of voting against anti-gay marriage amendments on 2004 re-election campaigns*, National Gay and Lesbian Task Force, January 2005: <http://thetaskforce.org/downloads/reports/reports/2004MidwestReport.pdf>