



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

*“The night I took the vote in June, I was told I would never be elected again. I’m running unopposed.”*  
— Rep. Teresa R. Sayward, R-North Country, NY, describing her experience with voting for a marriage equality bill in 2007 and getting re-elected in upstate New York in 2008

### **Pro-Marriage Legislators Win Elections**

An analysis of election results is unequivocal: exhibiting leadership by voting to support the freedom to marry helps rather than hurts politicians. For many years legislators across the country have voted on laws aimed at ending the exclusion of same-sex couples from marriage. Others have been asked to vote on state constitutional amendments aimed at discriminating against same-sex couples and their children by denying them the freedom to marry.

A review of all of these votes from 2005 to the present shows that legislators who vote to end marriage discrimination for same-sex couples are consistently re-elected. The success of more than 1,100 state legislators who voted to support the freedom to marry stands in bold contrast to the commonly held belief that supporting marriage equality ends political campaigns and careers. In fact, these legislators are re-elected no matter what party they represent or if they changed their vote from opposing to supporting marriage equality. Even better, legislators who run for higher office win after voting in favor of marriage for same-sex couples.

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

- **Legislators Who Voted to End Marriage Discrimination for Same-Sex Couples Have a 100% Re-Election Rate in Three Consecutive Elections.** By November 2008, four states had seen legislative votes which explicitly sought to end marriage discrimination for gay couples:
  - Two votes by the California legislature to pass a bill ending the exclusion of same-sex couples from marriage,
  - The New York State Assembly vote on a bill in favor of marriage equality,
  - A Connecticut legislative committee which voted to end the exclusion of same-sex couples from marriage, and
  - Several votes in the Massachusetts legislature on a proposed constitutional amendment to repeal the already established freedom to marry in that state.

In all 499 instances, legislators who voted to support marriage equality and ran for office in the following general election for their respective party, Republican or Democrat, won re-election (80 in 2004, 138 in 2006, and 281 in 2008).

#### ***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 in Consecutive Elections.** Legislators in Massachusetts who evolved their position on the freedom to marry for same-sex couples, i.e. who first opposed marriage

for same-sex couples and then voted in favor of marriage equality and ran in the general election, were re-elected after changing their vote (2006 and 2008).

***If I Seek Higher Office After Voting to Support the Freedom to Marry, Will I Win?***

- **Legislators Who Voted to Establish Marriage Equality in Their State’s Lower House and Sought Higher Office ALL WON.** In the 2008 election, 100% of legislators won a race for state senate after voting for bills to eliminate discrimination in marriage for same-sex couples in the state’s lower house. This includes 8 new state senators in California and Massachusetts. In addition, in 2007 special elections, legislators won both a state senate seat and a U.S. House of Representatives seat after voting to support marriage equality from the lower house; these two legislators went on to win re-election to these higher offices in the 2008 election.

***If I Vote Against a Discriminatory Anti-Gay Amendment, Will I Win?***

- **Not One of the 670 Legislators From 17 Different States Lost Re-Election Because of Voting Against a Discriminatory Anti-Gay Amendment.** In every election since 2005, legislators in 17 states from all four major regions of the country did not lose re-election because they voted against a constitutional amendment that would have written marriage discrimination against same-sex couples into the state’s constitution.

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

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**Pro-Marriage Votes**

**Massachusetts**

Legislators who opposed an anti-marriage amendment to undo marriage equality won all of their re-election campaigns in three consecutive elections.

- **2004:** 80 legislators who voted against the anti-marriage amendment ran for re-election in the general election. All 80 were re-elected.
- **2006:** 115 legislators who voted against the anti-marriage amendment ran for re-election in the general election. All 115 were re-elected.

- **2008:** 135 legislators who voted against the anti-marriage amendment ran for re-election in the general election. All 135 were re-elected.<sup>1</sup>

Legislators who changed their vote, from supporting an anti-marriage amendment in 2004 or 2005 to opposing it in 2005 or 2007, had a perfect re-election record in 2006 and 2008.

- All of the legislators whose position on marriage evolved from supporting the anti-marriage amendment (in 2004 or 2005) to opposing it (in 2005 or 2007), 45 out of 45, won re-election.

House legislators who voted in support of marriage equality won election to higher office in the state senate.

- **2007:** One Representative won a special election to the state senate after supporting the freedom to marry.
- **2008:** Two Representatives sought higher office after supporting the freedom to marry and all won seats in the state senate.

## **California**

Pro-marriage legislators swept seats in the legislature in both the 2006 and 2008 California general election.

- **2006:** 23 pro-marriage legislators who competed in the general election for re-election to the Legislature won.
- **2008:** 38 pro-marriage legislators who competed in the general election for re-election to the Legislature won.

The number of legislators who voted in support of marriage equality increased from one legislative session to the next.

- **2008:** 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. Again, all those who ran for re-election in 2008 won their races.

Six Assembly Members who voted in support of marriage equality won election to higher office in the State Senate and the U.S. House of Representatives.

- **2007:** One Assembly Member who voted for marriage equality in 2007 won a special election to the U.S. House of Representatives.
- **2008:** All five Assembly Members who voted for marriage equality in 2007 and sought higher office in 2008 won their new seats in the state senate.

## **New York**

All of the legislators who voted to support marriage equality won re-election.

- **2008:** When the New York Assembly voted on a marriage equality bill in 2007, 85 legislators voted to support the freedom to marry. In 2008, of the 81 pro-marriage legislators who ran for re-election in the general election for their respective party, Republican or Democrat, all 81 won.

Even though anti-marriage supporters threatened to unseat the Republican legislators who voted to support the freedom to marry, all were re-elected.

- **2008 & Republicans:** Following the Assembly vote on marriage, groups who opposed the marriage equality bill threatened to unseat supportive Republicans, but pro-marriage groups

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<sup>1</sup> This excludes legislators who voted against the amendment because they oppose both marriage equality and civil unions.

worked to protect all supporters. **All those Republicans who voted for the marriage bill won re-election.**

## **Connecticut**

Legislators who voted to end the exclusion of same-sex couples from marriage won all of their re-election campaigns.

- **2008:** In the 2007 legislative session, 27 members of the Connecticut Legislature's Joint Judiciary Committee voted in support of the freedom to marry. Each legislator ran for re-election in 2008 and won.

## **Anti-Gay Amendment Votes**

In response to an organized campaign underway since 1995, state legislatures across the country have been pressed to adopt, first, anti-gay laws denying the freedom to marry and, then, add an additional layer of discrimination in the form of constitutional amendments. These amendments exclude gay couples from marriage and in most cases, further seek to deny them and their families any measure of protection or recognition. In the 17 different state legislatures that have voted on an anti-gay constitutional amendment since 2005, none of the 670 legislators who voted against discrimination lost because of their stand when they next faced the voters. The states involved were: Alabama, Alaska, Arizona, Idaho, Indiana, Iowa, Kansas, Maine, Minnesota, New Mexico, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

### **Example 1: Virginia**

In 2005, an anti-gay amendment was proposed in the Virginia legislature seeking to exclude same-sex couples from marriage or any kind of relationship recognition similar to marriage. 27 legislators in 2005 and 33 legislators in 2006 voted against the amendment. It passed in both houses of the legislature during two consecutive legislative sessions and went to the voters, who ratified the discriminatory amendment in the November 2006 election.

- **2005 & 2007:** All legislators who opposed the amendment and then ran for re-election in a subsequent state general election, either 2005 or 2007, won.

### **Example 2: Iowa**

Iowa's state House voted on an anti-gay amendment in 2005 intended to exclude same-sex couples from marriage or any kind of relationship recognition similar to marriage. The amendment passed the House, but was opposed by 44 legislators, and died in the Senate.

- **2006:** None of the legislators who voted against the anti-gay amendment and ran for re-election in the next general election in 2006 lost because of their vote. All of these legislators won re-election except one who lost to a local television anchor with higher name-recognition; the freedom to marry was not an issue in the campaign.

### **Example 3: Texas**

In 2005, an anti-gay amendment was proposed in the Texas legislature seeking to exclude same-sex couples from marriage or any kind of relationship recognition similar to marriage. 38 legislators voted no, but it passed in both houses of the legislature and was ratified by voters in the November 2005 election.

- **2006 & 2008:** All legislators who opposed the amendment and then ran for re-election in the next state general election, either 2006 or 2008, won.

### **Example 4: Tennessee**

An anti-gay amendment was proposed in the Tennessee legislature in 2005 seeking to exclude same-sex couples from marriage or any kind of relationship recognition similar to marriage. Ten legislators voted against the amendment, but it passed in both houses. Voters ratified the amendment in the November 2006 election.

- **2006 & 2008:** All legislators who opposed the amendment and then ran for re-election in the next state general election, either 2006 or 2008, won.

Methodology: This report defines ‘pro-marriage equality’ votes as votes taken in support of the freedom to marry for same-sex couples on either bills to end the exclusion of same-sex couples from marriage (NY, CA, & CT), or in the case of Massachusetts, the defeat of an anti-gay constitutional amendment aimed at taking away the already upheld freedom to marry for same-sex couples in that state. Anti-gay amendment votes are those that attempt to write discrimination into state constitutions by excluding same-sex couples from marriage and, in many cases, any other protections and recognition for their families.