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Gay marriage ban on ballot in 8 states

Ariz., S.D., Wisc. votes could be close

By JOSHUA LYNSEN
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With the mid-term elections less than a month away, experts predict at least five proposed state constitutional amendments to ban gay marriage will pass.

But fights in three other states — Arizona, South Dakota and Wisconsin — are competitive and too close to call, sources said.

Political experts said voters in Colorado, Idaho, South Carolina, Tennessee and Virginia are likely to approve the constitutional bans next month.

“If there’s going to be a victory for the LGBT community, it’s going to be in Wisconsin,” said Dan Pinello, a City University of New York government professor and author of “America’s Struggle for Same-Sex Marriage.”

Pinello, who is gay, said activists chose Wisconsin as a key battleground partly because of the state’s symbolic value. In 1982, it became the first state to bar workplace discrimination based on sexual orientation.

But as the Nov. 7 vote approaches, polls show that most Wisconsinites support the amendment.

A poll conducted Oct. 2-4 by Research 2000 shows 51 percent of registered voters support the amendment and 42 percent oppose it. The margin of error is 4 percent.

Activists nonetheless remain hopeful. Josh Freker of Fair Wisconsin said the state’s same-day voter registration practice, along with its usually high turnout among younger voters, could turn the tide.

“So we really feel optimistic,” he said, “even though we’re behind right now.”

Some activists also are optimistic about South Dakota, where many voters have criticized the proposed amendment.

“South Dakota has a history of a live-and-let-live attitude, and treating people fairly,” said Jon Hoadley, spokesperson for South Dakotans Against Discrimination.

“I think we are a competitive state this year. I think we’re going to beat a lot of people’s expectations.”

Mason-Dixon Polling & Research found in July that 49 percent of voters oppose the amendment and 41 percent support it. The margin of error is 3.5 percent.

And in Arizona, opposition to the amendment has increased in recent months.

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Earlier this year, a poll showed 52 percent of voters supported the amendment while 40 percent opposed it. More recent polls show 38 percent support the proposal and 51 percent oppose it.

The earlier poll, conducted in March by Northern Arizona University, had a 4.3 percent margin of error. A more recent poll, conducted in August by Arizona State University, has a 3.3 percent margin of error.

Another poll conducted last weekend by Harstad Strategic Research showed that 48 percent of voters oppose the amendment effort, with 11 percent still undecided.

Pinello said the increased opposition among Arizonans is attributable to Republican Rep. Jim Kolbe, the state's retiring gay congressman, a vocal opponent of the amendment.

"If Arizona is close, I'd be willing to bet it's because of his presence," Pinello said. "Without him, I would suggest it would not be close at all."

Framing the debate

Activists in different states are using different messages to target voters.

Asha Leong, leader of the South Carolina Equality Coalition's campaign against the amendment, said her group depicts the vote as a civil rights battle.

"We know we have a challenge on our hands doing this in the buckle of the Bible Belt," she said. "We're talking about this in terms of social justice."

Randy Tarkington of Vote No on 1 said his group is portraying the Tennessee measure as redundant and unnecessary.

"We already have a law," he said. "Should we really be worried about activist judges in Tennessee? Let's be honest."

On the other side of the country, Andrew Yoder of Idaho Votes No said his organization has worked to educate voters.

"Very few people we talk to around the state realize that the amendment goes well beyond reaffirming the state's definition of marriage," he said. "They don't realize that the amendment also seeks to eliminate any possibility of civil unions, domestic partnerships, or any other form of relationship recognition."

Conservative groups actively pushing the measures have emphasized the need to prevent state courts from doing "what the court did in Massachusetts."

"There is nothing currently preventing a Wisconsin court from making a decision similar to that made by the Massachusetts Supreme Judiciary," according to amendment proponents Vote Yes for Marriage.

Other amendment supporters noted that marriage should be clearly defined to benefit children.

"A consequence of the South Carolina marriage amendment is to send a positive message to our children that we believe this is the best arrangement for their well being," said the Palmetto Family Council, the South Carolina affiliate of Focus on the Family.

Marty Rouse, the Human Rights Campaign's national field director, said the organization has given cash donations totaling between \$500,000 and \$1 million to groups opposing the eight amendments. He said HRC also has contributed "significant" amounts of staff resources.

Despite the expected losses, activists could win an important victory in Colorado.

Voters there are considering a domestic partnership measure that would extend new rights to gay couples. A recent poll by Public Opinion Strategies shows the measure, called Referendum I, is supported by an

estimated 58 percent of voters.

“Referendum I is helping stake out the middle ground on this issue,” said Pat Steadman of Coloradans for Fairness & Equality, “and Colorado voters, I think, are flocking there.”

Rouse said the measure’s untried approach could be a milestone in the fight for gay civil rights.

“Colorado is doing something that is unique,” he said, “and people will either consider it brilliant or horrific.”

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