

Impact of voting against anti-gay marriage amendments on 2004 re-election campaigns

How did incumbent legislators who voted against anti-gay marriage amendments fare in re-election campaigns? Experiences from five Midwestern states

By Alain Dang, Mandy Hu, and Randy Reyes

Introduction

An analysis of state representatives' and senators' votes on placing anti-gay marriage constitutional amendments on the ballot in five states—Michigan, Wisconsin, Minnesota, Illinois, and Iowa—reveals little evidence that this one vote affected a legislator's chances of re-election.

In fact, 97% of state legislators in the five Midwestern states who voted against these anti-gay constitutional amendments in the 2003-2004 legislative session and ran for re-election won their races (100 out of 103). By contrast, only 91% of state legislators who voted *for* anti-gay marriage amendments and ran for re-election won their races (196 out of 215).

Only three state legislators in the five states who voted against a marriage amendment lost their seats. The issue of marriage equality for same-sex couples was not a factor at all in two of the races, and only a marginal factor in the third race.

In Iowa and Minnesota, legislators who voted against the anti-gay marriage amendment and who ran for re-election were much more likely to win re-election than were legislators who voted for the anti-gay marriage amendment.

In 2004, 13 states passed constitutional amendments banning marriage for same-sex couples; nine of these 13 state amendments also ban or threaten more limited forms of partner recognition, like domestic partner health insurance. As state legislatures reconvene for the 2005-2006 session, dozens are considering similar actions. Many conservative legislators have felt emboldened by the November 2004 election results. Some liberal and Democratic legislators are concerned that placing these constitutional amendments on the

ballot is an exercise in partisan politics, forcing Democrats to take a stand on a divisive social issue during an election cycle.¹

These five Midwestern states were chosen because constitutional amendments banning marriage for same-sex couples (and in some cases other forms of partner recognition for gay and straight couples) were introduced into their state legislatures during the last legislative session. The anti-gay amendment was never brought to a vote in Illinois, but similar amendments were narrowly defeated in the Iowa, Minnesota, and Michigan state legislatures. Michigan voters subsequently passed a state constitutional amendment banning any legal protections for unmarried couples, same-sex or opposite-sex, through ballot initiative. An anti-family amendment passed the Wisconsin legislature in 2004 and must pass again in 2005 before it can appear on the ballot.

Findings

- **In the five Midwestern states, only three legislators who voted *against* the anti-gay marriage amendments and sought re-election were defeated. By contrast, 19 legislators who voted *for* anti-gay marriage amendments and sought re-election were defeated.**
- In **Michigan**, 97% of the House members who voted against the anti-gay amendment and ran for re-election won their races. Of those who supported the anti-gay amendment and ran for re-election, 98% were re-elected. The Democrats gained six seats in the House, narrowing the 63-46 Republican majority to 58-52 Republican-Democrat.
- In **Iowa**, all seven Senators who voted against the anti-gay amendment and sought re-election won their races (100%). Of the 14 Senators who voted *for* the anti-gay amendment and sought re-election, only 10 (71%) were re-elected. Democrats picked up four seats in the November 2004 elections in Iowa, splitting the Senate with 25 Democrats and Republicans apiece.
- In **Wisconsin**, only one representative of the 29 voting against the anti-marriage amendment ran for re-election and lost. Among those voting against the resolution in the Senate—all of whom were Democrats—four sought and won re-election, two retired and were replaced by Democrats, and one retired and was replaced by a Republican.
- In **Minnesota**, all but one state legislator who voted against the anti-gay amendment and sought re-election won their races (98%). However, 12 legislators who voted for the amendment lost re-election; only 86% of those supporting the anti-gay

¹ Jenkins, C.L. (2005, January 11). GOP aims to extend marriage restrictions. *Washington Post*. Retrieved January 11, 2005, from <http://www.washingtonpost.com/wp-dyn/articles/A64225-2005Jan10.html>

amendment won re-election. The Democratic-Farmer-Labor Party picked up 12 seats in the Minnesota House in the November 2004 elections.²

- In **Illinois**, the anti-gay family amendment never made it out of the Rules Committee. All five members of the Rules Committee, as well as the two sponsors of the amendment, were re-elected.

Conclusion

The election results from November 2004 illustrate that voting against anti-gay constitutional amendments had little effect on a legislator's re-election bid. **Ninety-seven percent of all state legislators from these five Midwestern states who voted against these constitutional amendments and ran for re-election won their races.**

Below is more detail on the experience of incumbent legislators in the five states examined.

Michigan

House of Representatives

House Joint Resolution U was introduced to the Michigan House of Representatives and referred to the Committee of Family and Children Services on January 22, 2004. On March 9, 2004 it was placed before the House for immediate passage. It failed to reach a two-thirds majority vote, with 65 Yeas and 38 Nays.

Of the 38 Nays, 29 ran for re-election, and only one (Rep. Elkins) failed to win her seat again. First-term Representative Jennifer Elkins lost to Republican Tim Moore. Moore, who received 53% of the vote in November 2004, defeated Rep. Elkins, who won with 51% of the vote in 2002 against her Republican opponent.³ Elkins district has long been a swing district, alternating back and forth between Democratic and Republican control. Elkins' strong support for reproductive choice was also a factor in her defeat. Of the 65 Yeas, 45 ran for re-election and one (Rep. Milosch) lost his re-election bid. He was a one-term incumbent who prided himself on being a "rock-solid conservative." His outspoken support for the anti-marriage amendment was a factor in his defeat.

Overall, 72 of the 74 members of the 110-seat House who voted on the Amendment and ran for re-election won their races. The Democrats gained six seats in the House, narrowing the current 63-46 Republican majority to 58-52 Republican-Democrat.

² Minnesota House of Representatives Public Information Services. (2005, January 5). 2004 election directory of the 2005-2006 Minnesota House of Representatives. Retrieved January 11, 2005, from <http://www.house.leg.state.mn.us/hinfo/leginfo/electdir04.pdf>

³ Office of the Michigan Secretary of State. (2004, December 1). Retrieved January 11, 2005, from <http://miboecfr.nicusa.com/election/results/04GEN/04GENall.html>

Senate

Senate Joint Resolution E was introduced to the Michigan State Senate and referred to the Committee on Government Operations on October 7, 2003. It was referred to the Committee on Judiciary on January 21, 2004. No further action was taken.

*Percentage of Michigan legislators who **opposed** the anti-gay amendment and sought re-election who were re-elected: 97%*

*Percentage of Michigan legislators who **supported** the anti-gay amendment and sought re-election who were re-elected: 98%*

Iowa

Senate

Senate Joint Resolution 2002 proposed an amendment to the Constitution of the State of Iowa declaring that “only marriage between a man and a woman shall be valid or recognized in the State of Iowa.” This bill failed to pass the Senate on March 23, 2004 by a vote of 25 Nays to 24 Yeas. The Iowa State Senate, at the time of the vote, was composed of 29 Republicans and 21 Democrats. All 21 Democrats and four Republicans (Lundby, Redfern, Shull, and Tinsman) voted against the resolution. Republican Senator Charles Larson did not vote.

The election results show clearly that voting against the resolution did not negatively affect a Senator’s chance of re-election. **In fact, Iowa voters tipped the balance of power toward those who had voted against the resolution.** The Democrats picked up four Senate seats in the November 2004 general election, giving each party 25 seats in the Senate. Four of the 24 Senators who had voted in favor of the resolution were replaced with Senators from the opposing party, while the same was true of only one of the 25 Senators who had voted against the resolution.

Twenty-five Senate seats were open on the November 2004 ballot. Of the nine Senators who had voted against the resolution, seven sought re-election. All seven were re-elected. The two who were not re-elected had decided to retire: retiring Democrat Jack Holveck was replaced by Republican Brad Zaun, while retiring Republican Donald Redfern was replaced by Democrat Jeff Danielson.

Of the 16 Senators who had voted for the resolution and who were up for re-election, two retired and four lost their campaigns; only 10 Senators were re-elected. The two retiring Republican Senators—Richard Drake and Kitty Rehberg—were replaced by Republican Jim Hahn and Democrat Brian Schoenjahn, respectively. The three Republican Senators who had voted in favor of the resolution—Julie Hosch, Bryan Sievers, and Neal Schuerer—lost their re-election campaigns to Democrats, while Republican Ken Veenstra was ousted in the primary by Republican David Mulder, who eventually won the seat.

House

The Iowa House of Representatives has twice drafted legislation restricting marriage to “the legal union of one man and one woman as husband and wife.” House Joint Resolution 2002 was introduced by Congresswoman Betty De Boef and 50 other co-sponsors on January 29, 2004. It was referred to a House Judiciary Subcommittee consisting of Republicans Dan Boddicker and George Eichhorn and Democrat Jane Greimann. The subcommittee recommended passage of the Resolution, but the bill was placed on the calendar as unfinished business on March 25, 2004.

House Joint Resolution 2003, which similarly restricted marriage to opposite-sex couples and also rejected all forms of legal recognition of same-sex partnerships from other states, was introduced and referred to the Judiciary Committee on February 10, 2004. It was assigned to a subcommittee consisting of Republicans Kent Kramer and Carmine Boal and Democrat Vicki Lensing. No action has been taken on the resolution since February 12, 2004.

*Percentage of Iowa legislators who **opposed** the anti-gay amendment and sought re-election who were re-elected: 100%*

*Percentage of Iowa legislators who **supported** the anti-gay amendment and sought re-election who were re-elected: 71%*

Wisconsin

House

On March 4, 2004, the Wisconsin House of Representatives voted 68-27 (with four votes paired)⁴ to pass Assembly Joint Resolution 66: “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.”

Including the paired vote against this resolution, 29 Representatives voted against the resolution—two Republicans and 27 Democrats. Of these 29, all but eight were re-elected in the November 2004 election. Five of these eight were not seeking re-election; three of them were replaced by Democrats and two by Republicans. Democratic Reps. Mark Miller and Lena Taylor left the House to seek office in the State Senate, and both won Senate seats. Only one representative of the 29 voting against the resolution ran for re-election and lost: Democratic Rep. Joe Plouff lost to Republican challenger Andy Lamb. Assembly Speaker John Gard (R-Peshtigo) said that property taxes, jobs, and health care were the

⁴ A paired vote is an agreement between two members to be recorded on opposite sides of an issue. Pairing is used when one or both members will be absent in order to cancel the effect of the absence. Paired votes are not counted in the vote total. However paired members’ positions do appear in the record.

Republicans' main focus in the campaign.⁵ After the election, Lamb said "I don't think there was one key issue to winning, but people are at their property tax limit, and I will address that from the get-go."⁶

Including the paired vote for the resolution, 70 Representatives voted in favor of the resolution—14 Democrats and 56 Republicans. All but 10 won their re-election campaigns. Seven of the 10 were not seeking re-election and were replaced by members of their own party. Republican Reps. Luther Olsen and Glenn Grothman sought and won seats on the Wisconsin Senate. Only one representative of the 70 voting in favor of the resolution ran for re-election and lost: Republican Rep. Becky Weber lost to Democratic challenger Tom Nelson.

In the November 2004 election, Republicans effectively gained one seat in the Wisconsin House, establishing a 60-39 majority.

Senate

On March 11, 2004, the Wisconsin State Senate voted 20-13 in favor of AJR 66. All but two of the 15 Democratic Senators chose to vote against the resolution, whereas all 18 Republican Senators favored the resolution.

Sixteen Senatorial seats were open on the November 2004 ballot. Eleven Senators sought and won re-election—four among those who voted against and seven among those who voted for the resolution. Three Democratic Senators who had voted against the resolution were not seeking re-election; two were replaced by former Democratic state Representatives Lena Taylor and Mark Miller, while a Republican challenger took the Senate seat formerly occupied by Mark Meyer. Senator Bob Welch, a Republican who voted for the resolution, sought a U.S. Congressional seat and was replaced in an uncontested election by Republican former State Representative Luther Olsen. Moderate Republican Mary Panzer lost in the primary election to former Republican State Representative Glenn Grothman, a conservative who won the seat in an uncontested general election race.

In the November 2004 election, Republicans gained one seat in the Wisconsin Senate, establishing a 19-14 majority.

⁵ Forster, S. & Williams, S. (2004, November 3). Democrats struggle in Assembly quest; Republicans make gains for seventh consecutive election. *Milwaukee Journal Sentinel*. Retrieved January 11, 2005, from <http://www.jsonline.com/news/state/nov04/271930.asp?format=print>

⁶ Harter, K. (2004, November 4). Republicans headed to Madison; It's a GOP sweep in area's state legislative races; incumbent Democrat Plouff loses in Menomonie. *Saint Paul Pioneer Press*.

*Percentage of Wisconsin legislators who **opposed** the anti-gay amendment and sought re-election who were re-elected: 96%*

*Percentage of Wisconsin legislators who **supported** the anti-gay amendment and sought re-election who were re-elected: 97%*

Minnesota

House of Representatives

House Bill 2798 was introduced into the Minnesota House of Representative. The Bill proposed an amendment to the Minnesota Constitution by adding a section to Article XIII, which recognizes marriage only as a union between one man and one woman.

Of those that were opposed to introducing the amendment for consideration during the 2004 general election, all but two (Pugh and Rhodes) were re-elected to the House of Representatives of Minnesota for 2005. Pugh took a position with the Public Utilities Commission, while Rhodes did not win re-election. Eleven-year incumbent Republican Jim Rhodes lost to Steve Simon, a Democratic-Farmer-Labor (DFL) Party-endorsed candidate. Rhodes' vote against the anti-gay marriage amendment was not a factor in the race, in that during the campaign Simon also expressed his opposition to a state marriage amendment.⁷ In fact, Rhodes' perceived failure to direct local aid to his district was a key factor in his defeat. Twelve legislators who supported the anti-gay amendment sought re-election and lost.

Forty of the 41 Representatives who opposed the anti-gay amendment and sought re-election were re-elected. In contrast, only 76 of the 88 Representatives who supported the anti-gay amendment and sought re-election were re-elected.

Senate

Senate Bill 2715 was introduced to the Minnesota Senate. The Bill proposed an amendment to the Minnesota Constitution by adding a section to Article XIII, which recognized marriage only as a union between one man and one woman. The Senate has not yet voted on this bill.

*Percentage of Minnesota legislators who **opposed** the anti-gay amendment and sought re-election who were re-elected: 98%*

*Percentage of Minnesota legislators who **supported** the anti-gay amendment and sought re-election who were re-elected: 86%*

⁷ Brouwer, M. (2004, September 23). With Simon set to spend, Rhodes could face expensive defense of 44A seat. MNPolitics.com. Retrieved January 11, 2005, from <http://mnpolitics.com/political-news/news.asp?story=833>

Illinois

“ Only marriage between one man and one woman shall be valid or recognized in Illinois. The uniting of persons of the same sex in a civil union, domestic partnership, or other similar same sex relationship shall not be valid or recognized in Illinois.”

General Assembly

House Joint Resolution Constitutional Amendment 0024 was read in full a first time January 15, 2004 and referred to Rules Committee where it was tabled May 1, 2004. It never came to the full General Assembly for a vote. All five Rules Committee members—Barbara Flynn Currie (D-25th), William B. Black (R-104th), Gary Hannig (D-98th), Brent Hassert (R-85th), Arthur L. Turner (D-9th)—were re-elected in November 2004. Both House sponsors, Bill Mitchell (R-87th) and Roger Eddy (R-109th) were re-elected.

*Percentage of Illinois legislators who **opposed** the anti-gay amendment and sought re-election who were re-elected: 100%*

*Percentage of Illinois legislators who **supported** the anti-gay amendment and sought re-election who were re-elected: 100%*

Alain Dang is a policy analyst at the National Gay and Lesbian Task Force Policy Institute. Mandy Hu and Randy Reyes are Urvashi Vaid Research Fellows at the National Gay and Lesbian Task Force Policy Institute. The Task Force Policy Institute is a think tank that conducts social science research, policy analysis and strategy development to advance greater understanding and equality for lesbian, gay, bisexual and transgender people.