

# Two Months of Civil Unions in Rhode Island: Already Time for a Divorce?

A report prepared by the Rhode Island Affiliate,  
American Civil Liberties Union

September 2011

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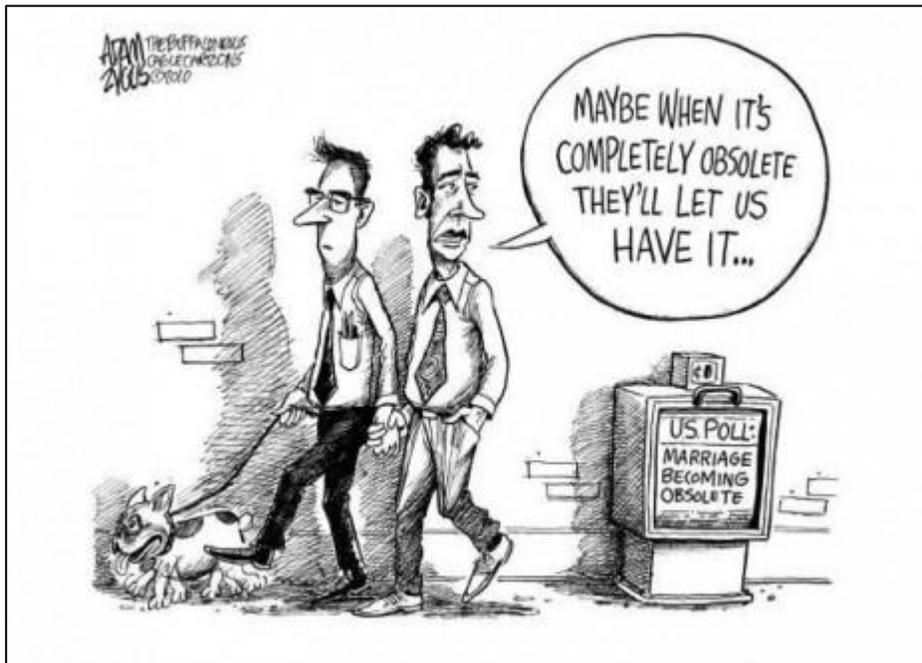
**TABLE OF CONTENTS**

Summary	1
Introduction	2
Reasons the Civil Union Law Has Failed	5
Data from Other States	8
Next Steps	14
Appendix	17
Endnotes	21



## SUMMARY

*Rhode Island's civil union law, enacted over the strong protests of the community it was designed to benefit, has been a fiasco. In the first two months of its enactment, only fourteen gay and lesbian couples have taken advantage of the statute to obtain "civil union" status. No other state that has passed a law formally recognizing gay and lesbian couples has seen such a paltry and lackluster response to its passage. And a look at the twelve other states where gay and lesbian couples have had an opportunity to have their status recognized in some official way strongly suggests that the statistics for Rhode Island are not going to get better. Rather, it is*



*precisely in the immediate aftermath of these laws' enactments that couples apply for official status. There are many good reasons why Rhode Island's new statute is being shunned by couples. An incredibly broad "religious" exemption that undercuts the purpose of the law, the fact that same-sex couples can marry in states all over New England, and the expectation for something much more meaningful after twelve years of fighting for marriage equality are all factors that help explain the new law's dismal debut. The lesson is clear: if Rhode Island is serious about recognizing the status of lesbian and gay couples, full marriage equality is the only appropriate response, and one that the General Assembly must take up.*

## ***INTRODUCTION***

On July 2nd, 2011, Rhode Island became the fifth state in the nation to authorize “civil unions” for gay and lesbian couples.<sup>1</sup> The legislation, enacted as a “compromise” to the consideration and passage of a marriage bill, was strongly opposed by both supporters and opponents of efforts to recognize the freedom to marry. In fact, for obviously very different reasons, Marriage Equality Rhode Island and the National Organization for Marriage – two major Rhode Island organizations on each side of the issue – urged Governor Lincoln Chafee to veto the civil union bill.

A number of leading national organizations working in support of a marriage law – including the ACLU, GLAD and the National Gay and Lesbian Task Force – also urged the Governor to veto the bill, noting that it created “onerous and discriminatory hurdles for same-sex couples that no other state has ever put in place.” Despite the seemingly universal opposition to the bill from those groups most involved in promoting equality for gay and lesbian couples, and despite his own strong support for marriage equality, Governor Chafee signed the bill into law.

While doing so, he issued a formal signing statement. Interestingly, the statement reads more like a veto message, giving cogent reasons why the bill should have been axed rather than signed. It is therefore worth quoting at length.

After reiterating his belief that “same sex couples should have the same legal rights, benefits, protections and responsibilities as heterosexual couples,” the Governor acknowledged that the legislation he was signing “fails to extend full marriage equality to all Rhode Islanders.” More pointedly, he noted that a “religious” exemption contained in the law, known as the Corvese amendment, was “too broad,” “of unparalleled and alarming scope,” and “eviscerates the important rights that enacting a civil union law was meant to guarantee for same sex couples in the first place.”

In particular, he observed that as a result of that amendment:

*A party to a civil union could be denied the right to make medical decisions for his or her partner, denied access to health insurance benefits, denied property rights in adjoining burial plots or denied family memberships at religiously-affiliated community centers. If religiously-affiliated hospitals, cemeteries, schools and community centers refuse to treat civil unions as valid, it would significantly harm civil union partners by failing to protect their medical, physical and commercial interests at critical moments in their lives.*

Notwithstanding these significant and dramatically compelling flaws, the Governor claimed the bill still provided “tangible rights and benefits to thousands of Rhode Islanders.” Of course, in light of the Corvese amendment, it remained unclear exactly how tangible those “rights and benefits” really were. And the limited rights and benefits that the bill did provide were available to “thousands of Rhode Islanders” only if thousands of Rhode Islanders thought civil union status with such broad and flawed inadequacies was worth applying for.

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After only two months, the verdict appears to be in: they do not. It seems fair to say that the legislation is not just bad policy, it is an embarrassing fiasco. In July and August, *only fourteen couples* took advantage of the new statute – nine in July and an even smaller number, five, in August. When Rep. Peter Petrarca, the sponsor of the bill, was confronted with the first month’s dismal statistics, he urged people to “give it time.” He added, “It’s summer. I’m sure we’ll see an uptick once people start figuring it out and deciding what they want.”<sup>2</sup>

However, as this report will document, there is strong reason to believe that people *have* decided what they want – and it is not civil unions. In a *Providence Journal* article a few days

after the law took effect, Peggy Long, a past president of the Rhode Island Town and City Clerk's Association made a common-sense observation. She expressed surprise that nobody in Providence, Warwick or Cranston – Rhode Island's three largest cities – had requested a civil union license, noting: "Anytime a new law passes that is near and dear to people's heart, there is someone that wants to be the first."<sup>3</sup>

Although two months might seem a short time to cast judgment on the new law, the history of marriage and marriage-alternative laws in other states convincingly confirms Long's view. Rather than needing time to decide whether to take advantage of these new laws when they have been passed elsewhere, the first month or two are actually the periods when *the largest number of people have applied for licenses*, with applications routinely *dropping off* after an initial burst of activity.

The data from the twelve other states that have enacted related legislation in the past few years all point to the same conclusion: Rhode Island's civil union bill is the Edsel of "same-sex couple" relationship protection measures.

## ***REASONS THE CIVIL UNION LAW HAS FAILED***

Before examining the data from other states in more detail, it is worth briefly reviewing some of the likely reasons that passage of this bill has prompted such a deafening silence from the couples it was designed to help.

Almost certainly, one significant and substantive reason for the lack of enthusiasm by gay and lesbian couples for civil union status is the one emphasized in the Governor's signing statement: the last-minute introduction on the House floor of the Corvese amendment, which added an extraordinarily broad "religious" exemption to the bill far beyond what any other state's marriage or civil union law contains.

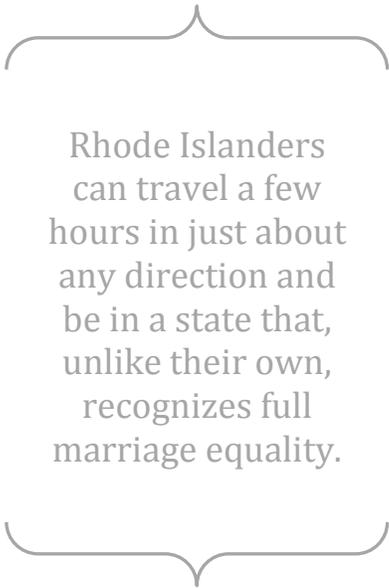
The amendment gives any religious organization, and any charitable or educational organization "which is supervised or controlled by or in connection with a religious organization," the right to not "treat as valid any civil union." The consequences of such a broad exemption in the law, as the Governor's statement set out, can be far-reaching and devastating. The exemption also applies to employees of such organizations. So, even if a religiously-affiliated agency willingly serves couples in civil unions, the agency is barred from taking any action against an employee who refuses to do so as part of his or her job.

Governor Chafee was correct in calling this amendment alarming and unprecedented and in noting that it potentially undermined rights that gay and lesbian couples already have under Rhode Island law. Under the circumstances, one can hardly fault couples for thinking twice before taking advantage of this new "benefit."

A second reason for the cool response to the law is undoubtedly one of expectations. 2011 was the year that advocates for marriage recognition for same-sex couples, and the community members who would be its beneficiaries, expected same sex marriage legislation to make it to the floor of the House of Representatives and pass there. Rep. Art Handy had been

persistently promoting this legislation for a decade without a vote, but early in this year's session, Speaker of the House Gordon Fox promised there would be one. In April, however, he took marriage advocates completely by surprise when he publicly announced – without seeking any input from the LGBT community – that the House would vote on a civil union measure instead. Even after the Speaker made this announcement, House legislative leaders were quoted as acknowledging that the votes for passage of true marriage equality legislation were still there. Thus, after waiting so long and then seeing the prospect of a positive vote on marriage legislation suddenly taken away from them, it is not surprising if the passage of this “alternative” measure has left committed gay and lesbian couples with a bitter taste, and disinclined to take advantage of it.

Third, and perhaps most crucially, there is no way to get around the fact that civil union status is second-class citizenship, and that status has become much harder to justify as more states approve marriage equality. It is clear that the time for considering civil unions as a “temporary” alternative to full marriage equality has elapsed, at least in New England. Four of the five other New England states recognize same-sex marriage. (Even the legislature of the fifth one, Maine, enacted a marriage law, but it was repealed in a statewide voter referendum.)



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Thus, Rhode Islanders can travel a few hours in just about any direction and be in a state that, unlike their own, recognizes full marriage equality. To add insult to injury, Rhode Island residents saw New York – the third largest state in the country – approve marriage legislation at the same time our own state's weak civil union bill wended its way through the General Assembly.

We believe these reasons go a long way towards explaining why so few couples have entered into civil unions, and why there is strong reason to believe that these numbers are unlikely to change much in the future. In every other state that has passed “same sex couples” licensing legislation – whether it is to recognize marriage, civil unions or domestic partnerships – the first few months of the law have marked the busiest times for their use. Even more specifically, it is invariably the *first few weeks* that are the busiest. One need look no further than the one other state besides Rhode Island that implemented civil union legislation this year. In Illinois, where a civil union law took effect in June – just one month before Rhode Island’s law – reports indicate that over 1,600 licenses were issued in the first month of their availability.

## **DATA FROM OTHER STATES**

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In recent years, states seeking to formally recognize gay and lesbian relationships have done so in three general forms: domestic partnerships, civil unions and marriage. Only marriage ensures, at least at the state level, true equality in both name and substance. But gay and lesbian couples' initial responses to enactment of all these laws – whatever form they have taken – have been remarkably consistent over time, and consistently different from Rhode Island's experience.

Before analyzing the licensing information from other states, a few points about the data are in order. In almost all cases, the statistics have been obtained directly from the state agency responsible by law for collecting marriage (or civil union or domestic partnership) statistics. In a few instances, we have relied on news stories whose sources are those agencies. In each instance, a footnote provides the source of the data. Also, the scope of the data that we have found available varies from state to state. In a number of instances, the information we were able to obtain did not specifically include a monthly breakdown, but instead covered a few months. Ultimately, though, the overarching pattern across states, across time and across types of relationship protections appears to have been stable and unswerving – except for Rhode Island. When one factors in the population variances between Rhode Island and other licensing states, the difference between our state and others in the number of people who have sought licenses early on is staggering, as the disparity is often a factor of tenfold or more.

The bottom line is this: contrary to the hopes of the sponsor of Rhode Island's civil union bill, when a law of this sort has taken effect elsewhere, couples have not waited to "think it out." They have immediately made use of the law in droves. Of course, we cannot rule out the

possibility that Rhode Island's anomalous situation will change in the coming months. All that we can say is that, based on every other state's experience, such a change seems quite unlikely.<sup>4</sup> Rather, it appears that Rhode Island's gay and lesbian couples have spoken – and, understandably, they do not want civil unions.

What follows is the data we have been able to find for each state that in recent years has addressed same sex marriage or marriage alternatives. In an appendix to this report, we have also included charts that visually compare those states' figures with Rhode Island's fourteen civil union licenses in two months.



**CALIFORNIA.** On May 15, 2008, the California Supreme Court ruled unconstitutional the state's ban on marriages for same-sex couples, allowing those couples to marry. Less than six months later, a voter referendum overturned that court ruling. We were unable to find a monthly breakdown, but in the time period that the ruling was in effect – between June 16 and November 4 of that year, ***a period of about four and a half months – an estimated 18,000 marriages of same-sex couples were performed.***<sup>5</sup>

California's population is roughly 35 times larger than Rhode Island. If marriages had taken place at the same rate as Rhode Island's estimated civil union rate (14 in the first two months, and 9 per month thereafter) during the four and a half months that marriage was recognized in the state, there would have been approximately 1,295 marriages in California during that time, not 18,000.



**CONNECTICUT.** On October 10, 2008, the Connecticut Supreme Court ruled that denying gay and lesbian couples the ability to marry violated the state Constitution. In response to that court decision, Connecticut began issuing marriage licenses to same sex couples on November 12, 2008. Between then and Dec. 31, 2008 – ***in a period of less than two months – 543 marriages were performed.***<sup>6</sup>

Prior to the state Supreme Court's ruling that anything less than marriage equality was unconstitutional, Connecticut had enacted a civil union law that took effect on October 1, 2005. Reports indicate that ***the state registered 649 civil unions in the first three months*** of that law's effective date. However, in a pattern that seems relatively typical and repeated in many other states where the data are available, those figures slowed down considerably as time went

on. There were a total of 729 civil unions in all of 2006, and 458 civil union licenses were issued in 2007.<sup>7</sup>

**Connecticut's** population is a little less than 3 1/2 times larger than Rhode Island. If marriages had taken place at the same rate as Rhode Island's civil union rate, there would have been approximately 50 marriages in Connecticut during the first two months, not 543. There would have been 80 civil unions in the first three months of that law's enactment, instead of the 649 that took place, at Rhode Island's estimated civil union rate (14 in the first two months, and 9 per month thereafter).



**ILLINOIS.** As noted earlier, the Illinois civil union statute is particularly illuminating, since it took effect only one month before Rhode Island's law. In June 2011, *the Illinois law's first month, 1,618 civil union licenses were issued* throughout the state.<sup>8</sup>

Unlike our state's statute, the Illinois law does not contain far-reaching exemption language, and is welcoming in other ways that Rhode Island's law is not – such as by recognizing as a civil union the marriages, civil unions or domestic partnerships that couples have entered into in other states. Perhaps most critically, in terms of the positive reception the Illinois law has received, the LGBT community there had different expectations: Illinois has a statute on the books specifically defining marriage as a union between a man and a woman, and has not had as long a history of pushing for a marriage bill as Rhode Island has experienced. Thus, the advocacy community and its allies united behind passage of a civil union law as a stop-gap measure while working more long-term towards full equality.

**Illinois's** population is roughly 12 times larger than Rhode Island. If civil unions had taken place at the same rate as Rhode Island's civil union rate, then there would have been 108 civil unions in Illinois in the first month, not 1,618.



**IOWA.** On April 3, 2009, the Iowa Supreme Court ruled that the state's ban on same-sex marriage was unconstitutional. Marriage licenses became available on April 27, 2009. Between April 27 and July 31, *the first three months of their availability, there were at least 676 same-sex marriage licenses issued.* Between April 27 and the end of 2009, there were a total of at least 1,783 same-sex marriages.<sup>9</sup>

**Iowa's** population is roughly 3 times larger than Rhode Island. If marriages had taken place at the same rate as Rhode Island's estimated civil union rate (14 in the first two months, and 9 per month thereafter), there would have been approximately 69 marriages in Iowa the first three months of marriage recognition, not 676-plus.



**MASSACHUSETTS.** Massachusetts was the first state to formally recognize same-sex marriage, as the result of a 2004 state Supreme Court decision. Marriage licenses became available to same-sex couples on May 17, 2004. There were 1,742 marriage licenses issued in the first two weeks alone, and **1,438 licenses were issued in the first full calendar month** (June 2004) after that. Through December of 2004, there were a total of 6,121 same-sex marriage certificates issued.<sup>10</sup>

**Massachusetts'** population is roughly 6 times larger than Rhode Island. If marriages had taken place at the same rate as Rhode Island's civil union rate, then approximately 54 marriage licenses would have been issued in Massachusetts in the first month, not 1,438 in the first full calendar month.



**NEVADA.** Nevada approved a comprehensive domestic partnership statute which took effect on October 1, 2009. Between October 1 and October 26 of that year, **a period of slightly less than a month, there were 1,002 domestic partnership registrations.**<sup>11</sup>

**Nevada's** population is roughly 2 1/2 times larger than Rhode Island. If domestic partnerships had taken place at the same rate as Rhode Island's civil union rate, then approximately 23 licenses would have been issued in Nevada in the first month, not 1,002.



**NEW HAMPSHIRE.** New Hampshire, like Vermont, started with a civil union law, but then enacted marriage legislation. According to news stories, 54 gay and lesbian couples married the first day the marriage law took effect, on New Year's Day 2010.<sup>12</sup> **For the entire year, there were 987 same-sex marriage licenses issued.**<sup>13</sup>

As for the short two-year period of time that New Hampshire recognized civil unions, the state recognized 809 civil unions in that time period. **New Hampshire recognized 174 civil unions in January 2008**, the month that the civil union law took effect. The numbers thereafter steadily decreased.<sup>14</sup>

**New Hampshire's** population is roughly 1 1/4 times larger than Rhode Island. If marriages had taken place at the same rate as Rhode Island's estimated civil union rate (14 in the first two months, and 9 per month thereafter), then there would have been approximately 130 marriages in New Hampshire during the first year, not 987. In a similar vein, there would have been 11 civil unions in New Hampshire in January 2008, not 174.



**NEW JERSEY.** Of all the states with marriage, civil union or domestic partner statutes, New Jersey's post-enactment experience comes the closest to that of Rhode Island. The statute was passed in December 2006 in response to a New Jersey Supreme Court ruling that gay and lesbian couples were entitled to all the rights and benefits of married heterosexual couples. However, the court left it to the legislature to define that relationship. Unfortunately, that body decided to establish civil unions rather than formally recognize marriage. That political decision, as in Rhode Island, was hotly debated. It was not only LGBT groups, but organizations such as the New Jersey State Bar Association that unsuccessfully advocated for a marriage bill. Once the civil union law was enacted, it created confusion, difficulties and claims of discrimination.<sup>15</sup> The result was the lowest response rate other than that of Rhode Island (though it was still much higher than Rhode Island's rate).

The law took effect on February 19, 2007, and ***preliminary figures for the first month showed that 229 same sex couples applied for civil union licenses.***<sup>16</sup> Staying at a similar pace to the first month's data, 1,514 same-sex couples made use of the civil union law in the first six months that civil unions were available.<sup>17</sup> But as small as that number is compared to the other states we have examined, it still is, proportionally speaking, about three times higher than Rhode Island's tally for the first month.

Earlier, New Jersey had adopted a limited domestic partnership statute that took effect on July 10, 2004. This was, at the time, seen as significant progress for gay and lesbian couples, and on the first day it took effect, 479 couples registered for domestic partnership. For the rest of that first week, an additional 455 couples registered. "Registrations tapered off substantially after the first week," and each month thereafter through December.<sup>18</sup> Thus, although ***1,563 domestic partnerships were formed in that shortened first month*** of July, the final total of registered same-sex partnerships through the rest of the year was 2,781.<sup>19</sup>

**New Jersey's** population is roughly 8 1/4 times larger than Rhode Island. If civil unions had taken place at the same rate as Rhode Island's civil union rate, then there would have been approximately 75 civil unions in New Jersey in the first month, not 229, and 75 domestic partnerships, not 1,563.



**NEW YORK.** New York, of course, is the most recent state to pass marriage legislation, enacting a law on June 24th of this year. It took effect on July 24th. According to the *New York Times*, ***at least 1,200 marriage licenses were issued in the first TWO DAYS.***<sup>20</sup>

**New York's** population is roughly 18 1/2 times larger than Rhode Island. If marriages had taken place at the same rate as Rhode Island's civil union rate, then there would have been approximately 167 marriages in New York the first month, not 1,200 in the first two days.



**OREGON.** Oregon's domestic partnership law took effect in February 2008. *In the first month, there were 1,511 domestic partnership registrations.*<sup>21</sup>

The number quickly dropped off to 334 in March, and generally continued to decline throughout the year, with only 791 additional partnerships registered between April and December 2008. That downward trend has continued: in 2009, there were a total of 716 registrations, and in 2010, 589 domestic partners registered.<sup>22</sup>

Oregon's population is roughly 3 1/2 times larger than Rhode Island. If domestic partners had registered in the first month at the same rate as Rhode Island's civil union rate, then there would have been 32 such registrations in Oregon, not 1,511.



**VERMONT.** Vermont's marriage law took effect in September 2009. According to the state's Division of Vital Statistics, *300 marriages took place the first month.* As in other states, the number of marriages started to decline after that initial burst. In the next three months, through December 2009, an additional 342 additional licenses were issued. In 2010, a total of 979 licenses were issued.<sup>23</sup>

A very similar pattern ensued when Vermont adopted civil unions, which took effect in July 2000.<sup>24</sup> There were *405 civil unions that first month*, and a total of 1,704 for that entire half-year. In 2001, the first year the law was in effect for twelve months, the total number of civil unions was 1,875. Each year thereafter, the number of licenses went down, to a low of 286 in 2008 as the push for full marriage rights grew.<sup>25</sup>

Vermont's population is roughly three-fifths the size of Rhode Island. If marriages had been registered in the first month at the same rate as Rhode Island's civil union rate, then there would have been 6 marriages in Vermont, not 300. If its civil union rate in the first month matched that of Rhode Island, then there would have been 6 civil unions, not 405.



**WISCONSIN.** Wisconsin's limited domestic partnership law took effect on August 3, 2009. *In less than two months, 970 same-sex couples had registered their domestic partnership* in accordance with the law.<sup>26</sup> After this initial surge in registrations, the numbers dropped substantially, leading to a total of 1,329 registrations for all of 2009. In 2010, there were a total of 356 domestic partnerships registered, further highlighting the spike at the time of initial implementation of the law.<sup>27</sup>

Wisconsin's population is roughly 5 1/2 times larger than Rhode Island. If domestic partners had been registered in the first two months at the same rate as Rhode Island's civil union rate, then there would have been 77 registrations in Wisconsin, not 970.

## **NEXT STEPS**

The data are irrefutable. In every state that has passed same-sex couple licensing legislation in the past decade, the number of couples taking advantage of the law in its first few months has been much greater than what Rhode Island has seen. The difference in numbers, proportionally speaking, is often tenfold or more. In addition, in the few places where we have found long-term data, the statistics confirm that use of these laws peaks at the beginning; there is no uncertain warm-up time before couples begin taking advantage of the laws.

*Rhode Island needs to pass true marriage equality legislation. The civil union law is a bust, providing little benefit to anyone.*

We believe the lesson is abundantly clear: Rhode Island needs to pass true marriage equality legislation. The civil union law is a bust, providing little benefit to anyone.

However, since as a practical matter, we recognize that the General Assembly is unlikely to reverse course immediately and pass a marriage bill in 2012, there are two interim actions that the legislature should commit to taking instead. First, it should repeal the Corvese amendment upon reconvening in January. This will at least keep the law from actually undermining any statutory protections that gay and lesbian couples already have, and may encourage more people to apply for licenses.

Second, the General Assembly must pass legislation allowing same sex couples who live in Rhode Island and have been lawfully married elsewhere to get a divorce in Rhode Island. As a result of a bizarre R.I. Supreme Court decision, married same sex couples in Rhode Island are barred from getting a divorce in our state courts (and they cannot divorce in the state in which they were married because they are not residents of that state). We thus have the absurd

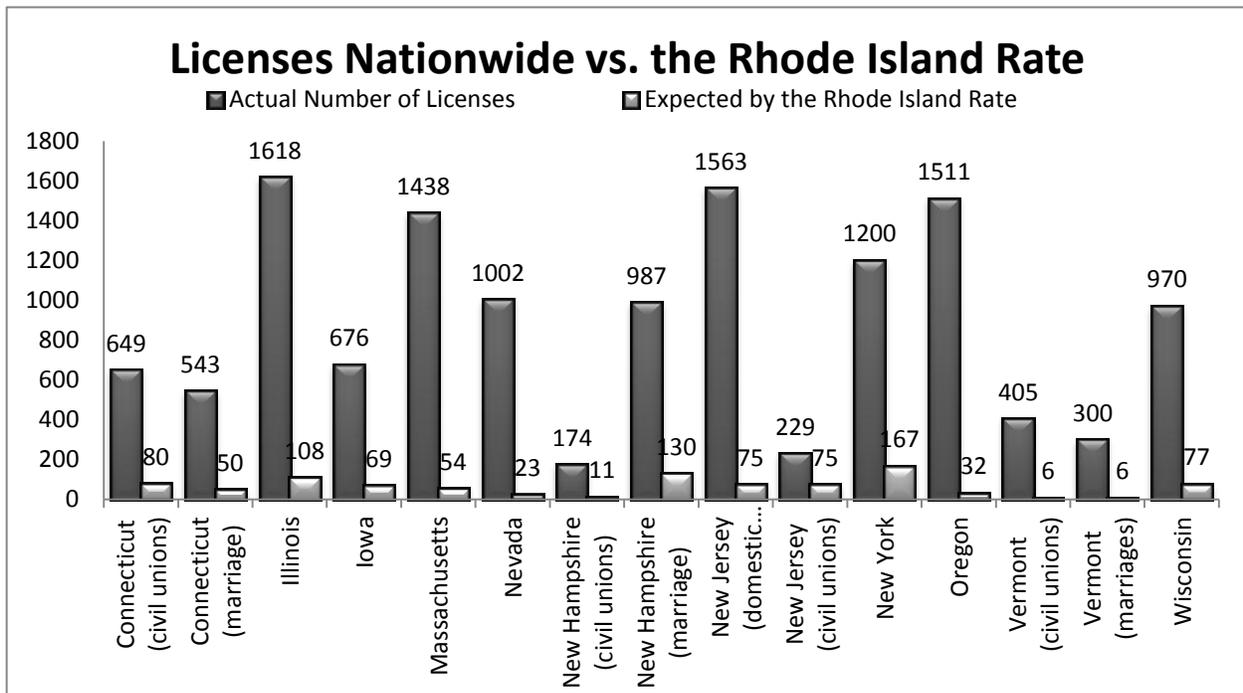
situation where people live in a state that refuses to recognize their marriages, yet requires them to stay married even if they wish to divorce.

When all is said and done, it is difficult to think of another “civil rights” bill that has generated so much attention, yet done so little for so few. In promoting the civil union bill, legislative leaders touted it as a compromise. And while there may be some truth to the politicians’ saw that if all sides to a debate aren’t happy about the final legislative product, it’s a sign of a fair bill, it’s also true that sometimes it is just a sign of a very bad bill. These statistics are a wake-up call, for they plainly demonstrate which type of compromise the civil union bill ended up being.

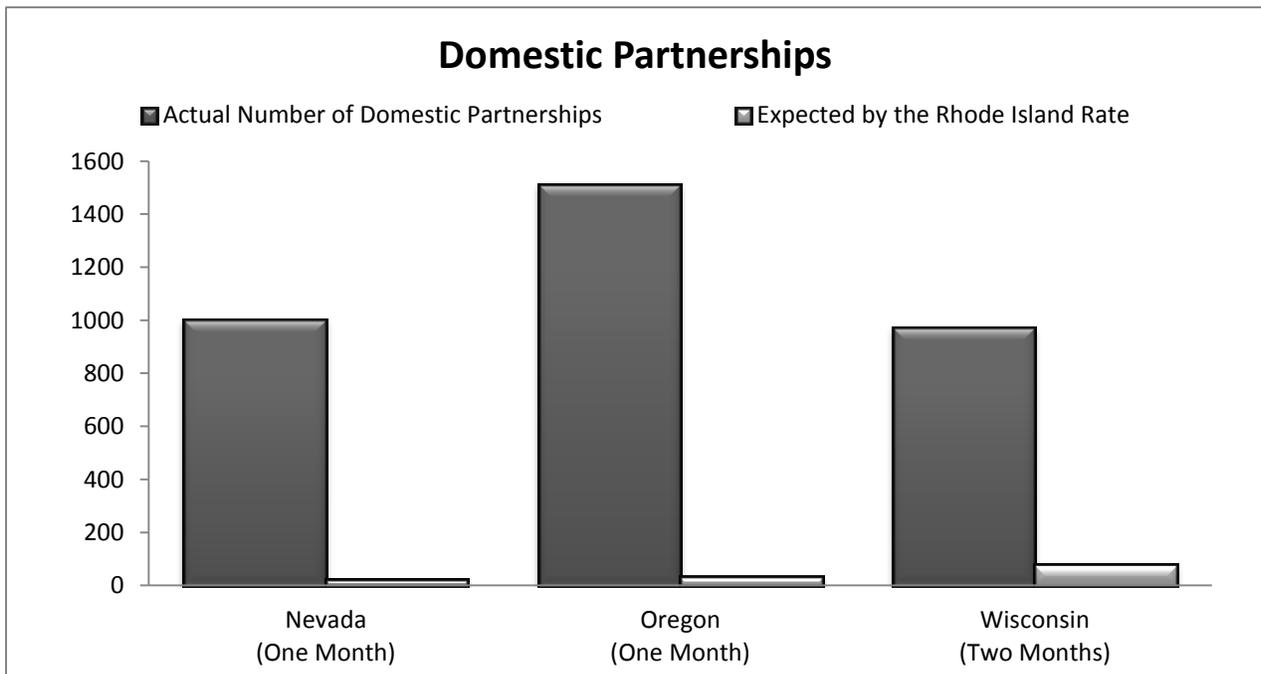
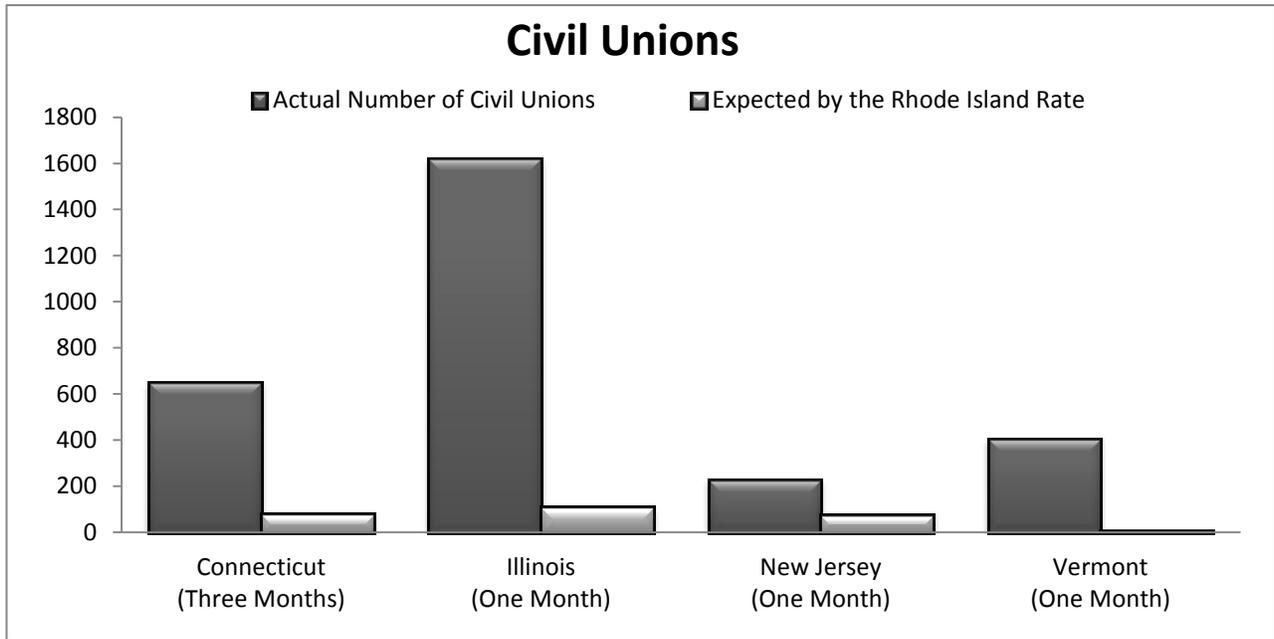


## APPENDIX

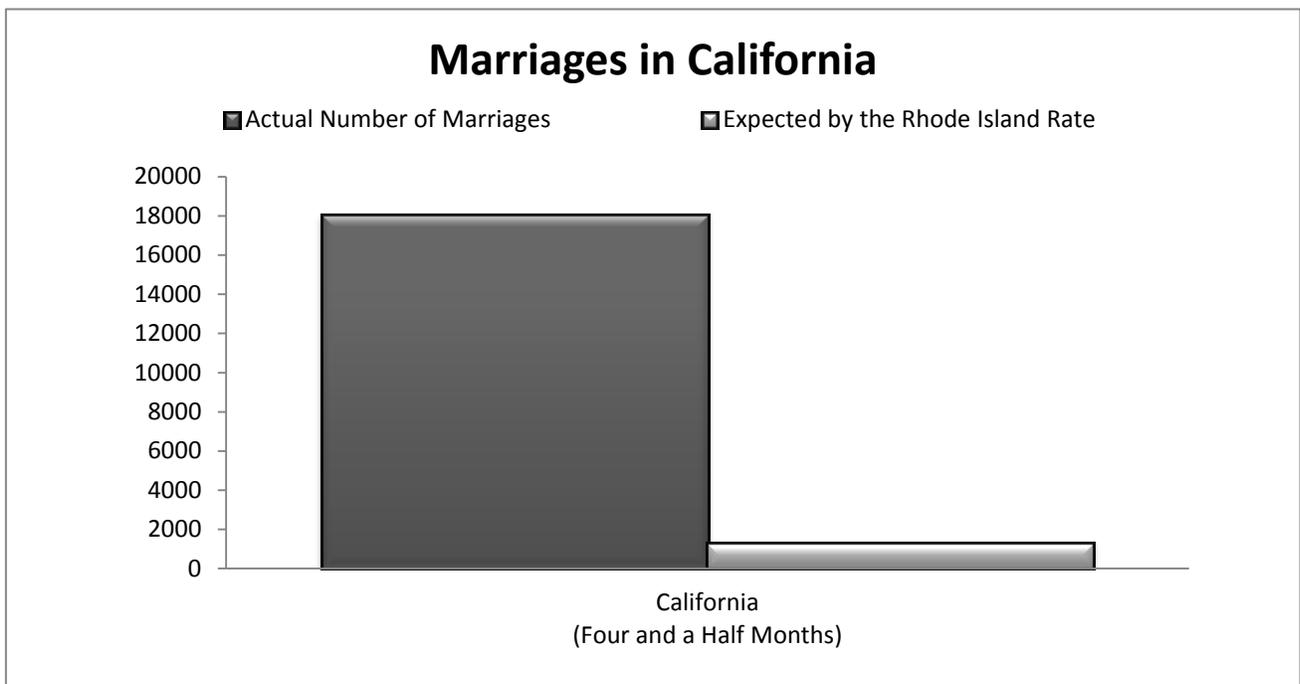
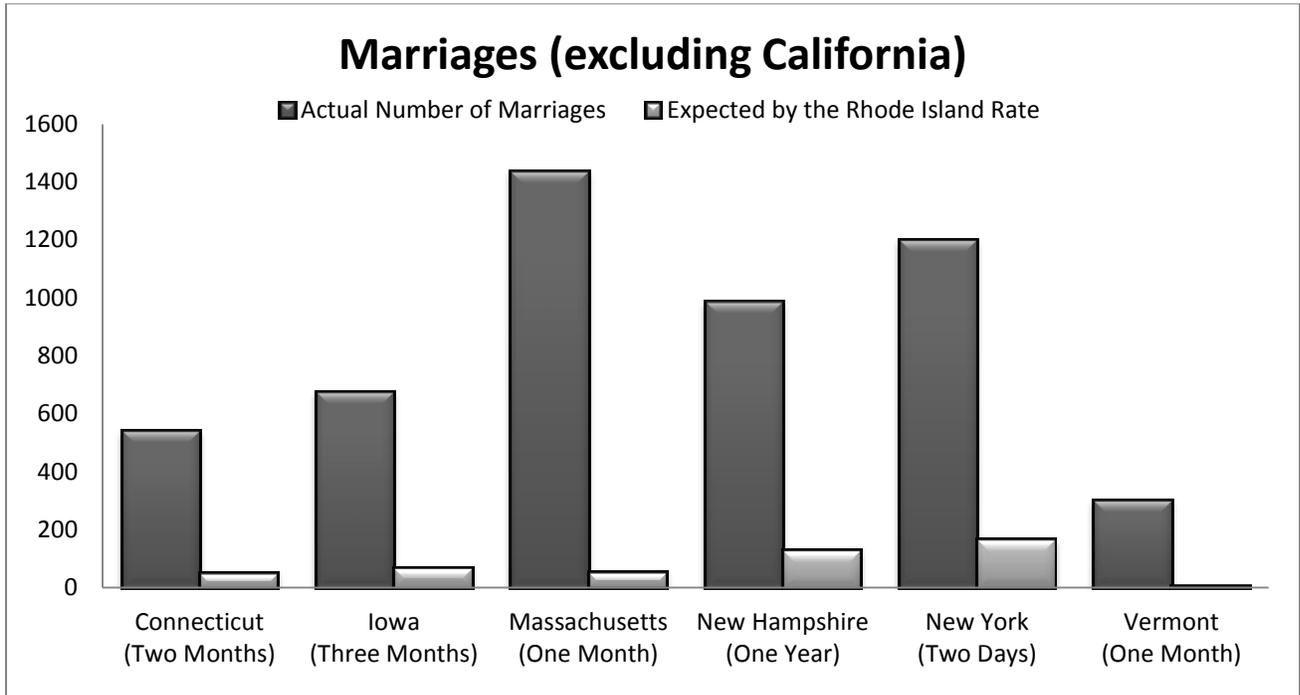
In the charts that follow, the numbers of marriages, civil unions and domestic partnerships that have initially occurred in each state are compared with the number expected if couples in these states had joined at the rate of Rhode Island’s civil unions. The period of time over which all these marriages, civil unions and domestic partnerships initially took place varies from state to state and, except for the chart immediately below, is noted beneath the name of each state. In the case of New York, monthly statistics were not available at the time of this report; as such the two-day marriage numbers for New York are assumed to be a one-month figure, and are compared with Rhode Island’s first month rate. Additionally, the marriage numbers for Massachusetts represent the licenses issued during the first full calendar month that same-sex marriage was legal, a decrease from the number of marriages that occurred in the first two weeks licenses were available. California, with marriage numbers so high as to render the other numbers unreadable, appears in its own chart. Because the numbers we were able to obtain for California marriages, Connecticut civil unions, Iowa marriages and New Hampshire marriages cover a period greater than two months, we calculated the Rhode Island rate for those states by relying on the actual 14-license figure for the first two months, and estimating 9 licenses for each month thereafter. In all instances, the “expected by the Rhode Island rate” figures take into account the population differences between Rhode Island and the compared state.



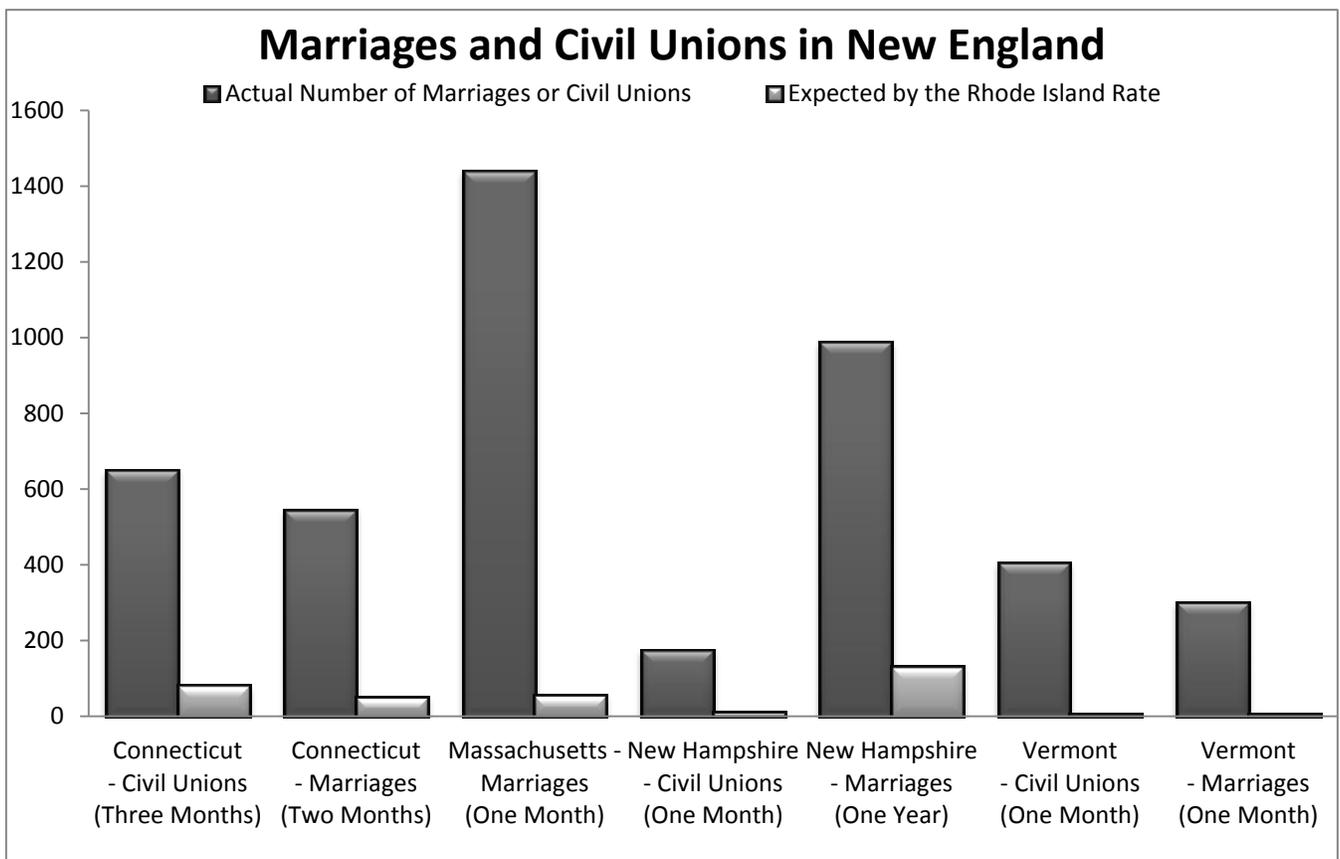
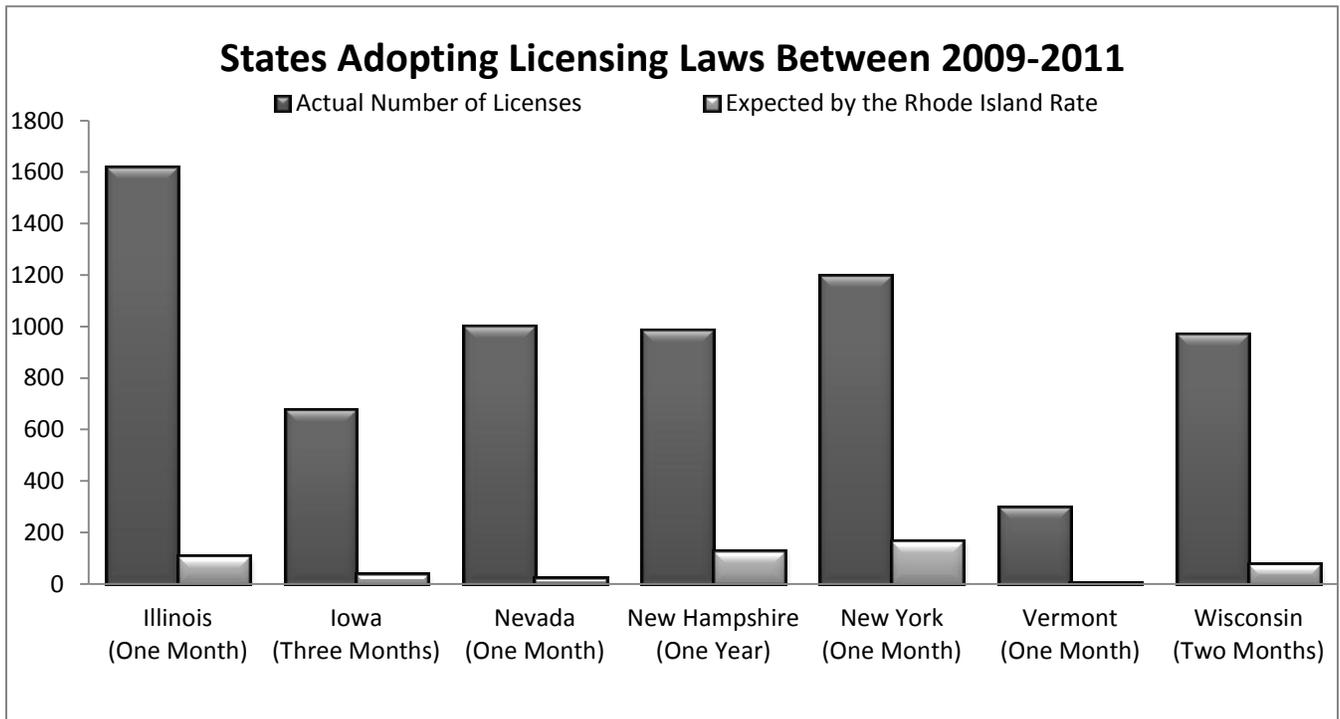
## INITIAL RATES FOR CIVIL UNION & DOMESTIC PARTNERSHIP STATES



## INITIAL RATES FOR MARRIAGE STATES



## INITIAL RATES FROM RECENT YEARS AND FOR NEW ENGLAND STATES



## ENDNOTES

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<sup>1</sup> Seven states besides Rhode Island have enacted civil union laws over the years. Three of them – Connecticut, New Hampshire and Vermont – replaced their civil union laws with marriage statutes. Two civil union laws, in Delaware and Hawaii, were enacted this year but don't take effect until January 2012. As a result, although five states now have civil union laws on the books, Illinois and New Jersey are presently the only other states that actually have civil union laws in effect.

<sup>2</sup> For whatever it's worth, the summer months when Rhode Island's law took effect are the busiest months for marriages nationally. According to National Vital Statistics Reports data for 2008 and 2009, June, July and August were the three busiest months in each of those years for marriages in the United States. "Births, Marriages, Divorces, and Deaths: Provisional Data for 2009," available online at: [http://www.cdc.gov/nchs/data/nvsr/nvsr58/nvsr58\\_25.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr58/nvsr58_25.pdf). Regarding same sex couples specifically, Vermont, which had civil unions for eight full years before endorsing marriage, is one of the few states with detailed longitudinal data, and they mirror the national statistics. In six of those eight years, the largest number of civil unions took place in either July or August. This data can be accessed at the Vermont Department of Health website: <http://healthvermont.gov/research/index.aspx>.

<sup>3</sup> "Few Same-Sex Couples Seeking Licenses So Far," by Philip Marcelo, *Providence Journal*, July 6, 2011. Available online at: [http://www.projo.com/news/content/CIVIL\\_UNION\\_LICENSE\\_07-06-11\\_8QP180G\\_v50.44157.html](http://www.projo.com/news/content/CIVIL_UNION_LICENSE_07-06-11_8QP180G_v50.44157.html).

<sup>4</sup> On September 22, 2011, the RI ACLU called the offices of the City Clerk in Providence, Warwick and Cranston – the state's three largest cities – for an update. All told, between July 2 and the date of the call, these three communities collectively accounted for only eleven certified civil unions, and a total of eighteen license applications.

<sup>5</sup> This figure comes from the California Supreme Court's decision upholding Proposition 8, the voter referendum that overturned the Court's previous ruling that had struck down the state's ban on same-sex marriage. *Strauss v. Horton*, 46 Cal.4th 364, 385, 207 P.3d 48, 65 (Cal. 2009). When San Francisco, CA authorized same sex marriages for about a month (February 12, 2004 to March 11, 2004) before a court order declared them null and void, approximately 4,000 same-sex marriage licenses were issued. *Lockyer v. City and County of San Francisco*, 33 Cal.4th 1055, 1071, 95 P.3d 459, 465 (Cal. 2004).

<sup>6</sup> The RI ACLU obtained this data via email from the Connecticut Vital Records office in the Department of Public Health. In 2009, there were a total of 2,706 marriages, a rate decrease of approximately 16% from the first two months of the law.

<sup>7</sup> The civil union data are attributed to the state Department of Public Health in news stories. See, e.g., "Civil unions in state have gone way down," by Noelle Frampton, *Danbury News-Times*, June 30, 2008. Available online at: <http://www.newstimes.com/news/article/Civil-unions-in-state-have-gone-way-down-222342.php#ixzz1Y2gcjiLC>.

<sup>8</sup> The information was collected by Equality Illinois, which contacted county clerks across the state, and the figure has been widely cited. The organization's news release announcing the data is available online at [http://www.eqil.org/cmsdocuments/Media\\_Release\\_June\\_30,\\_2011.pdf](http://www.eqil.org/cmsdocuments/Media_Release_June_30,_2011.pdf).

<sup>9</sup> The RI ACLU obtained this data via email from the Iowa Department of Health's Bureau of Health Statistics. The actual number of same-sex marriages is likely higher because there were 339 instances in April-June, and 901 for the entire year, where the gender of the couples was not reported to the state.

<sup>10</sup> The RI ACLU obtained this data via email from the MA Registry of Vital Records and Statistics.

<sup>11</sup> The figure is cited in a press release issued by the Nevada Secretary of State on October 26, 2009. Available online at: <http://nvsos.gov/index.aspx?recordid=46&page=33>.

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<sup>12</sup> News stories cite the state Division of Vital Records as the source of this data. <http://www.ontopmag.com/article.aspx?id=5091&MediaType=1&Category=26>.

<sup>13</sup> The RI ACLU obtained this data via email from the New Hampshire Division of Vital Records Administration. The data show that 412 of the marriages in 2010 were converted from existing civil unions.

<sup>14</sup> See fn. 12, *supra*.

<sup>15</sup> “2 Months After New Jersey’s Civil Union Law, Problems Finding True Equality,” by Tina Kelley, *New York Times*, April 13, 2007. A lawsuit challenging the constitutionality of the civil union law, as failing to meet the state Supreme Court’s mandate of full equality, is pending.

<sup>16</sup> “Couples Not Rushing to Civil Unions in New Jersey,” by Tina Kelley, *New York Times*, March 21, 2007.

<sup>17</sup> This figure appears in the transcripts of a hearing conducted by a state commission that was set up to review the civil union law, and is also cited in various news stories. See <http://www.nj.gov/lps/dcr/downloads/public-hearing-transcript-curc-10.24.07.pdf>.

<sup>18</sup> This quote, and the statistics for the first week of the law’s implementation, are from the New Jersey Department of Health and Senior Services’ website, and can be found online at <http://www.state.nj.us/health/chs/stats04/marriage.shtml>.

<sup>19</sup> There were also 45 male-female domestic partnerships registered in 2004. The first-year statistics are available online at <http://www.state.nj.us/health/chs/stats04/marrdp04.pdf#md14>.

<sup>20</sup> “Sunday’s Rush of Happy Couples Becomes Monday’s Steady Statewide Process,” by Thomas Kaplan, *New York Times*, July 25, 2011. Available online at: <http://www.nytimes.com/2011/07/26/nyregion/same-sex-marriages-begin-in-communities-statewide.html>.

<sup>21</sup> This data can be found online at <http://public.health.oregon.gov/BIRTHDEATHCERTIFICATES/VITALSTATISTICS/DOMPART/Pages/index.aspx>.

<sup>22</sup> When Multnomah County, Oregon authorized same sex marriages for about a month and a half (March 3, 2004 to April 20, 2004) before a court order halted it, 2,968 same-sex marriages were registered: <http://public.health.oregon.gov/BirthDeathCertificates/VitalStatistics/Pages/ssmarry.aspx#table1>.

<sup>23</sup> The RI ACLU obtained this data via email from the Vermont Department of Health. In 2009, 312 of these licenses were for non-residents; in 2010, 700 of them went to non-residents.

<sup>24</sup> <http://healthvermont.gov/research/stats/2000/i0203.htm#i3>.

<sup>25</sup> <http://healthvermont.gov/research/stats/2008/documents/CU08.PDF>.

<sup>26</sup> This figure is cited as coming from the Wisconsin Department of Health Services, and is quoted in “Fair Wisconsin seeks to join court fight over domestic partnership law,” by Ryan J. Foley, *Associated Press*, September 22, 2009. Available online at: [http://m.host.madison.com/mobile/article\\_403cfe94-a786-11de-8c2a-001cc4c03286.html](http://m.host.madison.com/mobile/article_403cfe94-a786-11de-8c2a-001cc4c03286.html).

<sup>27</sup> This data on domestic partnerships is available online at <http://www.dhs.wisconsin.gov/stats/dpartnerships.htm>.