

# Public Opinion Regarding Same-sex Domestic Partnerships in Washington

*A Research Report of the Washington Poll*

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## Introduction

As in other parts of the nation, the issue of legal recognition of same-sex couples has been contentious in Washington State. The debate here is not recent but has stretched back over eleven years. In 1998, the Washington State legislature passed its own Defense of Marriage Act (DOMA), which defines marriage as a “civil contract between a male and female who have attained the age of 18 years, and who are otherwise capable...”<sup>3</sup> over the governor’s veto. The passage of this law was part of a broader trend across the United States to pass DOMA laws in response to *Baehr v. Lewin* (1993), a Hawaii court case that would have legalized same-sex marriage in that state. In all, there are DOMAs in 37 states.<sup>4</sup> The Washington State Supreme Court upheld the DOMA’s constitutionality in 2006 in *Anderson v. King County*.

The passage of DOMA did not end the controversy surrounding the issue of legal recognition of same-sex couples. Nationally, the issue continued to play out on several fronts: some state supreme courts, notably those of Vermont and Massachusetts, ruled that the state’s legislature had to create civil unions and marriage for same-sex couples, respectively. Other states’ responses varied. Many states moved to strengthen their existing DOMA laws by amending their constitutions to ban same-sex marriage and, in some cases, civil unions, too. In other states, legislatures created domestic partner registries and civil unions, thereby offering legal recognition to same-sex couples while avoiding the term “marriage.” Currently, eight states, including Washington, California, Hawaii, Maryland, Nevada, New Jersey, Oregon, and Wisconsin, along with the District of Columbia, recognize some form of civil union or domestic partnership.

Thus, Washington is not alone in the debate about whether same-sex couples should be granted legal recognition and what that recognition would entail. In July 2007, nine years after the passage of the Washington DOMA, the state legislature enacted SB 5336. This bill created domestic partnerships that allowed same-sex couples of any age and heterosexual couples over age 62 to have some of the basic rights associated with marriage. Most of these rights centered on the provision of health care and included visitation rights in healthcare facilities, the right to make medical decisions for an incapacitated domestic partner, the right to authorize burial and autopsy for a domestic partner, and to be buried in a domestic partner’s family plot. The legislature added another set of rights via 2SHB 3104 in 2008. These rights included but were not limited to common property rights, inheritance rights, the right of access to domestic violence services, and the right to live with one’s domestic partner in nursing homes. It also gave domestic partners immunity from testifying against one another and outlined times when

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<sup>3</sup> HRC <http://www.hrc.org/issues/1164.htm>

<sup>4</sup> <http://www.domawatch.org/index.php>

gifts to the domestic partner of a public official would be a conflict of interest. In 2009, the legislature passed a final set of legislation, SB 5688, which affords domestic partners all of the rights granted to married couples. This includes, among other things, granting survivor benefits to the domestic partners of firefighters, the right of a surviving domestic partner to know when their partner's murderer is being released from prison, and visitation rights for domestic partners when one partner is incarcerated. It recognizes domestic partnerships and civil unions – but not marriages - contracted between same-sex couples in other states and grants the rights of domestic partnerships to those couples. In sum, the rights that these bills grant to domestic partners include those rights exclusively granted to couples but also rights that are granted to immediate family or kin.

After SB 5688's passage, groups led by Protect Marriage Washington sought to bring a referendum, Referendum 71, to put it to a popular vote. Their impetus for doing so was because they viewed SB 5688 as an important milestone in creating same-sex marriage in Washington State and as a potential weapon to be used in new legal arguments to overturn Washington's DOMA.<sup>5</sup> Petitions are required to place referenda on the ballot in Washington State, and the first step in Protect Marriage Washington's campaign was to garner enough signatures to put Referendum 71 on the ballot. On August 31, 2009 the Washington Secretary of State certified that Referendum 71 had gathered enough signatures and will appear on the ballot in November 2009 asking voters to approve or reject SB 5688. Casting a "reject" vote will maintain the status quo before SB 5688 with regards to domestic partnerships. Casting an "approve" vote will mean that SB 5688 will go into effect and that all of the rights included in it will be added to domestic partners.

In this report, we draw on previous public opinion polls to assess the public mood on same-sex domestic partnerships. Each year, the Washington Poll surveys a statewide sample of registered voters and asks their opinions on different policy and social issues facing the state including the economy, health care, immigration, and same-sex marriage. In this report we take a closer look at public opinion on the issue of domestic partnership rights.

## **Poll Results**

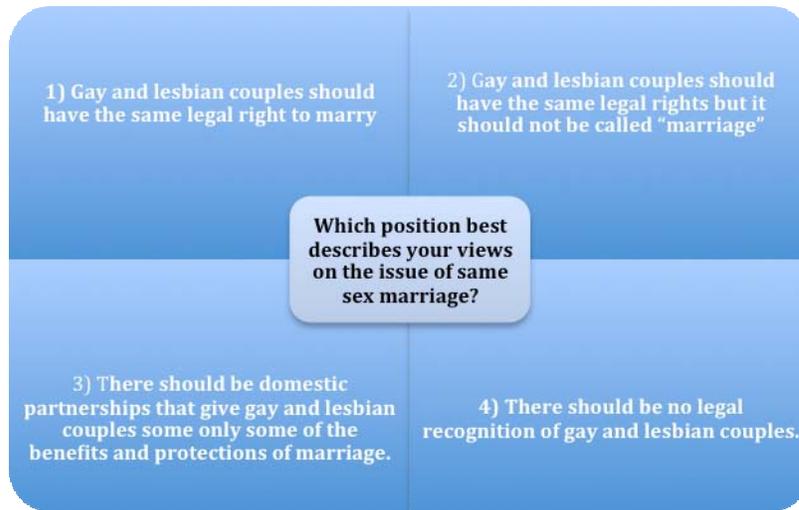
### **History of Tracking Support for Domestic Partnerships**

The Washington Poll has been tracking popular support for domestic partnerships among registered Washington voters since 2006. The wording, found in Figure 1, has remained constant for all three years. The order of these responses was rotated with each respondent so that an equal number of individuals heard each response first. This helps to eliminate response bias against picking the first or last choice that one hears.

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<sup>5</sup> <http://www.protectmarriagewa.com/index.php/talking-points>

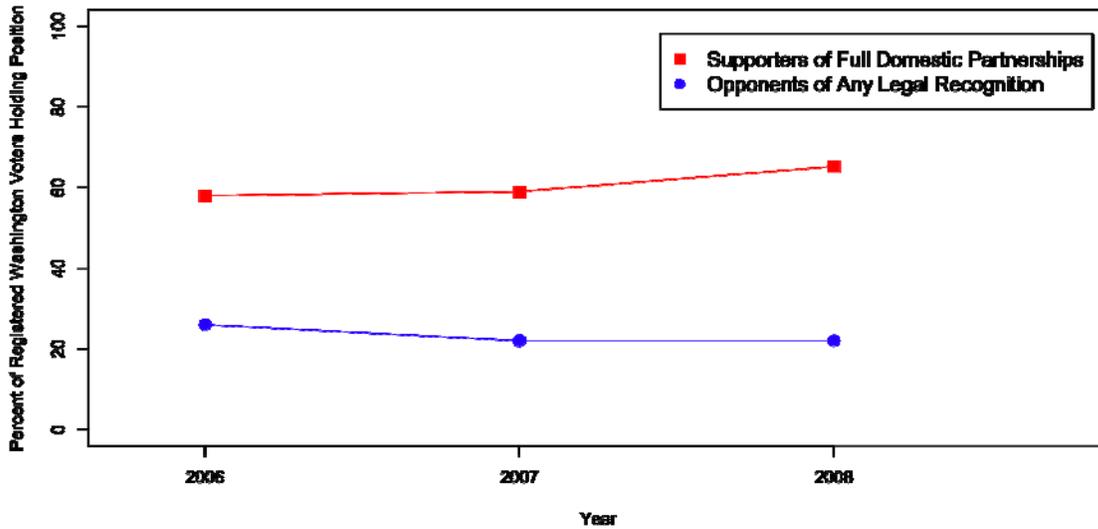
**Figure 1: The wording of the question on the Washington Poll**



This question allows us to gauge general support for domestic partnerships, but it does not allow us to make conclusions on how individuals will vote on Referendum 71. The Washington Poll will include a question gauging support for Referendum 71 on its October Poll, but, for now, we cannot say definitively how public opinion regarding domestic partnerships will translate into electoral preferences. It is likely, however, that some of the response groups would tend to take specific electoral positions. People who want no legal recognition of same-sex couples would most likely vote to reject SB 5688. Those who support same-sex marriage and domestic partnerships with “the same legal rights” would likely vote to approve SB 5688. These first two options represent those whose attitudes are in line with Referendum 71. These two groups are added together because both evidence strong support for domestic partnerships. The last category, people who support domestic partnerships with fewer rights than those of married couples, are more equivocal. They would probably vote to reject Referendum 71, as it would keep domestic partnerships intact while maintaining a difference between the rights of domestic partners and those of married couples. However, the question did not attempt to quantify what percentage of rights same-sex couples should have, and persons falling within that category could fall across the spectrum of how many rights same-sex couples should receive. Because of that ambiguity, subsequent analysis largely ignores this third category. Finally, this public opinion might not translate into electoral preference because the question only asked about same-sex domestic partnerships and not about heterosexual domestic partners over age 62, who are included within the law.

An initial look at multi-year trends and at a full breakdown of the responses from the 2008 question reveal that support for full domestic partnerships has widespread and growing support. Graph 1 demonstrates the trends between those who support full domestic partnerships and those who do not support legal recognition in any form, and Table 1 provides the exact percentages for each group in each year. Graph 2 shows a full breakdown of the results for 2008, and Table 2 provides the exact percentages.

**Graph 1: Annual Trends in Public Attitudes on Domestic Partnerships**

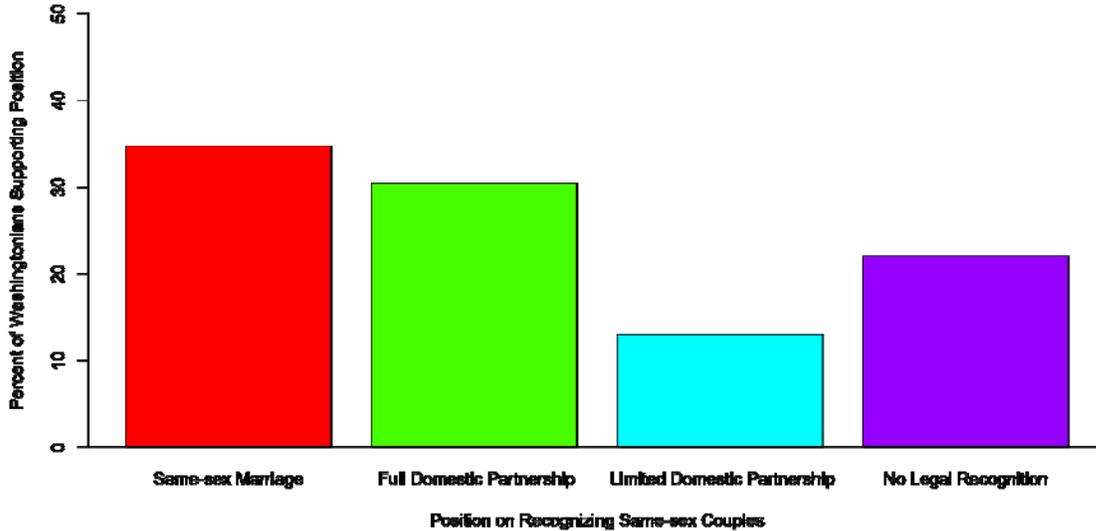


**Table 1: Position on Same-sex Domestic Partnership by Year**

	Full Domestic Partnership Supporters	No Legal Recognition
2006	58	26
2007	59	22
2008	66	21

Note: Respondents who chose limited domestic partnerships are not reported. Due to this and to rounding, results do not add up to 100.

**Graph 2: 2008 Position on Same-sex Domestic Partnership by Response Category**



**Table 2: 2008 Position on Same-sex Domestic Partnership by Response Category**

Same-sex Marriage	36.7
Full Domestic Partnerships	29.3
Limited Domestic Partnerships	10.9
No Legal Recognition	21.7

Margin of Error +/-4: Due to rounding, results may not add to 100%

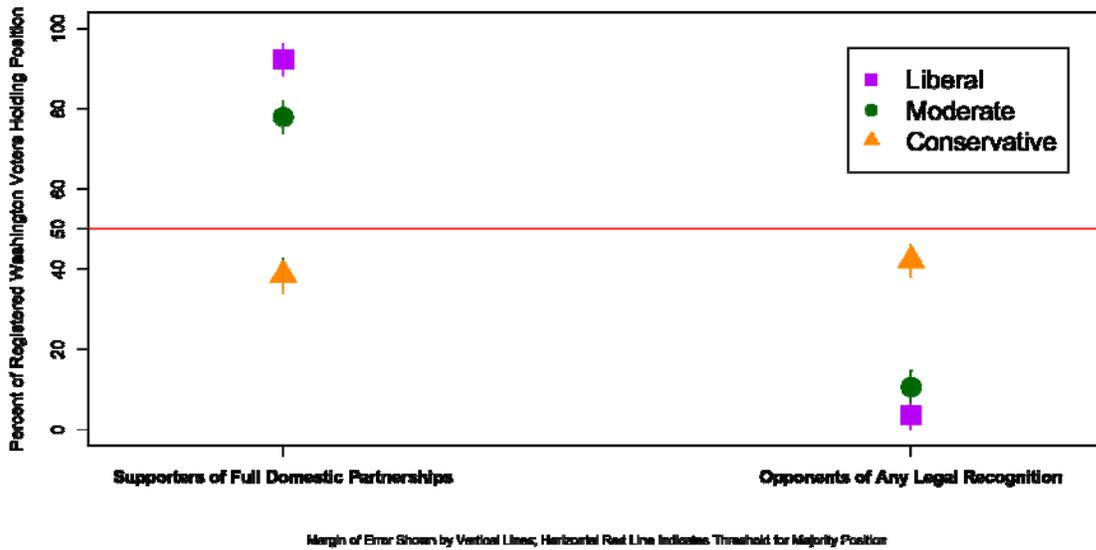
### **Full Supporters of Domestic Partnerships Come from Across Washington State, Including Typically Traditional Groups**

Academic research regarding attitudes towards lesbians and gays has identified several demographic features that coincide with opposition to or support for measures that expand civil rights and liberties to same-sex couples. Typically, people who self-identify as liberals, Democrats, have higher incomes or higher levels of formal education, or live in urban areas tend to support expanding civil marriage to include same-sex couples. Conversely, those who self-identify as conservatives, Republicans, or born again Christians, have lower incomes or levels of formal education, or who live in rural areas tend to hold more traditional views of marriage and to disfavor expanding the definition of civil marriage to include gay and lesbian couples. This demographic breakdown has also been documented regarding holding positive or negative attitudes towards homosexuality and towards expanding civil rights law to include same-sex couples<sup>6</sup>.

<sup>6</sup> Barth, Overby, and Huffmon (2008), Finlay and Walther (2003), Herek and Glunt (1993), Herek and Capitano (1996).

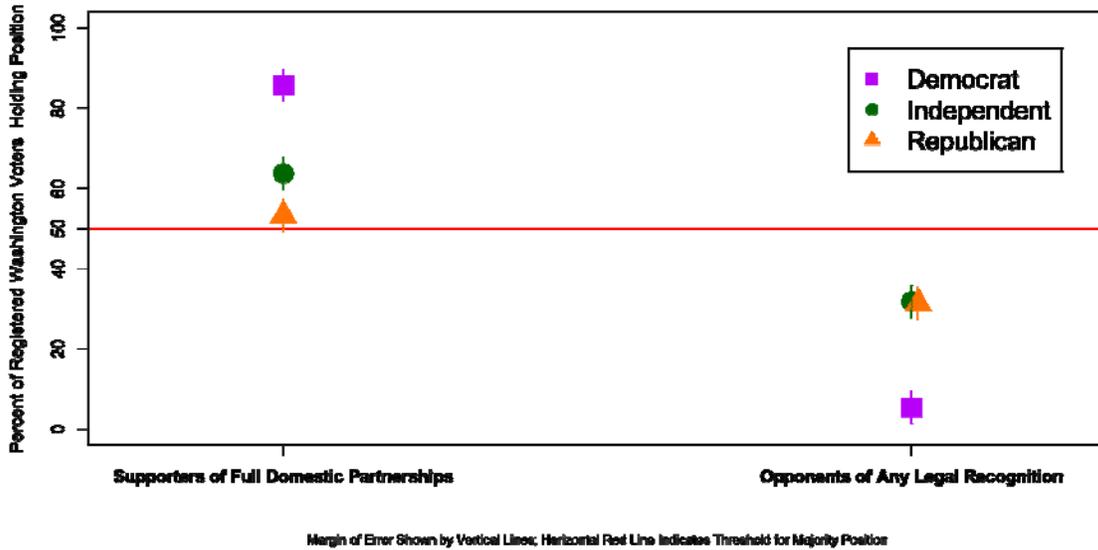
These trends continue to hold for Washington State residents across all demographic categories but age<sup>7</sup>; self-identified liberals are more likely than self-identified conservatives to be full domestic partnership supporters (Graph 3). However, full domestic partnership supporters form solid majorities in many typically traditionalistic categories, including veterans, people over the age of 66, people who have never been to college, and Eastern Washingtonians (Graph 5). Additionally, both people who identify as born-again Christians, Republicans (Graph 4), or are on active military duty have high enough levels of potential support that, because of the margin of error, they could be in a majority or not; the votes of these demographic groups could actually be competitive, which is an unusual situation for these groups of people (Graph 6).

**Graph 3: Position on Full Domestic Partnerships, By Ideological Affiliation**



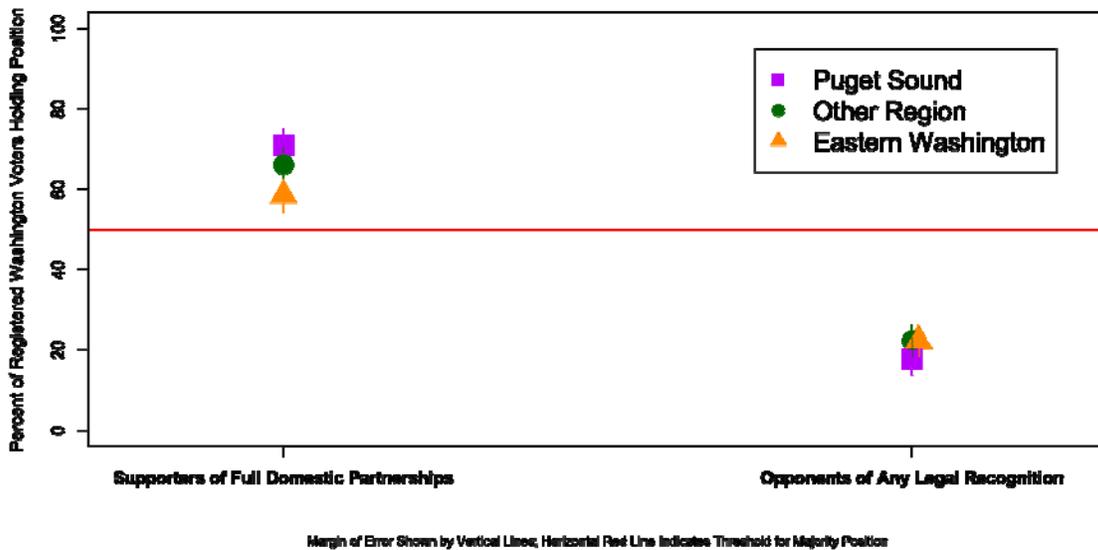
<sup>7</sup> Registered Washington voters between the ages of 50-65 support full domestic partnerships at higher rates than do those between the ages of 35-49. However, support runs high in both groups.

**Graph 4: Position on Recognizing Domestic Partners, By Political Party Affiliation**



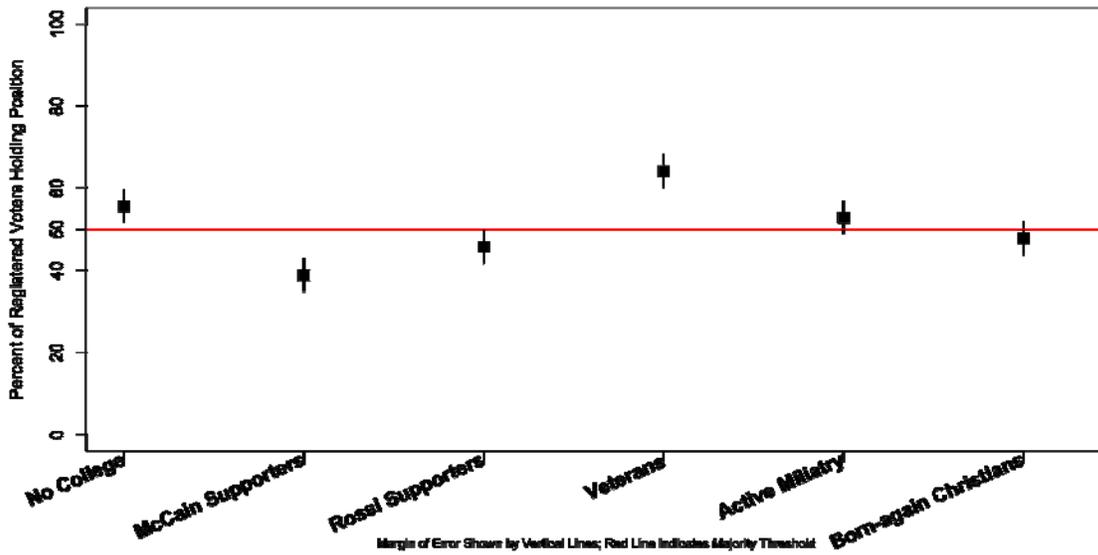
In other typically traditional groups, however, full domestic partnership supporters are definitively in the minority. These include people who self-identify as conservatives (Graph 3) and people who reported that they were going to vote for John McCain, the 2008 Republican presidential candidate, or Dino Rossi, the 2008 Republican gubernatorial candidate, in the November 2008 election. The largest gaps within demographic groups are within ideology and vote choice for the 2008 presidential and governor’s race.<sup>8</sup>

**Graph 5: Position on Recognizing Domestic Partners, By Region**

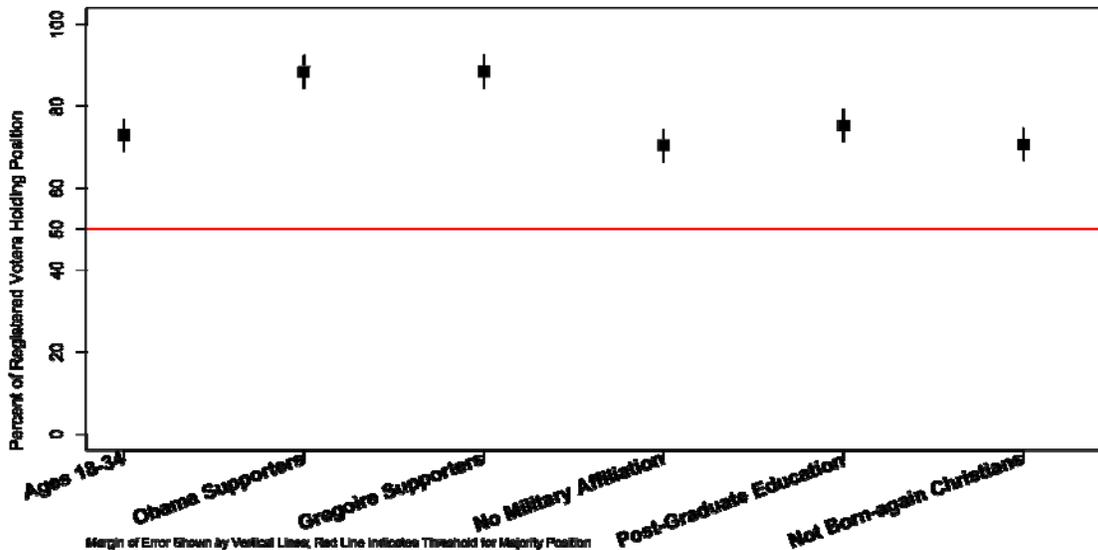


<sup>8</sup> The percentage breakdown of all demographic categories is found in Table 3 in Appendix A.

**Graph 6: Percentage Support for Full Domestic Partnerships Among Typically Traditional Groups**



**Graph 7: Percentage Support for Full Domestic Partnerships Among Typically Progressive Groups**



**Moderates Are Full Domestic Partnership Supporters at High Levels.**

Many people do not fall into the extremes of either the conservative or liberal position, however. Washington State politics are noted for the number of individuals who identify as political independents or moderates. The people in the middle of a variety of demographic categories are full domestic partnership supporters. For example, 63.8 percent of political independents and 77.9 percent of ideological moderates are full domestic partnership supporters.

## **Conclusion**

The debate over the legal recognition of same sex couples will no doubt remain controversial for some time in Washington State. Despite this, granting lesbian and gay couples the rights of marriage in their entirety in the form of domestic partnerships is a position supported by a majority of Washingtonians. This support is widespread across demographic groups, and is a majority position for those in the political middle. While some demographic groups, including conservatives and Republicans, are far from having majorities that support full domestic partnerships, most other demographic groups are evenly split or have strong majorities that support them. Further, our data reveal that support for same-sex partnership rights has grown each year, suggesting an increasing tolerance in Washington State.

While our polling data shows support for domestic partnership in the abstract, readers should keep in mind that the details of Referendum 71 will be somewhat different. As is the case in most ballot initiatives and referenda, supporters and opponents on both sides attempt to influence the public debate as much as possible. Thus, as the 71 debate unfolds over the next two months we may witness shifts in public opinion from what we have documented here. To this end, the Washington Poll will field an October 2009 survey to ask precise questions about Referendum 71 specifically, and same-sex partnership rights more generally. Those results will be released in late October.

**Appendix:**

**Table 3: Position on Domestic Partnerships by Demographic Group**

	Full Domestic Partnership Supporters	Limited Dom. Partnership Supporters	No Legal Recognition
Men	64.6	14.1	21.1
Women	68.3	10.1	20.6
Liberals	92.2	4.2	3.6
Moderates	77.9	11.5	10.6
Conservatives	38.5	19.5	42.1
Republicans	53.1	15.6	31.3
Independents	63.8	4.4	31.8
Democrats	85.7	8.9	5.4
McCain Supporters	38.8	19.2	42.1
Obama Supporters	88.4	6.7	5.0
Rossi Supporters	45.7	17.1	37.1
Gregoire Supporters	88.5	7.5	6.1
Puget Sound Region	71.0	11.8	17.8
Eastern Washington	58.4	13.6	28.0
Other Washington Regions	66.1	11.6	22.3
Age 18-34	72.9	5.2	21.9
Age 35-49	67.2	14.2	18.4
Age 50-65	71.5	11.6	16.7
Age 66+	59.9	16.2	25.5
<40K Income	59.8	10.0	30.2
40-100K Income	67.0	12.6	20.4
>100K Income	77.4	11.8	10.8
Active Military Duty	52.8	16.8	30.5
Veteran	64.1	8.3	27.6
No Military Affiliation	70.4	11.0	18.5
Never Attended College	55.6	14.6	29.8
Some College	67.6	9.7	22.7
College Degree	68.6	11.1	20.3
Post-Graduate Work	75.3	14.5	10.2
Born-again Christian	47.8	16.5	35.7
Not a Born-again Christian	70.7	12.4	16.9

Margin of Error +/-4; Supporters of Limited Domestic Partnership Omitted, due to this and rounding, percentages do not add up to 100.

## References

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