

## **Governor O'Malley Human Rights Campaign Questionnaire**

1. In a majority of states, no explicit laws protect lesbian, gay, bisexual and transgender (LGBT) Americans from discrimination, like the federal laws that exist on race, religion, sex, national origin, age or disability. *If elected, would you support and sign into law the Equality Act (S. 1858/H.R. 3185), which would prohibit discrimination based on sexual orientation and gender identity?*

### **SUPPORT**

**Comments:** In Maryland, we have long banned discrimination on the basis of sexual orientation, at work and at home. As Governor, with support from both parties, I was able to expand our laws to also protect Marylanders on the basis of gender identity, as we had in Baltimore during my time as Mayor.

The next step is to expand these protections at the federal level through comprehensive non-discrimination legislation. I support the bill introduced by Sen. Merkley and Rep. Cicilline, the Equality Act, to prohibit LGBT discrimination in credit, education, federal funding, and public accommodations as well. We must continue to improve our laws, to more fully protect the rights of every individual – and more fully realize the vision of the open, respectful, and inclusive nation that we aspire to be.

2. The U.S. Constitution provides strong protections for individuals and organizations to exercise religion and to freely speak about beliefs. But some federal and state lawmakers are seeking to pass legislation, like the First Amendment Defense Act, that would create loopholes that could be used to deny equal treatment to LGBT people based on so-called "religious freedom" claims. *Would you oppose efforts that allow individuals to use their religious beliefs as a justification to discriminate against LGBT people in the public sphere?*

### **YES**

**Comments:** It is unacceptable to give cover to laws that give license to the discrimination of LGBT people. Such efforts are not true to who we are as a country. Rather, we can and must ensure that religious liberty is protected under our laws, while at the same time ensuring that exemptions to protect religious liberty do not burden others. As president, I would support adding language to the Religious Freedom Restoration Act and other laws to ensure that religious liberty is not used as a tool to discriminate or cause harm to other people.

3. *Would you oppose any attempt to amend the U.S. Constitution to deny rights to same-sex couples or allow discrimination against LGBT persons?*

### **YES**

**Comments:** I will oppose any attempt to deny rights to LGBT persons – especially by adding discriminatory language to our Constitution.

4. *Do you believe the civil institution of marriage (with absolutely no requirements imposed on houses of worship) should be legally available to two committed adults of the same sex?*

### **SUPPORT**

**Comment:** Yes. As Governor of Maryland, I fought for marriage equality, and was proud to make our state the first to defend marriage equality at the ballot box in a statewide referendum. (And we were especially proud to welcome Jim Obergefell and John Arthur, who flew to Maryland in order to marry, on the tarmac of the Baltimore-Washington International Airport, in 2013.) Maryland was also one of the first states in the nation to recognize out-of-state same-sex marriages.

But I also strongly believe that marriage equality is a human right that should not be left to the states. I applauded the Supreme Court’s decision in *Obergefell* affirming that marriage equality is protected under our Constitution – and I am extraordinarily grateful to the HRC and the many other organizations and individuals who led the way on this critical issue of human dignity and equality under the law.

5. *New treatments have improved the quality of life for those living with HIV and new prevention strategies can help reduce the risk of contracting HIV, but these medications are often too expensive and too difficult to access for those who need them. Do you support increased funding for HIV and AIDS prevention, treatment and research?*

### **SUPPORT**

6. *Even as we experience increased transgender visibility, the levels of violence and harassment transgender people face – particularly transgender women of color – constitute a national crisis. The federal government has a critical role to play in preventing and addressing violence, including: expanding access to critical safety net programs to address issues like homelessness and job placement; implementing and enforcing rules that prohibit discrimination against transgender people by federally funded service providers; ensuring medically necessary transition-related care under the Affordable Care Act; ensuring the safety of those in jails, prisons, and immigration detention centers and robust enforcement of the federal hate crimes law. If elected President, will you prioritize a comprehensive federal response to address anti-transgender violence?*

### **YES**

**Comment:** As Mayor of Baltimore and Governor of Maryland, I was very proud

to support transgender Marylanders – and I will do the same as president. For example, in Maryland we were one of the first states to give transgender state employees and their dependents full, comprehensive, and equal health coverage—including access to gender reassignment surgery, hormone therapy, and other transition-related care.

I strongly supporting comprehensive non-discrimination legislation, as detailed above, and ensuring that transgender people have full and equal access to all federal or federally-funded benefits. I have also put forward comprehensive immigration reform and criminal justice reform proposals committing to end the detention of transgender immigrants, aggressively enforce and push to strengthen federal civil rights laws, and make other critical reforms.

7. While all states allow LGBT people to adopt children, some legislators are pushing to prohibit capable, committed adults from adopting because of their sexual orientation. *Do you support giving appropriate judicial authorities the full authority to make decisions on adoption based on the best interest of the child, without bans based on sexual orientation or gender identity?*

#### **SUPPORT**

**Comment:** We should want all of our children – especially our most vulnerable children – to be able to live in a loving and caring and stable home that is protected equally under the law.

8. LGBT students are subject to pervasive discrimination, including harassment, intimidation, and violence. *Would you support and sign into law the Student Non-Discrimination Act (H.R. 846/S. 439), a federal bill that would prohibit public schools from discriminating against students based on sexual orientation or gender identity?*

#### **SUPPORT**

**Comment:** All students should have an equal opportunity to learn and thrive in school, no matter their sexual orientation or gender identity.

9. Bullying and harassment of LGBT students, as well as students perceived to be LGBT, is widespread. *Would you support and sign into law the Safe Schools Improvement Act (S. 311), which would require school districts receiving federal funding to adopt codes of conduct specifically prohibiting bullying and harassment, including on the basis of sexual orientation and gender identity, as well as race, color, national origin, sex, disability, and religion?*

#### **SUPPORT**

**Comment:** Yes. Bullying is an issue I took very seriously as Governor, and I would do the same as president – including to protect LGBT students. Bullying should not be tolerated in our schools. In Maryland, we passed legislation

requiring the state to develop a model policy for prohibiting bullying, harassment, and intimidation in schools; and then requiring each school board to establish policies banning these practices in schools. We also required schools to report incidents of harassment or intimidation, established a bullying awareness week, and fought cyberbullying after a Howard County teenager took her own life following several bullying incidents committed through social media. I will support similar efforts at the federal level that require school districts to adopt anti-bullying codes.

10. At least 75 countries criminalize consensual same-sex sexual relationships, with as many as 10 punishing consensual same-sex conduct with the death penalty. Transgender individuals also face laws that criminalize their identities and create significant barriers to their health and safety. *Do you believe that LGBT rights are human rights and that U.S. national security is strengthened by protecting, supporting, and defending the human rights of LGBT people abroad?*

**SUPPORT**

**Comment:** Yes. LGBT rights are human rights. I believe the United States should be a model for the world by fully protecting the civil rights of the LGBT community. But we must do more. LGBT rights do not stop at the water's edge. We must work to be global leaders in the fight for LGBT rights, especially in the corners of the world where LGBT individuals face the greatest persecution. We must encourage and urge other world leaders to respect all people and embrace policies of equal rights and inclusivity. U.S. national security will be strengthened and the world will be a much better place when everyone can be who they are without fear of discrimination, marginalization or persecution.

11. If elected President, will you only put forth nominees for appointment to the Supreme Court that are committed to due process under the law and upholding the Equal Protection Clause for all Americans, regardless of sexual orientation and gender identity?

**SUPPORT**

12. If elected President, will you commit to making diverse appointments of qualified, openly LGBT individuals in key positions of your Administration, to include your Cabinet and the White House?

**SUPPORT**

13. There are approximately 15,500 actively serving transgender members of the U.S. military, making the Department of Defense the largest employer of transgender people in America. The Pentagon is currently reviewing its regulations to permit open service. If elected President, will you support new regulations allowing open service by all qualified transgender people?

**SUPPORT**

**Comments:** I applaud the Department of Defense's move to allow transgender people to serve openly in the military. I will fully enforce that decision as president, supporting new regulations allowing for the open service of all qualified transgender people.

14. President Obama issued a historic Executive Order prohibiting discrimination against transgender employees of the federal government and prohibiting federal contractors from discriminating on the basis of sexual orientation or gender identity. If elected President, will you leave that order in place?

**SUPPORT**

**Comment:** I have a long record of using my executive authority to promote and protect transgender rights, and I will continue to strongly support President Obama's protections. I signed Maryland's first anti-transgender discrimination law in 2002 as Mayor of Baltimore, and continued to strongly support these protections throughout my career. Early in my first term as Governor, I signed an executive order prohibiting discrimination against transgender state employees. And in 2014 I updated Maryland's anti-discrimination law to include transgender people, prohibiting discrimination in employment, housing, and public accommodations.

15. This questionnaire addresses most of the key federal issues impacting the LGBT community, but there are many others, including youth homelessness, the ban on gay and bisexual men donating blood, significant gaps in data collection, inability to access to medically-necessary health care, and critically important cultural competency training. *If elected President, will you work to address the full range of LGBT concerns across the federal government?*

**SUPPORT**

**Comments:** We must continue to perfect our laws so they can more fully protect the rights of every individual. But we must also continue to use every lever under our existing laws to advance equality, combat discrimination, and ensure that all Americans have access to the services, health care, and support they need to live a healthy and happy life. I have always used my executive authorities to advance LGBT rights and will continue to do the same as president.

16. Please share policy positions not mentioned above that you have publicly taken on ballot measures, legislation or non-policy related matters that affect the LGBT community, including in legislatures, businesses, the legal realm or the media. HRC works in coalition with many organizations to achieve equality and justice. Please indicate your positions on these key issues:

**Comment:** Please see the attached document.

17. Do you support the Voting Rights Advancement Act (H.R. 2867/S. 1659), a bill

that protects access to the polls for all Americans by addressing the modern day challenges of voting discrimination and restoring the full protections of the Voting Rights Act?

**SUPPORT**

**Comment:** Yes. And I have gone farther, calling for a constitutional amendment affirmatively establishing the right to vote, for all Americans aged 18 or older. This is our most sacred democratic right, and I am proud of my record making it easier – not harder – to vote in Maryland. We established online voting registration and same-day voting, expanded early voting, restored the right to vote to 54,000 people with felony records, and encouraged broader participation among young people by allowing them to register to vote at age 16.

18. Do you support a woman’s right to make decisions about her own reproductive health, including a right to safe and accessible abortion?

**SUPPORT**

**Comment:** I am pro-choice and adamantly opposed to efforts to roll back funding for women’s health.

19. Do you support comprehensive immigration reform with a path to legal citizenship for law-abiding residents currently in the United States?

**SUPPORT**

**Comment:** As Governor, I urged Congress to pass comprehensive immigration reform, and I would forcefully do the same as president. In Maryland – even without federal action – we passed the DREAM Act, expanded access to drivers’ licenses, launched a New Americans Commission, and provided refuge for more migrant children per capita than any other state.

That’s why, while we continue to advocate for comprehensive reform, we can’t wait for Congress to act. My administration would also use executive action to the fullest extent of our authority: to expand deferred arrival programs to all those covered by the Senate’s 2013 bill as a starting point; to use detention only as a last resort, including ending the detention of LGBT immigrants; provide access to health care to those who have received deferred action; ensure due process; and make numerous other reforms.

## **Attachment: Governor O'Malley's Long Support for LGBT Marylanders**

*Governor O'Malley has always been a strong, progressive voice for the rights of LGBT Baltimoreans, Marylanders and Americans. As mayor, he extended city benefits for same-sex couples and signed the state's first anti-transgender discrimination bill. As Governor, he further protected transgender Marylanders and worked to increase rights for same-sex couples. In 2012, he signed marriage equality legislation and helped fundraise and campaign to defend it at the ballot box in a voter referendum. For his efforts, O'Malley was honored by Equality Maryland.*

## **O'MALLEY HAS STOOD FIRM – MARRIAGE EQUALITY WAS A HUMAN RIGHT, NOT A STATE RIGHT**

**O'Malley Said Marriage Equality Is A "Human Right" That Should Not Be Left To The States.** O'Malley also said that same-sex marriage should be a “human right” and not left to the states. O'Malley's effort to legalize same-sex marriage was among several of his accomplishments in Maryland that he touted in Saturday's speech, in which he also urged talked about the need to end wage stagnation. [Washington Post, [2/28/15](#)]

**O'Malley Was Honored By Equality Maryland At The End Of His Term.** “As his tenure winds down, Maryland Gov. Martin O'Malley (D) is being honored Sunday by Equality Maryland, the state's largest gay rights lobby, for his work on legalizing same-sex marriage and other causes championed by the group. A brunch 'honoring the legacy of Martin O'Malley' is scheduled at a Bethesda hotel.” [Washington Post, [11/16/14](#)]

## **O'MALLEY PUSHED FOR MARRIAGE EQUALITY, AND HAD A HAND IN THE SUBSEQUENT BALLOT CAMPAIGN**

**Baltimore Sun: House Support Of Same-Sex Marriage Was A “Significant” Victory For O'Malley “Who Threw The Weight Of His Office Behind The Measure After A Similar Bill Fell A Few Votes Short In The House Last Year” And He Had “Been Working The Halls Of The House Office Building At All Hours To Persuade Wavering Delegates.”** “The victory is significant for O'Malley, who threw the weight of his office behind the measure after a similar bill fell a few votes short in the House last year. The governor had been working the halls of the House office building at all hours to persuade wavering delegates. [Baltimore Sun, [2/18/12](#)]

- **Baltimore Sun Headline: “O'Malley Signs Same-Sex Marriage Bill.”**  
[Baltimore Sun, [3/1/12](#)]

**Maryland Voters Defended Marriage Equality At The Ballot Box, Joining Maine That Night As The First States To Expand Marriage Equality By Popular Vote.** “By the time the polls closed Tuesday, Maryland voters had done something unprecedented — twice. They narrowly approved one ballot measure allowing same-sex marriage and gave broad approval to another that extends in-state college tuition rates to some illegal immigrants. No similar measures — in which majorities conferred rights on minorities —

had ever been enacted by a public vote in any state...Before Tuesday, no state had approved same-sex marriage at the polls. Joining Maryland in that distinction were Maine and possibly Washington, where supporters of a similar measure claimed victory Wednesday as votes continued to be counted.” [Washington Post, [11/7/12](#)]

**O’Malley Personally Appealed To National Donors To Raise Money For Maryland’s Pro-Marriage Campaign.** “Coupled with positive polling numbers, better local fundraising, and personal appeals from O’Malley, the freeze among national donors began to thaw. New York Mayor Michael R. Bloomberg gave \$250,000. Republican donor Paul Singer gave \$250,000. Former NFL commissioner Paul Tagliabue gave \$100,000. Brad Pitt gave \$25,000. Freedom to Marry gave \$115,000. In the end, Marylanders for Marriage Equality spent about \$6 million, about half what supporters spent in Washington state and Minnesota. Only Maine, a state with less than a quarter of Maryland’s population, spent less.” [Baltimore Sun, 11/11/12]

### **2011: GOVERNOR O’MALLEY PLEDGES SUPPORT FOR SAME-SEX MARRIAGE BILL BEFORE MANY DEMOCRATS**

**2011: Governor O’Malley Pledged To Sign Same-Sex Marriage Bill If It Made It To His Desk.** “But the presence of three Catholics at the helm in Annapolis hasn’t stopped a same-sex marriage bill from wending its way through the legislature, triggering deep disappointment among church leaders as it suggests a waning of Catholic influence in this heavily Catholic state. The legislation won final passage Thursday night in the Senate on a 25 to 21 vote, setting the stage for debate starting Friday in the House of Delegates, traditionally the more liberal chamber on social policy. Supporters there say they remain a couple of votes shy of a majority but were optimistic that they would pick up the backing. O’Malley (D) has pledged to sign the bill if it reaches his desk.” [Washington Post, 2/25/11]

### **O’MALLEY EXTENDED BENEFITS FOR SAME-SEX PARTNERS BEFORE SIGNING MARRIAGE EQUALITY**

**2009: O’Malley Proposed Extending Health Care Benefits To Same-Sex Partners Of State Employees, Fulfilling A Campaign Promise.** “Gov. Martin O’Malley has proposed extending health care benefits to same-sex partners of state employees, fulfilling a campaign promise to gay-rights activists despite this year’s strapped budget. The Democratic governor’s proposal would allow state workers and retirees to add domestic partners and their dependents to health, dental and prescription drug plans, essentially putting gay couples on par with married spouses.” [Baltimore Sun, [2/3/09](#)]

**O’Malley Signed Legislation That Allowed For Unmarried Couples, Gay Or Straight, To Make Medical Or Funeral Decisions For Their Domestic Partners.** “Unmarried couples would get additional medical decision-making rights in Maryland under a bill headed to the governor. The House of Delegates has approved a bill to allow domestic partners, who could be gay or straight, to make medical or funeral decisions for each other if they meet certain criteria to show they are a committed couple. The bill has



already passed the Senate and is now headed to Governor Martin O'Malley to be signed. Some Republicans in both chambers tried to defeat the decision-making bill, saying it paves the way for gay marriage. But supporters said gay couples should be allowed such rights as riding in ambulances with a sick partner or making next-of-kin funeral decisions.” [Associated Press, 4/4/08; Maryland Legislature, SB566, Session [2008](#)]

**O'Malley Signed Legislation that Allowed Domestic Partners To Enjoy Property Rights.** “The change to medical decision-making, opposed by most Republican senators, is one of three bills pending in the Democrat-controlled General Assembly that would create a legal, domestic-partner relationship to give gay couples limited benefits of marriage. Rights to joint property ownership and inheritance also have a good shot at passage before the legislature adjourns next month.” [Washington Post, 3/15/08; Maryland Legislature, SB597, Session [2008](#)]

### **AS MAYOR AND CITY COUNCIL, O'MALLEY PROTECTED TRANSGENDER BALTIMORE RESIDENTS AND EXTENDED BENEFITS TO SAME-SEX CITY WORKERS**

**1994: O'Malley Sponsored And Voted For A Bill That Would Have Provided Benefits To The Domestic Partners Of City Employees.** “The Gay and Lesbian Community Center of Baltimore Inc. sent out questionnaires to candidates asking their positions on everything from discrimination to funding for AIDS research. Those candidates who have served on the City Council pointed to their votes on the 1994 bill that would have provided benefits to the domestic partners of city employees. The bill was sponsored by O'Malley and Stokes. O'Malley voted for the bill” [Baltimore Sun, 8/24/99]

**O'Malley, As Mayor, Signed The State's First Anti-Transgender Discrimination Law In 2002.** “Gov. Martin O'Malley, who signed the state's first anti-trans discrimination law in 2002 when he was the mayor of Baltimore, also backs the Gender Identity Non-Discrimination Act.” Washington Blade, [1/9/13](#)]

**Baltimore Sun: “O'Malley Extended Benefits To Same-Sex Partners Of City Employees When He Was Mayor Of Baltimore.”** “The gay-rights movement has made the availability of such benefits a priority, and leading advocates announced O'Malley's decision as they launched a mass lobbying effort in Annapolis. O'Malley extended benefits to same-sex partners of city employees when he was mayor of Baltimore, and he said he would do so statewide after he was elected governor in 2006.” [Baltimore Sun, [2/3/09](#)]

### **O'MALLEY SUPPORTED TRANSGENDER MARYLANDERS**

**O'Malley Signed An Executive Order Prohibiting Discrimination Against Transgender State Employees.** “Early in his tenure as governor, O'Malley signed an executive order prohibiting discrimination against transgender state employees.” [Washington Post, 11/16/14; Governor's Executive Order, 01.01.07.16, [8/22/07](#)]

**Maryland Was The Third State To Allow For Full Health Coverage For Transgender State Workers.** “In a reversal of health care policy, transgender state employees in Maryland can now access gender reassignment surgery, hormone therapy and other transition-related care under their state-provided health insurance plans. The change, announced Tuesday, went into effect at the beginning of July as the result of negotiations in a discrimination case brought against the state by Sailor Holobaugh, a 31-year-old clinical research assistant in neurology at the University of Maryland School of Medicine in Baltimore. The state agreed in negotiations to reimburse Holobaugh's transition-related medical costs to date and apply the new standard to all of its employee health plans, rather than fight Holobaugh's claim.” [Baltimore Sun, 7/23/14]

**O’Malley Signed Legislation That Banned Discrimination Against Transgender Marylanders Including Housing.** “Maryland Gov. Martin O’Malley on Thursday signed into law a bill that bans discrimination against transgender Marylanders. ‘We are closer today to creating an open, respectful, inclusive world that we want for all of our children,’ said O’Malley before signing Senate Bill 212 — the Fairness for All Marylanders Act of 2014 — into law. ‘This bill gives us another step closer to that vision and to that reality.’ ... Maryland will join 17 other states, D.C. and Puerto Rico that have added gender identity and expression to their anti-discrimination laws once the law takes effect on Oct. 1.” [Washington Blade, [5/15/14](#); Maryland Legislature, SB212, Session [2014](#)]