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# PREVIEW 2016

## PRO-EQUALITY AND ANTI-LGBT STATE AND LOCAL LEGISLATION

In many ways, U.S. politics will be defined in 2016 by the presidential election. For lesbian, gay, bisexual and transgender (LGBT) Americans, however, there's a great deal at stake in state legislatures and city councils across the country.

With a landmark marriage ruling from the U.S. Supreme Court in 2015, same-sex couples and their families across the country are guaranteed equal recognition within marriage and family law. In a majority of states, though, even today there are no clear state laws protecting residents and visitors from anti-LGBT discrimination in employment, housing and business services. The existing patchwork of legal protections for LGBT people in the United States leaves millions subject to uncertainty and potential discrimination. That's why the Human Rights Campaign is working with lawmakers and advocates to pass the Equality Act in Congress, as well as strong anti-discrimination protections at the state and local levels.

At the same time, opponents of equality are advancing state legislation targeting LGBT people, eliminating local non-discrimination protections and explicitly authorizing anti-LGBT discrimination by individuals, businesses and even taxpayer-funded agencies.

With regard to state and local legislation, we expect to see in 2016 more of what defined 2015 – many anti-LGBT bills introduced in dozens of states.

### ANTI-LGBT STATE LEGISLATION IN 2015

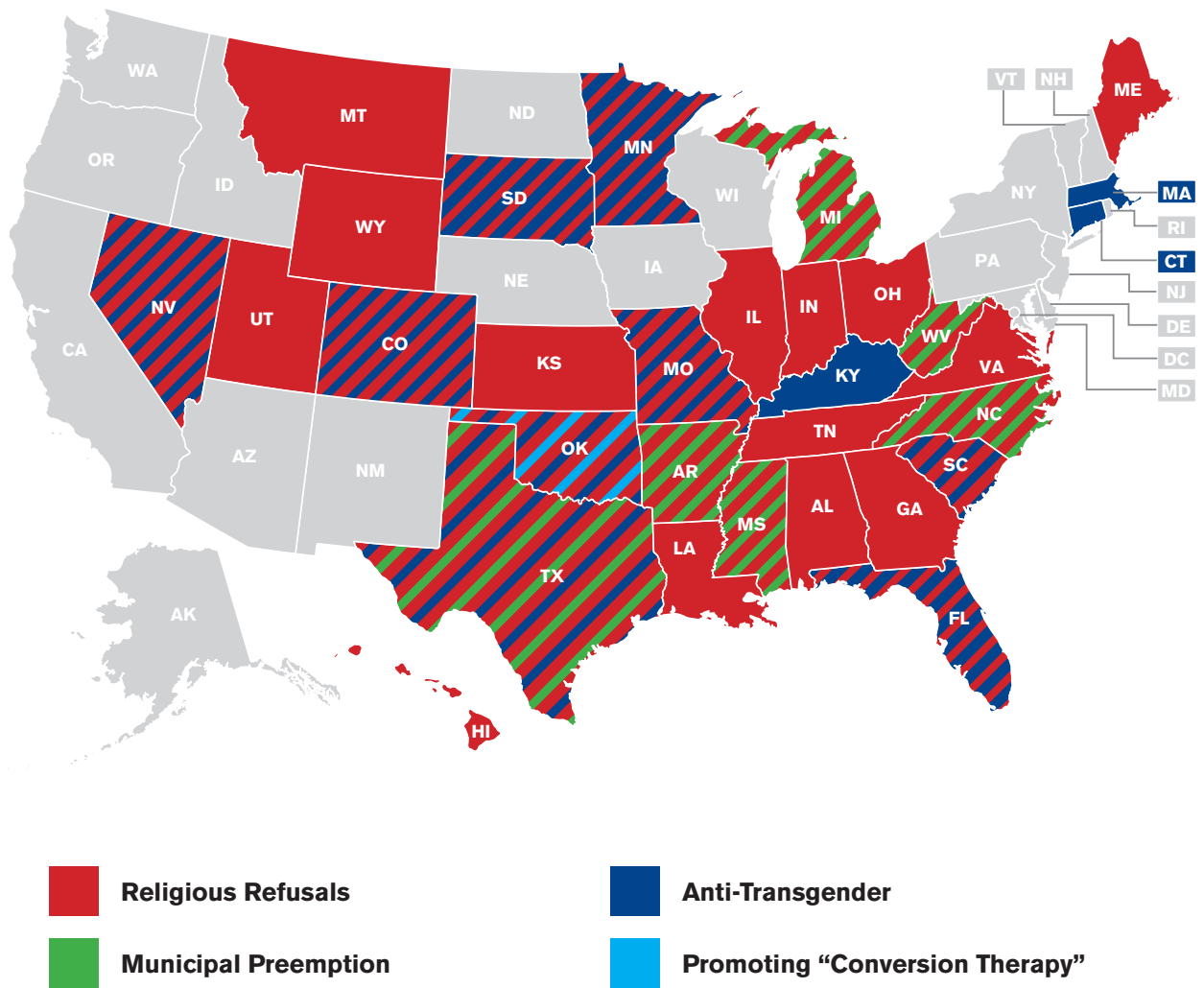
State lawmakers introduced more than 115 anti-LGBT bills in 2015. The largest number of these were bills that aimed to authorize individuals, businesses and taxpayer-funded agencies to cite religion as a reason to refuse goods or services to LGBT people. Other anti-LGBT bills sought to restrict access to bathrooms by transgender people and to eliminate the ability of local governments to protect LGBT residents and visitors. It's important to underscore that many of these bills would also have negative consequences for other groups of people.

**115+**  
**ANTI-LGBT BILLS  
INTRODUCED IN 2015**



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## Types of Anti-LGBT Bills Introduced in 2015 State Legislatures



The largest number of anti-LGBT bills introduced in 2015 were religious refusal bills, which took many different forms across the country. Proposals included legislative attacks that sought to allow individuals, businesses and government employees to refuse goods and services related to same-sex marriages in Alabama, the Carolinas, Texas, and elsewhere.

In Florida, Michigan, Mississippi and elsewhere, lawmakers proposed allowing adoption and foster care agencies to discriminate against LGBT prospective parents.

In more than a dozen states, lawmakers introduced sweeping bills to allow all individuals and businesses to cite religion as a legally permissible reason to discriminate against LGBT people.



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## PRO-EQUALITY EFFORTS IN 2015

While the headlines last year were on anti-equality bills in Arkansas, Indiana and elsewhere, supporters of equality were fighting for pro-equality legislation in states and municipalities all around the country.

### Pro-equality laws enacted in 2015 include:

- ✓ Protections against anti-LGBT discrimination in employment and housing in Utah;
- ✓ Protections against bullying for youth in schools in Nevada;
- ✓ Protections against so-called “conversion therapy” for youth in Illinois and Oregon;
- ✓ Simplified processes for changing gender markers on essential identity documents in Hawaii and Maryland; and
- ✓ Repeal of unconstitutional ban on adoption by gay and lesbian couples in Florida.

There are ongoing campaigns to add sexual orientation and gender identity to existing non-discrimination laws in more than a dozen states, and pro-equality lawmakers are intensifying work on laws to protect LGBTQ youth from bullying and conversion therapy, as well as on laws that simplify the process for name and gender marker changes on essential legal documents.

At the same time, municipal officials are looking to enact or strengthen protections against anti-LGBT discrimination, even as opponents of equality seem increasingly intent on petitioning those protections to the ballot.

## THE YEAR AHEAD AT THE STATE AND LOCAL LEVELS

Lawmakers in 46 states and the District of Columbia are scheduled to convene during the first 4 months of 2016. Only in Montana, Nevada, North Dakota and Texas are lawmakers not scheduled for a standard legislative session.

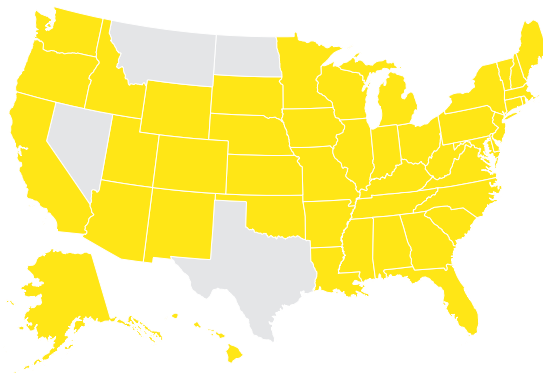
Legislatures in 37 states will be in session before the end of January.

Many 2016 sessions will last for only a few months, but others will run the full year.

LAWMAKERS IN

**46**

STATES AND D.C.  
ARE SCHEDULED  
TO CONVENE IN 2016



LEGISLATURES IN

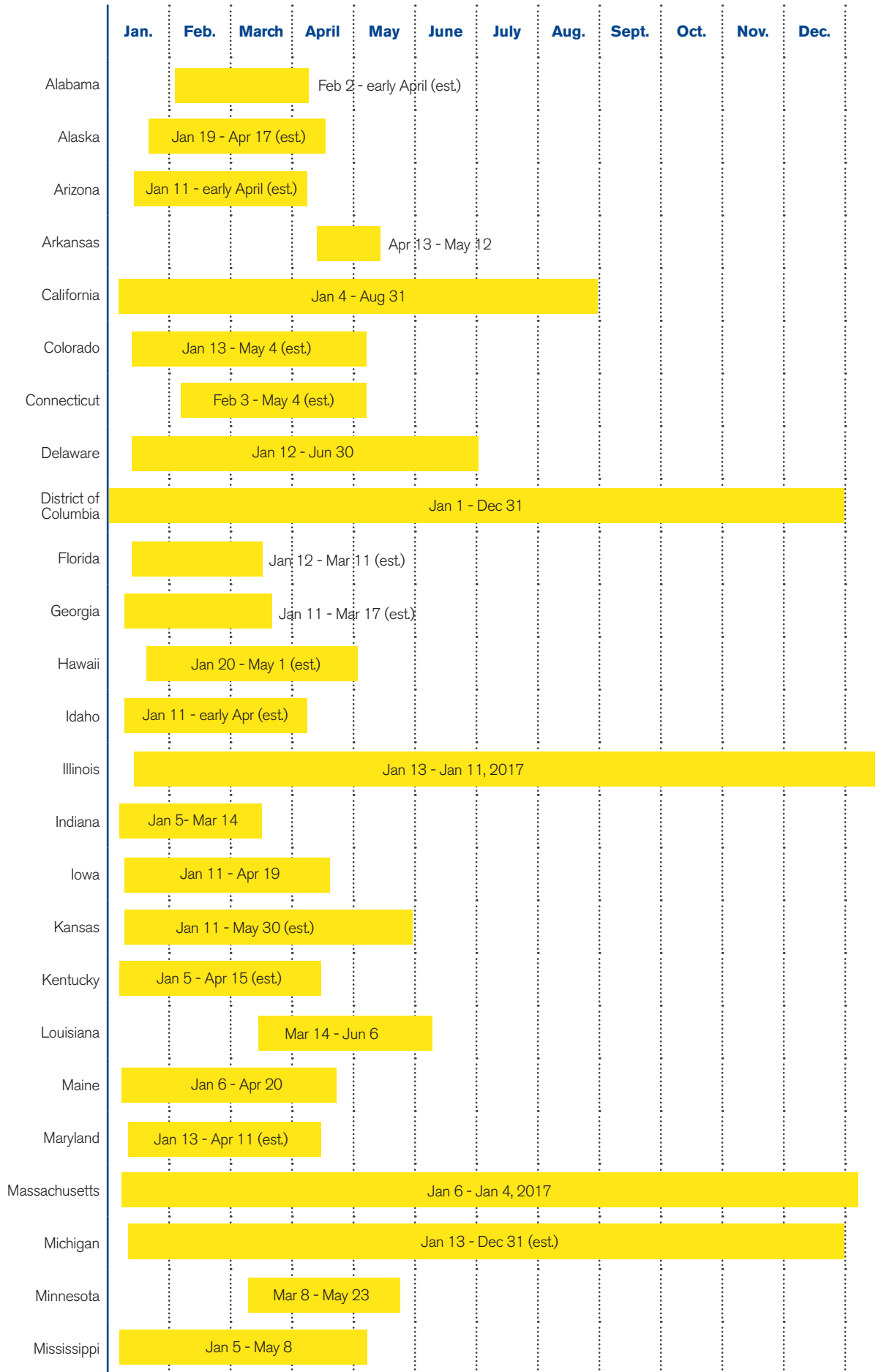
**37**  
STATES

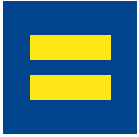
WILL BE IN SESSION  
BEFORE THE END  
OF JANUARY.



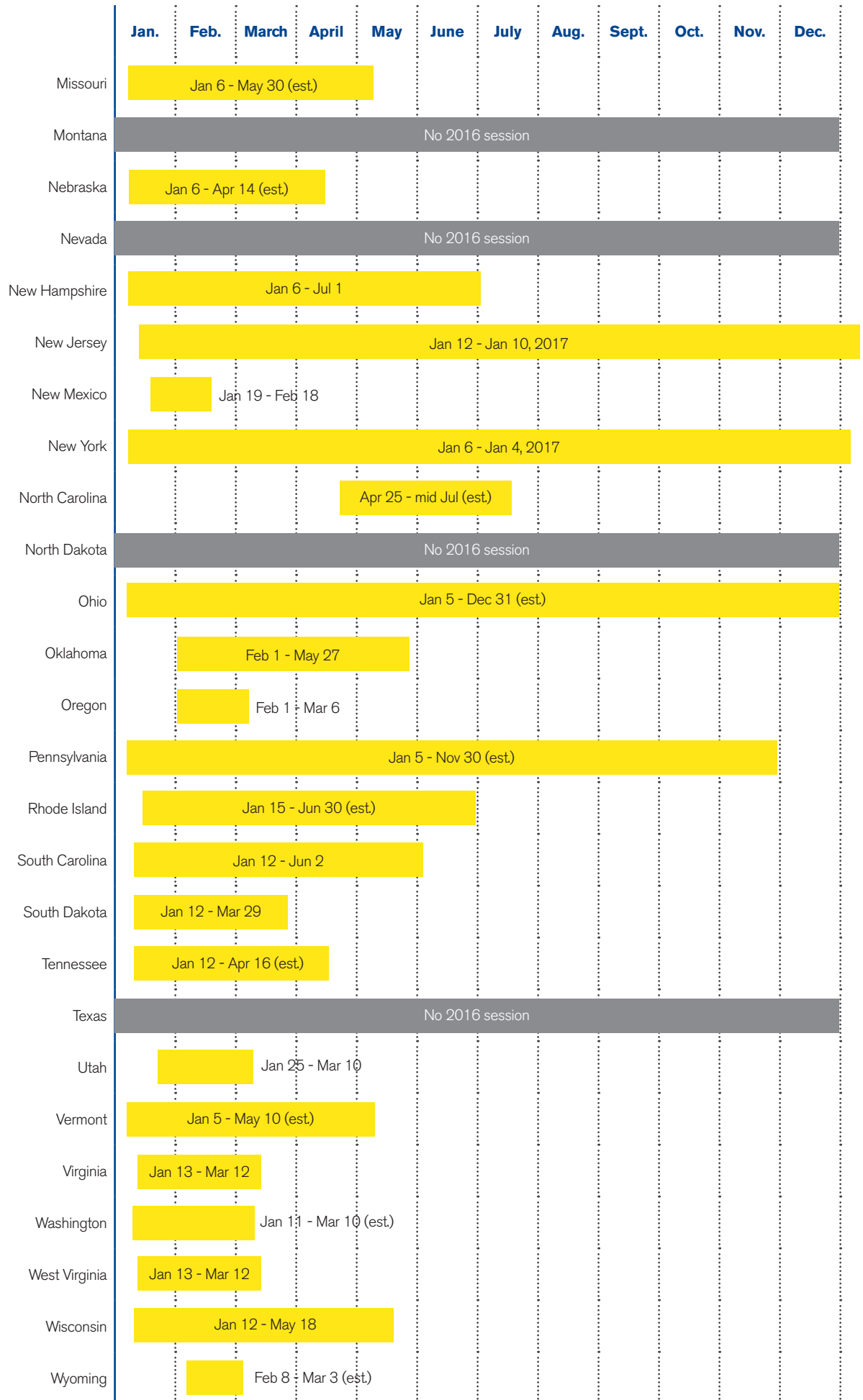
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### Estimated Session Duration





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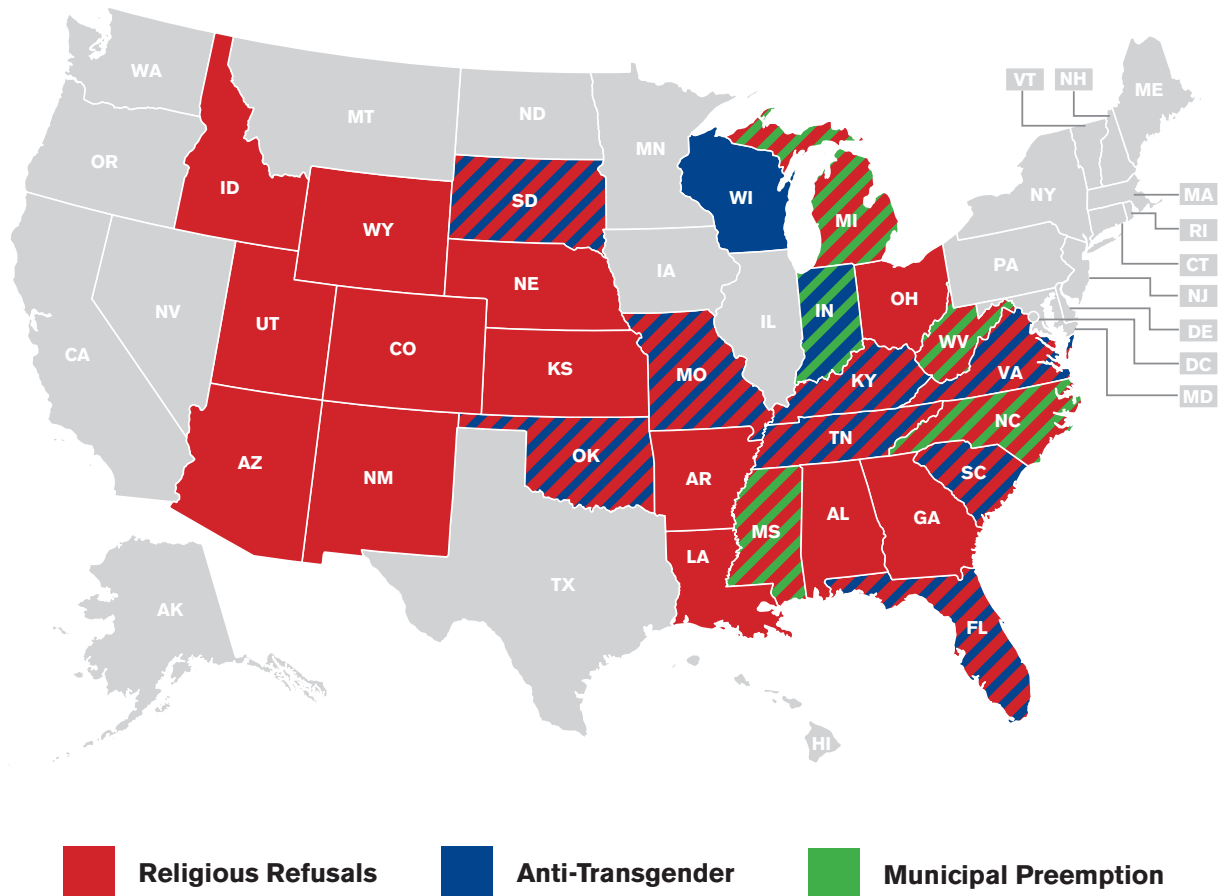
While anti-LGBT legislation could be introduced throughout the year, we anticipate that serious consideration in committees or floor debate may not begin until after November 2016 elections in many states with year-round legislatures.

## POTENTIAL ANTI-LGBT STATE LEGISLATION

Many state legislatures have provisions that allow bills introduced in 2015 to carry over into 2016 if they were neither enacted nor defeated. Thus, many of the more than 115 anti-LGBT bills introduced in 2015 are still pending. In addition, we expect new anti-equality bills to be introduced in other states.

The map below shows states where we believe there is a high likelihood for anti-LGBT legislation to be carried over or newly introduced in 2016.

### States with a High Likelihood of Anti-LGBT Legislation in 2016 Legislative Session



Election-year politics will likely give anti-LGBT lawmakers incentives to push anti-equality legislation in many states. In other states, those same political pressures will likely lead to a stalemate on LGBT-related issues, stalling both pro-equality and anti-LGBT bills.



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## PRO-EQUALITY STATE CAMPAIGNS

Efforts to pass pro-equality legislation at the state level will continue in 2016.

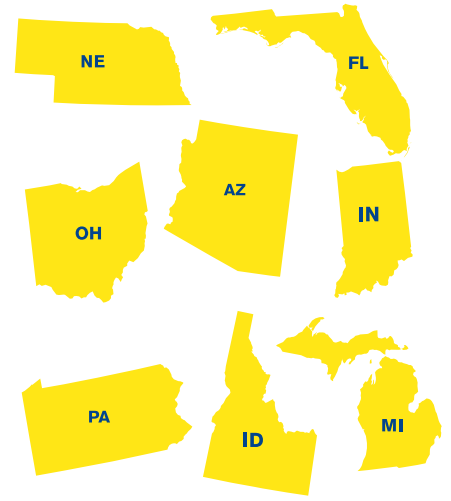
There are campaigns to amend existing state anti-discrimination laws to protect against discrimination on the basis of sexual orientation and gender identity in many states, including Arizona, Florida, Idaho, Indiana, Michigan, Nebraska, Ohio and Pennsylvania.

In Massachusetts, lawmakers will continue trying to pass a bill to add gender identity protections to existing state laws that already include protections against discrimination on the basis of sexual orientation in public accommodations. A similar proposal in New York is not expected to advance in the current legislative session following Governor Andrew Cuomo's executive action in 2015.

Advocates in Georgia and a handful of other states are working to pass more limited protections against discrimination in particular areas, such as public-sector employment.

In states where there are pro-equality legislative majorities and existing state-level protections against anti-LGBT discrimination, we expect to see increased focus on bills to address bullying in schools, protect youth from so-called "conversion therapy", simplify name and gender marker changes on identity documents, and require LGBT cultural competency training for medical and social service providers.

### States with campaigns to amend existing state anti-discrimination laws to protect against discrimination on the basis of sexual orientation and gender identity:



## POTENTIAL BALLOT MEASURES

Opponents of equality are either discussing or actively working to place anti-LGBT measures on 2016 ballots in at least a few states.



Opponents of equality in Colorado have signalled their desire to place on the ballot a measure to authorize individuals and businesses to cite religion to refuse goods or services to LGBT people.

As we saw in Houston in 2015, many cities and towns have provisions allowing residents to place newly-passed laws on the ballot for ratification or repeal.

Supporters of equality in some states are also talking about taking the issue to the ballot. Advocates in Michigan have already filed paperwork to put a non-discrimination measure on the 2016 ballot, and advocates in other states could follow suit.



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## MUNICIPAL CAMPAIGNS

In the absence of explicit federal and state laws protecting LGBT people from discrimination, for decades municipal leaders and local advocates have worked to enact strong local protections. In recent years, dozens of municipalities have enacted new ordinances to protect residents and visitors from anti-LGBT discrimination in employment, housing and business services.

In Anchorage, residents could be asked to vote on an LGBT-inclusive non-discrimination ordinance that passed the Anchorage Assembly in 2015. Ordinance opponents have submitted a repeal petition that might move forward this year.

After gains by supporters of equality in recent elections, municipal leaders and local advocates are pressing to pass LGBT-inclusive non-discrimination ordinances in Charlotte, North Carolina and Jacksonville, Florida. We expect that municipal leaders in other cities will also continue work to pass new or expanded protections against anti-LGBT discrimination.

**RESIDENTS IN ANCHORAGE COULD BE ASKED TO VOTE ON REPEAL AN LGBT-INCLUSIVE NON-DISCRIMINATION ORDINANCE PASSED IN 2015 BY THE ANCHORAGE ASSEMBLY.**

