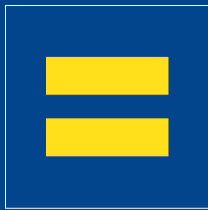


FAITH AND LGBTQ POLICY BRIEFING



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THE HUMAN RIGHTS CAMPAIGN
FOUNDATION IS ORGANIZED FOR
THE CHARITABLE AND EDUCATIONAL
PURPOSES OF PROMOTING PUBLIC
EDUCATION AND WELFARE FOR THE
LESBIAN, GAY, BISEXUAL, TRANSGENDER
AND QUEER COMMUNITY. WE ENVISION
A WORLD WHERE LGBTQ PEOPLE ARE
ENSURED EQUALITY AND EMBRACED AS
FULL MEMBERS OF SOCIETY AT HOME, AT
WORK AND IN EVERY COMMUNITY.



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PREVIEW 2017

PRO-EQUALITY AND ANTI-LGBTQ STATE AND LOCAL LEGISLATION

While the new Trump presidency and changes in Washington, D.C., will likely define much of the United States political landscape in 2017, there's also a great deal at stake for lesbian, gay, bisexual, transgender and queer (LGBTQ) Americans in state legislatures across the nation.

In recent years, the steady increase in public support for LGBTQ equality has been met with a wave of anti-LGBTQ legislation being introduced in state legislatures. As lawmakers begin new sessions in state capitols around the country, we are bracing for a repeat of the 2015 and 2016 sessions, with hundreds of anti-LGBTQ bills filed. For supporters of equality, one question looms large. Will lawmakers learn from North Carolina, where passage of the discriminatory HB2 has shaken the state with both economic and political consequences?

In 2016, legislators in 38 states filed around 250 bills meant to restrict the rights of LGBTQ individuals and their families. And significantly more than 200 of those posed real threat of passage. This onslaught of legislation was significantly more than the pro-equality community experienced in 2015 when more than 150 anti-LGBTQ bills were introduced. While a handful of the bills in '16 were filed in states where they had no chance of real consideration, the vast majority were spread across 34 states and were considered serious threats to harm the LGBTQ community. With hard work, collective cooperation and tight focus throughout the state and national LGBTQ rights movement, only eight bills passed both legislative chambers and after gubernatorial vetoes, just five bills actually became law, less than a 2 percent rate of passage.

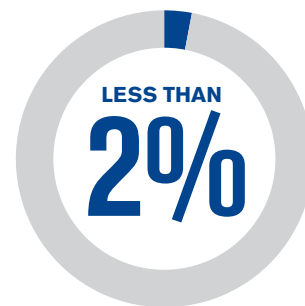
2016:

200+

BILLS INTRODUCED

5

ENACTED

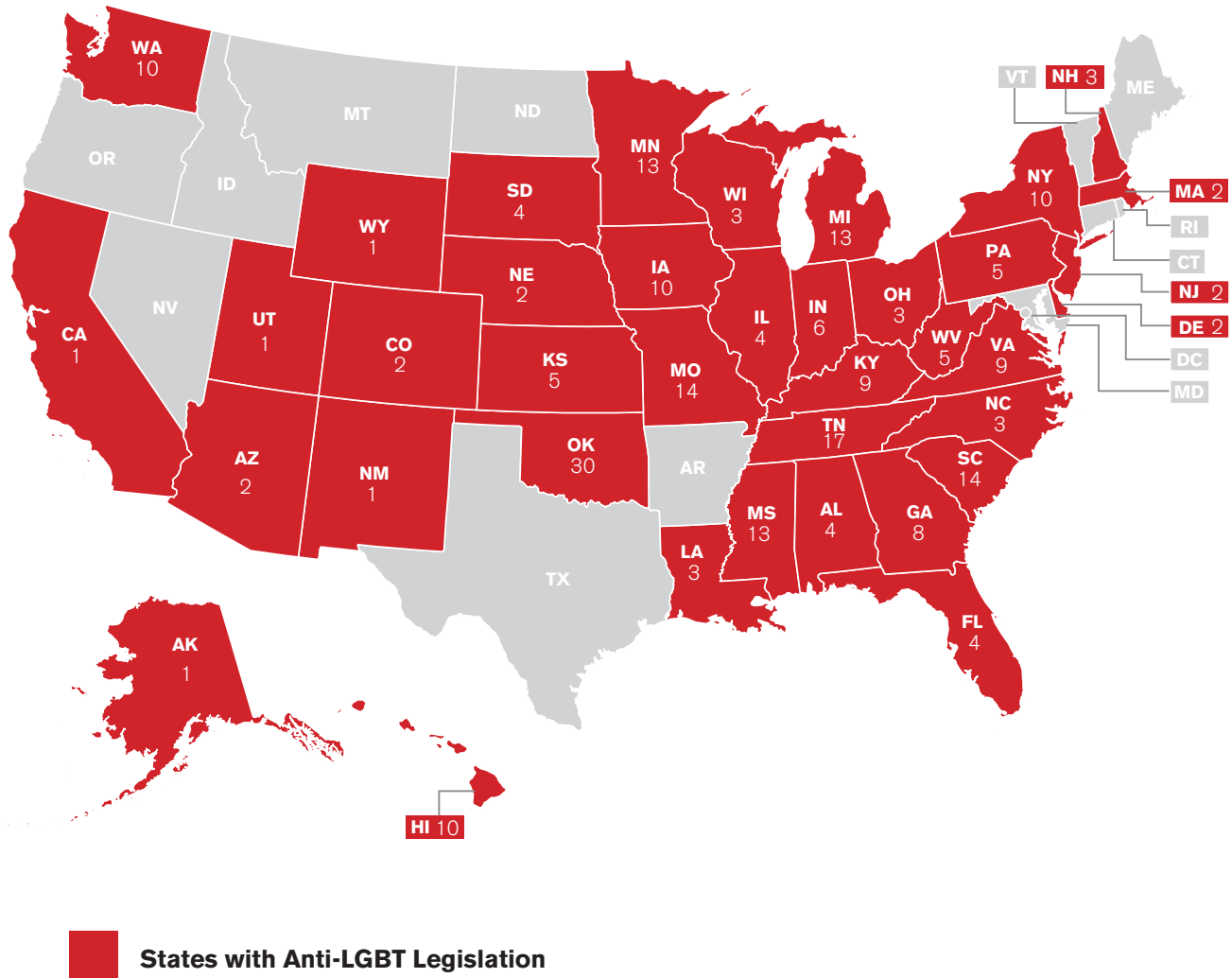




2016 WRAP-UP

As was predicted, and in large part as pushback to the *Obergefell v Hodges* decision which brought marriage equality nationwide in summer of 2015, many of the bills filed in 2016 were religious refusal bills. Religious Freedom Restoration Acts (RFRA), originally intended to protect religious minorities from discrimination, were crafted with the intention of allowing individuals and businesses to deny service and employment to LGBTQ people based on a professed "religious belief." New in 2016 in many states were FADAs, or so-called First Amendment Defense Acts, a twist on the RFRA that guaranteed an ability to discriminate against LGBTQ people by individuals and groups receiving taxpayer funding. Nearly 60 of these RFRA and FADAs were introduced, but only two, one in Kansas narrowly related to college campuses and a broad bill in Mississippi (see below), became law.

Number of Anti-LGBTQ Bills Introduced in 2016 Legislative Sessions





Most concerning in 2016 was the significant uptick in the amount of legislation targeting transgender and gender nonconforming people. Opponents began pushing false and dangerous myths around bathroom safety – working with lawmakers in statehouses across the United States to introduce more than 50 anti-transgender bills in just the first eight weeks of 2016. The first among these to move was in South Dakota, where it passed the state's House and Senate but was ultimately vetoed by Republican Governor Dennis Daugaard. Lawmakers in 20 other states considering similar legislation failed to move anti-transgender bills.

50+
**ANTI-TRANSGENDER
BILLS INTRODUCED**

States took varying approaches to their attempts to legislate restrictions on LGBTQ people. Some, like Tennessee and Oklahoma, introduced dozens of single-issue bills. In fact, of the 200 some bills that posed real threat of passage, Oklahoma and Tennessee together laid claim to more than a quarter. When all was said and done, only one Tennessee bill allowing counselors to refuse to serve LGBTQ individuals became law, while two other issues were relegated to non-binding resolutions in the Sooner and Volunteer states.

Unlike their neighbors, the Mississippi, Georgia and North Carolina legislatures introduced multi-issue bills that included a mix of anti-LGBTQ language related to religious refusals, restrictions on accessing public places, and reversals of municipal non-discrimination ordinances. These multi-issue anti-LGBTQ bills passed in all three states, and only Republican Governor Nathan Deal took seriously the opposition from constituents, businesses, and others when he vetoed Georgia's bill. Meanwhile, in Mississippi and North Carolina, the "Frankensteinbills" became law. Mississippi's HB 1523 has been blocked in court, and North Carolina's HB 2 has ignited a firestorm of opposition yielding both economic consequences for the state and political consequences for some of the law's supporters.

While the onslaught of anti-LGBTQ bills continued from 2015 to 2016, there were still many bright spots. More than 500 pro-LGBTQ bills were filed in 2016, most in California or states in the northeast and mid-Atlantic. Of the bills introduced, 48 were passed by state legislatures. California, which passed 16 bills, adopted a bill requiring school districts/boards to adopt suicide prevention policies addressing the needs of high-risk groups, including LGBTQ youth, and repealed the state's prohibition on organ transfer from HIV-reactive donors, allowing such transfers from an HIV-reactive donor to a recipient who is also HIV reactive. After years of work by advocates, Massachusetts finally added gender identity to the state's public accommodations non-discrimination law. And Vermont enacted a law banning conversion therapy for minors while New York banned it through administrative action. Although advocates and pro-equality lawmakers continued campaigns to pass comprehensive non-discrimination laws in Arizona, Florida, Georgia, Indiana, Ohio, Pennsylvania and elsewhere, no state effort was successful in the 2016 legislative session.

500+
PRO-EQUALITY BILLS FILED

48
**BILLS PASSED
NATIONWIDE**

For more details on bills introduced in 2016 state legislatures, check out [HRC's State Equality Index](#).

2017 PREVIEW

From a 30,000 ft. view, the outcome of the 2016 legislative session was not nearly as bad as it could have been. Of the more than 200 bills introduced, only eight passed both legislative chambers and just five became law. However, the collective effort it took to defeat these discriminatory bills was unlike anything seen before in state legislation for the LGBTQ community. With the 2016 election results in, 2017 has the potential to be even more challenging.

As the 2017 legislative sessions begin to convene in January, more states will have Republican single-party control in the House, Senate and Governor's office than in the 2015/2016 legislative period. The wave



of support for President-Elect Trump brought with it changes in power in the Iowa Senate, the Missouri Governor's office and the Kentucky House of Representatives where Democrats lost control to Republicans. Each of these states is now expected to consider anti-LGBTQ legislation when they meet in 2017.

State and Legislative Partisan Composition

	Legislative Control	Governor's Party	State Control
Alabama	●	●	●
Alaska	●	●	●
Arizona	●	●	●
Arkansas	●	●	●
California	●	●	●
Colorado	●	●	●
Connecticut	●	●	●
Delaware	●	●	●
Florida	●	●	●
Georgia	●	●	●
Hawaii	●	●	●
Idaho	●	●	●
Illinois	●	●	●
Indiana	●	●	●
Iowa	●	●	●
Kansas	●	●	●
Kentucky	●	●	●
Louisiana	●	●	●
Maine	●	●	●
Maryland	●	●	●
Massachusetts	●	●	●
Michigan	●	●	●
Minnesota	●	●	●
Mississippi	●	●	●
Missouri	●	●	●

	Legislative Control	Governor's Party	State Control
Montana	●	●	●
Nebraska	1	●	1
Nevada	●	●	●
New Hampshire	●	●	●
New Jersey	●	●	●
New Mexico	●	●	●
New York	●	●	●
North Carolina	●	●	●
North Dakota	●	●	●
Ohio	●	●	●
Oklahoma	●	●	●
Oregon	●	●	●
Pennsylvania	●	●	●
Rhode Island	●	●	●
South Carolina	●	●	●
South Dakota	●	●	●
Tennessee	●	●	●
Texas	●	●	●
Utah	●	●	●
Vermont	●	●	●
Virginia	●	●	●
Washington	●	●	●
West Virginia	●	●	●
Wisconsin	●	●	●
Wyoming	●	●	●

- Republican
- Democrat
- Independent
- Split / Divided

1 Nebraska has a non-partisan legislature



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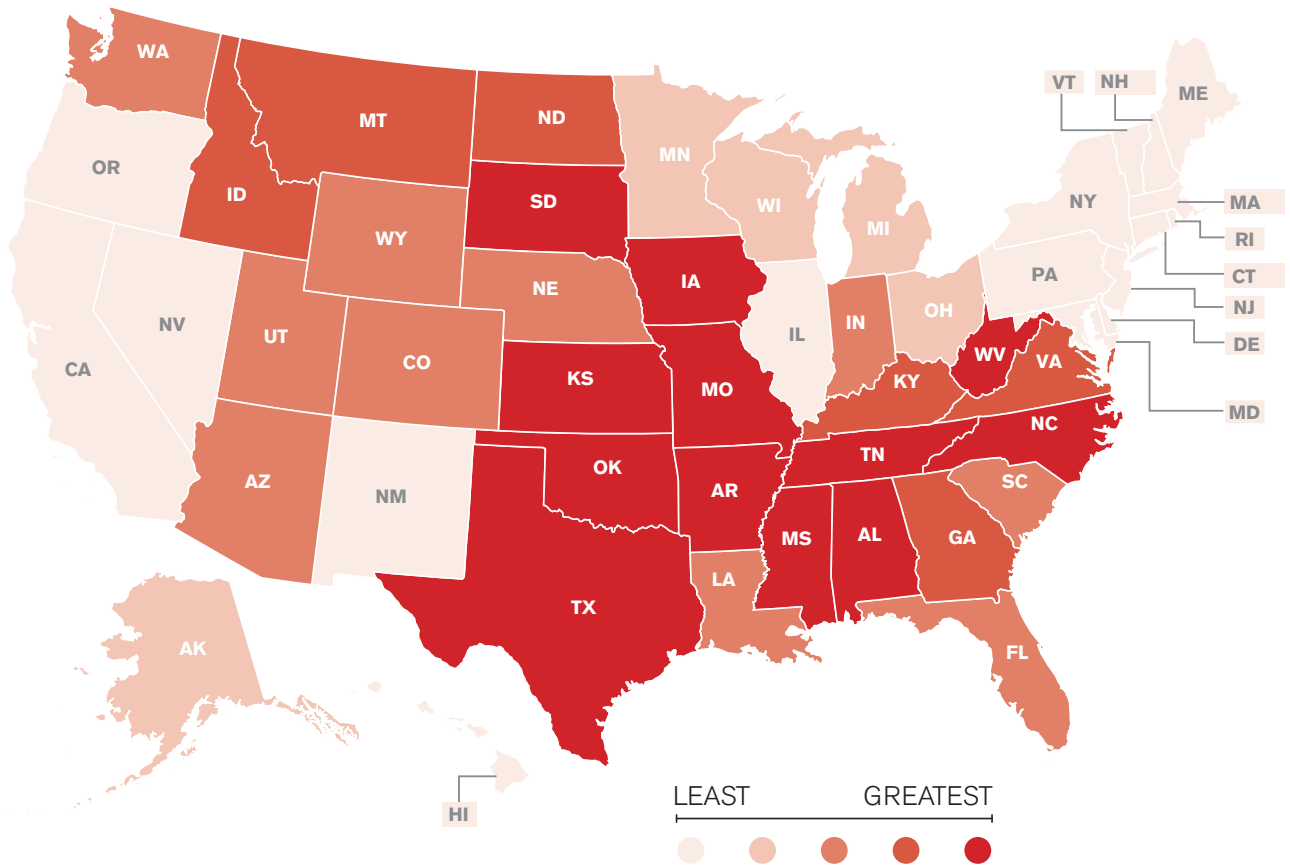
CONTINUED SOUTHERN FOCUS

Most of the anti-LGBTQ legislation considered in 2016 was introduced in southern states, and 2017 is expected to be no different. While the Northeast and mid-Atlantic should remain fairly quiet legislatively, and a few anti-LGBTQ bills may be seen in the Dakotas and Plains states, RFRA, FADA, local preemption and anti-transgender legislation is expected to be widely seen across the South, with significant concerns being raised in Alabama, Arkansas, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, Texas and West Virginia. In fact, in these and other states, more than two dozen bills are already on the docket for consideration, and there is no doubt there will be more as the sessions progress.

DOZENS

OF BILLS ARE ALREADY ON THE DOCKET FOR CONSIDERATION

Likelihood of Anti-LGBTQ Bills in 2017



Advocates are especially concerned with the threats posed by lawmakers in the Lone Star state. The Texas legislature only meets in odd years. With bill filing well under way in the state, it is clear they expect to take up religious refusals, anti-transgender legislation and more in a big way during 2017. When last they met in 2015, Texas lawmakers introduced 23 anti-LGBTQ bills, and anti-LGBTQ politicians like Lieutenant Governor Dan Patrick have been crisscrossing the state ever since promising more. It will take the full force of the LGBTQ movement, business and civic leaders, and other stakeholders to ensure Texas does not pass anti-LGBTQ laws this session.



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PRO-LGBTQ LEGISLATION 2017

Although the legislative environment in a majority of the states will not likely be open to considering pro-equality bills, there are a few places where movement is possible. Leaders in New Hampshire and New York will continue to consider whether to add gender identity to their state nondiscrimination statutes. Legislators in California, with a Democratic supermajority, are expected to remain on the cutting edge of passing laws protecting LGBTQ people. In Alaska, Arizona, Florida, Georgia, Idaho, Montana, North Dakota and Ohio legislators will again be presented with the opportunity to add sexual orientation and gender identity to the state nondiscrimination laws, while in Colorado, Hawaii, Massachusetts, New Hampshire, New Mexico and Rhode Island consideration could be given to laws protecting minors from harmful conversion therapy.

BALLOT INITIATIVES

Last year marked one of the rare recent years where there was not a repeal of good LGBTQ state or local legislation on the ballot anywhere. Unfortunately, the future holds several challenges to undo important legislative protections for LGBTQ people.

Advocates in Massachusetts have already secured enough signatures to place a repeal of the new gender identity public accommodations law on the ballot in November of 2018. Freedom Massachusetts, the campaign that includes the Human Rights Campaign and other organizations that secured the legislative victory, is already at work to protect the law when it goes to the ballot. Meanwhile, opposition forces in Washington State were unable to secure enough signatures in 2016 to take a repeal of the state's 10-year-old nondiscrimination law to the ballot, but are expected to make another attempt in 2017. And in Maine, religious extremists have received approval to collect signatures to place on the ballot the removal of "sexual orientation" from the state's Human Rights Act, although it is unclear whether that effort will succeed.

After the governor's veto of the anti-transgender student legislation in South Dakota, anti-LGBTQ forces in the state have threatened a ballot referendum if an anti-trans bathroom bill similar to the one vetoed by Governor Dugaard does not pass in the 2017 legislative session.



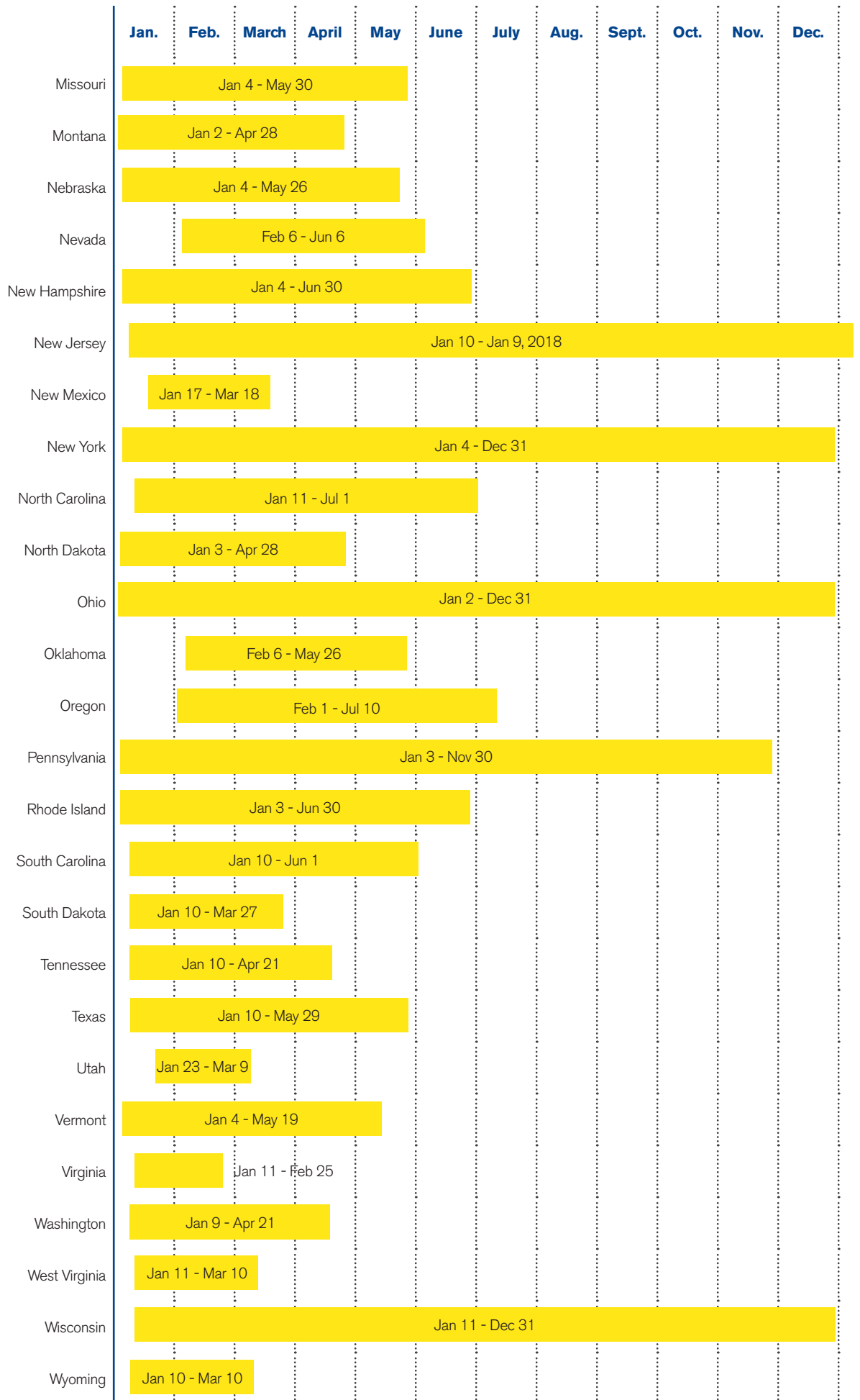
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Addendum: 2017 Legislative Sessions





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NEXT STEPS

PUTTING YOUR FAITH IN ACTION

1

EQUALITY IS OUR FAITH

There is an urgent need for faith voices and we need your help. We ask you to stand with us now as we call on our elected officials to protect all Americans.

- Go to <https://hrc.wufoo.com/forms/equality-is-our-faith> to indicate how you would like to get involved and stay abreast of developments with regular updates on anti-LGBTQ state bills from HRC.

2

AUBURN STORYTELLING TRAINING FOR LOBBY VISITS

Faith-rooted people have stories that need to be heard by our representatives, but they often struggle over how to tell them when they are in an artificial context like a lobby visit.

Auburn Seminary has trained over 5,000 people on ways to communicate for a lasting impact, whether in the media, at your local congregation, or in the halls of power. We want to bring our training to you so that when you tell your story to your representative you are at your most forceful, compelling and persuasive.

- E-mail us at religion@hrc.org to receive an invite. Scheduled for Q2 2017



NATIONAL LGBTQ TASK FORCE
ACTION FUND

