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Patterns of Relationship Recognition by Same-Sex Couples in the United States

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Introduction and Summary

Since 1997, 19 states and the District of Columbia have extended legal recognition to the relationships of same-sex couples. The form of legal recognition has varied to include marriage, civil unions, state-registered domestic partnerships, and limited-rights statuses, such as reciprocal beneficiary relationships. These varied forms of recognition entail different packages of legal rights and responsibilities for the couples entering them. This study provides a demographic analysis of the same-sex couples who marry, enter civil unions, or register their partnership in these states, covering the full range of legal statuses.

To date, little direct analysis has been conducted on same-sex couples and their legal statuses. Here we draw on data from state administrative agencies and the U.S. Bureau of the Census to analyze the legal recognition patterns of same-sex couples as their options have multiplied rapidly. Earlier studies by Gates, Badgett, and Ho (2008) and Badgett (2009) were conducted at a time in which one-quarter of the U.S. population lived in states with such options. As of January 1, 2012, 42% of U.S. residents will live in states that offer same-sex couples a way to acquire such legal rights. Therefore, this study has more states and more time to draw on to assess patterns than earlier studies.

As the number of same-sex couples who have access to legal recognition expands, we have the opportunity to learn more about the demand for such statuses by looking at the sex, age, and timing of marriage or registration by same-sex couples. The data also demonstrate that couples will travel to other states to marry if they cannot marry in their home state. We also are able to compare the demand for marriage to the demand for other non-marriage statuses by analyzing data in two groups of states: those that have gone from a non-marriage status to opening up marriage to same-sex couples, and those that also allow different-sex couples to enter non-marriage statuses.

The main findings from the study include the following:

- Over 140,000 same-sex couples, or 22% of all same-sex couples in the United States, have formalized their relationship under state law within the United States.

- Forty-seven percent of all same-sex couples who live in states that offer some form of legal relationship recognition status have entered into such a status at some point in time.

- In the states with available data, dissolution rates for same-sex couples are slightly lower on average than divorce rates of different-sex couples. The percentage of those same sex couples who end their legal relationship ranges from 0% to 1.8% annually, or 1.1% on average, whereas 2% of married different-sex couples divorce annually.

- After taking into account dissolutions and divorces, about 134,000 same-sex couples, or 21% of all U.S. same-sex couples, are currently in a legally recognized relationship. In just those states that offer some form of legal recognition, 43% of couples are currently in a legally recognized relationship.

- Same-sex couples prefer marriage over civil unions or registered domestic partnerships, even when these statuses extend almost all of the rights and obligations of marriage under state law. An average of 30% of same-sex couples married in the first year that their state allowed them to marry, while only 18% entered into civil unions or broad domestic partnerships in the first year states offered these statuses. Furthermore, only 8% entered into limited domestic partnerships, reciprocal beneficiary relationships, or

other limited statuses in the first year states offered those statuses, which extend a smaller subset of the rights and obligations of marriage.

- Nine states and the District of Columbia currently allow different-sex couples to enter into a non-marital form of legal recognition. In these states, different-sex couples clearly prefer marriage. For example, in three states where all adult different-sex unmarried couples can enter civil unions, just over 1% of these couples have elected to do so. Non-marital forms of legal recognition seem to be in highest demand among those different-sex couples where at least one member is age 62 or older.

- Same-sex couples can marry in six states and the District of Columbia. In the three states that track residency among same-sex couples who marry, those states report that 60% of same-sex couples marrying are from other states. The states that contribute the most out-of-state couples are those with large populations (such as Texas, New York, and Florida) and those in close proximity to the state allowing same-sex couples to marry.

- Women are more likely to marry or formalize their relationships by entering an alternative legal status than are men. In eight states that provided us data by gender, 62% of same-sex couples who sought legal recognition were female couples.

- Same-sex couples who marry or enter other legal recognition statuses tend to be younger than the general population of married different-sex couples in those states. However, when one compares same-sex and different-sex couples who are newly married, newly-married same-sex couples tend to be older than newly-married different-sex couples.

- If current trends hold, the marriage rate of same-sex couples in Massachusetts eventually will reach parity with the marriage rate of different-sex couples in Massachusetts by 2013.

The Legal Landscape of Same-Sex Couple Recognition in the U.S., 1997-2011

In 1997, Hawai`i became the first state in the U.S to offer legal recognition to same-sex couples. Seventeen states and the District of Columbia have followed suit and now offer some form of legal recognition to same-sex couples, including state-registered domestic partnerships, civil unions, and marriage.[1] Currently 41 % of the U.S. population lives in a state where these legal statuses are offered.[2] Delaware and Hawai`i have both recently passed civil union legislation that will go into effect January 1, 2012, which will expand the total number of states where same-sex couples can enter legally-recognized relationships to nineteen, raising the figure to 42%.[3]

Currently, same-sex couples can marry in six states and the District of Columbia. As described in Table 1, there are other forms of legal recognition available to same-sex couples, which are categorized here into two groups: 1) civil unions and broad domestic partnerships that carry rights and obligations comparable to marriage under state law, and 2) limited domestic partnerships, reciprocal beneficiary registrations, and designated beneficiary agreements that carry limited rights and obligations under state law.

The diversity of state laws governing the relationships of same-sex couples is even more complicated, however. As noted, seven states and the District of Columbia currently offer civil unions or domestic partnerships with legal rights comparable to marriage. Five of the seven states have either constitutional amendments or statutes that prohibit

marriage for same-sex couples.[4] New Jersey and Rhode Island, in contrast, have opted to offer same-sex couples a non-marriage status despite the lack of any constitutional or statutory prohibition on opening marriage to them. Six states offer legal recognition with limited rights and obligations for same-sex couples, such as limited domestic partnerships and designated beneficiary agreements. New Jersey offers limited domestic partnerships for some same-sex couples and civil unions for all same-sex couples, while the District of Columbia offers both broad domestic partnerships and marriage to all same-sex couples. California, the District of Columbia, and Washington both initially created domestic partnership registries with limited rights acquired by registration (indicated by the first year listed in Table 1), but later increased the rights and obligations of those who register to the full range of state-law rights and obligations afforded to married spouses (indicated by the second year listed in Table 1).[5]

When a same-sex couple enters into a legal relationship, it sometimes is unclear whether their relationship will be recognized in other states. For instance, when a same-sex couple enters a civil union, their union likely will not be recognized in states that do not allow same-sex couples to marry or enter a broad legal status.[7] Currently, 41 states have constitutional amendments and/or statutes that restrict marriage to different-sex couples.[8] Eighteen of these states have language designed also to prohibit other forms of relationship recognition, such as civil unions or domestic partnerships.[9]

Table 1. Current relationship recognition in the United States.

Partnership recognition type		State/District	Effective
Marriage	Available to both same-sex and different-sex couples.	Massachusetts	2004
		California	2008 (Jun. 16 to Nov. 5)
		Connecticut	2008
		Iowa	2009
		Vermont	2009
		New Hampshire	2009
		District of Columbia	2010
		New York	2011
Civil Union/ Broad Domestic Partnership	All state-level rights and responsibilities associated with marriage. Available to same-sex couples and some unmarried different-sex couples.	California	2000, 2005
		District of Columbia[6]	2002, 2006
		New Jersey	2007
		Oregon	2007
		Washington	2007, 2009
		Nevada	2009
		Illinois	2011
		Rhode Island	2011
		Delaware	2012
		Hawai`i	2012
Limited Domestic Partnership/ Reciprocal Beneficiary/ Designated Beneficiary	A limited set of rights and responsibilities that vary by state. Sometimes available only to same-sex couples, sometimes also to unmarried different-sex couples, and sometimes to two individuals who may not be a couple.	Hawai`i	1997
		Maine	2004
		New Jersey	2004
		Maryland	2008
		Colorado	2009
		Wisconsin	2009

This variation in state law recognizing same-sex relationships poses challenges for same-sex couples not encountered by married different-sex couples, such as for those wishing to end their relationship. As a general matter, states only entertain requests for a divorce from their own residents. For instance, New Jersey requires one or both members of a couple wishing to dissolve their civil union to have been a resident of New Jersey for at least 12 months prior to filing for dissolution.[12] For couples who entered a marriage or civil union but do not currently live in a state that will recognize their legal status, one member of the couple may have to move and establish residency in a state that does recognize the status in order to obtain a divorce or dissolution order.

The federal government does not recognize civil unions or state-registered domestic partnerships and, as a result of the Defense of Marriage Act (DOMA), which became law in 1996, limits the definition of marriage in federal law to different-sex couples.[13] Benefits, protections, and obligations of married different-sex spouses at the federal level do not apply to same-sex spouses, nor to civil union spouses or registered domestic partners, regardless of the extent of legal recognition at the state level.[14] Therefore, while limited protections for same-sex partners have started to emerge within certain federal policies and regulations, the rights and obligations of same-sex couples discussed in this report exist under state law due to the various forms of legal recognition offered by states.

Table 2. Number of Marriages/Civil Unions/Registrations by Same-Sex Couples in the U.S.[10]

Type of Couple Recognition	State/County/District (date range for data)	Total	Residents (%)
Limited Domestic Partnership/ Reciprocal Beneficiary/ Designated Beneficiary	Hawai`i (1997-2010)	1,778	1,422 (80)
	District of Columbia (2002-2007)	674	667 (99)
	Maine (2004-2010)	731	731 (100)
	New Jersey (2004-2010)	4,955	4,905 (99)
	Washington (2007-2009)	5,893	5,852 (99)
	Arapahoe County, CO (2009-2010)	53	53 (100)
	Denver County, CO (2009-2010)	238	238 (100)
	El Paso County, CO (2009-2010)	39	39 (100)
	Wisconsin (2009)	1,329	1,329 (100)
Civil Union/ Broad Domestic Partnership	California (2000-2010)	56,864	54,021 (95)
	Vermont (2000-2009)	8,972	1,631(18)
	Connecticut (2005-2008)	2,136	2,136 (100)
	New Jersey (2007-2010)	5,153	5,153 (100)
	Oregon (2008-2010)	3,757	3,757 (100)
	New Hampshire (2008-2009)	819	819 (100)
	Nevada (2009-2010)	1,252	1,252 (100)
	Washington (2010-2011)	1,698	1,666 (98)
Marriage	Massachusetts (2004-2009)	16,129	13,771[11]
	California (2008)	18,000	15,000 (83)
	Connecticut (2008-2010)	4,616	1,899 (41)
	Iowa (2009-2010)	2,099	866 (41)
	Vermont (2009-2010)	1,425	557 (39)
	New Hampshire (2010)	986	394 (40)
	District of Columbia (2010)	3,500	-

How Many Same-Sex Couples Have Entered a Legally-Recognized Status?

Since 1997, over 140,000 same-sex couples (22% of all U.S. same-sex couples) have formalized their relationship under state law in the United States.[15] Nearly 50,000 same-sex couples have married.[16] In California alone, an estimated 18,000 same-sex couples married in 2008 and nearly 57,000 same-sex couples have registered as domestic partners, although some couples might have done both.[17]

Table 2 provides the number of same-sex couples who have registered, entered a civil union, or married by state and recognition type. States vary in whether they allow different-sex couples to enter a non-marital form of legal recognition.[18] Totals that appear in Table 2 have been adjusted to include only same-sex couples. Furthermore, all states, with the exception of Colorado, Maine, Oregon, and Wisconsin, allow non-residents to enter into the legal status(es) they offer to same-sex couples. Table 2 provides resident-only totals as well as the overall total for each state.[19] Appendix 1 provides a detailed description of how data provided to us by the states have been adjusted to account for different-sex couples and for residency.

Figure 1 shows the cumulative counts of same-sex couples who have married, entered a civil union, or registered under a broad domestic partnership law in the United States.[20] The large leap in marriages in 2008 is largely attributable to the marriages performed in California that year. Regardless, the overall trend shows an increasing number of same-sex couples formalizing their relationships within these comprehensive statuses over time. Furthermore, since 1997, nearly 46,000 same-sex couples entered a state status affording a lesser degree of legal recognition, such as limited domestic partnerships or designated beneficiary agreements.[21]

A 2010 Williams Institute online survey of 600 people living with a same-sex partner provides alternative estimates of the proportion and number of same-sex couples marrying.[22] Across the United States, 29% of respondents said they were either

Figure 1. Cumulative counts of broad domestic partnerships, civil unions, and marriages of same-sex couples, 2000-2010

*2010 data are incomplete

NOTE: Appendix 1 provides a detailed description of how data provided to us by the states have been adjusted to account for different-sex couples and for residency.

legally married to their same-sex partner (14%) or in a civil union or domestic partnership (15%). Applying those percentages to the number of same-sex couples in the survey suggests that approximately 80,000 are married nationwide.[23] This survey-based number is higher than our estimate based on administrative data. However, the survey-based data would include couples not captured by the administrative data, namely those who have married in Canada or another country. Thus, the two figures are roughly comparable and not necessarily inconsistent. The totals from the administrative data provide the most accurate data on the count of couples who have officially married or registered their relationship in the United States.[24]

Percentage of Same-Sex Couples Who Entered Legally-Recognized Statuses

Many factors influence the total number of couples who have sought legal relationship recognition in a state. These factors include the state's population, the length of time same-sex couples have been offered a formal status, and the type of relationship status(es) offered. California, being the most populous state and among the first to offer legal recognition for same-sex couples, has registered more than half of all same-sex couples who have registered domestic partnerships under state law in the United States. In this section we will discuss take-up rates that account for population size and length of time at least one status has been offered.

As noted earlier, the U.S. Census Bureau collected data on same-sex couples in the 2010 Decennial Census, and here we use those figures as a reference point to control for the state population size and to estimate the take-up rate, which is the percentage of couples formalizing their relationships. Using those data and administrative data provided by the states, we calculated the percentage of same-sex couples who have entered a legal status in the United States and in each state.[25] Twenty-two percent of all same-sex couples within the U.S. have formalized their relationships under state law. In states that offer same-sex couples a way to do so, 47% of resident same-sex-couple have formalized their relationships legally.[26]

At the state level, the percentage of couples who have entered a formal relationship status is highest in states that have offered such a status for a longer period of time, not surprisingly. Table 3 below provides the type of status and percentages of same-sex couples who have ever entered the status by state. Each relationship type is listed by years of available data.[27]

Table 3 demonstrates that the amount time a status has been offered is important but is not the only factor influencing the take-up rate. Hawai`i has allowed same-sex couples to register as reciprocal beneficiaries since 1997, the longest period of time of all states. Forty-four percent of Hawaii's same-sex couples have registered. Fifty-five percent of California's same-sex couples have entered domestic partnerships, though offered for a shorter period of time than Hawaii's reciprocal beneficiary agreements.[28]

Two New England states have the highest take-up rates, which are probably explained by the fact that they have offered their statuses the longest. Vermont was the first to offer civil unions, doing so in 2000.[29] Seventy-six percent of Vermont's same-sex couples have entered into a civil union at some point since then. Unlike in Connecticut and New Hampshire, Vermont civil unions did not automatically convert to marriages after the state opened marriage to same-sex couples in 2009. Twenty-six percent of Vermont's same-sex couples have since married, a figure that includes marriages by couples who had previously been in a civil union as well as those who had not. Similarly, in 2004 Massachusetts was the first state to allow same-sex couples to marry, a shorter period of time, yet 68% of Massachusetts's resident same-sex couples have done so.

Table 3. Percentage of same-sex couples who have entered a legal recognition status

Type Of Couple Recognition	State/County/District (years of available data)	Percent Of Same-Sex Couples Who Ever Entered A Status
Limited Domestic Partnership / Reciprocal Beneficiary / Designated Beneficiary	Hawai`i (13.25)	44%
	Maine (6.75)	18%
	District of Columbia (6.5)	14%
	New Jersey (6.5)	29%
	Arapahoe County, CO (1.5)	4%
	Denver County, CO (1.5)	5%
	El Paso County, CO (1.5)	3%
	Wisconsin (0.5)	14%
Civil Union / Broad Domestic Partnership	California (10.75)	55%
	Vermont (9)	76%
	New Jersey (3.75)	30%
	Washington (3.75)	40%
	Oregon (2.75)	32%
	Nevada (1)	18%
Marriage	Massachusetts (5.75)	68%
	Connecticut (3)*	51%
	New Hampshire (3)*	37%
	Vermont (1.25)	26%
	Iowa (1)	21%

*Includes civil unions, which were automatically converted to marriages.

Demographics of Couples Who Enter Legally-Recognized Statuses

Gender

Women are more likely to marry or legally formalize their partnership than are men, as two comparisons demonstrate. First, in eight states that provided us with data on gender and offer some form of legal status to same-sex couples, 62% of all same-sex couples who entered a legal status were female couples.[30] However, only 54% of couples living in those states were female couples. Figure 2 shows the percentage of same-sex couples who are female out of the total who have entered a legal status in selected states. New Hampshire reported the highest percentage, with 72% of married same-sex couples being female couples.

Second, not only are couples in a formal legal status more likely to be female, but female couples are more likely than male couples to legally formalize their relationships. Demonstrating the higher demand among female couples, Figure 3 shows the percentage of all female couples and percentage of all male couples in the 2010 Decennial Census who have entered a legal status under state law in those states that provided us with data by gender.

In all states represented in Figure 3, a larger percentage of female couples have entered a legal status than male couples. For instance, in Washington, DC, where female couples make up only 26% of all same-sex couples, female couples

registered a domestic partnership at a higher rate than male couples (18% and 12% respectively). In Massachusetts, which was the first state to allow same-sex couples to marry, 75% of female couples have married compared with 59% of male couples. In all states for which we were able to obtain data, a higher percentage of female couples have entered a legal status. Figures 2 and 3 support the conclusion that female couples demand legal relationship recognition to a greater extent than male couples.

Age

Prior research suggests that same-sex couples who marry or enter other legal recognition statuses tend to be younger than married different-sex couples in those states.[31] We have new data on the age of same-sex couples for only two states, Washington and Connecticut. Figure 4 provides age categories for same-sex couples who have registered domestic partnerships in Washington or have married in Connecticut, as well as age categories for currently married different-sex couples in those states.[32] In Connecticut, 51% of different-sex married couples are age 50 or older, while only 29% of married same-sex couples are age 50 or older. In Washington, 48% of different-sex married couples are age 50 or older, while only 36% of registered same-sex couples are age 50 or older. This difference can be explained by the fact that the existing pool of married different-sex couples has some who have been married for a relatively long time.

Figure 2. Percent Female out of All Same-Sex Couples Legally Recognized in Selected States

Figure 3. Percentage of Resident Male and Female Couples Who Entered Legally-Recognized Statuses

However, when we compare same-sex and different-sex couples who have married during the same recent time period, those newly-married same-sex couples tend to be older than newly-married different-sex couples. The State of Connecticut provided us with data on recently married same-sex and different-sex couples, also shown in Figure 4. Seventy-three percent of newly-married different-sex couples were under age 40, whereas 42% of newly married same-sex couples were under age 40. This finding is not surprising given that many same-sex couples have had to wait longer into their relationships to enter a legal marriage.

Figure 4. Age of Same-Sex and Different-Sex Couples Who Marry or Register

Residency

In states where same-sex couples can marry, about 60% of all marriages are by couples from other states. The states that contribute the most out-of-state couples are those with large populations (such as Texas, New York, and Florida) and those in close proximity to the state with marriage for same-sex couples. Table 4 shows the

top ten states whose residents married in Massachusetts, Iowa, and Connecticut.[33] In Iowa, for instance, the top five contributors of out-of-state couples are surrounding states in the Midwest, Illinois being the largest contributor. Illinois couples make up 10% of all same-sex couples married in Iowa. Seventeen percent of all out-of-state couples married in Iowa came from Illinois.

Figure 5 puts the information from Table 4 into a map to represent the data for Iowa. The non-resident couples who married in Iowa come mostly from the states shaded with lines, and the larger circles represent larger numbers coming from those states. The map shows that most same-sex couples go to Iowa from the middle of the country, but Florida and Texas are also sources of many couples.

New York has been a major contributor of same-sex couples to New England states where same-sex couples can be legally married, measured in two ways: their contribution to the total of same-sex couples marrying in these three states (residents plus non-residents) and their share only of out-of-state couples marrying in those states. For instance, in 2008, New York resident couples accounted for 22% of all same-sex couples who married in Massachusetts and contributed 44% of all out-of-state couples who married in Massachusetts during that time. Similarly, 28% of all same-sex couples who married in Connecticut were New York residents, while 47% of all out-of-state couples who married in Connecticut were residents of New York.

The importance of New York residents is clear. Indeed, those marriages of New York residents in Massachusetts in 2008 and in Connecticut account for 4% of all New York same-sex couples. Since New York now allows same-sex couples to marry in the state, it is likely that its contributions to the marriage statistics of other states will decrease significantly.

Is Marriage Different than Other Statuses?

As described earlier and in further detail in Appendix 1, states that offer legal recognition to same-sex couples do so in a variety of ways: marriage, civil unions, domestic partnerships, and other limited-rights statuses. An important question is whether civil unions and broad domestic partnerships, which offer legal rights and responsibilities comparable to those available through marriage, are seen as socially equivalent to marriage. One way to measure possible equivalence is to assess the demand for those statuses by same-sex couples and, in a few states, by different-sex couples who also have the non-marital option.

Table 4. Top ten states for marriages by non-resident same-sex couples in Massachusetts, Iowa, and Connecticut

Massachusetts (08/08 through 12/08)			Iowa (04/09 through 03/10)			Connecticut (11/08 through 09/10)		
State	% of all SS couples married	% of non-resident SS couples	State	% of all SS couples married	% of non-resident SS couples	State	% of all SS couples married	% of non-resident SS couples
New York	22%	44%	Illinois	10%	17%	New York	28%	47%
Florida	3%	7%	Missouri	8%	13%	Florida	3%	6%
Rhode Island	3%	6%	Nebraska	5%	9%	Pennsylvania	3%	4%
Pennsylvania	2%	5%	Minnesota	5%	9%	Texas	2%	4%
Maryland	2%	3%	Kansas	3%	6%	N. Carolina	2%	3%
Texas	1%	3%	Texas	3%	5%	Maryland	2%	3%
Maine	1%	3%	Wisconsin	3%	5%	New Jersey	2%	3%
New Jersey	1%	3%	Oklahoma	2%	3%	Georgia	2%	3%
California	1%	2%	Colorado	1%	2%	Virginia	1%	3%
Connecticut	1%	2%	Florida	1%	2%	California	1%	2%

Figure 5. Map of Top Ten States Who Contribute to Iowa Marriages of Same-Sex Couples, ranked by share of non-resident same-sex couples married in Iowa

More specifically, in this section we consider the demand for marriage as compared to the demand for non-marital legal recognition in the first year that each status was offered. Here we will be comparing only figures for couples who live in the state in question. The first year appears to capture same-sex couples' enthusiasm for a legal status, as the recent rush to marry by many same-sex couples in New York suggests.[34] Figure 6 shows the total percentage of same-sex couples that entered into each legal relationship status in that first year, a comparison that also controls for the influence of the number of years the status has been available and the relative state population size.[35]

Figure 6 demonstrates that marriage attracts many more same-sex couples in the first year of availability than do the other statuses. In states that allowed same-sex couples to marry (Iowa, Massachusetts, and Vermont), 30% of same-sex couples did so in the first year. In states that allowed couples to enter civil unions or broad domestic partnerships with rights and responsibilities comparable to marriage (Connecticut, New Hampshire, New Jersey, Nevada, Oregon, and Vermont), 18% of same-sex couples entered these legal statuses in the first year. Finally, in states that allowed legal relationship statuses with limited rights (California, the District of Columbia, Hawai`i, Maine, New Jersey, and Washington), only

8% of same-sex couples entered these types of limited-rights statuses in the first year.

It should be noted that the 30% figure for marriage is a conservative one and the true figure may actually be higher. Data provided by the state of Iowa include 721 Iowa resident couples who did not state their sex, so it cannot be determined if these are same-sex or different-sex couples. However, if some of the 721 resident couples of unknown sex are same-sex couples, and it seems reasonable to assume that at least some are, the average year-one take-up rate for marriage would rise, potentially increasing to 33% if all of the unknown couples were same-sex couples. Furthermore, if we were to include all the civil unions of New Hampshire and Connecticut residents that converted into marriages in the first year marriage was offered, the 33% figure would jump to 44%.

Overall, the higher first year take-up rates for marriage seen in Figure 6 suggest that same-sex couples prefer marriage over other non-marital legal statuses. Figure 6 shows that the lowest demand is for statuses with limited rights and obligations. Several factors might account for some of this difference in demand across legal status types. Some of the statuses offer a set of rights, responsibilities, and benefits that might not meet the needs or expectations of some couples. That hypothesis is consistent with the finding that statuses with greater levels of rights and benefits see higher take-up rates. Another reason for less interest in non-marital statuses is that couples may be confused about the rights and obligations associated with those forms of recognition, especially when the nomenclature is new and unfamiliar and when the rights and duties change with successive legislation. In addition, couples may worry about how that status interacts with federal tax or estate law. However, qualitative evidence and other studies suggest that the main reason for the greater demand among same-sex couples for marriage is that it comes with an important symbolic meaning in our society.[36] The value of the symbolic statement of commitment, the public understanding of that statement, and related social meanings appears to go above and beyond the specific legal rights and benefits entailed. The higher take-up rates for marriage than for legally similar statuses

Figure 6. Year-One Take-Up Rates by Legal Recognition Status

provide evidence that those cultural and social meanings of marriage are highly valued by same-sex couples.

We see similar evidence that marriage is more highly valued than civil unions or broad domestic partnerships in state-level first year take-up rates. Figure 7 shows the year-one demand for civil unions or broad domestic partnerships and the year-one demand for marriage among residents of several states.[37] Because some states have moved from having only civil unions to allowing same-sex couples to marry, simple comparisons are difficult.[38] We do not show first-year marriage rates for Connecticut and New Hampshire because those states automatically converted civil unions into marriages, making a clean year-one comparison of demand impossible. The take-up rate for Vermont civil unions was higher than in most other states, perhaps because Vermont was the first state to offer same-sex couples any broad legal status. Even so, same-sex couples in Vermont reacted equally strongly once marriage was an option, perhaps at least in part because that state's civil unions were not automatically converted to marriages as in Connecticut and New Hampshire. Massachusetts was the first state to offer marriage for same-sex couples. Notably, year-one demand for marriage in Massachusetts was higher than year-one demand in Vermont for both civil unions and marriage. Demand for marriage in Iowa in year one seems to have been comparable to civil unions or broad

Figure 7. Year-One Take-Up Rates for Marriage, Civil Unions and Broad Domestic Partnerships by State

domestic partnerships. However, as described above, if some of the 721 Iowa resident couples of unknown sex are same-sex couples, the year-one take-up rate for marriage in Iowa would rise, potentially jumping as high as 39% if all unknown couples were same-sex couples.

The preference for marriage over a broad, non-marriage legal status also is evident from analyzing trends in two different situations: states that have opened up marriage after having a broad, non-marriage status first, and states where rights and obligations have been increased over time. Looking at specific states more closely adds to the evidence that same-sex couples see these statuses as very different.

New Jersey began offering domestic partnerships for same-sex couples with limited rights and obligations in July 2004. In February 2007, New Jersey began offering civil unions for same-sex couples.[39] In the three years before the state made civil unions available, about 4,900 New Jersey same-sex couples had registered their domestic partnerships. In the first full year civil unions were offered (Feb. 2007 through Jan. 2008), nearly 2,600 New Jersey couples entered one.[40] Over the three years civil unions have been available, from 2007 through 2010, more than 5,100 New Jersey same-sex couples have entered this status. These 5,100 couples consisted of two groups: those who were already in a domestic partnership and those who were not. Those who were already in a domestic partnership clearly preferred the civil union status. Those who were not already in a domestic partnership may have been waiting for a more complete legal status, and one that includes solemnization, to become available before formalizing their relationship legally. In any event, both groups of couples preferred civil unions to limited domestic partnerships.[41]

Connecticut offers an example of the greater demand for marriage over civil unions. Connecticut began offering civil unions in October of 2005. Beginning in November 2008, same-sex couples could marry in Connecticut. Civil unions were still offered in Connecticut until October 2010, after which time all remaining civil unions automatically converted into marriages.[42] In Connecticut, slightly more resident same-sex couples were married in the first full-year that marriage became available (1,206) than entered civil unions in the first year civil unions were offered (1,160).[43] However, the relatively small difference in first-year take-up hides the significance of the 1,206 new marriages: those couples had long had the option of civil unions but deferred formalizing their relationship until they could marry. Additionally, we see a preference for marriage in the many same-sex couples who came from out of state to marry. Out-of-state residents comprise 59% of those married in Connecticut, while we estimate that 100% of civil unions in Connecticut were for residents. Figure 8 plots the number of civil unions and marriage in each calendar year and shows that many residents and non-residents had waited for the opportunity to marry in Connecticut.[44]

We can also gauge demand for rights and obligations similar to marriage by looking at take-up rate changes when policies change over time. Both Washington and California began by offering limited domestic partnerships. But as the result of a series of legislative steps over time, registered domestic partners now have state-law rights and responsibilities comparable to those of spouses in both states.[45] Figures 9 and 10 present a timeline for each state, where one can see a jump in new registrants at each stage where rights and obligations were added to the existing domestic partnership laws.

Figure 8. Demand for Civil Unions and Marriage in Connecticut

Figure 9. California Registered Domestic Partnerships (RDPs) across Policy Changes

Figure 10. Washington Registered Domestic Partnerships (RDPs) across Policy Changes

Different-Sex Couples

Another way to assess couples' relative demand for marriage and non-marital legal statuses—and, therefore, the relative value of those statuses—is to see what different-sex couples do when they have both options. Currently, nine states and the District of Columbia allow some or all different-sex couples to enter into civil unions, domestic partnerships, or designated/reciprocal beneficiary agreements.[46] Hawai`i will allow different-sex couples to enter into civil unions beginning January 1, 2012.

Eligibility for different-sex couples to enter these legal relationships in three of these states is limited to couples in which one or both partners are age 62 or older. In California and Washington, at least one member of a different-sex couple must be age 62 or older in order to register a domestic partnership. In New Jersey, both members of a different-sex couple must be age 62 or older.

It is becoming increasingly common for states to allow different-sex couples of any age also to enter into the legal status offered to same-sex couples, as is true for civil unions in Illinois and Hawai`i. Figure 11 suggests that unmarried different-sex couples enter these forms of legal recognition at much lower rates than same-sex couples (percentages for same-sex couples are shown in Table 3).[47] Demand seems highest among those unmarried different-sex couples where one or both members are age 62 or older. The higher take-up rates for older different-sex couples might reflect a desire to secure specific rights pertaining to medical and other decision-making while retaining retirement pensions.

Marriage is a much more popular choice for different-sex couples than civil unions or state-registered domestic partnerships. In Maine, Nevada, and the District of Columbia, where different-sex couples age 18 and over can register domestic partnerships, 85-88% of such different-sex couples are married. In California and Washington, 96-97% of different-sex couples who could register because

Figure 11. Percent of Different-Sex Couples Ever Entering a Non-Marital Form of Legal Recognition, by state (years of data) and eligibility.

*These states afford registered couples rights and obligations of married spouses. Other states listed offer limited rights and obligations.

they have at least one member age 62 or older are married. In New Jersey, 98% of different-sex couples with both partners age 62 or older, who thus could register, instead are married.

Of course, the option for civil unions or domestic partnership is a relatively recent one for these different-sex couples, which might account for some of the higher rates of marriage. But the dramatic difference in take-up rates is also evidence that many more couples who have a choice—in these states that would be different-sex couples—choose marriage.

We can see that different-sex couples also prefer statuses with more rights and responsibilities, just as same-sex couples do. Our analysis of the administrative data on couples registering their domestic partnerships in the State of Washington found that about 11% of registrations were for different-sex couples. An analysis of these data over time shows that different-sex couples increased their representation among those who registered domestic partnerships after that status entailed more legal rights. Before December 3, 2009, when those in domestic partnerships were granted all state-law rights and obligations of marriage, 9% of all domestic partnerships were for different-sex couples. After December 3, 2009, this rate increased to 16% of all domestic partnerships.

Different-sex couples in Washington were over-represented in domestic partnership terminations in data provided by the state. While different-sex couples comprise 11% of all domestic partnerships in Washington, they comprise 21% of all domestic partnership terminations. That higher rate of terminations for different-sex couples could reflect

either a higher rate of ending relationships or the fact that different-sex couples might terminate a registered domestic partnership in order to marry.

Overall, the data on the choices of same-sex couples and of different-sex couples shows that marriage is the favored status. Those with the option to marry are more likely to choose marriage over an alternative legal status.

Divorce and Terminations

States that offer legal recognition to same-sex couples vary in how recognized couples can dissolve their legal relationships. In the case of limited statuses acquired through registration, couples can generally file a notice of dissolution or termination with the appropriate state agency. Those in a civil union or a registered domestic partnership with rights and responsibilities similar to marriage usually must go through a dissolution proceeding similar to a divorce.[48] As discussed above, those proceedings most often require residency in order for the state court to consider the divorce or dissolution request. Furthermore, states that do not offer a particular legal status to same-sex couples, or do not recognize such a status from another state or country, often will not end the status.[49] Therefore, if a same-sex couple married in Vermont but now lives in a state that will not grant them a divorce, one member of the couple may have to move to a state that recognizes the marriage and meet the residency requirement for that state before requesting the divorce. Needless to say, terminating a legal relationship can prove very difficult for some same-sex couples.

A limited number of states have tracked dissolutions of legal relationships of same-sex couples. Those data reveal that the percentage of same-sex couples dissolving their relationships is slightly lower on average than the percentage of married different-sex who divorce. Table 5 provides total dissolution rates and average annual dissolution rates for same-sex couples with states grouped by type of legal status.[50] To calculate the total dissolution rate, we divided total dissolutions for same-sex couples in each state by the total number of same-sex couples' marriages, civil unions, broad domestic partnerships,

Table 5. Total terminations or divorces by state.

Type of Relationship Status	State	Total Dissolutions	Total Dissolution Rate	Avg. Annual Dissolution Rate	Years of Data
Marriage	Vermont	4	0.3%	0.3%	1.00
Civil Unions or Equivalent	California	7433	12.4%	1.1%	11.00
	Connecticut	109	5.1%	1.0%	1.50
	Nevada	28	1.2%	1.2%	1.00
	New Hampshire*	64	7.8%	2.8%	2.75
	Vermont	236	2.6%	0.3%	8.50
	Washington	305	3.6%	1.0%	3.75
Limited Statuses	Colorado (3 counties)	0	0.0%	0.0%	1.50
	District of Columbia	34	4.2%	0.8%	5.50
	Hawai`i	256	14.4%	1.1%	13.25
	Maine	174	11.9%	1.8%	6.50
	New Jersey	299	5.8%	1.2%	4.75

*Includes 45 terminations for civil unions/marriages that originated in Vermont and Massachusetts

Table 6. Percent of same-sex couples who are currently legally recognized.

Type of Relationship Status	State/County/District (years of available data)	% Couples Ever Legally Recognized	% Couples Currently Legally Recognized
Reciprocal Beneficiary / Domestic Partnership (limited)	Hawai`i (13.25)	44%	38%
	Maine (6.75)	18%	16%
	District of Columbia (6.5)	14%	13%
	New Jersey (6.5)	29%	27%
	Arapahoe County, CO (1.5)	4%	4%
	Denver County, CO (1.5)	5%	6%
	El Paso County, CO (1.5)	3%	4%
	Wisconsin (0.5)	14%	14%
Civil Union /Domestic Partnership (broad)	California (10.75)	55%	48%
	Vermont (9)	76%	65%
	New Jersey (3.75)	30%	29%
	Washington (3.75)	40%	38%
	Oregon (2.75)	32%	31%
	Nevada (1)	18%	18%
Marriage	Massachusetts (5.75)	68%	65%
	Connecticut (3)*	51%	49%
	New Hampshire (3)*	37%	37%
	Vermont (1)	26%	26%
	Iowa (1)	21%	21%

*Includes civil unions, which were automatically converted to marriages.

or limited-status relationships that occurred in the state. Average annual rates of dissolutions, which are the total dissolution rate divided by years of data, range from 0% to 1.8%, or 1.1% on average across all listed jurisdictions.[51] This is slightly lower than the annual rate of divorce among different-sex couples, which is about 2% annually.[52] The dissolution rates do not seem to vary in any substantial way by type of legal status.

The fact that some couples have dissolved their legal relationships means that our estimates of the percentage of couples who have ever formalized their relationship will not equal the percentage of couples currently registered or married. Table 6 adjusts the cumulative total of legally recognized couples by subtracting the number of dissolutions.[53] We then divide the estimate of currently legally recognized couples by the total number of same-sex couples in the 2010 Decennial Census to get the percentage of couples who are currently legally recognized. Not surprisingly, those states that have offered legal recognition for the longest period of time have had (relatively speaking) the most terminations or divorces. In Table 6 we see the biggest change in take-up rates for Vermont, where 76% of all same-sex couples entered a civil union at some point since the status was enacted in 2000 (see Table 3). After adjusting for dissolutions, though, 65% of Vermont-resident couples are currently in a civil union. In California, 55% of same-sex couples registered a domestic partnership at

some point in time since the state registry opened in 2000. Currently, 48% are in a registered domestic partnership.

Will the Marriage Rate for Same-Sex Couples Equal that of Different-Sex Couples?

The first year that a legal status is offered to same-sex couples produces the largest annual count of new couples entering that status in a particular state. This figure is usually referred to as the "pent-up demand" within a state for legal recognition. However, after this initial rush, demand seems to taper off and might eventually plateau at a lower level as new couples form and decide to marry, enter a civil union, or register. If one looks at the cumulative totals of these relationship statuses over time, one can see that the numbers continue to increase and trend toward the rate of marriage for different-sex couples. Here we predict how long it will take same-sex couples to reach the same marriage rate as different-sex couples if present trends continue.

Massachusetts was the first to offer marriage for same-sex couples, allowing us to assess the trend over several years of data. Figure 12 shows the annual totals of new marriages for Massachusetts-resident couples, the cumulative total of marriages (with estimated divorces removed from the cumulative total), and the number of total marriages same-sex couples would have to reach in order to match the rate of different-sex couples who are married (91%).[54] So far, after more than 6 years of data, same-sex couples are nearly three-quarters of the way to the same cumulative take-up rate for marriage as different-sex couples in the state.[55]

Prior research estimated that if same-sex couples seek marriage and other forms of legal recognition in states that already offer these statuses at the pace they had established from 2000 through 2007, the percentage of same-sex couples in legally-recognized relationships would equal the percentage of different-sex couples who are married by the year 2028.[56] Based on the experience of Massachusetts, if that legal status is marriage, same-sex couples would reach parity with different-sex couples much faster. If Massachusetts's same-sex couples continue to marry at the pace established from 2004 through 2009, the percentage of same-sex couples who are married would reach 91%, for parity with Massachusetts different-sex couples, in 2013.[57]

Figure 12. Annual and Cumulative Totals of Massachusetts Marriages for Same-Sex Couples

We see a similar trend toward parity when examining civil unions in Vermont over time in Figure 13.[58] Vermont was the first state to offer civil unions for same-sex couples in 2000, four years earlier than Massachusetts opened marriage. Over eight and one-half years, same-sex couples entered into 71% of the total civil unions needed to reach parity with the marriage rate of different-sex couples in the state.[59] Notably, Massachusetts reached this percentage two years sooner than Vermont. Civil unions were no longer offered in Vermont

after September 1, 2009, at which time same-sex couples could legally marry in the state. In the first year same-sex couples could marry, 23% of Vermont's same-sex couples married, a factor that appears to counteract the slowing down of interest in civil unions seen in Figure 13. Adding marriages to civil unions in Vermont would clearly boost that state's movement toward marriage parity with different-sex couples.

Conclusion

The best available administrative data provide a dynamic picture of the demand for legal recognition among same-sex couples, as well as a snapshot of which same-sex couples are entering the various statuses. As the number of states that offer these statuses grows, same-sex couples will enter these legal relationships in substantial numbers. As seen in prior research, these couples will likely be predominantly female, will be younger than currently married different-sex couples, and will be older than newly-married different-sex couples.[60] When a state allows marriage for same-sex couples, couples will travel to that state to marry from nearby states and from large states in which they do not enjoy that same opportunity.

These data provide support for the conclusion that same-sex couples prefer marriage over other legal recognition statuses. When marriage is offered, same-sex couples marry at substantial rates. Nearly 50,000 same-sex couples have married in the U.S. since 2004. If present trends continue, same-sex couples in Massachusetts will reach parity in marriage rates with different-sex couples in two more years, after a mere nine years after such couples first were allowed to marry. Clearly, marriage matters to same-sex couples as it does for different-sex couples. The more states that open marriage to same sex couples in the future, the sooner same-sex couples in the United States will resemble their different-sex counterparts in marriage rates.

Figure 13. Annual and Cumulative Totals of Vermont Civil Unions for Same-Sex Couples

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Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
California	Domestic Partnership • Provides same state-level rights and responsibilities as afforded to married spouses. Marriage (from June 16, 2008 to Nov 5, 2008 only)	California first passed a domestic partnership statute in 1999, effective January 1, 2000. This statute included very limited rights for same-sex couples and some different-sex couples (at least one member of a different-sex couple must be age 62 or older). As of Jan. 2002, about two dozen additional rights were added. As of Jan. 2005, domestic partnership was expanded to include nearly all rights and responsibilities of marriage. Same-sex couples could marry for less than five months in California beginning Jun 16, 2008, after a California Supreme Court ruling. That ruling was overturned through a ballot initiative (Proposition 8), halting the issuance of marriage licenses for same-sex couples as of November 5, 2008. Marriages that took place from June 16, 2008 through November 5, 2008 are still valid.	Based on prior research, we estimate that 5% of registered domestic partnerships are non-resident couples and that 5% of domestic partnerships are different-sex couples.[61] Therefore, we estimate that 90% of all domestic partnerships registered in California are for resident same-sex couples. We estimate that 18,000 same-sex couples married in California in 2008. Data from the City & County of San Francisco suggest that 19% of same-sex couples marrying there were from other states, so we use that to estimate that 15,000 same-sex couples who married in California in 2008 were residents.[62]
Colorado	Designated Beneficiary Agreements • Provide limited rights and benefits, such as estate planning, end-of-life decisions, inheritance, protections related to health care and medical emergencies, and certain financial protections.	Colorado began offering designated beneficiary agreements on July 1, 2009. These agreements may be entered into by same-sex and different-sex couples, and by any two individuals of legal age. There is a residency requirement. The agreement must be filed in the county in which at least one party resides.	Data are kept at the county level and are not provided in aggregate figures by the state. Online lists of those who have entered these agreements were downloaded for the three largest counties in Colorado (Denver, Arapahoe, and El Paso). Different-sex versus same-sex couples were determined by analyzing the names of those who had entered these agreements. This analysis determined that about 10% of all agreements filed were for different-sex couples.*

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
Connecticut	Marriage	Connecticut offered civil unions for same-sex couples from October 2005 through September 2010. No civil unions were granted in Connecticut after October 1, 2010. All civil unions were automatically converted to marriages as of that date. Marriage for same-sex couples went into effect November 12, 2008.	We utilized a state-provided database of all marriages performed (same-sex and different-sex) from November 2008 through September 2010. The database provided a variety of data, including residency, age, and gender. All figures in this report on Connecticut marriages come directly from the database. Data on civil unions did not include residency of couples. We assume that 100% of civil unions were for Connecticut residents. We make this assumption due to the availability of civil unions and marriage for same-sex couples in other nearby states at the time Connecticut civil unions were offered. Based on the experiences of other states, we assume couples are no longer likely to travel to a state to enter any non-marital form of legal recognition.[63]
Delaware	Civil Unions	Civil unions for same-sex couples were signed into law on May 11, 2011. The law will go into effect on January 1, 2012.	Delaware civil unions will become available on a future date as of this writing, so no data have been collected.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
District of Columbia	Marriage Domestic Partnership • Provides almost all rights and responsibilities in the District as afforded to married spouses.	The District of Columbia passed legislation establishing a domestic partnership registry in 1992, but the U.S. Congress prohibited enactment of the law until 2002. The rights and responsibilities associated with domestic partnership have been gradually expanded since 2002 and as of April 4, 2006 include almost all that are afforded to married spouses. Domestic partnerships are available to same-sex and different-sex couples. Marriage for same-sex couples went into effect on March 3, 2010. Domestic partnerships are still available and are unchanged by the opening of marriage to same-sex couples.	Data on domestic partnerships by gender of the couples was provided to us by the District from 2002 through 2007. These data establish that 84% of domestic partnerships are for same-sex couples. Prior research suggests that 99% of all domestic partnerships are for DC residents.[64] DC does not keep records on the gender of those who marry. A representative from the DC Superior Court estimated there were about 3,500 marriages of same-sex couples in the first year since enactment.[65] We have no further information on the residency or other characteristics of these couples.
Hawai`i	Civil Unions Reciprocal Beneficiary Relationship • Provides limited rights and benefits, such as hospital visitation, decision-making in health care, rights of inheritance, and health insurance and pension benefits for state employees.	The civil union bill was signed into law on February 23, 2011. It will go into effect on January 1, 2012, and will make civil unions available to both same-sex and different-sex couples. Reciprocal beneficiary registration has been available since 1997 and is limited to those pairs of individuals who cannot marry in Hawai`i.(including same-sex couples and blood relatives of same or different sexes).	Hawai`i civil unions will become available on a future date, so no data exist as of this writing. Due to reciprocal beneficiary registration only being available to those who cannot marry, we assume that 100% of all such agreements are for same-sex couples. Data provided to us by the state for 1997 through 2007 show that about 80% of these agreements are for Hawai`i residents.
Illinois	Civil Unions	The civil union bill was signed into law on January 31, 2011 and went into effect on June 1, 2011. Civil unions are available to both same-sex and different-sex couples.	According to research conducted by the organization Equality Illinois, 1,618 civil union licenses were issued in the state in June 2011. Due to the effective date of the civil unions law being so close to the date of this writing, data from Illinois have not been included in this report.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
Iowa	Marriage	Marriage was opened to same-sex couples as the result of an Iowa Supreme Court ruling on April 3, 2009. Marriage licenses began being issued to same-sex couples on April 27, 2009.	Data on marriages provided to us by the state are broken down by residency and gender. Data covered roughly the first eleven months since same-sex couples began to marry (4/27/09 through 3/31/10), and show that 2,020 couples have married. We projected out to a full year by adding the average of the first three months of 2010, or 79 couples. This gave us a total of 2099 marriages in the first year. We then applied the residency rate (41%) found in the first eleven months to our projected full-year count. Notably, the Iowa data include 1,015 couples who did not state their gender, so these couples could not be classified as same-sex or different-sex and are only included in this report as explicitly noted in the text.
Maine	Domestic Partnership • Provides limited rights and benefits, such as in the areas of probate, guardianships, conservatorships, inheritance, and protection from abuse.	Domestic partnership registration became available to both same-sex and different-sex couples on July 30, 2004. There is a residency requirement. Partners must be domiciled together in the state for at least twelve months prior to registering their domestic partnership.	A knowledgeable observer made a rough estimate that 50% of domestic partnership registrations in Maine are for same-sex couples. This estimate is similar to findings in Washington for couples who are 62+ in age (45% are different-sex) and our estimate for all Nevada domestic partnership registrations (45% are different sex).
Maryland	Domestic Partnership • Provides limited rights and benefits, such as hospital visitation, end-of-life and healthcare decision-making, and the ability to add or remove a partner from a housing deed without penalty.	Domestic partnerships became available to both same-sex and different-sex couples on July 1, 2008. Maryland does not maintain a domestic partnership registry. Domestic partnership is available to same-sex and different-sex couples.	Maryland does not maintain a domestic partnership registry, so no data were collected for this state.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
Massachusetts	Marriage	Marriage for same-sex couples was restricted to couples who reside or intend to reside in Massachusetts from the date same-sex couples first were permitted to marry, May 17, 2004, through July 31, 2008. The same-sex-couple-specific residency requirement was rescinded as of August 1, 2008.[66]	Based on prior research, we estimate that 46% of couples who married from August 2008 through the end of 2009 were residents.[67] We divided the figure obtained in that prior research for marriages of non-residents, 2,063, by the total number of marriages of same-sex couples from August 1, 2008 through September 31, 2009, or 3,803 marriages. This yielded 54% non-resident marriages. We therefore assume that 54% of all marriages that occurred in 2009 were of non-residents. This 54% figure is similar to the rate of non-resident marriages in Connecticut, Iowa, and Vermont, which is about 60%. We assume marriages prior to August 2008 were only of residents or those who became residents to marry.
New Hampshire	Marriage	New Hampshire offered civil unions for same-sex couples from January 2008 through December 2009. Marriage for same-sex couples went into effect January 1, 2010. As of January 1, 2010, civil unions are no longer granted in the state. Couples in civil unions had until January 1, 2011, to convert their civil union into a marriage, dissolve the civil union, or annul the civil union. On January 1, 2011, all remaining civil unions were converted to marriages.	New Hampshire did not provide us with data on residency for marriages. Based on the experiences of Connecticut, Iowa, and Vermont, we estimate that 40% of marriages of same-sex couples in New Hampshire were of residents. We assume that 100% of civil unions were of New Hampshire residents. We make this assumption as described for the state of Connecticut.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
Nevada	Domestic Partnership • Provides same state-level rights and responsibilities as afforded to married spouses.	Nevada's registry of domestic partnerships became available to same-sex and different-sex couples on October 1, 2009. Different-sex couples in Nevada may register their domestic partnerships without limitation based on the age of the partners.	Based on prior research, we estimate that 55% of Nevada's domestic partnership registrations are for same-sex couples.[68] This estimate was based on the experience of Oregon, which has a similarly broad domestic partnership status but for same-sex couples only. Twenty-two percent of same-sex couples in Oregon registered domestic partnerships in the first year they could do so. We assume the same percentage of Nevada's same-sex couples registered domestic partnerships in the first year, constituting 55% of the total domestic partnerships in Nevada. This comports with observed findings from Washington for couples where at least one member of the couple is of 62 years of age or older (also 55% same-sex couples). The state of Nevada did not provide us with data on residency. We assume that 100% are Nevada residents. We make this assumption as described for the state of Connecticut.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
New Jersey	Civil Unions Domestic Partnership • Provides limited rights and benefits, such as hospital visitation, healthcare decision-making, income and transfer tax protections, and health insurance benefits.	New Jersey enacted a domestic partnership registry for same-sex couples and different-sex couples in which both partners are aged 62 or older, in 2004. Civil unions were established for same-sex couples on February 19, 2007. As of that date, only couples where both members are age 62 or older (both same-sex and different-sex) are allowed to register as domestic partners and a residency requirement for domestic partnership went into effect. Domestic partners must share a common residence in New Jersey or at least one partner must be in the New Jersey state-administered retirement system.	New Jersey did not provide us with data on whether couples in domestic partnerships are same-sex or different sex after the domestic partnership policy changed on February 19, 2007. Prior to this time, 98% of all domestic partnerships were for same-sex couples, according to data provided by the state. After February 19, 2007, we estimate that 55% of domestic partnerships were for same-sex couples, which is our estimate for the state of Washington. We estimate in both time periods that 99% of domestic partnerships are for residents, which is based on the experience of Washington state. We assume that 100% of civil unions are for New Jersey residents. We make this assumption as described for the state of Connecticut.
New York	Marriage	The bill opening marriage to same-sex couples was signed into law on June 24, 2011, and the law took effect immediately.	Because the effective date of the marriage law was so close to the date of this report, no data were available from New York. The New York Times reported that at least 1,200 marriage licenses for same-sex couples had been issued in the first two days after marriage licenses were available for same-sex couples.[69]
Oregon	Domestic Partnership • Provides same state-level rights and responsibilities as afforded to married spouses.	The registered domestic partnership law went into effect on February 4, 2008. The status is limited to same-sex couples only. There is a residency requirement. One partner must be an Oregon resident.	Because there is a residency requirement and only same-sex couples are allowed to register their domestic partnerships in Oregon, no adjustments were needed on residency or percent of same-sex versus different-sex couples.
Rhode Island	Civil Unions	The bill creating civil unions for same-sex couples was signed into law on July 2, 2011 and went into effective immediately.	Because to the effective date of the civil unions law was so close to the date of this writing, we have not included any data from Rhode Island in this report.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
Vermont	Marriage	Vermont offered civil unions for same-sex from July 2000 through August 2009. Marriage for same-sex couples went into effect September 1, 2009. While civil unions that were entered into at that time continue to be recognized, no new civil unions have been granted after September 1, 2009. Vermont civil unions do not automatically convert to marriages. Couples in a civil union must go through the formal process of marriage in order to be considered married in Vermont.	Only same-sex couples were allowed to enter civil unions in Vermont. The state provided us with data on residency for both civil unions (18% resident) and marriage (39% resident).
Washington	Domestic Partnership • Provides same state-level rights and responsibilities as afforded to married spouses.	After the original domestic partnership law went into effect on June 22, 2007, two later bills expanded the rights and responsibilities of registered domestic partners. The first, effective June 12, 2008, added 170 different rights and responsibilities. The second went into effect on December 3, 2009, and expanded domestic partnerships to include all of the rights and responsibilities of spouses under state law. Domestic partnerships are for same-sex couples and different-sex couples in which at least one member is age 62 or older.	We utilized a state-provided database of all registered domestic partnerships (same-sex and different-sex) filed from July 23, 2007, through March 1, 2011. The database provided a variety of data, including residency and age. The database did not provide the gender of the domestic partners. Different-sex versus same-sex couples were determined by analyzing the names of the partners. This analysis determined that overall about 11% of domestic partnerships were for different-sex couples (9% different-sex before December 3, 2009 and 16% different-sex after December 3, 2009). When only looking at couples who have one partner age 62 or older, 45% of couples are different-sex.* All figures in this report for Washington domestic partnerships come directly from the state-provided database.

Appendix 1: Statutory Notes and Data Notes by State

State	Current Legal Recognition Type(s)	Eligibility and timing	Data notes explaining adjustments
Wisconsin	Domestic Partnership • Provides limited rights and benefits, such as hospital visitation, inheritance, probate, real estate, healthcare decision-making, and end-of-life decision-making.	Domestic partnerships went into effect on August 1, 2009 and are limited to same-sex couples only. There is a residency requirement. Partners must have resided in the Wisconsin county where they will file their partnership for 30 days prior to filing.	Because there is a residency requirement and only same-sex couples are allowed to enter domestic partnerships in Wisconsin, no estimates were needed on residency or percent of same-sex versus different-sex couples.

***Note on name-matching procedures for the states of Colorado and Washington:**
The states of Colorado and Washington did not specify the sex of those couples entering designated beneficiary agreements or domestic partnerships. Both states allow same-sex and different-sex couples to enter these legally-recognized relationships. In order to determine whether a couple is different-sex or same-sex, as well as if the same-sex couples are male or female couples, we analyzed the names of the individuals listed and determined whether individuals were most likely to be male or female based on their names. Due to the small number of couples entering designated beneficiary agreements in Colorado, we completed that analysis by manually reviewing each name for each individual listed and coding whether the individual is male or female. When a sex could not be determined by analyzing the name, such as in the case of a gender-neutral name, we used internet research to make a more precise determination: 1) we consulted online searchable databases of names by gender, such as "Behind the Name" or "Babyz Names"; 2) we entered the name into Google Images and analyzed the images related to the name; and 3) we searched for the actual person through Google to see if we could determine that person's gender through search results. If internet research did not provide a clear determination of sex, the person was coded as having an unknown sex.

In the case of Washington, the database of names from the state was large enough to prohibit manual coding of each individual. We utilized lists of male and female names and their percent frequency from the 1990 Census, available at http://www.census.gov/genealogy/names/names_files.html. We combined the male and female lists to generate a probability that a particular name is female. When we could not determine an individual's sex based on the probability female, such as in cases where the name did not appear on the Census rolls or the probability female was around 50% for both the first and middle name, we first made a determination that those couples where both were under age 62 must be same-sex couples because of Washington state law. Therefore, when both partners were less than 62 years of age, if one partner's sex was determined and the other's was not, the known sex of one partner was applied to the partner whose sex could not be established with Census data. For those couples where one partner was 62 years of age or older and had an undetermined gender, we analyzed the individual names and conducted internet research, such as described for the state of Colorado.

[1] California: Cal. Fam. Code § 297 (2011) (domestic partnership), In re Marriage Cases, 43 Cal. 4th 757 (2008) (marriage); Colorado: Colo. Rev. Stat. § 15-22-103 (2010) (designated beneficiary); Connecticut: Conn. Gen. Stat. § 46b-20 (2011) (marriage); Delaware: S. 30, 146th Gen. Assem., Reg. Sess. (Del. 2011) (civil union); District of Columbia: DC Code § 46-101 (2011) (marriage), D.C. Mun. Regs. tit. 29, §8000 (1992) (domestic partnership); Hawai`i: Haw. Rev. Stat. ch. 572C (1997) (reciprocal beneficiary); Illinois: S. 1716, 96th Gen. Assem., Reg. Sess. (Ill. 2010) (enacted) (civil union); Iowa: Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009) (marriage); Maine: Me. Rev. Stat. Ann. tit. 22, § 2710 (2011) (domestic partnership); Maryland: S. 566, 425th Gen. Assem., Reg. Sess. (Md. 2008) (enacted), S. 567 425th Gen. Assem., Reg. Sess. (Md. 2008) (enacted) (limited domestic partnership); Massachusetts: Goodridge v. Dep't of Public Health, 798 N.E.2d 941 (Mass. 2003) (marriage). Nevada: Nev. Rev. Stat. § 122A.100 (2011) (domestic partnership); New Jersey: N.J. Rev. Stat. § 37:1-29 (2011) (civil union), P.L. 2003, c. 246 (domestic partnership); New York: A. 8354, 2011-2012 Assemb., Reg. Sess., (N.Y. 2011) (marriage); Oregon: Or. Rev. Stat. § 106.310 (2009) (domestic partnership); Rhode Island: H.R. 6103, 2011 Gen. Assem., Jan. Sess. (R.I. 2011) (civil unions); Vermont: Vt. Stat. Ann. tit. 15, § 8 (2011) (marriage); Washington: Wash. Rev. Code § 26.60.030 (2011) (domestic partnership); Wisconsin: Wis. Stat. § 770.05 (2010) (limited domestic partnership).

In this study, we do not include domestic partnerships that are registered at the local level, such as in a city or county registry. We also do not include domestic partnerships that are reported to an employer to obtain benefits to cover an employee's partner. The term "domestic partnership" in this report refers only to state-registered domestic partnerships that are recognized for purposes of state law.

[2] Percent of total U.S. population living in the following states: California, Colorado, Connecticut, District of Columbia, Hawai`i, Illinois, Iowa, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin. Calculated using total population figures from the 2010 Decennial Census, U.S. Bureau of the Census.

[3] Delaware: S. 30, 146th Gen. Assem., Reg. Sess. (Del. 2011) (civil union); Hawai`i: S. 232, 26th Leg., Reg. Sess. (Haw. 2011) (civil union).

[4] Human Rights Campaign. (2010). *Statewide Marriage Prohibitions*. Washington, DC: Author, available at http://www.hrc.org/files/assets/resources/marriage_prohibitions_2009(1).pdf (last accessed November 7, 2011).

[5] California: AB. 26, 1999-2000 Leg., Reg. Sess., (Cal. 1999); AB. 25, 2001-2002 Leg., Reg. Sess., (Cal. 2001); S. 1049, 2001-2002 Leg., Reg. Sess., (Cal. 2001); AB. 2216, 2001-2002 Leg., Reg. Sess., (Cal. 2002); AB. 2777, 2001-2002 Leg., Reg. Sess., (Cal. 2002); S. 1575, 2001-2002 Leg., Reg. Sess., (Cal. 2002); S. 1661, 2001-2002 Leg., Reg. Sess., (Cal. 2002); AB. 205, 2003-2004 Leg., Reg. Sess., (Cal. 2003); AB. 2208, 2003-2004 Leg., Reg. Sess., (Cal. 2004); S. 565, 2005-2006 Leg., Reg. Sess., (Cal. 2005); S. 973, 2005-2006 Leg., Reg. Sess., (Cal. 2005); S. 1827, 2005-2006 Leg., Reg. Sess., (Cal. 2006); AB. 2051, 2005-2006 Leg., Reg. Sess., (Cal. 2006); AB. 102, 2007-2008 Leg., Reg. Sess., (Cal. 2007); AB. 2055, 2009-2010 Leg., Reg. Sess., (Cal. 2010). District of Columbia: DC Law 9-114 (1992), DC Law 15-17 (2003), DC Law 15-176 (2004), DC Law 15-307 (2004), DC Law 15-309 (2004), DC Law 16-79 (2006). Washington: SB. 5336, 2007-2008 Leg., Reg. Sess., (Wash. 2007); HB. 3104, 2007-2008 Leg., Reg. Sess., (Wash. 2008); SB. 5688, 2009-2010 Leg., Reg. Sess., (Wash. 2009).

[6] The District of Columbia is categorized here as a broad domestic partnership, based on the Domestic Partnership Equality Amendment Act of 2006, DC Law 16-79, effective April 4, 2006. However, subsequently in this report the District of Columbia is categorized as having a limited domestic partnership. Data that we were provided by the District from 2002 to 2007 cannot be disaggregated for the time period before and after April 4, 2006. Therefore, we will include data from the District of Columbia under limited statuses only.

[7] Currently, Maryland and New Mexico, which do not allow civil unions or marriage for same-sex couples, will recognize marriages of same-sex couples that have occurred in other states. Maryland: 95 Op. Md. Att'y Gen. 3 (2010); New Mexico: 2011 Op. N.M. Att'y Gen. No. 11-01 (Jan. 4, 2011).

[8] *See supra* note 4.

[9] *See supra* note 4.

[10] Civil unions in Connecticut and New Hampshire are listed separately from marriages; however, civil unions were automatically converted to marriages in both states. Civil unions in Vermont were not automatically converted to marriages. Residency data was not provided for DC marriages due to insufficient data regarding residency of couples. Some states allow some or all different-sex couples to enter into non-marital legal relationship statuses. In this table, those states are: CA, CO, DC, HI, ME, NV, NJ (domestic partnerships), and WA. In those states, counts of same-sex couples were determined either from data collected directly from the states or by creating an estimate based on the experiences of similarly-situated states. Counts of same-sex couples were estimated for the states of NJ (from 2007 on), ME, and NV. Residency rates were established either through examination of residency data provided by the state or by creating an estimated rate based on the experiences of similarly-situated states. Residency rates were estimated for the following states: NJ (both civil unions and domestic partnerships), CT (civil unions only), NH (both civil unions and marriage), and NV. Civil union residency rates were estimated at 100 %, which is a conservative assumption when comparing take-up rates for civil unions versus marriage. More detailed information on how we adjusted the data to account for different-sex couples and residency appears in Appendix 1.

[11] Massachusetts did not allow non-resident same-sex couples to marry in Massachusetts until 2008. See Mass. Gen. Laws ch. 207, § 11 (repealed 2008). We estimate that 54% of marriages were for non-residents after the prohibition on out-of-state couples was removed.

[12] N.J. Code § 2A:34-9 (2009) (Jurisdiction in nullity proceedings or dissolution proceedings; residence requirements; service of process).

[13] Defense of Marriage Act, Pub. L. no. 104-199, 110 Stat. 2419 (1996), codified at 1 U.S.C. § 7 (2010), stating that "In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word `marriage' means only a legal union between one man and one woman as husband and wife, and the word `spouse' refers only to a person of the opposite sex who is a husband or a wife."

[14] The future of federal enforcement of DOMA is uncertain. The Department of Justice submitted a brief in July 2011 in a case pending in U.S. District Court, *Golinski v. U.S. Office of Personnel Management*, explaining the Obama Administration's conclusion that DOMA unconstitutionally discriminates based on sexual orientation. See Defendants' Brief in Opposition to Motions to Dismiss, Golinski v. OPM, No. C 3:10-00257-JSW, at 6-13 (N.D. Cal. July 1, 2011), available at http://data.lambdalegal.org/in-court/downloads/golinski_us_20110701_defendants-brief-in-opposition-to-motion-to-dismiss.pdf (last accessed November 7, 2011).

[15] The 22% figure was calculated using counts of same-sex couples from the 2010 Decennial Census and administrative data collected from each state. See Appendix 1 for more information on sources of and adjustments to state data. Data collected from the states are from varying time periods, so cannot be described as current to the date of publication of this report. This 140,000 figure does not adjust for couples who may have entered multiple legal relationship statuses in the District of Columbia, New Jersey, or Vermont. This 140,000 figure also does not adjust for couples who may have entered legal relationship statuses in multiple states and

does not account for those who have dissolved their legal relationships (see Table 6 for take-up rates adjusted for dissolutions).

Data on same-sex couples from the 2010 Decennial Census do not capture the actual total number of same sex couples in the United States or individual states over the same period of time as our state-level administrative data (in most cases). Except where we examine just the first year of data or where we adjust for dissolutions later in this report, state administrative data is cumulative over the period of time indicated in Table 2. Data on same-sex couples from the 2010 Decennial Census provide a cross-sectional total only for 2010. It is likely that the actual total number of same-sex couples that existed during the period of time covered by the state administrative data is higher than the number provided by the 2010 Decennial Census. To the extent that the actual number is higher, our 22% figure here and the figures provided in Table 3 are larger than one would find if the true number of same-sex couples could be known. In the absence of data on the true total number of same-sex couples over these time periods, the 2010 Decennial Census provides the best available data for use in the denominator.

[16] This 50,000 figure includes only marriages entered into within the United States, and includes couples who entered civil unions that were automatically converted to marriages in Connecticut and New Hampshire.

[17] The estimate of 18,000 same-sex couples married in California, of which 15,000 were residents, comes from an unpublished update to the following research note: The Williams Institute (2008, October). *Same-Sex Marriages in California*. Los Angeles, CA: Author, available at http://wiwp.law.ucla.edu/wp-content/uploads/Research-Note-CA-Same-Sex-Marriage-Oct-2008.pdf (last accessed November 7, 2011). See also Badgett, M.V. L. (2010). The Economic Value of Marriage for Same-Sex Couples, *Drake Law Review*, *102*(58), 1081-1116.

[18] The following states allow some or all different-sex couples to enter non-marital legal recognition statuses: California, Colorado, District of Columbia, Hawai`i (reciprocal beneficiaries and civil unions), Illinois, Maine, Maryland, Nevada, New Jersey (domestic partnerships), and Washington.

[19] Due to the lack of centralized record keeping in Colorado, we have only included the three most populous counties.

[20] Couples from California and Washington were not included in Figure 1 before the rights of domestic partners in those states became comparable to those of spouses (2005 for California and 2010 for Washington). Only couples who registered their domestic partnerships after the rights became comparable to marriage in California and Washington are included in Figure 1 as "civil unions or broad DPs." Civil unions that occurred in Connecticut and New Hampshire were removed from the cumulative total for civil unions and added to the cumulative total for marriages upon their conversion to marriages.

[21] The 46,000 figure includes about 30,000 couples who registered as domestic partners in California and Washington before those statuses were enhanced to be similar to civil unions. These registrations are not included in Figure 1.

[22] Gates, G.J. (2010, August). *Same-sex couples in US Census Bureau Data: Who gets counted and why*. Los Angeles, CA: The Williams Institute, available at http://wiwp.law.ucla.edu/wp-content/uploads/Gates-Who-Gets-Counted-Aug-2010.pdf (last accessed November 7, 2011).

[23] *See supra* note 22. Additional calculations for the 80,000 figure completed by Gary Gates, The Williams Institute, UCLA School of Law.

[24] The U.S. Census Bureau reported that 646,464 same-sex couples were tabulated in Census 2010. In addition, the Census Bureau reported that 131,729 of those same-sex couples designated one partner as a "husband" or "wife." Gates (2010) shows that designations of same-sex "husband/wife" versus "unmarried partner" couples used in

Census Bureau surveys are not a very accurate indicator of the legal status of couples. The national survey of same-sex couples (Gates 2010) showed that among couples who designated a partner as "husband" or "wife," about 70% were legally married and 15% were in civil unions or registered domestic partnerships. The remaining 15% said that despite the fact that they were not legally married, they considered the terms to be the best description of their relationship. The survey also found that 4% of couples who designated themselves as unmarried partners were, in fact, legally married. They said that they opted for the unmarried partner designation because their marriage was not recognized either by the federal or state government. O'Connell, M. and Feliz, S. (2011). *Same-sex Couple Household Statistics from the 2010 Census* (SEHSD Working Paper Number 2011-26). Washington, DC: U.S. Census Bureau, available at http://www.census.gov/newsroom/releases/archives/2010_census/cb11-cn181.html (last accessed November 7, 2011). See also Gates, G.J. (n.d.) *Census Snapshot: 2010 Methodology: Adjustment procedures for same-sex couple data*, available at http://wiwp.law.ucla.edu/wp-content/uploads/Census2010-Snapshot-Adjustment-Procedures.pdf (last accessed November 7, 2011).

[25] Data on the number of same-sex couples nationally and in each state come from U.S. Census Bureau, 2010 Decennial Census, available at http://www.census.gov/newsroom/releases/archives/2010_census/cb11-cn181.html (last accessed November 7, 2011). Those 2010 Census figures are used as the denominator when calculating the percentage of same-sex couples that have entered a legal recognition status nationally or in a particular state.

[26] This 47% figure does not include in the denominator states or counties for which we have no administrative data on counts of couples who have entered legally recognized relationships (Delaware, Illinois, New York, Rhode Island, and all counties in Colorado except Arapahoe, Denver, and El Paso counties).

[27] New Jersey and Vermont are listed twice in Table 3 because they have offered multiple legal relationship statuses over time. Unlike other states where couples have entered into an earlier form of legal recognition, these two states did not automatically shift couples to the new status. Therefore, there may be double-counting of couples who entered the earlier status and then later entered the new status.

[28] California and Washington did not offer broad domestic partnerships when they first enacted their registries. Rights and obligations were increased by these legislatures over time and now are comparable to those of marriage. Vermont offered civil unions with the same state-law rights as spouses for all the years of data presented here.

[29] Vermont: Vt. Stat. Ann. tit. 15, §1201-07 (2000) (civil unions).

[30] Calculations for gender were completed using administrative data provided by the states using total counts of same-sex couples by state and by gender provided by the 2010 Decennial Census, U.S. Census Bureau.

[31] Gates, G.J., Badgett, M.V. L., and Ho, D. (2008, July). *Marriage, Registration, and Dissolution by Same-Sex Couples in the U.S.* Los Angeles, CA: The Williams Institute, available at http://wiwp.law.ucla.edu/wp-content/uploads/Gates-Badgett-Ho-Couples-Marr-Regis-Dissolution-Jul-2008.pdf (last accessed November 7, 2011).

[32] Age ranges for currently-married different-sex couples were created using data from the U.S. Bureau of the Census, 2009 American Community Survey. Age ranges for same-sex couples were calculated using administrative data provided by the states.

[33] Data for Table 4 were provided by the states for the time periods indicated for each state. Data provided for Massachusetts and Connecticut were for non-resident individuals who married. Therefore, the denominator for

the calculations in the first column (percent out of all same-sex couples for each state) was multiplied by 2 to reflect individuals. We assume here that both members of a couple are residents of the same state, and therefore, the rates of residency by state would hold true for couples.

[34] New York City had to establish a lottery for marriage licenses to accommodate the demand for weddings for same-sex couples on the first day they were offered, Sunday, July 24, 2011. The state of New York requires a 24-hour waiting period between the time the marriage license is issued and when the ceremony occurs. New York clerks'clerks' offices had 70 volunteer judges on hand to grant couples exceptions from the 24-hour waiting period so they could marry on July 24. *See* Hernandez, J.C. (2011, July 21). In Marriage Lottery, City Expects to Meet Demand. *The New York Times*, available at http://www.nytimes.com/2011/07/22/nyregion/new-york-city-to-allow-more-weddings-on-day-1-of-gay-marriage.html (last accessed November 7, 2011). The New York Times reported on July 25, 2011 that at least 1,200 marriage licenses had been issued by Monday July 25, 2011. *See* Kaplan, T. (2001, July 25). Sunday's Rush Becomes Monday's Steady Statewide Procession. *The New York Times*, available at http://www.nytimes.com/2011/07/26/nyregion/same-sex-marriages-begin-in-communities-statewide.html (last accessed November 7, 2011).

[35] This figure includes only those same-sex couples who were residents of states that offered legal recognition. States that have offered multiple legal relationship statuses over time or had significant policy changes over time (California, Connecticut, New Hampshire, and Washington) were only included for the type of relationship they offered in the first year. Two exceptions are Vermont and New Jersey. Vermont is included in both the marriage and civil union categories because civil unions in Vermont did not automatically convert to marriages. New Jersey is included in both the limited statuses and civil unions because both statuses are offered concurrently and limited statuses (New Jersey domestic partnerships) did not automatically convert to civil unions once civil unions were allowed. Calculations were made using the total number of resident same-sex couples who entered the legal status listed in all the relevant states in the first full year that status was offered. These totals were divided by the total number of same-sex couples in those states where that status was offered according to the 2010 Decennial Census, U.S. Census Bureau.

[36] For instance, see Badgett, M.V. L. (2011). Social Inclusion and the Value of Marriage Equality in Massachusetts and the Netherlands. *Journal of Social Issues 67*(2), 316-334, available at http://wiwp.law.ucla.edu/wp-content/uploads/Badgett-Social-Inclusion-Jul-2011.pdf (last accessed November 7, 2011).

[37] Calculations for Figure 7 were made using the total number of resident same-sex couples who entered the legal status listed for each state in the first full year that status was offered, divided by the number of same-sex couples in that state according to the 2010 Decennial Census, U.S. Census Bureau. These figures differ from those reported in the prior study, *Marriage, Registration, and Dissolution by Same-Sex Couples in the U.S.,* due to a change in the denominator we used. We believe the counts of same-sex couples provided in the 2010 Decennial Census reflect the best available data on the number of same-sex couples in the states. This prior study used counts of same-sex couples from the American Community Survey (2000 through 2007).

[38] Connecticut, New Hampshire, and Vermont all previously offered civil unions before enacting marriage for same-sex couples. Connecticut: Conn. Gen. Stat. §46b-38aa (2005) (civil union); New Hampshire: N.H. Rev. Stat. §457-A (2008) (civil union); Vermont: Vt. Stat. Ann. tit. 15, §1201-07 (2000) (civil union).

[39] When civil unions became available, New Jersey maintained its domestic partnership registry but changed the requirements so that both members of the couple must be 62 years of age or older to be eligible to register. New requirements for New Jersey domestic partnerships were outlined in the civil union statute. New Jersey: N.J. Rev. Stat. § 37:1-29 (2011) (civil union).

[40] Non-residents comprise 1% of all domestic partnerships in New Jersey. We assume civil unions are all New Jersey residents.

[41] Other possible explanations for the higher numbers of couples opting for civil unions or marriage in the states we analyze here include population change and shifting social norms that encouraged more same-sex couples to formalize their relationships. The short timescale involved suggests that those long-term factors are unlikely to explain the greater interest in statuses with more legal rights and responsibilities.

[42] Connecticut: Pub. Act. No. 09-13, Sec. 11 (civil unions convert to marriages).

[43] We assume all civil unions were of Connecticut residents.

[44] The numbers in Figure 8 are by calendar year, while the numbers in the text of the paragraph look at the first twelve months of marriage and civil unions.

[45] *See supra* note 5.

[46] This includes the state of Hawai`i. Hawai`i's statute allows different-sex couples to enter reciprocal beneficiary relationships if they cannot marry and meet all other eligibility requirements for the reciprocal beneficiary relationship.

[47] The actual or estimated number of different-sex couples who entered legally recognized relationships in each state (as appear in Figure 11) was divided by the number of different-sex unmarried couples in each relevant age group for each state. The number of unmarried different-sex couples in each state came from the 2010 Decennial Census, U.S. Census Bureau. The most recent data on the age of unmarried different-sex couples comes from the 2009 American Community Survey (ACS), U.S. Census Bureau. The percentage of unmarried different-sex couples in the relevant age groups in each state was calculated using the 2009 ACS and was then applied to the total number of unmarried different-sex couples in each state as reported in the 2010 Decennial Census, U.S. Census Bureau. For detailed information on how the number of different-sex couples was estimated, see Appendix 1.

[48] In California and Washington, before registered domestic partners were afforded the same state rights and obligations of marriage, couples terminated a domestic partnership by filing a notice of termination with the appropriate state agency. In California, now only couples who meet strict criteria can terminate their domestic partnerships in this way. All others must go through the California Superior Court. In Washington, all domestic partnerships are now terminated through court proceedings similar to divorce.

[49] Eskridge, W. N., Jr., & Hunter, N. D. (2011) *Sexuality, Gender, and the Law* (3rd Edition). New York: Foundation Press, 734-753. Rubenstein, W. B., Ball, C. A., and Schacter, Jane S. (2011) *Cases and Materials on Sexual Orientation and the Law* (4th Edition). St. Paul, MN: West, 659-678.

[50] For the following states, it was not possible to disaggregate different-sex couples from same-sex couples in the dissolution data: California, District of Columbia, Maine, Nevada, and New Jersey. For purposes of this analysis, we make the conservative assumption that all dissolutions in these states are for same-sex couples.

[51] Seventy percent of the dissolutions listed for New Hampshire were for civil unions or marriages that originated in Vermont and Massachusetts. We assume for all other states that the dissolutions listed in this table were of marriages or civil unions that originated in the state where the dissolution occurred.

[52] The U.S. divorce rate for different-sex couples was determined by using the rate per 1000 of the total population provided by the Centers for Disease Control, National Center for Health Statistics, National Vital Statistics System,

available at http://www.cdc.gov/nchs/nvss/marriage_divorce_tables.htm (last accessed November 7, 2011). That rate was applied to the total U.S. population to calculate the total number of divorces. The total number of divorces was divided by the total number of marriages to determine the divorce rate of different-sex married couples.

[53] The number of dissolutions was estimated for New Jersey (civil unions), Oregon (domestic partnerships), Massachusetts (marriages), Connecticut (marriages), and New Hampshire (marriages). The number of divorces was estimated by applying each state's divorce rate of different-sex couples each year to the cumulative total of marriages/civil unions for same-sex couples in that year in each state. No divorces were estimated for the first year that marriages/civil unions for same-sex couples were offered. Divorce rates of different-sex couples came from the Centers for Disease Control, National Center for Health Statistics, National Vital Statistics System.

[54] The rate of marriages for different-sex couples was calculated from the U.S. Census Bureau, 2005-2009 American Community Survey, Tables B11001 and B11009 and was found to be 91%. This figure includes resident couples only. We account for divorce by removing the estimated number of divorces each year from the cumulative total. *See supra* note 52.

[55] The total number of same-sex couples in Massachusetts (20,256), according to the 2010 Decennial Census, U.S. Census Bureau, was multiplied by .91 to yield the total number of married same-sex couples needed to reach parity with the marriage rate of different-sex couples (91%). To get to that rate, 18,433 total same-sex couples would need to be currently married. After taking out an estimate of the number of divorces, there were 13,090 same-sex couples were married as of the end of 2009, which is 71 % of the total needed to reach parity with different-sex couples.

[56] *See supra* note 31.

[57] This prediction is based on a simple linear projection of the cumulative total of marriages for same-sex couples from 2004 through 2009.

[58] This figure includes resident couples only. We account for civil union dissolutions by removing the actual number of dissolutions (provided to us by the state) each year from the cumulative total. The rate of marriages for different-sex couples was calculated from the U.S. Census Bureau, 2005-2009 American Community Survey, Tables B11001 and B11009 and was found to be 87%.

[59] The total number of same-sex couples in Vermont (2,143), according to the 2010 Decennial Census, U.S. Census Bureau, was multiplied by .87 to yield the total number of married same-sex couples needed to reach parity with the marriage rate of different-sex couples (87%). 1,864 total same-sex couples would need to be currently married to reach parity with the marriage rate of different-sex couples in Vermont. Taking into account estimated divorces, 1,319 same-sex couples were in civil unions as of the end of 2008, which is 71 % of the total needed to reach parity with different-sex couples.

[60] *See supra* note 31.

[61] *See supra* note 31.

[62] *See supra* note 15.

[63] We did not consider Vermont civil unions, California domestic partnerships, or Hawaii's reciprocal beneficiary agreements when making this assumption. Since they were the first jurisdictions to offer their respective legal statuses, they are considered outliers due to the initial pent-up demand for these statuses.

[64] *See supra* note 31.

[65] Morello, C. and Thomas-Lester, A. (2011, March 8). Same-sex couples lead to marriage licenses doubling. *The Washington Post*, available at http://www.washingtonpost.com/wp-dyn/content/article/2011/03/08/AR2011030802724.html (last accessed November 7, 2011).

[66] An exception to the residency rule was made in 2006 for same-sex couples from Rhode Island. Another exception to the residency rule was made in 2007 for same-sex couples from New Mexico. For a more detailed narrative on the court proceedings that led to these exceptions, see Grossman, J. (2006, Oct. 3). *Rhode Island Same-Sex Couples Now Can Marry in Massachusetts -- but Will Rhode Island Recognize Their Unions?*, available at http://writ.news.findlaw.com/grossman/20061003.html (last accessed November 7, 2011).

[67] Badgett, M.V. L. (2010). The Economic Value of Marriage for Same-Sex Couples, *Drake Law Review, 102*(58), 101-135. See footnote #93.

[68] Herman, J., Konnoth, C., and Badgett, M.V. L. (2001, February). *The Fiscal Impact of Creating Civil Unions on Colorado's Budget*. Los Angeles, CA: The Williams Institute, available at http://wiwp.law.ucla.edu/wp-content/uploads/Herman-Badgett-Konnoth-CO-FiscalAnalysis-Feb-2011.pdf (last accessed November 7, 2011). A detailed description of the Nevada estimate can be found on page 5.

[69] *See supra* note 34.