



**California Center for Population Research**  
**University of California - Los Angeles**

# **Same-sex couples in US Census Bureau Data: Who gets counted and why**

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# Same-sex couples in US Census Bureau Data: Who gets counted and why

## Executive Summary

This research brief will highlight key findings of a national survey of cohabiting same-sex couples designed to understand if and how same-sex couples completed their Census 2010 forms and why they chose the options they did to identify their relationship. A significant amount of scholarly and policy-focused research on same-sex couples in the United States has used Census data as a primary data source. With the advent of legal marriage and other forms of recognition for these couples, the research and policy interest in this area has only intensified. As such, it is very important to understand the accuracy of Census Bureau enumerations of same-sex couples.

### Principal findings

Census 2010 participation and outreach	<p>Nearly 99% of individuals in same-sex couples said they had or planned to participate in Census 2010.</p> <ul style="list-style-type: none"> <li>• More than 9 in 10 same-sex couples completed and mailed their surveys back, a figure higher than the general population mail-back rate of 7 in 10 households.</li> <li>• About 6% said they were visited by a Census worker and 2.4% had not completed a form but said that they planned to do so.</li> </ul> <p>More than 1 in 4 individuals in same-sex couples said that they saw some type of Census outreach targeting the LGBT community. Of that group, more than 1 in 3 individuals said that they received some type of materials associated with LGBT Census outreach.</p>
Who does Census miss?	<p>Approximately 1 in 7 same-sex couples (14.4%) will likely not be identified as such in Census 2010.</p> <ul style="list-style-type: none"> <li>• Approximately 10% of same-sex couples described their relationship as roommates or non-relatives rather than as spouses or unmarried partners. <ul style="list-style-type: none"> <li>◦ When asked why they selected that option, about a third said that they just thought of their relationship in some other way, a quarter cited confidentiality concerns about disclosing their relationship, and a third were protesting either because they opposed the fact that the Census was not asking a sexual orientation or gender identity question or they were offended by the options presented.</li> </ul> </li> <li>• Nearly 5% of same-sex couples will not be identifiable since neither partner was listed as "Person 1" on the Census form, so it will not be possible to identify their relationship.</li> </ul>
Legal relationship status	<p>Nearly 30% of those in same-sex couples said that they were in legal relationship. Approximately 14% were married and 15% were in a civil union or registered domestic partnership (RDP).</p> <p>Almost 60% of same-sex couples who were married or had a civil union or RDP lived in states that legally recognized those statuses.</p> <ul style="list-style-type: none"> <li>• Nearly 3 in 10 were married and lived in a state that recognized that marriage.</li> <li>• An additional 3 in 10 were in a civil union/RDP and lived in a state that recognized that status.</li> <li>• More than 16% were married but lived in a state with no recognition.</li> <li>• Nearly a quarter had a civil union or RDP and lived in a state with no recognition.</li> </ul>

Legal relationship status and Census 2010 responses

There was a high degree of consistency in how same-sex couples identified their relationship status question on the Census 2010 form and their legal marital status in the state where they lived.

- More than 9 in 10 same-sex couples either chose “husband/wife” and were also legally married and lived in a state that recognized that marriage or chose “unmarried partner” and lived in a state where marriages of same-sex couples were not recognized.
- Nearly 8 in 10 individuals in same-sex couples who were legally married used the terms husband or wife to describe their relationship.
  - Nearly all (94%) of the married couples who selected unmarried partner did so because either the federal or state government does not recognize their marriage.
  - About 1 in 5 also said that they were not comfortable with the terms husband or wife or they thought of themselves as partners.
- Among those in civil unions or RDPs, 84% described their relationship as unmarried partners while 16% used husband or wife.
  - Among those who selected husband or wife virtually all (98.5%) said it was because they were in a civil union/RDP or they simply thought of themselves as spouses.
  - About 4 in 10 also said it was because they had a commitment ceremony.
- Nearly all individuals who were not married and not in a civil union/RDP (97%) used unmarried partner to describe their relationship.
  - Nearly all (89%) of those who selected husband or wife did so because they considered themselves to be spouses.
  - More than 1 in 5 also said it was because they had a commitment ceremony.

Couples living in states with some form of legal recognition for same-sex couples are more likely to use the terms husband or wife to describe their relationship.

- Almost 9 in 10 married individuals in states that recognize marriages of same-sex couples used husband or wife compared to just 6 in 10 of those in states lacking such recognition.
- In states with recognition of civil unions or RDPs, almost a quarter of those who were in a civil union or RDP called themselves spouses compared to only 12% of those living in states with no recognition.
- In states with legal relationship recognition, 6% of those who were not in any form of legally recognized relationship called themselves spouses compared to just 2% in states with no relationship recognition.

Transgender respondents

More than 3% of individuals in same-sex couples indicated that they were transgender or had a transgender partner.

- Of that group, 55% said that they were either married or in a civil union/RDP compared to only 28% of other respondents.
- At least 8.5% of married same-sex couples include a transgender partner along with 5% of couples in civil unions or RDPs.

Interpreting Census 2010 data

Approximately 71% of couples who designated themselves as spouses were married and another 15% were in a civil union or RDP.

Virtually all couples (99%) who use unmarried partner were either not married (96%) or were married but lived in a state that did not recognize their marriage (3%).

## Introduction

The 1990 decennial Census marked the first time that Census Bureau data could be used to distinguish same-sex cohabiting couples who were in close personal relationships from those who were simply roommates. Same-sex couples could be identified by combining information about the sex of all individuals in the household with the relationship question (which asks the relationship between the person filling out the form and all household members) that included a new category of “unmarried partner.”

In 1990, 145,130 same-sex couples used the unmarried partner designation. In Census 2000 and in subsequent annual American Community Surveys, the decision was made to add same-sex couples who designated a partner as a “husband/wife” to the counts of same-sex cohabiting couples, though same-sex spouses were not reported as such. Instead, they were counted as same-sex unmarried partners. Census 2000 counted 594,391 same-sex couples identified as either spouses or unmarried partners. In the 2008 American Community Survey (ACS), the Census Bureau publicly released separate estimates for the number of same-sex spouses and unmarried partners. The 2008 ACS data suggest that approximately 150,000 same-sex couples identified as spouses and 415,000 identified as unmarried partners.<sup>i</sup>

A significant amount of scholarly and policy-focused research on same-sex couples in the United States has used Census data as a primary data source.<sup>ii</sup> With the advent of legal marriage and other forms of recognition for these couples, the research and policy interest in this area has only intensified. As such, it is very important to understand the accuracy of Census Bureau enumerations of same-sex couples.

A study conducted after Census 2000 suggested that about 1 in 6 same-sex couples opted to call themselves roommates or housemates.<sup>iii</sup> The 2008 estimate of 150,000 same-sex couples who said that they were husbands or wives contrasts with Williams Institute estimates that only about 32,000 same-sex couples were legally married in the United States in

2008. This research brief highlights key findings of a national survey of cohabiting same-sex couples designed to understand if and how they completed their Census 2010 form and why they chose the options they did to identify their relationship.

## Data and methodology

Data used in this brief come from a survey designed and commissioned by the Williams Institute and conducted by Harris Interactive during the summer of 2010. They surveyed 602 individuals in the US who are part of a cohabiting same-sex couple. The survey included an oversampling of racial/ethnic minorities.

Respondents to the survey were derived from a pre-existing national panel of lesbian, gay, bisexual, and transgender (LGBT) individuals who are part of the Harris Online Poll. These respondents participate in a wide variety of online surveys conducted by Harris Interactive at their own discretion. All requests to participate in surveys are made via email and participation is completely voluntary.

Harris Interactive coordinated all aspects of data collection using questions developed by Williams Institute scholars.

The survey was conducted online and assessed the following:

- If and how individuals in same-sex couples identified themselves on the Census household roster
- The nature of their legal relationship status
- Why they chose the options that they did
- If they received any LGBT-specific Census 2010 outreach messages or materials
- Demographic characteristics including sex, race/ethnicity, sexual orientation and gender identity, education, age, and state of residence.

The sample included a diverse set of respondents, as evidenced by the sample sizes based on various demographic characteristics shown in Table 1.

**Table 1. Sample sizes by demographic characteristics, 2010 US Same-sex Couple Survey.**

Sex	Female		Male			
		327		275		
Race/ethnicity	People of color					
	188					
	White	African-American	Latino/Latina	Asian/Pacific Islander	Native American/Alaska Native	Other
	405	63	87	17	7	14
Sexual orientation/gender identity	Non-transgender			Transgender		
	581			17		
	Gay/Lesbian	Bisexual	Heterosexual	Gay/Lesbian	Bisexual	
	518	63	5	6	5	
Education	High School or less		Some college		College/Graduate degree	
	59		200		343	
Age	Age 18-25	Age 26-44	Age 45-64	Age 65+		
	29	275	239	59		
Geography	East		Midwest		South	West
	135		127		178	161

Comparisons between the demographic characteristics of survey respondents and same-sex couples in the 2008 American Community Survey revealed that survey respondents reported higher levels of education. The survey also over-sampled non-White respondents. To adjust for these differences, sample observations were weighted so that the full sample closely matches the demographic characteristics (age, race/ethnicity, educational attainment, and geography) of same-sex couples identified in the 2008 American Community Survey. By weighting the responses, the sample is more representative of the US population of individuals in same-sex cohabiting couples.

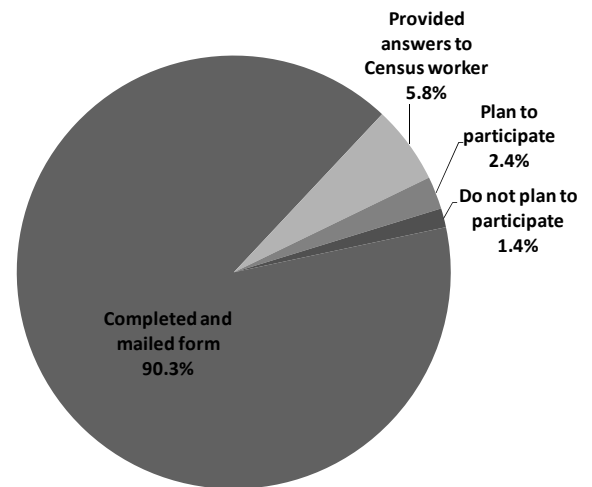
### Participation in Census 2010

The US Census Bureau’s public outreach campaign accompanying the recently conducted 2010 Census included, for the first time, a substantial effort to encourage participation in the decennial Census by the LGBT community. The Bureau hired LGBT outreach staff in major cities across the country, purchased advertisements in LGBT media, and produced both print (in collaboration with the Williams Institute)<sup>iv</sup> and video outreach materials

targeting the LGBT community. The LGBT community also engaged in a substantial Census education campaign via the Our Families Count initiative, a collaboration of more than 200 LGBT organizations funded in part by the Williams Institute.<sup>v</sup>

Nearly all individuals in same-sex couples said they had or planned to participate in Census 2010. Only 1.4% of respondents said that they did not plan to participate in the Census (see Figure 1). More than 9 in 10 same-sex couples (90.3%) completed and mailed their surveys back. This is higher than the population mail-back rate of 7 in 10 households. There were no statistically significant differences in the mail back rate by race or ethnicity. About 6% of respondents said they were visited by a Census worker and 2.4% had not completed a form but said that they planned to do so.

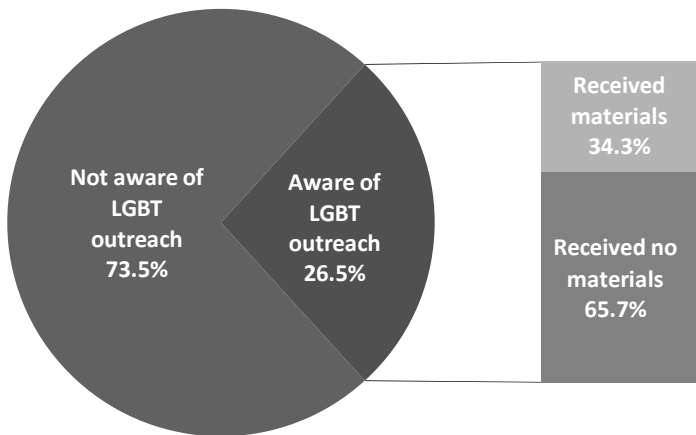
**Figure 1. Census participation by individuals in same-sex couples (n=593).**



The survey also asked respondents if they were aware of any LGBT-specific outreach activities and if they actually received any materials as part of that outreach. More than 1 in 4 individuals in same-sex couples (26.5%) said that they saw some type of Census outreach targeting the LGBT community (see Figure 2). Of that group, more than 1 in 3 (34.3%) individuals said that they received some type of materials associated with that outreach. This implies that nearly 1 in 10 individuals in same-sex couples (9.1%) received some type of Census LGBT outreach materials.

African-Americans in same-sex couples reported the lowest rates of having been aware of any LGBT outreach. Less than 10% reported being aware of LGBT outreach compared to more than 25% of White or Latino/a individuals.<sup>vi</sup>

**Figure 2. Awareness of Census 2010 LGBT outreach by individuals in same-sex couples (n=593).**



**Who does Census miss and why?**

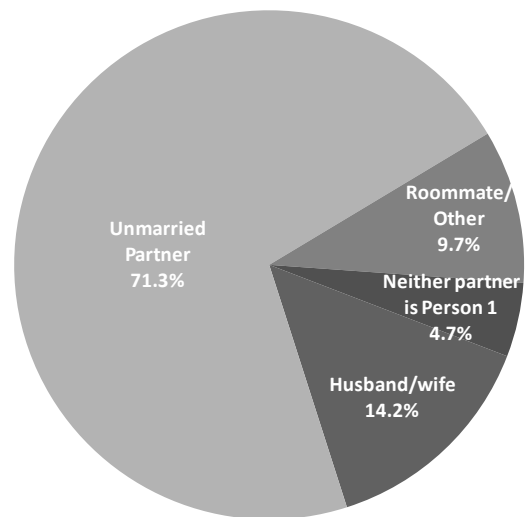
Cohabiting same-sex couples can only be observed in the Census data if one of the partners is “Person 1” (the person who fills out the form), and that person identifies another adult in the household as a husband, wife, or unmarried partner. Couples where one person is not “Person 1”—perhaps they are living with parents or other roommates—or those that chose to identify their relationship as roommates or non-relatives are essentially hidden in the data. They are counted but cannot be identified as same-sex couples in a serious cohabiting relationship.

A study conducted following Census 2000 suggested that as many as 1 in 6 same-sex couples opted to not identify as either spouses or unmarried partners.<sup>vii</sup> The most common reasons cited for that decision were concerns about confidentiality, possible negative consequences associated with identifying as a same-sex couple on a federal government survey, and a “lack of fit” with the question, meaning the terms “husband/wife” and “unmarried partner” just did not seem appropriate to them.

Compared to 2000, proportionally fewer same-sex couples chose to identify as roommates or other non-relatives in 2010 (see Figure 3). Of those who participated in Census 2010 and could recall their responses, less than 1 in 10 (9.7%) used those terms to describe their relationship. More than 85% used the terms husband, wife, or unmarried partner. More than 7 in 10 (71.3%) described themselves as unmarried partners while 14.2% chose husband or wife. The remaining 4.7% were couples where neither partner was “Person 1” on the Census form. This means that about 1 in 7 same-sex couples (14.4%) will likely not be identified as such in Census 2010. There were no statistically significant differences in the likelihood of not being identified in the Census by race or ethnicity.

Those who chose to identify their relationships as roommates or other non-relatives were asked why they selected that option. Two of the most common reasons given were similar to those identified in 2000. About a third said that they just thought of their relationship in some other way and a quarter cited concerns about disclosing themselves as gay or lesbian or fears about information leaking. Unlike in the 2000 study, a third of respondents seemed to make the selection as a form of protest either because they opposed the fact that the Census was not asking a sexual orientation or gender identity question or they were offended by the options presented.

**Figure 3. Responses to Census relationship question by individuals in same-sex couples (n=538).**



## Relationship status versus legal recognition

The legal relationship status of same-sex couples in the United States is complicated. Currently, five states and the District of Columbia allow same-sex couples to be married.<sup>viii</sup> Eight states and DC have provided civil unions or registered domestic partnerships that grant couples nearly all of the rights associated with marriage (two of those states along with DC have since opened marriage to same-sex couples).<sup>ix</sup> Six states provide relationship recognition statuses that provide some of the rights associated with marriage.<sup>x</sup> An unknown number of cities and towns have domestic partner registries that offer limited benefits to couples.

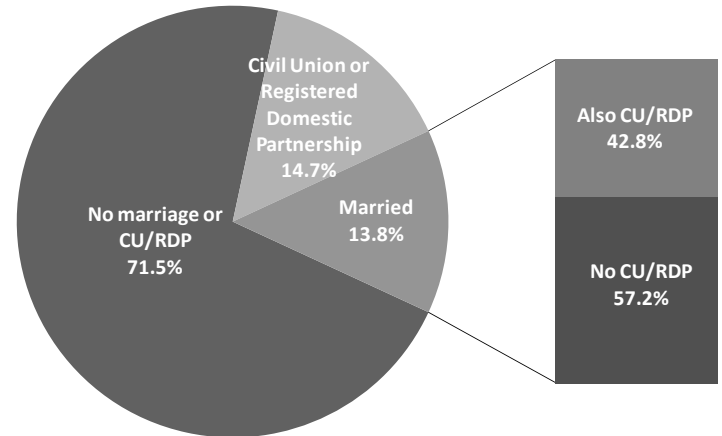
Regardless of how state or local governments recognize same-sex couples, the federal government provides no legal recognition. There is also limited interstate recognition of same-sex relationships. Only two states formally recognize marriages of same-sex couples performed in other states or countries.<sup>xi</sup> With the exception of the few states with civil union or RDP statutes, states generally do not recognize the non-marital forms of relationship recognition devised by other states and none recognize municipal registered partnerships.

Discrepancies between a couples' relationship status and the legal recognition of that status mark one area of complexity that could affect how couples respond to the relationship question on the Census survey. Those who are legally married may wonder if "husband/wife" is an appropriate choice if their marriage is not recognized by the federal government or in their state. Another issue is that Census relationship options do not include civil unions or RDPs. Couples with those statuses may be unsure how to describe a partner since most states largely equate civil unions and RDPs with marriage.

Nearly 14% of individuals in same-sex couples said that they were married, an additional 15% were in a civil union or registered domestic partnership (RDP) and 71.5% were not in a legally recognized relationship (see Figure 4). Of those who were married, more than 4 in 10 (42.8%) had also been in a civil union or RDP, presumably prior to their marriage. African-Americans were less likely than White individuals to report being in a legally recognized relationship. They were half as likely as

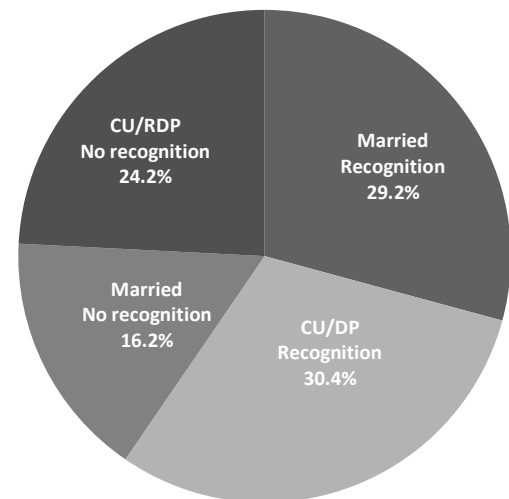
White or Latino/a individuals to be either married or in a civil union or RDP (15% v. 30%, respectively).<sup>xii</sup>

**Figure 4. Relationship status of individuals in same-sex couples (n=593).**



Of note, even among those who were not married and were not in a civil union or RDP, more than 1 in 6 reported having had some type of commitment or religious union ceremony.

**Figure 5. Relationship status and legal recognition in state of residence among individuals who are married or in a civil union or registered domestic partnership (n=165).**



Among all couples who were married or had a civil union or RDP, 29.2% were married and lived in a state that recognizes that marriage, 30% were in a civil union/RDP and lived in a state that recognizes that status (see Figure 5).<sup>xiii</sup> More than 16% were

married but lived in a state with no recognition and nearly a quarter had a civil union or RDP and lived in a state with no recognition. In total, more than 40% of same-sex couples who were married or had a civil union or RDP lived in states that did not legally recognize those statuses.

## Census responses, relationship status, and legal recognition

Overall, there was a high degree of consistency in how same-sex couples identified their relationship status question on the Census 2010 form and their legal marital status in the state where they lived. More than 9 in 10 same-sex couples either chose “husband/wife” and were also legally married and lived in a state that recognized that marriage (8%) or chose “unmarried partner” and lived in a state where marriages of same-sex couples were not recognized (82%).

Not taking into account the legal recognition of marriages in the states where couples lived, nearly 8 in 10 individuals (78%) who were married used the terms husband or wife to describe their relationship (see Figure 6). Individuals who said they were married but described their relationship as unmarried partners were asked why they selected that option. Nearly all (94%) said that they chose unmarried partner because either the federal or state government did not recognize their marriage. About 1 in 5 (22%) also said that they chose unmarried partner because they were not comfortable with the terms husband or wife or they thought of themselves as partners.

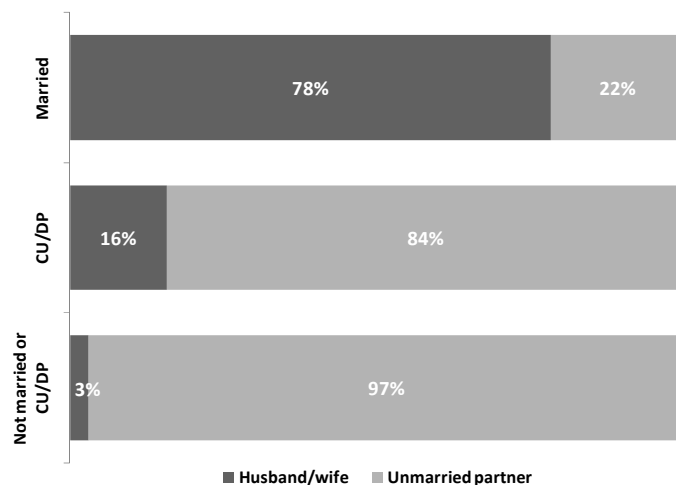
Among those in civil unions or RDPs, 84% described their relationship as unmarried partners while 16% used husband or wife. Individuals in civil unions or RDPs who selected husband or wife to identify their relationship were asked why they made that choice. Virtually all (98.5%) said it was because they were in a civil union/RDP or they simply thought of themselves as spouses. About 4 in 10 also said it was because they had a commitment ceremony.

Nearly all individuals who were not married or in a civil union/RDP (97%) used unmarried partner to describe their relationship. Those who selected husband or wife and were not married and not in a civil union or RDP were asked why they selected that option. Similar to those in civil unions or RDPs who selected the spouse option, nearly all (89%) said it

was because they considered themselves to be spouses. In addition, 22% also said it was because they had a commitment ceremony.

The analyses provide evidence that legal recognition of same-sex relationships, even if that recognition is in the form of civil unions or RDPs, increase the likelihood that same-sex couples identify their relationships on the Census using the terms husband or wife.

**Figure 6. Census relationship question responses by relationship status among those who chose “husband/wife” or “unmarried partner” (n=457).**



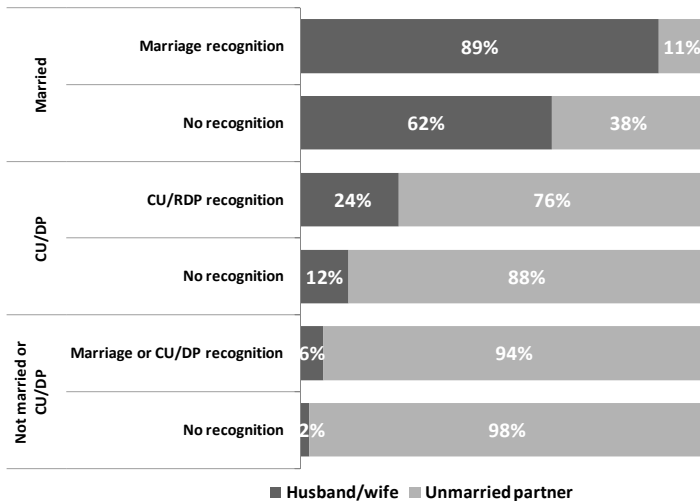
Almost 9 in 10 married individuals in states that recognize marriages of same-sex couples used husband or wife to describe their relationship compared to just 6 in 10 of those in states lacking such recognition (see Figure 7).<sup>xiv</sup>

The use of husband or wife was also more common in states where legal recognition took the form of civil unions or RDPs rather than marriage. In states with these types of recognition, almost a quarter (24%) of same-sex couples in civil unions or RDPs called themselves spouses compared to only 12% in states without recognition (though that difference is not statistically significant).

Even among same-sex couples who were neither married nor in a civil union or RDP, the use of the terms husband and wife was slightly higher in states with recognition of marriage, civil unions, or RDPs (6%) than it was in states with no recognition (2%), though that difference was not statistically significant



**Figure 7. Census relationship question responses by relationship status and legal recognition in state of residence among those who chose “husband/wife” or “unmarried partner” (n=457).**



### Transgender respondents

Among individuals in same-sex couples, 3.3% indicated that they were transgender or had a transgender partner.<sup>xv</sup> The data from these 19 respondents cannot be considered representative of that population. However, it is interesting to note that this group is more likely than others in same-sex couples to say that they are in a legally recognized relationship.

Of those who indicated that they were transgender or said that they had a transgender partner, 55% said that they were either married (34%) or in a civil union/RDP (21%). Among other respondents, only 28% were either married (13%) or in a civil union/RDP (15%).<sup>xvi</sup> This suggests that at least 8.5% of married same-sex couples include a transgender partner along with 5% of couples in civil unions or RDPs.

### Interpreting Census 2010 data

The bulk of these analyses have focused on how legal relationship status affects same-sex couple responses to the relationship question on the Census form. These data can also help interpret the meaning of same-sex couple responses when Census 2010 data are released.

The Census Bureau has announced that it will release national and state counts of the number of same-sex couples who identified as husbands or wives along with counts of the number who designated themselves as unmarried partners. Given the complexities between Census responses and legal relationship status described in these analyses, it will be important to understand what these designations might infer about the legal relationship status of same-sex couples.

Of those who called themselves either spouses or unmarried partner, 17% said they were husbands or wives and 83% said that they were unmarried partners.

For the most part, couples who designated themselves as spouses were in some type of legally recognized relationship, of which most were married.<sup>xvii</sup> Approximately 86% were either married or in a civil union or RDP (see Table 2). More than 7 in 10 (71%) were legally married. Almost half (49%) lived in a state that recognized that marriage and 22% lived in a state that lacked such recognition. Approximately 15% were in civil unions or RDPs with 7% living in states that recognized that status and 8% living in states that lacked such recognition.

**Table 2. Legal relationship status and state recognition by responses to Census relationship question.**

	State recognition of marriage for same-sex couples or CU/RDP	Response to Census relationship question	
		Husband/wife (17% of total) n=85	Unmarried partner (83% of total) n=380
Legally married	Marriage recognized	49%	1%
	Marriage not recognized	22%	3%
CU/RDP	CU/RDP recognized	7%	5%
	CU/RDP not recognized	8%	12%
No legal relationship	Marriage recognized	3%	13%
	CU/RDP recognized	0%	2%
	No recognition	10%	64%
	Total	100%	100%

Conversely, couples who used unmarried partner were not in a legally recognized relationship. Virtually all (99%) were either not married or lived in a state that did not recognize marriage for same-sex couples. Nearly 8 in 10 (79%) were not in any type of legal relationship (marriage or civil union/RDP). An additional 15% were in a legal relationship but did not live in a state that recognized that relationship. Among those who used unmarried partner, 5% were in a recognized civil union/RDP and only 1% were in a legally recognized marriage.

## **Conclusion**

The responses of same-sex couples to the relationship question on the Census survey are largely consistent with their legal relationship status. Most legally married couples identify themselves as spouses while most others use unmarried partner. However, these analyses also demonstrate how ongoing social stigma directed at the LGBT

community, limitations of the Census survey form, and the complex legal environment associated with relationship recognition all create challenges to collecting accurate information about same-sex couples and interpreting Census 2010 data.

Federal data collection efforts must be able to adapt to the changing landscape of relationship recognition in the United States. This is why current Census Bureau efforts evaluating options to improve future data collection efforts are so important. However, the finding that 1 in 10 same-sex couples are still reluctant to reveal themselves as such on the Census form suggests that survey design alone will not be sufficient. Reduction of social stigma along with education efforts that highlight the importance of informing public policy debates about the LGBT community with accurate and confidential data are both necessary to improve data quality.

## Endnotes

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<sup>i</sup> Gates, Gary J. 2009. [Same-sex Spouses and Unmarried Partners in the American Community Survey](#), 2008, Williams Institute, UCLA School of Law.

<sup>ii</sup> For example:

Klawitter, Marieka and Victor Flatt. 1998. "The Effects of State and Local Anti-Discrimination Policies on Incomes of Same-Sex Couples," *Journal of Policy Analysis and Management* 17(4): 658-686.

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Rosenfeld, Michael J. and Byung-Soo Kim. 2005. "The Independence of Young Adults and the Rise of Interracial and Same-Sex Unions," *American Sociological Review* 70(4): 541-562.

Cooke, Thomas. 2005. "Migration of same-sex couples," *Population, Space, and Place* 11(5): 401-409.

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Black, Dan, Gary Gates, Seth Sanders, and Lowell Taylor. 2007. "The Measurement of Same-Sex Unmarried Partner Couples in the 2000 U.S. Census," [CCPR Working Paper Series](#) CCPR-023-07.

<sup>iii</sup> Badgett, MVL and Rogers, MA. 2003. *Left Out of the Count: Missing Same-sex Couples in Census 2000*. Institute for Gay and Lesbian Strategic Studies.

<sup>iv</sup> See

[http://2010.census.gov/partners/pdf/factSheet\\_General\\_LGBT.pdf](http://2010.census.gov/partners/pdf/factSheet_General_LGBT.pdf)

<sup>v</sup> See [www.ourfamiliescount.org](http://www.ourfamiliescount.org)

<sup>vi</sup> Differences are statistically significant ( $p < 0.05$ ).

<sup>vii</sup> Badgett, MVL and Rogers, MA. 2003. *Left Out of the Count: Missing Same-sex Couples in Census 2000*. Institute for Gay and Lesbian Strategic Studies.

<sup>viii</sup> Massachusetts, Connecticut, Iowa, Vermont, and New Hampshire, and DC all allow same-sex couples to marry.

<sup>ix</sup> New Jersey has civil unions. Vermont, New Hampshire, and Connecticut had civil unions and now offer marriage. California, Oregon, Washington, and Nevada have domestic partnership registries. DC had a domestic partnership registry and now offers marriage.

<sup>x</sup> Colorado offers designated beneficiaries. Hawaii offers reciprocal beneficiaries. Maryland, Wisconsin, and Maine offer domestic partnership. New Jersey offers domestic partnership but also has civil unions.

<sup>xi</sup> New York and Maryland recognize out-of-state same-sex marriages.

<sup>xii</sup> Difference is statistically significant ( $p < 0.05$ ).

<sup>xiii</sup> Though California does not currently allow same-sex couples to marry, those who were married during the period in 2008 when those marriages were legal are recognized as married. As such, these figures include California among the states that recognize marriage for same-sex couples. It is also possible that some married couples live in states that recognize the marriage as a civil union or RDP. Only 1% of all couples said they were married and lived in a state that offered civil unions or RDPs.

<sup>xiv</sup> Difference is statistically significant ( $p < 0.05$ ).

<sup>xv</sup> 17 respondents indicated that they were transgender and two respondents indicated that they had a transgender partner as part of the open-ended questions about why they responded as they did on the census form.

<sup>xvi</sup> Difference for being in either a marriage or civil union/RDP was significant ( $p < 0.10$ ).

<sup>xvii</sup> Caution is necessary in interpreting the exact nature of same-sex spouses reported in the Census because it is possible that a large portion of these couples may be different-sex couples who miscoded the sex of one of the spouses. See:

Gates GJ and Steinberger M. "Same-Sex Unmarried Partner Couples in the American Community Survey: The Role of Misreporting, Miscoding and Misallocation," Paper presented at the Annual Meetings of the Population Association of America, Detroit, MI, April 30, 2009

## ABOUT THE AUTHOR

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**The Williams Institute** on Sexual Orientation and Gender Identity Law and Public Policy at UCLA School of Law advances law and public policy through rigorous, independent research and scholarship, and disseminates its work through a variety of education programs and media to judges, legislators, lawyers, other policymakers and the public. These studies can be accessed at the Williams Institute website.

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