

Presidential Candidate Survey on Family Diversity, Domestic Partnership, and Marital Status Discrimination

Name of Candidate _____ Party Affiliation _____

Address _____ Telephone _____

City _____ State _____ Zip Code _____

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Question about Family Diversity:

1. In a national survey done by Massachusetts Mutual Life Insurance Co., 1,200 adults were asked to select a **definition of family**. A minority (22%) selected a restrictive definition: "a group of people related by blood, marriage, or adoption." The majority (74%) selected an inclusive definition: "a group of people who love and care for each other."

Which of these definitions would you select? Please note, this question is limited to the definition of "family" and has nothing to do with changing the definition of "marriage."

A "family" is a group of people related by blood, marriage, or adoption, and I would limit benefits and protections in federal law to persons so related.

A "family" is a group of people who love and care for each other, and I would use an inclusive definition of family in federal legislation so that benefits and protections would apply to household members who function as a family unit even if they are not related by blood, marriage, or adoption.

Both of the above.

Questions on Marital Status Discrimination:

2. There are more than 80 million unmarried adults in the United States, which means that single people are one of the largest groups in the nation. Currently, more than 40% of all adults in the United States are not married. Despite their large numbers, widespread marital status discrimination has been documented by state and local government study commissions. Please answer the following questions about your position on marital status discrimination. (Select only one answer for each category.)

2(a). General Philosophy

I believe that married people deserve more rights than single people.

I believe in equal rights for all people, regardless of their marital status.

2(b). Housing Discrimination

Civil rights statutes in 23 states prohibit marital status discrimination in housing. The federal civil rights act, however, does not include the term "marital status" in the list of prohibited forms of discrimination.

I believe that the federal fair housing law should be amended so that "marital status" discrimination by a for-profit landlord is illegal under federal law.

I believe that "marital status" should not be added to the federal fair housing law.

2(c). Religious Liberties Protection Act

A few years ago, Congress passed a Religious Freedom Restoration Act. The United States Supreme Court declared that statute unconstitutional as a violation of the doctrine of separation of powers because the court concluded that Congress was trying to regulate constitutional protections which only the court can do. A new bill has been introduced, called the Religious Liberties Protection Act. Many civil liberties groups are now opposing the new bill unless it is amended so that it does not override state and local nondiscrimination laws which forbid discrimination on the basis of marital status, sexual orientation, and other areas from which "religious" for-profit business owners might seek to be exempted.

I believe that for-profit business owners should not be allowed to discriminate against tenants, employees, or consumers in the name of religion. I therefore believe that the Religious Liberties Protection Act should be amended so that it does not create an exemption from civil rights laws that regulate businesses.

I support the Religious Liberties Protection Act without any amendments.

Questions about Domestic Partnership:

3. Some state governments, dozens of municipalities, and hundreds of private employers now provide **health, dental, and leave benefits to the domestic partners** of their employees. The term "domestic partnership" has customarily been defined as: (1) two unmarried adults; (2) living together as a family unit; (3) sharing the common necessities of life; and (4) assuming responsibility for the general welfare of each other. Some government and private employers restrict domestic partnership benefits to same-sex couples. Most allow all unmarried couples, regardless of gender, to apply for domestic partnership benefits. Groups such as the National Organization for Women, Congress of California Seniors, National Gay and Lesbian Task Force, and American Federation of Government Employees, support gender-neutral domestic partner benefits plans.

I support the extension of employment benefits to domestic partners of federal employees, but I believe that such benefits should be *limited* to same-sex couples, as a bill introduced by Senator Paul Wellstone would do if passed.

I support domestic partner benefits for federal workers, but I oppose the "same-sex only" limitation. I believe that all domestic partners should be eligible for benefits, *regardless of their gender*, as a bill introduced by Congressman Barney Frank would do if passed.

I oppose all domestic partner benefits programs.

4. Federal law discriminates against domestic partners in various ways. The following is a list of some legislative changes which could remedy this so that marital status discrimination against domestic partners would be eliminated. (Select one answer for each.)

A. Taxation of employment benefits as income.

If a worker receives health, dental, and other benefits for a spouse or child, federal law does not treat the benefits compensation as income and therefore no tax is withheld from the worker's paycheck for these benefits. However, in most cases the same benefits given to a domestic partner are treated as taxable income with tax withheld from the paycheck.

I would support legislation to make domestic partner benefits non-taxable, just as benefits for other family dependents are not taxable as income.

I agree with the current system which taxes domestic partner benefits.

B. Joint income tax returns.

A married couple has the option of filing a joint income tax return if the couple so chooses. This can result in a decrease in income taxes if one spouse is a high wage earner while the other spouse has no wage income at all or has a lower wage income. Domestic partners do not currently have the option of filing a joint tax return, as each must file a separate return, therefore depriving the couple of an opportunity to reduce their tax burden by equally sharing the income as a married couple can.

I would support legislation to allow unmarried couples to file a joint federal income tax return if they were registered as domestic partners under state or local law.

I agree with the current system which treats each member of a domestic partnership as an individual and therefore does not allow them to file a joint return.

C. Estate tax.

Federal law generally does not impose an estate tax when one spouse dies and leaves his or her estate to the surviving spouse. However, if a domestic partner dies and leaves assets over \$650,000 to the surviving partner, a substantial federal estate tax is imposed and taken from the assets prior to their transfer.

I would support legislation to exempt from federal estate tax the transfer of assets to a domestic partner if the decedent and his or her partner were registered as domestic partners under a state or local domestic partnership law.

I agree with the current system which treats each member of a domestic partnership as strangers rather than family members and therefore imposes federal estate taxes when assets are transferred after a domestic partner dies.

I would abolish federal estate tax entirely.

5. Local option on domestic partner benefits and protections.

A. District of Columbia

In 1993, the city council of the District of Columbia voted to establish a local registry for domestic partners. The council also voted to extend health and other employment benefits to the domestic partners of local government employees. Each year since then, Congress has used its supervisory powers over the district and has voted to prohibit the district from implementing these programs.

 I support local option on domestic partnership benefits and protections and believe that Congress should not intervene to prohibit such local programs.

 I disapprove of domestic partner programs and I believe that it is proper for Congress to prohibit the District of Columbia from implementing such a program.

B. San Francisco

In 1997, the City of San Francisco amended its city contractor nondiscrimination law so that city would not do business with a company if the company discriminates against domestic partners, for example, if the company were to give benefits to employees with spouses but not to employees with domestic partners. That law has been upheld by a federal court, except for airline companies which the court exempted due to federal preemption principles. Congressman Riggs, however, introduced a bill to cut off federal housing money to San Francisco or any other city that would pass such local protections for domestic partners.

 I believe that in a federalism such as ours, a city should have the right to impose restrictions prohibiting the use of local taxpayer money being given to businesses which the city believes is unfairly discriminating against local citizens. I therefore believe that it is inappropriate for Congress to use the power of the "purse string" to penalize cities which may pass a city contractor nondiscrimination law prohibiting discrimination against domestic partners.

 I would support a measure, such as the Riggs bill, to cut off various forms of federal funding to any state or municipal government which passes a civil rights law to prohibit businesses from discriminating against local domestic partners.

EXPLANATIONS:

Please use another sheet of paper and return it to us along with this questionnaire if you would like to explain any of the answers to your questions.

AASP does not endorse or oppose candidates. The results of this survey will be made available to the public so that voters are aware of the positions of candidates on these issues.

RETURN COMPLETED QUESTIONNAIRE TO:

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