

# Discrimination Based on Sexual Orientation and Gender Identity in Idaho



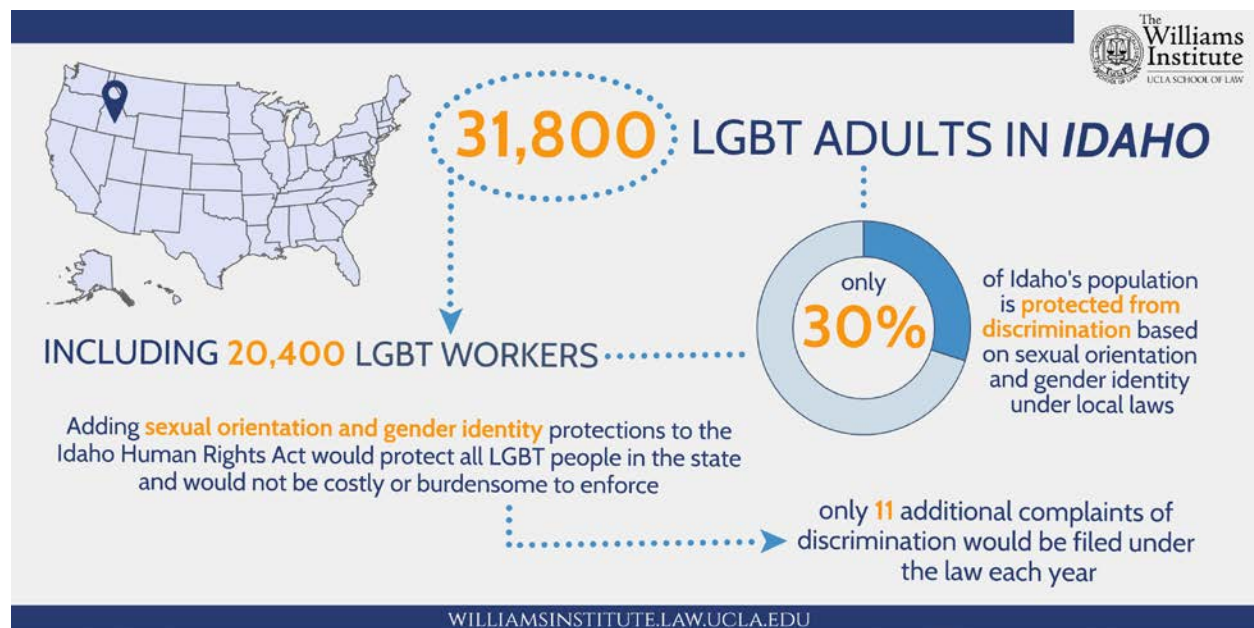
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## Executive Summary

Over 4% of American adults identify as LGBT. Approximately 31,800 LGBT adults live in Idaho. Idaho does not have a statewide law that expressly prohibits discrimination based on sexual orientation or gender identity.

This report summarizes evidence of sexual orientation and gender identity discrimination in Idaho, explains the current protections from sexual orientation and gender identity discrimination in the state, and estimates the administrative impact of adding sexual orientation and gender identity to the state's existing non-discrimination law.



## Key findings of this report include:

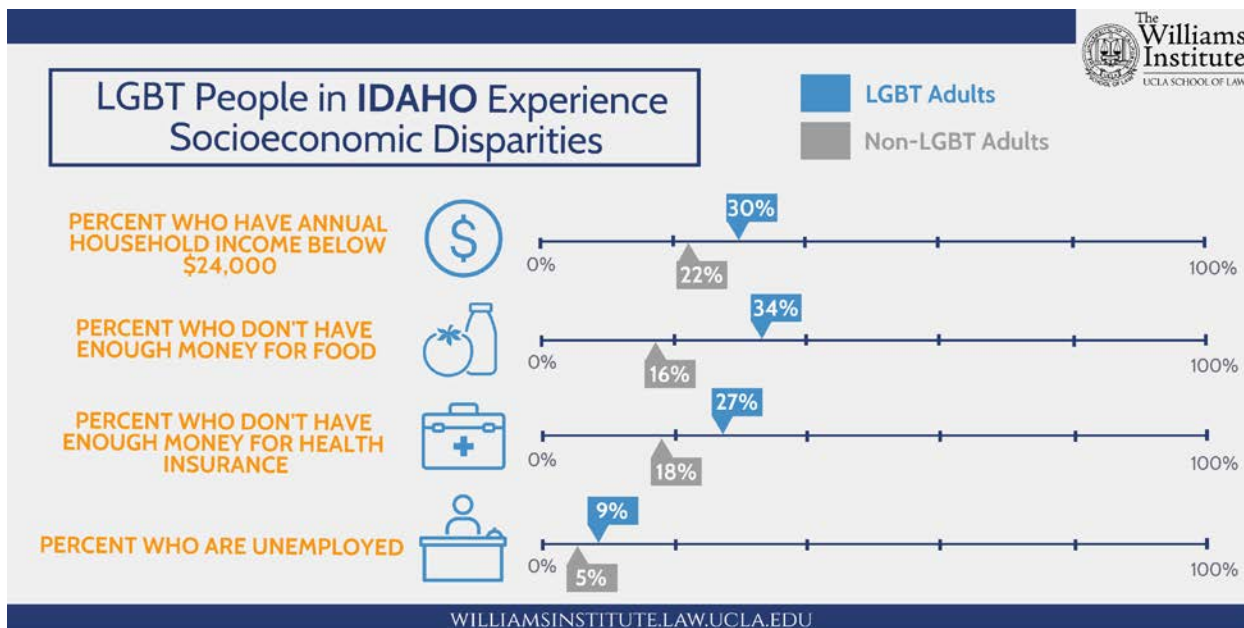
### *LGBT People in Idaho Report Experiencing Discrimination and Harassment in Employment, Housing, Public Accommodations, and Other Settings*

- An estimated 31,800 LGBT adults live in Idaho. There are over 20,400 LGBT people aged 16 and older in Idaho's workforce.<sup>1</sup>
- Survey data indicate that discrimination against LGBT people occurs in Idaho. For example, in response to a 2003 survey of more than 1,100 LGBT people in Idaho, over half of the respondents said they felt that they were expected to deny or hide their sexual orientation or gender identity at work. Almost a quarter of those surveyed reported that they believed they had been fired from a job, not promoted, or not received compensation or a raise as a result of anti-gay attitudes in their workplace, and 16.3% of transgender respondents, 12% of gay and bisexual men, and 7.6% of lesbian and bisexual women were expressly told by their employer that their sexual orientation or gender identity had led to such a result.<sup>2</sup>
- In addition, aggregated data from two large public opinion polls conducted between 2011 and 2013 found that 78% of Idaho residents thought that LGBT people experienced discrimination in the state.<sup>3</sup> Another public opinion poll conducted in 2016 found that 56% of Idaho residents thought that gay and lesbian people experienced a lot of discrimination in the U.S. and 57% of Idaho residents thought that transgender people experienced a lot of discrimination in the U.S.<sup>4</sup>
- National survey data on discrimination against LGBT people are consistent with data from Idaho. For example, a national survey of LGBT people conducted by Pew Research Center in 2013 found that 21% of respondents said that they had been treated unfairly by an employer in hiring, pay, or promotions and 23% had received poor service at a restaurant, hotel, or other place of business because of their sexual orientation or gender identity.<sup>5</sup>
- When transgender people are surveyed separately, they report similar or higher levels of discrimination. For example, the 2015 U.S. Transgender Survey, the largest survey of transgender and gender non-conforming people in the U.S. to date, found that 27% of respondents reported being fired, denied a promotion, or not being hired for a job they applied for in the year prior to the survey because of their gender identity; 23% of respondents reported experiencing some form of housing discrimination in the year prior to the survey because of their gender identity; and 31% reported experiencing some form of mistreatment in a place of public accommodation in the year prior to the survey because of their gender identity.<sup>6</sup>
- Reports of discrimination based on sexual orientation and gender identity in Idaho have also been documented in testimony to the state legislature and city councils, administrative complaints, lawsuits, and the media.

### *LGBT People in Idaho Experience Socioeconomic Disparities*

- Research has linked greater socioeconomic disparities for LGBT people to region, a lack of legal protections from discrimination, and less supportive social attitudes toward LGBT people. Data indicate that LGBT people in Idaho experience socioeconomic disparities compared to their non-LGBT counterparts:

- 30% of LGBT adults in Idaho reported having a household income below \$24,000 compared to 22% of non-LGBT adults.
- 34% of LGBT adults in Idaho reported that they do not have enough money for food compared to 16% of non-LGBT adults.
- 27% of LGBT adults in Idaho reported not having enough money to meet their health care needs compared to 18% of non-LGBT adults.
- 9% of LGBT adults in Idaho reported being unemployed compared to 5% of non-LGBT adults.



***Local Governments, Private Employers, and Public Universities in Idaho Have Made Efforts to Protect LGBT People from Discrimination and Harassment, but Coverage Is Incomplete***

- Twelve localities in Idaho have adopted broad local ordinances that prohibit discrimination based on sexual orientation in and gender identity in areas such as private and public sector employment, housing, and public accommodations: Bellevue, Boise, Coeur d’Alene, Driggs, Hailey, Idaho Falls, Ketchum, Lewiston, Moscow, Pocatello, Sandpoint, and Victor.
- Approximately 30% of Idaho’s workforce is protected from discrimination under these twelve local ordinances. However, the ordinances do not offer the same scope of enforcement mechanisms and remedies as Idaho’s statewide non-discrimination law, the Idaho Human Rights Act.
- Several of Idaho’s largest corporate employers, including St. Luke’s Medical Center, Micron Technology, Battelle Energy Alliance, Plexus, and Hewlett-Packard, have policies prohibiting discrimination based on sexual orientation and gender identity. In addition, several large public universities in Idaho, including Boise State University, Idaho State University, and the University

of Idaho, have adopted policies that prohibit discrimination based on sexual orientation and gender identity in employment and education.

***Public Opinion in Idaho Supports the Passage of Non-Discrimination Protections for LGBT People***

- A 2014 poll of Idaho residents found that 67% of respondents believed that it should be against state law to discriminate against LGBT people in housing, employment, and public accommodations.<sup>7</sup>
- A statewide poll of Idaho voters conducted in 2011 found that 78% of respondents favored legal protections from discrimination for LGBT people and 93% of respondents thought that skill and ability should be the basis of a person's employment, not sexual orientation or gender identity.<sup>8</sup>
- In response to a national poll conducted in 2011, 73% of those polled in Idaho said that Congress should pass a federal law to prohibit employment discrimination based on sexual orientation and gender identity.<sup>9</sup>
- A 2008 statewide poll found that 63% of Idaho residents believed it should be illegal to fire an employee because they are perceived to be gay or lesbian.<sup>10</sup>

***A Statewide Law Prohibiting Discrimination Based on Sexual Orientation and Gender Identity in Idaho Would Not Be Administratively Burdensome or Costly to Enforce***

- Adding sexual orientation and gender identity to the state's non-discrimination law would result in approximately 11 additional complaints being filed with the Idaho Commission on Human Rights each year.
- The additional 11 complaints of discrimination could likely be absorbed into the existing enforcement system with no need for additional staff and negligible costs.

## Evidence of Discrimination

### *Survey Data and Reports of Sexual Orientation and Gender Identity Discrimination in Idaho*

Research shows the existence of widespread and continuing discrimination against LGBT people in the U.S. In response to surveys, LGBT people consistently report having experienced discrimination in employment, housing, public accommodations, and other areas. For example, in response to a national survey of LGBT people conducted by the Pew Research Center in 2013, 21% of those surveyed said that they had been treated unfairly by an employer in hiring, pay, or promotions, and 23% said that they had received poor service at a restaurant, hotel, or other place of business because of their sexual orientation or gender identity.<sup>11</sup> Additionally, the nationally representative 2008 General Social Survey found that 37% of gay men and lesbians reported that they had experienced workplace harassment in the last five years and 12% had lost a job because of their sexual orientation.<sup>12</sup>

When transgender people are surveyed separately, they report similar or higher levels of discrimination. For example, in response to the 2015 U.S. Transgender Survey, 27% of respondents reported being fired, denied a promotion, or not being hired for a job they applied for in the year prior to the survey because of their gender identity, and 15% reported being verbally, physically, or sexually harassed at work in the year prior to the survey because of their gender identity.<sup>13</sup> In addition, 23% of respondents reported experiencing some form of housing discrimination in the year prior to the survey because of their gender identity, and 31% of respondents who said that staff at a place of public accommodation knew or thought they were transgender had a negative experience while obtaining goods or services in the year prior to the survey.<sup>14</sup>

Discrimination based on sexual orientation and gender identity has also been reported in surveys of Idaho residents:

- **Workplace.** In response to a 2003 survey of more than 1,100 LGBT people in Idaho, over half of the respondents said they felt that they were expected to deny or hide their sexual orientation or gender identity at work.<sup>15</sup> Of those respondents who hid their LGBT identity at work, almost 60% said they had been asked to do so by their employer.<sup>16</sup> Almost a quarter of those surveyed reported that they believed they had been fired from a job, not promoted, or not received compensation or a raise as a result of anti-gay attitudes in their workplace, and 16.3% of transgender respondents, 12% of gay and bisexual men, and 7.6% of lesbian and bisexual women were expressly told by their employer that their sexual orientation or gender identity had led to such a result.<sup>17</sup>
- **Housing.** In response to a 2011 State of Idaho survey of housing service providers in the state, 14% of respondents said that housing discrimination based on sexual orientation occurred frequently in their communities.<sup>18</sup>

- **Education.** In response to the 2003 survey of LGBT people in Idaho, 43% of the gay and bisexual male respondents and 22% of the lesbian and bisexual female respondents said they had experienced verbal harassment or name calling when they were in k-12 education, and 32% of the gay and bisexual male respondents and 22% of the lesbian and bisexual female respondents said they had experienced threats of physical violence while in k-12. Of the transgender respondents, 44% described their k-12 experience as negative, and half of all LGBT respondents said that their schools did not try to make LGBT students feels safe.<sup>19</sup>

In a 2005 campus climate survey of students at Boise State University, the largest campus in the state, found that over one-quarter (25.9%) of the LGB respondents and 60% of transgender respondents reported being harassed because of their sexual orientation or gender identity.<sup>20</sup> Additionally, 40% of transgender respondents and 11.9% of the LGB respondents disagreed with the statement “I have received fair and equal treatment at Boise State.”<sup>21</sup> LGBT students were more likely to report that they experienced unfair or unequal treatment than students in the other individual demographic categories.<sup>22</sup>

In addition, public opinion polls indicate that people in Idaho, both LGBT and non-LGBT, think LGBT people experience discrimination. An analysis of aggregated data from two national public opinion polls conducted between 2011 and 2013 found that 78% of Idaho residents thought that LGBT people experienced discrimination in the state.<sup>23</sup> Another public opinion poll conducted in 2016 found that 56% of Idaho residents thought that gay and lesbian people experienced a lot of discrimination in the U.S. and 57% of Idaho residents thought that transgender people experienced a lot of discrimination in the U.S.<sup>24</sup>

Reports of discrimination against LGBT people in the U.S. have also been documented in court cases, state and local administrative complaints, complaints to community-based organizations, academic journals, newspapers, books, and other media. Additionally, a number of federal, state, and local administrative agencies and legislative bodies have acknowledged that LGBT people have faced widespread discrimination.<sup>25</sup>

Documented reports of discrimination based on sexual orientation and gender identity in Idaho include:

- In 2015, the Idaho House State Affairs Committee heard testimony on a bill that would have added sexual orientation and gender identity to the state’s non-discrimination law. Several Idahoans testified that they had experienced or witnessed discrimination based on sexual orientation or gender identity in the state:
  - The President of the Boise City Council stated that two complaints of sexual orientation discrimination had been filed under the city’s non-discrimination ordinance in the past year. Both were resolved by the city. She also testified that no employers in Boise had reported objections to the ordinance.<sup>26</sup>

- A mother from Pocatello testified that her gay son had been treated unfairly because of his sexual orientation when he tried to get a job and rent an apartment as a young adult in Idaho. Her son committed suicide when he was 19.<sup>27</sup>
- In 2013, at a joint meeting of the Idaho House and Senate State Affairs Committees, the administrator of the Idaho Commission on Human Rights stated that approximately 21 people had contacted the Commission regarding discrimination based on sexual orientation or gender identity since they began collecting that information in 2009-2010.<sup>28</sup>
- In 2013, a transgender police officer transitioned from male to female while working for a sheriff's department in Idaho. The sheriff told the officer that he had contacted some state administrators regarding her transition. The sheriff stated that several administrators said that they would have fired her on the spot, regardless of potential legal consequences. They stated that they would rather "pay out than deal with [her]."<sup>29</sup>
- In 2012, several Idahoans reported to the Pocatello Human Relations Commission that they or others they knew had experienced discrimination based on their sexual orientation or gender identity or hid their LGBT identity out of fear of discrimination:
  - A gay man who worked in Idaho stated: "My employer does not know. I most certainly will lose my job if he finds out. He is very outspoken about his feelings towards 'homos.' I solely support my family. I live in a state of constant panic. I am a dedicated, hardworking employee and I deserve to be employed. My boss wouldn't agree. The other day a soccer mom in our neighborhood called me a faggot in front of my children. How long will it be before it is common knowledge? How much longer will I be employed?"<sup>30</sup>
  - A same-sex couple in Idaho reported that they performed "elaborate rituals and rules" to keep their relationship a secret from their landlord who had expressed her belief that "homosexuals are not people and don't deserve civil and human rights."<sup>31</sup> The couple stated: "[W]e do not hold hands in public if we are within 100 miles of our address in case our landlord or her friends or family see us. We have to be extremely careful who we tell. We must have an elaborate vetting system for potential friends because we don't want our relationship status to get back to our landlord. All of our friends are told that they can't 'out' us or we'll be evicted. Finally, and most painfully, we must have separate bedrooms in our apartment in case our landlord comes to do maintenance."<sup>32</sup>
  - A gay man reported that after he graduated from college, he began working for a small web company. He reported that, even though his co-workers did not know his sexual orientation, they made "fag" jokes and called those who voted for Democrats "fag-enablers." When the man could no longer handle working at the company, he moved to a state where he could feel safe in the workplace.<sup>33</sup>
  - A pastor reported that a young adult told him that he was fired from his retail job because of his sexual orientation. The man stated that he did not know how his

employer found out that he was gay, but when he arrived for work one day, his employer called him a “fucking fag” and demanded that he leave the store before he “kicked his ass.” The man never received his final paycheck.<sup>34</sup>

- The pastor also reported that a young college student told him that her landlord kicked her out of her apartment because of her sexual orientation. According to the pastor, the student was renting an apartment near her college. Approximately three months after she moved in, the landlord came to her apartment one night and used his key to enter without permission. According to the pastor, the landlord asked the student if she was a lesbian and told her if she was not out of the apartment by the next night, he would throw her belongings out in the street. Out of fear, the student left and moved in with friends.<sup>35</sup>
- In 2012, a third generation Idahoan reported at a Boise City Council meeting that he had been denied employment because of his sexual orientation. After two weeks of successful job interviews and on-site visits with an Idaho business, he was told that he had only a final meet-and-greet with the company owner as a formality. At the end of the meeting, which had gone well for over an hour, the company owner began asking questions about the applicant’s personal and family life, such as whether he had met and married his wife while he was a student. When the applicant replied that he was not married, the owner pressed on, asking why he had stated that he returned to Idaho for family. While the applicant tried to explain without disclosing his sexual orientation, the owner ended the meeting. The next day, applicant was told that he was not the right fit for the company.<sup>36</sup>
- In 2011, a woman’s female partner moved into her apartment with her. When she told the landlord that a roommate had moved in, the landlord had no problem with it. However, according to the woman, when the landlord discovered that they were a couple a few months later, their rent increased to the point that the apartment was no longer affordable and they were forced to move. The woman reported that the landlord had not raised rents for the other tenants in the building.<sup>37</sup>
- In 2010, a lesbian veteran was fired from her job at a credit union. When she asked the management why she was fired, they stated, “Because we heard rumors, and we can.” She stated that two years later, she had still not found a well-paying job.<sup>38</sup>

## **Socioeconomic Disparities for LGBT People**

Research has found that gay men and transgender people experience wage gaps,<sup>39</sup> and has found an association between lower earnings and lack of state-level protections from discrimination for LGBT people.<sup>40</sup> Research also indicates that LGBT people, in general, are disproportionately poor,<sup>41</sup> and that social climate and policy are linked determinants of poverty among LGBT communities.<sup>42</sup>



For example, a 2014 analysis conducted by the Williams Institute using data from the Gallup Daily Tracking poll linked greater socioeconomic disparities for LGBT people to region, a lack of legal protections, and less supportive social attitudes toward LGBT people.<sup>43</sup> The analysis found that LGBT people face greater social and economic disparities in states without statewide laws prohibiting sexual orientation discrimination, and in regions of the country, such as the Mountain region, with a poorer social climate for LGBT people.<sup>44</sup>

Data collected through the Gallup Daily Tracking poll (2012-2017) indicate that LGBT people in Idaho experience socioeconomic disparities compared to their non-LGBT counterparts:

- 30% of LGBT adults in Idaho reported having a household income below \$24,000 compared to 22% of non-LGBT adults.<sup>45</sup>
- 34% of LGBT adults in Idaho reported that they do not have enough money for food compared to 16% of non-LGBT adults.<sup>46</sup>
- 27% of LGBT adults in Idaho reported not having enough money to meet their health care needs compared to 18% of non-LGBT adults.<sup>47</sup>
- 9% of LGBT adults in Idaho reported that they are unemployed compared to 5% of non-LGBT adults.<sup>48</sup>

## **Current Protections from Discrimination**

Idaho does not include sexual orientation or gender identity in its statewide non-discrimination law, the Idaho Human Rights Act (IHRA).<sup>49</sup> Several legislative efforts have been made to add sexual orientation and gender identity to the IHRA, but none of them have been successful.<sup>50</sup>

Twelve localities in Idaho have enacted broad local ordinances that prohibit discrimination based on sexual orientation and gender identity in areas such as employment, housing, and public accommodations. In addition, several private corporations and public universities in Idaho have adopted internal policies that prohibit discrimination based on sexual orientation and gender identity in employment and education.

### ***Idaho Human Rights Act***

The IHRA prohibits discrimination based on of race, color, religion, sex, national origin, disability, and age in employment, housing, public accommodations, and education.<sup>51</sup>

The Idaho Commission on Human Rights enforces the IHRA.<sup>52</sup> The Commission has the power to intake, investigate, and act on complaints of discrimination, and to study and report on discrimination statewide.<sup>53</sup> Individuals who believe they have experienced discrimination must file a complaint with the Commission within one year after the discriminatory practice occurred.<sup>54</sup> If the Commission determines that there is probable cause to support a finding of discrimination, it may attempt to resolve the complaint informally through mediation and other means.<sup>55</sup> If the Commission is unable to resolve

the complaint, it may file a civil action in court for remedies on behalf of the complainant.<sup>56</sup> Alternatively, if the Commission dismisses the complaint, the complainant may file a civil action in court.<sup>57</sup> If a court determines that discrimination has occurred, it may order remedies such as reinstatement for employment, monetary damages including lost wages and benefits, and punitive damages up to \$1,000.<sup>58</sup>

### ***Local-Level Protections from Discrimination Based on Sexual Orientation and Gender Identity***

Twelve localities in Idaho have enacted broad local ordinances that prohibit discrimination based on sexual orientation and gender identity in areas such as private and public sector employment, housing, and public accommodations: Bellevue,<sup>59</sup> Boise,<sup>60</sup> Coeur d'Alene,<sup>61</sup> Driggs,<sup>62</sup> Hailey,<sup>63</sup> Idaho Falls (employment and housing only),<sup>64</sup> Ketchum,<sup>65</sup> Lewiston,<sup>66</sup> Moscow (employment and housing only),<sup>67</sup> Pocatello,<sup>68</sup> Sandpoint,<sup>69</sup> and Victor.<sup>70</sup>

These local ordinances protect approximately 30% of LGBT adults and LGBT workers in Idaho from discrimination in employment, housing, and public accommodations.<sup>71</sup> However, the ordinances do not offer the same scope of enforcement mechanisms and remedies as the IHRA.

None of the local ordinances provide for a private right of action, which would allow people who have experienced discrimination to file a lawsuit and seek remedies in court.<sup>72</sup> Only two localities' ordinances – Ketchum<sup>73</sup> and Sandpoint<sup>74</sup> – establish human relations review boards that have the power to investigate and attempt to informally resolve complaints between the parties through mediation. The ordinances also allow the city attorney to file a lawsuit in court if mediation fails, but they do not specify the remedies that would be available to a complainant if the court determines that discrimination has occurred.<sup>75</sup> Ordinances in two other localities – Lewiston<sup>76</sup> and Pocatello<sup>77</sup> – allow mediators selected by the city attorney to attempt to resolve the complaints between the parties. In all of the localities, violation of the non-discrimination provisions is considered a misdemeanor punishable by a fine.<sup>78</sup>

Other localities, for example Twin Falls<sup>79</sup> and Meridian,<sup>80</sup> have adopted more limited policies that prohibit discrimination based on sexual orientation and/or gender identity against their own city government employees.

### ***Corporate and University Policies that Prohibit Discrimination Based on Sexual Orientation and Gender Identity***

Research indicates that private companies often adopt internal policies prohibiting employment discrimination based on personal characteristics, including sexual orientation and gender identity, because they make good business sense. For example, one study of corporate motivations behind adopting workplace non-discrimination policies found that 53% of the top 50 Fortune 500 companies and the top 50 federal contractors in the U.S. with LGBT-inclusive policies had adopted the policies for economic reasons.<sup>81</sup> The specific economic benefits these companies pointed to included improved recruitment and retention of employees, increased employee productivity and customer satisfaction, an expanded customer base, and others. Additionally, a growing body of academic research supports the

link between LGBT-inclusive corporate policies and several positive business-related outcomes, including greater job commitment, improved workplace relationships, increased job satisfaction, and improved health outcomes among LGBT employees.<sup>82</sup>

Many of Idaho's top employers have adopted internal policies that prohibit employment discrimination against LGBT people. Several of Idaho's largest private sector employers,<sup>83</sup> including St. Luke's Medical Center, Micron Technology, Battelle Energy Alliance, Plexus, and Hewlett-Packard, have adopted policies prohibiting discrimination based on sexual orientation and gender identity.<sup>84</sup> Additionally, several large public universities in Idaho, including Boise State University, Idaho State University, and the University of Idaho, have adopted policies that prohibit discrimination based on sexual orientation and gender identity in employment and education.<sup>85</sup>

## **Public Support for Non-Discrimination Protections for LGBT People**

Public opinion in Idaho supports the passage of non-discrimination protections for LGBT people:

- A 2014 poll of Idaho residents found that 67% of respondents believed that it should be against state law to discriminate against LGBT people in housing, employment, and public accommodations.<sup>86</sup>
- A statewide poll of Idaho voters conducted in 2011 found that 78% of respondents favored legal protections from discrimination for LGBT people and 93% of respondents thought that skill and ability should be the basis of a person's employment, not sexual orientation or gender identity.<sup>87</sup>
- In response to a national poll conducted in 2011, 73% of those polled in Idaho said that Congress should pass a federal law to prohibit employment discrimination based on sexual orientation and gender identity.<sup>88</sup>
- A 2008 statewide poll found that 63% of Idaho residents believed it should be illegal to fire an employee because they are perceived to be gay or lesbian.<sup>89</sup>

## **Administrative Impact of Adding Sexual Orientation and Gender Identity to the Idaho Human Rights Act**

### ***Complaint Estimate***

Despite the persistence and pervasiveness of discrimination against LGBT people, studies show that enforcing sexual orientation and gender identity provisions in non-discrimination laws has only a minimal burden on state agencies. Complaints of sexual orientation and gender identity discrimination are filed by LGBT people at approximately the same rate as complaints of race and sex discrimination are filed by people of color and women, respectively.<sup>90</sup> However, because the LGBT population is

relatively small, the absolute number of sexual orientation and gender identity complaints filed under state non-discrimination laws is low.<sup>91</sup>

The Idaho Human Rights Act allows individuals to file complaints with the Idaho Commission on Human Rights. We estimate that 11 additional complaints of discrimination would be filed each year if sexual orientation and gender identity were added to the Idaho Human Rights Act. To reach this estimate, we drew on Gallup polling data and Census data from Idaho to estimate the size of the adult LGBT population and the LGBT workforce in the state, and applied national sexual orientation and gender identity complaint rates to those populations. We have previously used this methodology to estimate the number of complaints that would be filed on the basis of sexual orientation and gender identity in other states.<sup>92</sup>

Results from Gallup polls conducted from 2012 through 2017 show that 2.6% of the adult population and 2.6% of the workforce in Idaho identify as LGBT.<sup>93</sup> Applying the percentages to the number of people in Idaho's adult population (1,222,993<sup>94</sup>) and workforce (786,377<sup>95</sup>) indicates that there are an estimated 31,798 LGBT adults and 20,446 LGBT workers in Idaho.

Next, we applied the rate of complaints filed on the basis of sexual orientation or gender identity to the number of LGBT adults and LGBT workers in Idaho to determine how many complaints would be filed annually if these characteristics were added to the Idaho Human Rights Act. We used the national average complaint rates from a series of studies that analyzed administrative complaint data from states that prohibited sexual orientation and gender identity discrimination as of 2015.<sup>96</sup> The studies found that across these states, the average rate of employment discrimination complaints filed on the basis of sexual orientation or gender identity was 4.6 per 10,000 LGBT workers;<sup>97</sup> the average rate of housing discrimination complaints was 3 per 100,000 LGBT adults;<sup>98</sup> and the average rate of public accommodations complaints was 4 per 100,000 LGBT adults.<sup>99</sup>

Applying the national complaint rates to the LGBT population in Idaho suggests that 11 additional complaints of discrimination in employment, housing, or public accommodations would be filed annually if sexual orientation and gender identity were added to the Idaho Human Rights Act.<sup>100</sup> More specifically, applying the national complaint rate for employment discrimination (4.6 per 10,000 LGBT workers) to the number of LGBT workers in Idaho (20,446) suggests that 9 complaints of employment discrimination based on sexual orientation or gender identity would be filed annually; and applying the national complaint rates for housing (3 per 100,000 LGBT adults) and public accommodations discrimination (4 per 100,000 LGBT adults) to the number of LGBT adults in Idaho (31,798) suggests that 1 complaint of housing discrimination and 1 complaint of public accommodations discrimination would be filed annually.

### *Cost of Enforcement*

Available data suggest that an additional 11 complaints filed with the Idaho Commission on Human Rights each year would not be costly or burdensome to enforce. According to the most recent data

available from the Commission (FY 2013-2016), the Commission handled an annual average of 436 discrimination complaints.<sup>101</sup>

The Commission's reports do not provide enough data to determine the cost of enforcement per complaint, so it is not possible to precisely estimate any added expense associated with the additional 11 complaints. However, the data suggest that the additional complaints would have a minimal impact on the Commission. The annual number of complaints filed with the Commission varied from 403 to 463 complaints over the four fiscal year periods from 2013 through 2016.<sup>102</sup> On average, annual filings from 2013 through 2016 fluctuated by 25 complaints. This information suggests that an additional 11 complaints would be within the range of normal variation and could be absorbed by the Department with minimal impact on staff and resources.

Fiscal Year	Number of Discrimination Complaints Filed <sup>103</sup>	Change in Number of Complaints Filed from Prior Year <sup>104</sup>
2016	463	28
2015	435	-8
2014	443	40
2013	403	NA

## Conclusion

Documented evidence indicates that LGBT people face discrimination across the country, including in Idaho. There are currently no statewide laws that prohibit discrimination based on sexual orientation or gender identity in Idaho. Adding these characteristics to the Idaho Human Rights Act would provide new protections or strengthen existing protections from discrimination to approximately 31,800 LGBT adults, including 20,400 workers, in the state. Based on data from other state administrative enforcement agencies, we estimate that approximately 11 complaints of sexual orientation or gender identity discrimination would be filed in Idaho annually if the law were amended. It is likely that the additional 11 complaints could be absorbed by the Idaho Commission on Human Rights with little impact on the staff and negligible costs.

## About the Williams Institute

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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## Endnotes

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<sup>1</sup> These estimates were reached by applying the percentage of people in Idaho that are LGBT (2.6%) to the adult population of Idaho (1,222,993) and the percentage of people in Idaho's workforce that are LGBT (2.6%) to the number of people in the Idaho labor force aged 16 and older (786,377), respectively. Special analysis of LGBT population and LGBT participation in the workforce by Dr. Shoshana Goldberg under Dr. Kerith Conron's licensing agreement using data from the Gallup Daily Tracking Poll (2012-2017) (on file with authors); American Community Survey, U.S. Census Bureau, American FactFinder, 2015 ACS Table DP03: Selected Economic Characteristics, 1-Year Estimates.

<sup>2</sup> *Id.*

<sup>3</sup> Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Evaluations of Government and Society Study, Survey 3 (2011) & Survey 4 (2012) and Pew Research Center Poll (2013) (data and calculations on file with author).

<sup>4</sup> PRRI, American Values Atlas: Idaho, <http://ava.prrri.org/#discrimination/2016/States/trnsdis/m/US-ID> (under dropdown menu for "Select Question" select "Discrimination against gay and lesbian people" or "Discrimination against transgender people;" under dropdown menu for "Select Response" select "Yes;" under dropdown menu for "Year" select "2016").

<sup>5</sup> A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times, Pew Research Center, June 13, 2013, <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/>.

<sup>6</sup> SANDY JAMES ET AL., 2015 U.S. TRANSGENDER SURVEY 11, 12, 14 (2016), <http://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>.

<sup>7</sup> Bob Bernick, *Poll: Idahoans Think it Should Be Illegal to Discriminate against LGBT Residents*, IDAHOPOLITICSWEEKLY.COM, Jan. 4, 2015, <http://idahopoliticsweekly.com/politics/16-poll-idahoans-think-it-should-be-illegal-to-discriminate-against-lgbt-residents>.

<sup>8</sup> Carissa Wolf, *The Patchwork Rainbow: Spotty Laws Mean Hidden Lives for Idaho's LGBT Community*, BOISEWEEKLY.COM, June 12, 2013, <https://www.boiseweekly.com/boise/the-patchwork-rainbow-spotty-laws-mean-hidden-lives-for-idahos-lgbt-community/Content?oid=2880639>.

<sup>9</sup> Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Public Religion Research Institute Survey (2011) (data and calculations on file with author).

<sup>10</sup> SOC. SCI. RESEARCH CTR., BOISE STATE UNIV., 18<sup>TH</sup> ANNUAL IDAHO PUBLIC POLICY SURVEY 17 (2008), available at [http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1020&context=ppc\\_pps](http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1020&context=ppc_pps).

<sup>11</sup> A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times, Pew Research Center, June 13, 2013, <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/>.

<sup>12</sup> BRAD SEARS & CHRISTY MALLORY, WILLIAMS INST., DOCUMENTED EVIDENCE OF EMPLOYMENT DISCRIMINATION & ITS EFFECTS ON LGBT PEOPLE 2 (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf>.

<sup>13</sup> SANDY JAMES ET AL., *supra* note 6 at 12.

<sup>14</sup> *Id.* at 175, 212.

<sup>15</sup> NICOLE LEFAVOUR & JOSEPH POLLARD, IDAHO LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SURVEY (2003), available at <http://www.safeschoolscoalition.org/Nicole-SURVEYREPORT-%20final.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

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<sup>18</sup> IDAHO DEP'T OF COMMERCE & IDAHO HOUSING AND FINANCE ASSOC., 2011 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE III-4 (2012), *available at* <https://www.idahohousing.com/archive/portals/0/media/housing%20information/final%20ai%20state%20of%20idaho%205-22-12%20complete%20070512.pdf>.

<sup>19</sup> LEFAVOUR & POLLARD, *SUPRA* note 15.

<sup>20</sup> BOISE STATE UNIV., CAMPUS CLIMATE SURVEY STUDENT RESULTS SUMMARY 5, 2006, *available at* <http://academics.boisestate.edu/provost/files/2009/01/report-students.pdf>.

<sup>21</sup> *Id.* at 7.

<sup>22</sup> *Id.* at 5, 7.

<sup>23</sup> Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Evaluations of Government and Society Study, Survey 3 (2011) & Survey 4 (2012) and Pew Research Center Poll (2013) (data and calculations on file with author).

<sup>24</sup> PRRI, American Values Atlas: Idaho, <http://ava.prrri.org/#discrimination/2016/States/trnsdis/m/US-ID> (under dropdown menu for "Select Question" select "Discrimination against gay and lesbian people" or "Discrimination against transgender people;" under dropdown menu for "Select Response" select "Yes;" under dropdown menu for "Year" select "2016").

<sup>25</sup> SEARS & MALLORY, *supra* note 12.

<sup>26</sup> *Adding Language to the Idaho Human Rights Act: Hearing Before the Idaho H. State Affairs Comm.*, 64th Leg., 1st Reg. Sess. (Idaho 2015) (statement of Maryanne Jordan, President of the Boise City Council), *available at* [https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2015/standingcommittees/150126\\_hsta\\_0500PM\\_Attachment\\_4.pdf](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2015/standingcommittees/150126_hsta_0500PM_Attachment_4.pdf).

<sup>27</sup> Kelcie Moseley, *Idahoans Testify at Statehouse on Anti-Discrimination Bill*, IDAHO PRESS TRIBUNE, Jan. 27, 2015, [http://www.idahopress.com/members/idahoans-testify-at-statehouse-on-anti-discrimination-bill/article\\_74d6fe32-a5e8-11e4-83db-a73fde836060.html](http://www.idahopress.com/members/idahoans-testify-at-statehouse-on-anti-discrimination-bill/article_74d6fe32-a5e8-11e4-83db-a73fde836060.html).

<sup>28</sup> *Presentation to the Joint Senate and House State Affairs Committees on Adding Language to the Idaho Human Rights Act Before the Idaho J. S. State Affairs Comm. and H. State Affairs Comm.*, 62nd Leg., 1st Reg. Sess., 3 (Idaho 2013) (statement of Pamela Parks, Administrator of the Idaho Human Rights Comm'n), *available at* <http://legislature.idaho.gov/sessioninfo/2013/standingcommittees/sstafmin.pdf#page=155>.

<sup>29</sup> E-mail from Danielle Lundgren, Detective, Sheriff's Office in E. Idaho, to Amira Hasenbush, Jim Kepner Law and Policy Fellow, The Williams Inst. Univ. of Cal. L.A. Sch. of Law (May 4, 2014, 10:14 PM PST) (on file with author).

<sup>30</sup> CITY OF POCATELLO HUMAN RELATIONS ADVISORY COMMITTEE, NON-DISCRIMINATION ORDINANCE FINDINGS ADDENDUM FOR THE CITY COUNCIL STUDY SESSION 1 (Oct. 11, 2012) (on file with the author).

<sup>31</sup> *Id.* at 7.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 3.

<sup>34</sup> CITY OF POCATELLO HUMAN RELATIONS ADVISORY COMMITTEE, *supra* note 30 at 2.

<sup>35</sup> *Id.*

<sup>36</sup> Boise City Council Video Archive, *November 13, 2012 Regularly Scheduled City Council Meeting*, CITY OF BOISE CITY CLERK, 2:32, <http://cityclerk.cityofboise.org/city-council-meetings/council-video-archive/> (last visited Apr. 4, 2014).

<sup>37</sup> *Id.* at 4.

<sup>38</sup> Boise City Council Video Archive, *supra* note 36 at 2:54.



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<sup>39</sup> Marieka Klawitter, *Meta-Analysis of the Effects of Sexual Orientation on Earnings*, 54 *INDUST. REL.* 4, 13 (2014) (finding an average wage gap of -11% and a range of -30% to 0% for gay men); Carpenter et al., *Transgender Status, Employment, and Income* (forthcoming 2017), at 9 (on file with authors); Jamie H. Douglas & Michael D. Steinberger, *The Sexual Orientation Wage Gap for Racial Minorities*, 54 *INDUST. REL.* 59, 96 (2015).

<sup>40</sup> Amanda K. Baumle & Dudley L. Poston Jr., *The Economic Cost of Homosexuality: Multilevel Analysis*, 89 *Soc. Forces* 1005 (2011); Marieka M. Klawitter, *Multilevel Analysis of the Effects of Antidiscrimination Policies on Earnings by Sexual Orientation*, 30 *J. POL. ANALYSIS & MGMT.* 334 (2011); Gary J. Gates, Cal. Center for Pop. Research, *The Impact of Sexual Orientation Anti-Discrimination Policies on the Wages of Lesbians and Gay Men* (2009), <http://papers.ccpr.ucla.edu/papers/PWP-CCPR-2009-010/PWP-CCPR-2009-010.pdf>.

<sup>41</sup> M.V. LEE BADGETT, LAURA E. DURSO & ALYSSA SCHNEEBAUM, WILLIAMS INST., *NEW PATTERNS OF POVERTY IN THE LESBIAN, GAY, AND BISEXUAL COMMUNITY* (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>; Taylor N.T. Brown, Adam P. Romero & Gary J. Gates, WILLIAMS INST., *FOOD INSECURITY AND SNAP PARTICIPATION IN THE LGBT COMMUNITY* (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.

<sup>42</sup> M.V. LEE BADGETT & ALYSSA SCHNEEBAUM, *THE IMPACT OF WAGE EQUALITY ON SEXUAL ORIENTATION POVERTY GAPS*, WILLIAMS INST. UNIV. OF CAL. L.A. SCH. OF LAW (2015), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-of-Wage-Equality-on-Sexual-Orientation-Poverty-Gaps-June-2015.pdf>.

<sup>43</sup> AMIRA HASENBUSH, ANDREW R. FLORES, ANGELIKI KASTANIS, BRAD SEARS & GARY J. GATES, WILLIAMS INST., *THE LGBT DIVIDE: A DATA PORTRAIT OF LGBT PEOPLE IN THE MIDWESTERN, MOUNTAIN & SOUTHERN STATES* 22 (2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-divide-Dec-2014.pdf>.

<sup>44</sup> Press Release, Williams Inst., *LGBT Americans Face Greater Social and Economic Disparities in the South, Midwest, and Mountain States* (Dec. 18, 2014) (available at <http://williamsinstitute.law.ucla.edu/press/releases/lgbt-divide/>). In the words of report author Gary Gates: “It’s not just that LGBT people in the Midwest and South are poorer because people in those regions tend to be poorer overall. In some cases the economic disadvantages that LGBT people have relative to non-LGBT people markedly increase in those regions. In others, the advantages that you see for LGBT people in other parts of the country either disappear or reverse.”

<sup>45</sup> Special analysis of LGBT population and LGBT participation in the workforce by Dr. Shoshana Goldberg under Dr. Kerith Conron’s licensing agreement using data from the Gallup Daily Tracking Poll (2012-2017) (on file with authors).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> IDAHO CODE §§ 67-5901-67-5908.

<sup>50</sup> *E.g.*, H.B. 2, 64th Leg., 1st Reg. Sess. (Idaho 2015); S.B. 1033, 61st Leg., 1st Reg. Sess. (Idaho 2011); S.B. 1323, 59th Leg., 2nd Reg. Sess. (Idaho 2008).

<sup>51</sup> IDAHO CODE §§ 67-5901, 67-5909 (2017).

<sup>52</sup> *Id.* § 67-5903.

<sup>53</sup> *Id.* § 67-5906.

<sup>54</sup> *Id.* § 67-5907.

<sup>55</sup> *Id.* § 67-5907(4).

<sup>56</sup> *Id.* § 67-5907(5).

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.* § 67-5908.

<sup>59</sup> Tony Evans, *Bellevue Passes LGBT Ordinance*, IDAHO MOUNTAIN EXPRESS, June 17, 2015, [http://www.mtexpress.com/news/bellevue/bellevue-passes-lgbt-ordinance/article\\_a04cfa74-1480-11e5-ac1b-9fc48261aed3.html](http://www.mtexpress.com/news/bellevue/bellevue-passes-lgbt-ordinance/article_a04cfa74-1480-11e5-ac1b-9fc48261aed3.html).

<sup>60</sup> BOISE, IDAHO, CODE § 6-02-03 (2017).

<sup>61</sup> COEUR D'ALENE, IDAHO, CODE § 9.56.030 (2017).

<sup>62</sup> DRIGGS, IDAHO, CODE § 5-5-3 (2016).

<sup>63</sup> HAILEY, IDAHO, CODE § 9.18.030 (2017).

<sup>64</sup> IDAHO FALLS, IDAHO, CODE § 5-11-3 (2017).

<sup>65</sup> KETCHUM, IDAHO, CODE § 9.24.030 (2017).

<sup>66</sup> LEWISTON, IDAHO, CODE § 38-4 (2017).

<sup>67</sup> MOSCOW, IDAHO, CODE § 19-3 (2017).

<sup>68</sup> POCATELLO, IDAHO, CODE § 9.36.030 (2017).

<sup>69</sup> SANDPOINT, IDAHO, CODE § 5-2-10-3 (2017).

<sup>70</sup> VICTOR, IDAHO, CODE § 4-4-3 (2017).

<sup>71</sup> The local ordinances that prohibit discrimination in public and private sector employment based on sexual orientation and gender identity cover 31% of Idaho's workforce. The local ordinances that prohibit discrimination in housing based on sexual orientation and gender identity cover 29% of Idaho's adult population, and the ordinances that prohibit discrimination in public accommodations based on sexual orientation and gender identity cover 24% of Idaho's adult population.

<sup>72</sup> BOISE, IDAHO, CODE § 6-02-07; COEUR D'ALENE, IDAHO, CODE § 9.56.070; DRIGGS, IDAHO, CODE § 5-5-7; HAILEY, IDAHO, CODE § 9.18.070; IDAHO FALLS, IDAHO, CODE § 5-11-7; LEWISTON, IDAHO, CODE §§ 38-1 to 38-7; KETCHUM, IDAHO, CODE § 9-24-100; MOSCOW, IDAHO, CODE § 19-7; POCATELLO, IDAHO, CODE §§ 9.36.010-9.36.070; SANDPOINT, IDAHO, CODE § 5-2-10-10; VICTOR, IDAHO, CODE § 4-4-7.

<sup>73</sup> KETCHUM, IDAHO, CODE § 9-24-050.

<sup>74</sup> SANDPOINT, IDAHO, CODE § 5-2-10-5.

<sup>75</sup> KETCHUM, IDAHO, CODE § 9-24-080; SANDPOINT, IDAHO, CODE § 5-2-10-8.

<sup>76</sup> LEWISTON, IDAHO, CODE § 38-7.

<sup>77</sup> POCATELLO, IDAHO, CODE § 9.36.060.

<sup>78</sup> BOISE, IDAHO, CODE § 6-02-05; COEUR D'ALENE, IDAHO, CODE § 9.56.060; DRIGGS, IDAHO, CODE § 5-5-5; HAILEY, IDAHO, CODE § 9.18.050; IDAHO FALLS, IDAHO, CODE § 5-11-5; LEWISTON, IDAHO, CODE §§ 38-6; KETCHUM, IDAHO, CODE § 9-24-090; MOSCOW, IDAHO, CODE § 19-5; POCATELLO, IDAHO, CODE §§ 9.36.050; SANDPOINT, IDAHO, CODE § 5-2-10-9; VICTOR, IDAHO, CODE § 4-4-5.

<sup>79</sup> Alison Gene Smith, *City Council Approves Adding Sexual Orientation to Anti-Discrimination Policy*, MAGICVALLEY.COM, Jan. 15, 2013, [http://magicvalley.com/news/local/city-council-approves-adding-sexual-orientation-to-anti-discrimination-policy/article\\_d15703a3-e7d9-5857-88f3-346222564816.html](http://magicvalley.com/news/local/city-council-approves-adding-sexual-orientation-to-anti-discrimination-policy/article_d15703a3-e7d9-5857-88f3-346222564816.html).

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- <sup>80</sup> Human Rights Campaign, Municipal Equality Index: Meridian, Idaho, <http://www.hrc.org/mei/search/idaho/meridian> (last visited Aug. 27, 2017).
- <sup>81</sup> BRAD SEARS & CHRISTY MALLORY, THE WILLIAMS INST., ECONOMIC MOTIVES FOR ADOPTING LGBT-RELATED WORKPLACE POLICIES (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corp-Statements-Oct2011.pdf>.
- <sup>82</sup> M.V. LEE BADGETT, LAURA E. DURSO, ANGELIKI KASTANIS & CHRISTY MALLORY, THE WILLIAMS INST. UNIV. OF CAL. L.A. SCH. OF LAW, THE BUSINESS IMPACT OF LGBT-SUPPORTIVE WORKPLACE POLICIES (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-LGBT-Policies-Full-Report-May-2013.pdf>.
- <sup>83</sup> Career InfoNet, State Profile: Largest Employers, Idaho, <https://www.careerinfonet.org/oview6.asp?id=&soccode=&nodeid=12&stfips=16&from=State> (last visited Aug. 28, 2017) (listing Idaho's largest employers).
- <sup>84</sup> St. Lukes, EEO/Non-discrimination, <https://www.stlukesonline.org/eoo-non-discrimination> (last visited Aug. 28, 2017); Micron, Equal Employment Opportunity, <https://www.micron.com/jobs/equal-employment-opportunity> (last visited Aug. 28, 2017); Battelle, Affirmative Action Policy, <https://www.battelle.org/doing-business-with-us/suppliers/affirmative-action-policy> (last visited Aug. 28, 2017); Plexus, Current Opportunities, <https://sjobs.brassring.com/TGWebHost/searchopenings.aspx?partnerid=25631&siteid=5183> (last visited Aug. 28, 2017) (select any opportunity to view corporate non-discrimination statement); HP, Nondiscrimination Policy, <http://www.hp.com/hpinfo/abouthp/diversity/nondisc.html> (last visited Aug. 28, 2017).
- <sup>85</sup> Boise State Univ., Boise State Univ. Non-Discrimination Policy, <https://deanofstudents.boisestate.edu/boise-state-universitys-non-discrimination-policy/> (last visited Aug. 28, 2017); Idaho State Univ., Policies and Procedures: Sexual Orientation and Gender Identity Policy, Jan. 27, 2014, <http://www2.isu.edu/policy/3000/3060-Sexual-Orientation-and-Gender-Identity-Policy.pdf>; Univ. Idaho, Policy and Procedure: Condensed Policy of Nondiscrimination, <http://www.uidaho.edu/ocri/policy-procedure> (last visited Aug. 28, 2017).
- <sup>86</sup> Bob Bernick, *Poll: Idahoans Think it Should Be Illegal to Discriminate against LGBT Residents*, IDAHOPOLITICSWEEKLY.COM, Jan. 4, 2015, <http://idahopoliticsweekly.com/politics/16-poll-idahoans-think-it-should-be-illegal-to-discriminate-against-lgbt-residents>.
- <sup>87</sup> Carissa Wolf, *The Patchwork Rainbow: Spotty Laws Mean Hidden Lives for Idaho's LGBT Community*, BOISEWEEKLY.COM, June 12, 2013, <https://www.boiseweekly.com/boise/the-patchwork-rainbow-spotty-laws-mean-hidden-lives-for-idahos-lgbt-community/Content?oid=2880639>.
- <sup>88</sup> Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Public Religion Research Institute Survey (2011) (data and calculations on file with author).
- <sup>89</sup> SOC. SCI. RESEARCH CTR., BOISE STATE UNIV., 18<sup>TH</sup> ANNUAL IDAHO PUBLIC POLICY SURVEY 17 (2008), available at [http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1020&context=ppc\\_pps](http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1020&context=ppc_pps).
- <sup>90</sup> CHRISTY MALLORY & BRAD SEARS, THE WILLIAMS INST., EVIDENCE OF EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014 (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Employment-Discrimination-Complaints-2008-2014.pdf>; CHRISTY MALLORY & BRAD SEARS, THE WILLIAMS INST., EVIDENCE OF HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014 (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Housing-Discrimination-Complaints-2008-2014.pdf>; CHRISTY MALLORY & BRAD SEARS, THE WILLIAMS INST., EVIDENCE OF DISCRIMINATION IN PUBLIC ACCOMMODATIONS BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014 (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Public-Accommodations-Discrimination-Complaints-2008-2014.pdf>.
- <sup>91</sup> *Id.*
- <sup>92</sup> See *Discrimination*, THE WILLIAMS INST., <https://williamsinstitute.law.ucla.edu/category/research/discrimination/>.

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<sup>93</sup> Gary J. Gates & Frank Newport, *supra* note 1.

<sup>94</sup> Calculated by authors using data from the American Community Survey, U.S. Census Bureau, 2015.

<sup>95</sup> Calculated by authors using data from the American Community Survey, U.S. Census Bureau, 2015.

<sup>96</sup> “National average” refers to the average of the complaint rates in the states that provided data for the studies. MALLORY & SEARS, *supra* note 90 (all studies cited). The data gathered for the studies included all discrimination complaints filed on the basis of sexual orientation and gender identity; it was not limited to complaints filed by LGBT people. Heterosexual, non-transgender employees may also file complaints under sexual orientation and gender identity non-discrimination laws if they were discriminated against because of their heterosexuality, gender identity, or because they were perceived to be LGBT. However, we use the LGBT population as the underlying population for purposes of our analysis because LGBT people likely file the vast majority of sexual orientation and gender identity discrimination complaints. See William B. Rubenstein, *Do Gay Rights Laws Matter?: An Empirical Assessment*, 75 S. CAL. L. REV. 66, 79-81 (2001).

<sup>97</sup> MALLORY & SEARS, EVIDENCE OF EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014, *supra* note 90.

<sup>98</sup> MALLORY & SEARS, EVIDENCE OF HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014, *supra* note 90.

<sup>99</sup> EVIDENCE OF DISCRIMINATION IN PUBLIC ACCOMMODATIONS BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: AN ANALYSIS OF COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES, 2008-2014 (2016), *supra* note 90.

<sup>100</sup> We do not include an estimate of the impact of adding sexual orientation and gender identity to the provision in the Idaho Human Rights Act that prohibits discrimination in education because we do not have data that would allow for such analysis. Our data allow us to estimate the number of complaints alleging employment, housing, or public accommodations discrimination that would be filed with state administrative enforcement agencies.

<sup>101</sup> Idaho Comm. on Human Rights, Idaho Human Rights Commission – 2016 <https://humanrights.idaho.gov/StatisticMeasures.pdf> (last visited Aug. 28, 2017).

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*