

Marriage and Same-sex Couples after *Obergefell*



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Executive Summary

This research brief analyzes the impact of the US Supreme Court's decisions in *Windsor v. United States* (June 2013) and *Obergefell v. Hodges* (June 2015) on marriage by same-sex couples.

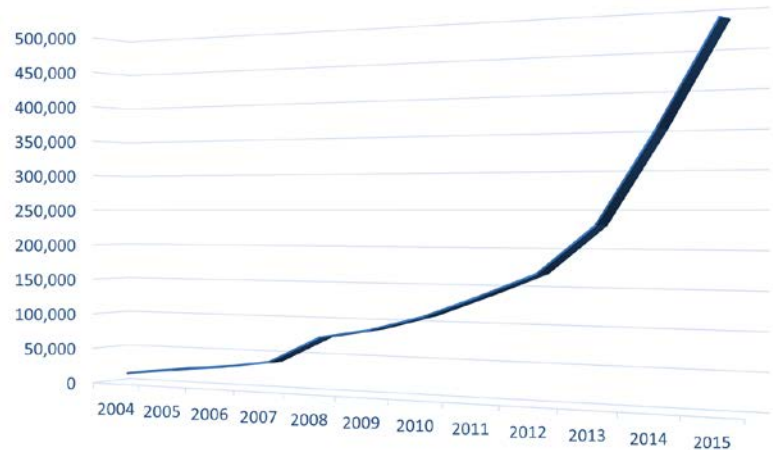
- In 2013, the year that the *Windsor* ruling was issued, an estimated 230,000 same-sex couples were married, 21% of all same-sex couples.
- By June 2015, when *Obergefell* was decided, 390,000 same-sex couples were married, 38% of all same-sex couples.
- As of October 2015, 486,000 same-sex couples were married, or 45% of all same-sex couples.

The legal benefits and obligations of marriage now support these married couples, more than a quarter of whom are raising children, and the visibility of these families will likely continue to accelerate public support for marriage equality in the United States.

Introduction

Since Massachusetts became the first state to offer marriage licenses to same-sex couples in 2004, the legal and social climate regarding marriage equality in the United States has changed substantially. The most dramatic changes have occurred in the last three years. In 2013, the US Supreme Court ruled in *Windsor v. United States* that the federal government was required to recognize state-sanctioned marriages of same-sex couples. Federal recognition provided access to some important benefits even if married same-sex couples lived in states that did not recognize their marriage. *Windsor* also paved the way for challenges to bans on marriage for same-sex

Married Same-sex Couples in the United States



couples in every state that prohibited such marriages.

The added benefits associated with federal recognition likely increased the attractiveness of marriage for same-sex couples. Further, successful legal challenges rapidly expanded the number of states permitting same-sex couples to marry. This resulted in an acceleration in marriages among same-sex couples. [Badgett and Mallory \(2014\)](#) analyzed marriage license data and considered rates of marriage among same-sex couples in Connecticut, Vermont, and New Hampshire in 2012 and 2013. These three states had been allowing same-sex couples to marry for at least three years prior to the *Windsor* decision, which allowed sufficient time to alleviate initial spikes in marriage due to pent up demand in individual states. The analyses showed that nearly twice as many same-sex couples married in these states in 2013 as did in 2012. This sharp increase was likely a result of the *Windsor* ruling.

In June of 2015, the US Supreme Court ruled in *Obergefell v. Hodges* that the Constitution guaranteed all same-sex couples the right to marry, making marriage equality available throughout the country. This research brief analyzes new data from the American Community Survey (ACS) and the Gallup Daily Tracking survey to show the effect that the *Windsor* and *Obergefell* rulings had on the number of marriages among same-sex couples.

Data and Methodology

These analyses use the Public Use Microdata Sample (PUMS) from the 2013 and 2014 American Community Survey (ACS) along with data from the 2015 Gallup Daily Tracking survey.

Couple households in the ACS are defined as such when a householder (Person 1 on the survey form) identifies another individual in the household who is aged 16 or older as his or her “husband/wife” or “unmarried partner.” Respondents also provide information about the sex of the householder and spouse or partner such that same-sex and different-sex couples can be identified.

Prior analyses of same-sex couples using US Census Bureau data have documented difficulties associated with accurate measurement, particularly of married same-sex couples ([Gates and Steinberger, 2009](#); [O’Connell and Feliz, 2011](#); [Cohn, 2014](#)). These difficulties occur when very small portions of surveys from different-sex couple households include miscodes in the sex of the spouses or partners such that they appear to be a same-sex couple. Even small numbers of such miscodes among different-sex couples mean that a relatively large portion of the same-sex couple sample includes miscoded different-sex couples. Since nearly 90% of different-sex couples are married, the accuracy of the married same-sex couple sample has been shown to be more compromised.

These analyses make several adjustments to the data to improve the likelihood that observed same-sex couples, particularly married same-sex couples, are not different-sex couples miscoded as same-sex couples. These

adjustments remove responses from the sample that are most likely to be comprised of miscoded different-sex couples. Several of the adjustments remove households where responses to key variables used to determine if a couple is same-sex or different-sex and if a couple is married or not have been “allocated.” Census Bureau procedures allocate a variable if the original response was missing or there was an anomaly in the response. In those cases, statistical procedures are used to assign the most likely accurate response.

The adjustment procedure for these analyses removes responses from the analytical sample if:

- The sex of a partner or spouse in a same-sex or different-sex couple is allocated.
- The marital status of a partner or spouse in a same-sex or different-sex couple is allocated.
- Spouses in same-sex and different-sex couples report being currently married but record different years when the marriage occurred.
- Spouses in same-sex couples report that their marriage occurred prior to 2004, when Massachusetts became the first state to permit same-sex couples to marry.

It is possible that the adjustment procedure removes a small number of valid same-sex couples who report being married prior to 2004. Same-sex couples have been able to legally marry in some countries outside of the US since 2001. Further, some couples who had civil unions, registered domestic partnerships, or commitment ceremonies could report the dates of those occasions (regardless of when a legal marriage actually occurred) as some of those statuses automatically converted to marriage or couples just view those dates as more significant than the date of a legal marriage.

Sample sizes for same-sex couples in the ACS PUMS are as follows:

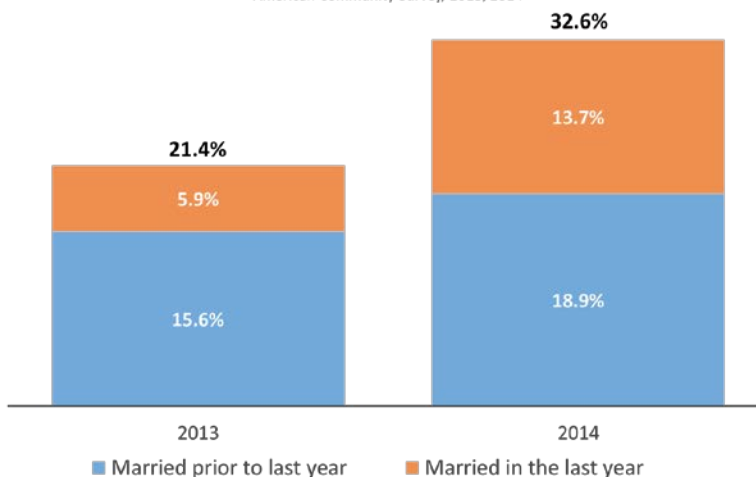
- 2013: 5,994
- 2014: 6,503

The Gallup Daily Tracking survey conducts telephone interviews with a random sample of adults, aged 18 and older, living in all 50 US states and the District of Columbia. Respondents are asked if they “Personally identify as lesbian, gay, bisexual, or transgender.” All respondents are also asked about their marital status or if they are living with a domestic partner. LGBT respondents who indicate that they are married or living with a partner are asked to identify the gender of their spouse or partner. Non-LGBT spouses and partners are assumed to be different-sex. The data include responses from more than 275,000 adults, aged 18 and older, of whom nearly 9,000 identified as LGBT.

Marriage Trends

Analyses of ACS data show large increases in the proportion of same-sex couples who reported being married between 2013 and 2014 (see Figure 1). In 2013, more than one in five (21.4%) same-sex couples reported being married. In 2014, that figure increased to nearly one in three (32.6%). In 2013, 6% of same-sex couples reported that they had married in the last year. In 2014, that figure was nearly 14% of same-sex couples. These data offer compelling evidence that the *Windsor* decision had the effect of substantially increasing the rate at which same-sex couples decided to marry throughout the country.

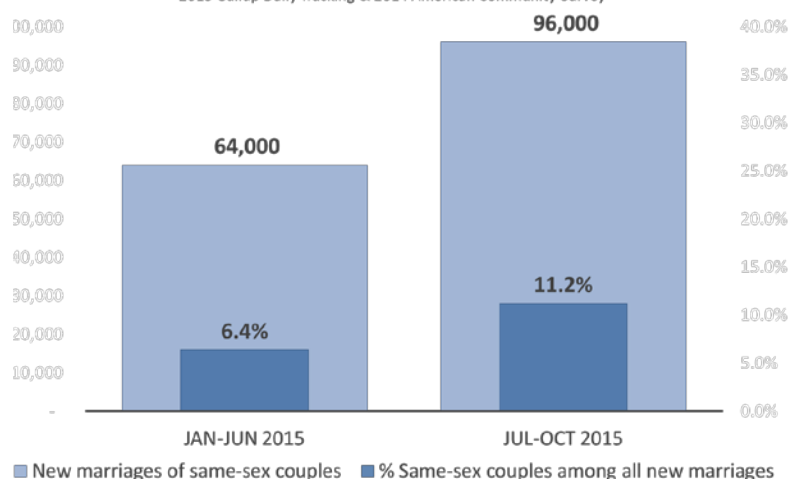
Figure 1. % Married among same-sex couples, by year and timing of marriage
American Community Survey, 2013, 2014



In June of 2015, the US Supreme Court issued its decision in *Obergefell v. Hodges*. Just prior to that decision, [Gates and Newport \(2015\)](#) used data from the first four months of the 2015 Gallup Daily Tracking survey to estimate that there were approximately 390,000 married same-sex couples in the US.

Using information from the 2014 ACS and the initial 2015 Gallup estimate, analyses suggest that during the first six months of 2015, prior to the *Obergefell* decision, there were approximately 64,000 new marriages among same-sex couples (see Figure 2). ACS data also suggest that there were approximately 2.2 million marriages (different-sex and same-sex couples) that occurred in the country in 2014, of which approximately 46% occurred in the [first six months](#) of the year. This implies that same-sex couples comprised an estimated 6.4% of all marriages in the US in the first half of 2015.

Figure 2. New marriages among same-sex couples before and after US Supreme Court *Obergefell* decision, 2015
2015 Gallup Daily Tracking & 2014 American Community Survey

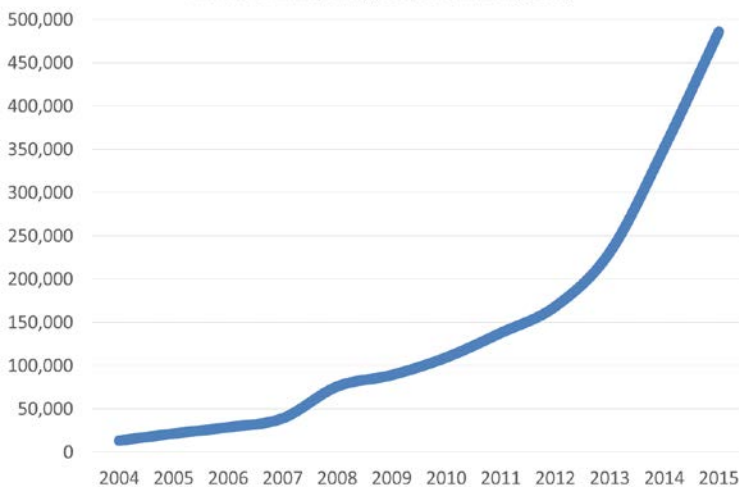


Following the *Obergefell* decision, same-sex couples were able to marry in every state. The decision prompted another rapid expansion in the number of marriages among same-sex couples, exceeding the increases observed following the *Windsor* decision. In the four months since the *Obergefell* ruling, there were approximately 96,000 marriages among same-sex couples. These marriages made up an estimated 11.2% of all new marriages in the US during this period, a significantly higher

proportion than in the months preceding the decision.

Analyses of Gallup data ([Jones and Gates, 2015](#)) now estimate that there are 486,000 married same-sex couples in the US. Figure 3 tracks the estimated number of married same-sex couples starting in 2004 and shows the steep increases that began in 2013.

Figure 3. Estimated Married Same-sex Couples in the US
American Community Survey (2013, 2014) and Gallup (2015)



Implications

Substantial research shows that marriage has a wide range of effects on families, including helping to promote social and economic stability that can improve well-being outcomes of families and children ([Gates, 2015](#)). For example, marriage offers easier access to second-parent adoption and to health insurance.

More than 1 in 4 married same-sex couples are raising children under age 18, and they are nearly 10 times more likely than married different-sex couples to have adopted children ([Gates, 2015](#)). Increases in marriage among same-sex couples mean that more American children, particularly adopted children who are among the nation's most vulnerable, will have access to the economic benefits and stability that having married parents can bring.

The growth in the number of married same-sex couple families may also affect how the general population in the US views these families.

Already, marriage for same-sex couples enjoys [substantial support](#). An estimated 60% of adult Americans in May 2015 believed that same-sex marriages should be recognized by law as valid. In states where same-sex couples could marry prior to the *Obergefell* decision, public support for marriage equality grew [more rapidly](#) than in states that only recognized these marriages after the decision.

It is estimated that by 2016, support for same-sex marriage will be greater than 50% in 46 states and greater than 40% in every state. Clearly, support for marriage equality has not yet peaked and as more Americans encounter and interact with married same-sex couples, support will most likely continue to grow.

About the authors

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About the Institute

The Williams Institute at UCLA School of Law is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy and disseminating it to judges, legislators, policymakers, media and the public.

Citation

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