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**New Relationship and Marital Status Questions:
A Reflection of Changes to the Social and Legal
Recognition of Same-Sex Couples in the U.S.**

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Abstract:

In August 2009, the Secretary of Commerce directed the Office of Management and Budget to establish a task force to research issues related to the collection and tabulation of marriage and relationship data. One focus of the research was family relationships, particularly with respect to same-sex couples who report being married. This paper reports on the second phase of qualitative research conducted by the Census Bureau under the auspices of the OMB working group.

The first phase involved focus groups conducted primarily with persons in cohabiting same-sex relationships. The groups explored the meaning and interpretation of the current decennial Census and American Community Survey relationship and marital status items (see Bates, DeMaio, Robins and Hicks, 2010). Major conclusions were: (1) both items were perceived to be asking about a legal status (2) few same-sex couples that were not legally married chose “husband/wife” or “now married” (3) most legally married same-sex couples reported “husband/wife” and “now married” (regardless of place of residence), (4) the marital status categories were viewed as inadequate by unmarried same-sex couples, and (5) relationship categories should be re-ordered according to functional equivalence.

As a result of the focus groups and expert panel review, two alternatives were developed for both relationship and marital status. This paper will report testing of these alternatives via one-on-one cognitive interviews conducted with persons from both same and different-sex households. To gauge level of sensitivity and potential backlash to the alternatives, some of the interviews will be conducted among heterosexual married persons residing in traditionally conservative states. We will conclude the paper with recommended wording to be further tested in larger scale quantitative content tests.

New Relationship and Marital Status Questions: A Reflection of Changes to the Social and Legal Recognition of Same-Sex Couples in the U.S.

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1. Introduction

The measurement of family relationships, living arrangements, and marital status has a long history at the Census Bureau. Over time, the census categories have changed to reflect changes in U.S. society and laws that define the institution of marriage and other legal and non-legal relationship statuses. In fact, how the Census Bureau measures marital relationships has evolved for more than a century. In 1880, there were only three categories: single, married and widowed/divorced. By 1890, widowed and divorced were separated into their own categories and in 1950, the category of separated was added. For the relationship item, instructions for enumerating roommates, boarders and lodgers go back to the 19th century. In 1980, a combined partner/roommate category was added and in 1990 the category unmarried partner was included for the first time.

More recently, challenges in accurately measuring relationships and marital status have involved the growing recognition of same-sex couples. Unlike other countries such as Britain and Canada, U.S. laws recognizing same-sex couples vary on a state-by-state basis with no legal recognition in some states to full marriage equality in others. To further complicate the issue, there is currently no legal same-sex partner recognition of any type at the federal level. Currently, same-sex marriages are allowed in five states and the District of Columbia and are recognized (but not performed) in two others. Five other states do not legally recognize same-sex marriage but have broad relationship laws that recognize same-sex civil unions or domestic partnerships. A handful of other states have much more limited relationship recognition laws such as designated and reciprocal beneficiaries. Further adding to the confusion are instances where legal recognitions granted by the state have been reversed by ballot initiatives (such as

Proposition 8 in California). Finally, the Department of Justice recently announced that it will no longer defend the Defense of Marriage Act (DOMA), the federal law that bans recognition of same-sex marriage (Markon and Somashekhar, 2011).

Given the fragmented and constantly-evolving lawsuits and legal decisions, the challenge to adapt the existing relationship and marital status items to more accurately reflect today's relationship configurations is increasingly difficult and complex. However, given that approximately 36 percent of the U.S. population resides in an area where some form of same-sex couple legal recognition exists and that the latest estimate of the U.S. lesbian, gay, bi-sexual and transgender (LGBT) population is approximately 9 million, the federal statistical system cannot ignore the issue (Gates, 2010; Gates, 2011).

To help this effort, in 2010, the OMB chartered the Interagency Working Group on Measuring Relationships in Federal Household Surveys. Focusing on statistical surveys that are widely used, the workgroup is charged with identifying new approaches, concepts and methodologies to define and measure marriage and other relationships, particularly with respect to same-sex couples who report they are married. This paper represents the second in a series of qualitative work products conducted under the auspices of that group (and summarizes findings from cognitive interviews).

Measurement issues around counting same-sex couples

In 2009, estimates from the ACS indicate there were 581,300 same-sex couple households in the U.S. (National Center for Family and Marriage Research, 2010). Of these, 26 percent reported their relationship as "husband/wife" and the other 74 percent as "unmarried partner." However, according to the Williams Institute, the number of same-sex couples in the 2008 ACS reporting as "husband/wife" is far higher than the actual number of same-sex couples that are legally married within the U.S. (Gates, 2009). Several theories are offered to explain this apparent overreporting. For one, as same-sex unions

have become more accepted and mainstream in the last few decades, it is posited that some couples have adopted the terms “husband/wife” to describe their relationship even without the legal recognition of marriage. After all, many are sharing a home and resources and even raising children, just like heterosexual married couples (Carrington, 1999). Likewise, where marriage is not an option, same-sex couples may engage in non-government sanctioned ceremonies to recognize their relationship (such as a commitment ceremony or religious blessing) or enter into more legal unions such as a legal domestic partnership or civil union (Hull, 2006). Both may influence how couples define their living situations and how they refer to one another in social situations and on official forms.

Lastly, the discrepancy in numbers could simply reflect self-reporting errors in the data collection process. Primacy effect¹ may have played a part on 2010 Census form - the unmarried partner category was next to last in a long list of 14 relationship categories, so some respondents may simply select “husband or wife” since it is first in the list. Alternatively, a very small fraction of married heterosexual couples marking “husband or wife” may also misreport gender, thereby causing an abundance of false positive same-sex married couples. Several studies have attempted to estimate the magnitude of the latter reporting error and, although there is no consensus on the precise number, all conclude the number of same-sex spousal couples is inflated due these mismarks (O’Connell and Gooding, 2006; Black, Gates, Sanders, and Taylor, 2007; Gates and Steinberger, 2009).

2. Research Background

To date, there are few studies seeking to understand how same-sex couples currently report their relationship status on surveys and official forms. In a cross-country European study, Mills and Poortman (2010) report irregularities in partnership status reporting among gay and lesbian respondents. They found that 67 percent of gay and lesbian respondents reported being married even though that option

¹ A primacy effect is the effect of selecting categories that appear earlier in a long list of choices. This effect occurs more often in self-administered surveys.

was not legally possible in their country.² Likewise O’Connell and Lofquist (2009) reported that of the same-sex couples identified in the 2000 Census, 43 percent reported as spouse (prior to an edit that reclassified them as unmarried partners). A more recent study conducted a few months after the 2010 Census by Gates (2010) attempted to understand how same-sex couples reported in the 2010 Census. Using an internet panel with pre-identified same-sex couple households, Gates presented respondents with a facsimile of the 2010 Census relationship question, then asked which category they had selected. He found that over 90 percent of same-sex couples either were legally married, lived in a state that recognized the marriage, and reported choosing “husband/wife” or lived in state that did not recognize same-sex marriage and reported choosing “unmarried partner.” Additionally, he reported that 84 percent of those in civil unions or registered domestic partnerships used “unmarried partner” to describe their relationship, while 97 percent without any legal relationship status reported selecting this category.

Far fewer studies have systematically examined different approaches to collecting data on same-sex couples (and the change in estimates that result from these differences). A review of demographic surveys conducted by the Census Bureau revealed a surprising variety of categories and questions for both relationship and marital status. Some surveys do not contain a relationship category to easily classify unmarried same- (or opposite-) sex couples (e.g., the National Crime Victimization Survey - NCVS, the Fishing Hunting and Wildlife-Associated Recreation Survey – FHWAR, and the American Housing Survey - AHS), while others do present an unmarried partner option (the 2010 Decennial Census, the Current Population Survey - CPS, the National Health Interview Survey - NHIS, and the Consumer Expenditure Survey - CE). Still others have introduced new/expanded categories with less traditional offerings, for example:

² Mortensen and Orten (2009) report that the category “married” tends to be overreported in Eurostat statistics, but do not disaggregate between same-sex and opposite-sex relationships.

- Telephone Point of Purchase Survey (TPOPS): “Spouse (wife or common-law wife, husband or common-law husband)”
- CPS, NHIS, American Time Use Survey (ATUS), CE: “Spouse (husband/wife)”
- Beginning Teacher Longitudinal Study (BTLS): “living with a partner in a marriage-like relationship”
- National Survey of College Graduates (NSCG): “living in a marriage-like relationship”
- FHWAR: “Married/Living in a marriage like relationship”

Recently, the National Center for Family and Marriage Research published a crosswalk of items used to collect relationship status among same-sex cohabiting couples from other surveys (<http://ncfmr.bgsu.edu/page92231.html>). To classify same-sex married couples, most use the categories “spouse” or “husband/wife.” To classify same-sex cohabiting couples, the National Survey of Family Growth uses “Female partner” and “Male partner” while the National Longitudinal Study of Adolescent Health Survey (AHS) uses “Partner;” “Partner, boyfriend;” “Partner, girlfriend;” and “Partner/boyfriend/girlfriend.” Several other surveys (the AHS and National Longitudinal Survey of Youth [NLSY]) include references to living in “a marriage-like relationship,” which is defined in the NLSY as “a sexual relationship in which partners establish one household and live together.” Finally, international examples include the Canadian census form which uses “opposite-sex husband or wife” “opposite-sex common-law partner,” “same-sex married spouse,” and “same-sex common-law partner,” while the U.K. census form includes “same-sex civil partner” and “partner” categories to enumerate gay couples.

Under the auspices of the OMB interagency work group, the Census Bureau sponsored a series of 18 focus groups across the country in 2010. The groups explored the meaning and interpretation of the current decennial Census and ACS relationship and marital status items and sought to uncover

alternative ways to ask the question in hopes of reducing measurement and classification error. Major conclusions from the groups (reported in Bates, et al., 2010) were: (1) both items are perceived to be asking about a *legal status*; (2) few same-sex couples that were not legally married chose “husband/wife” or “now married;” (3) most legally married same-sex couples reported “husband/wife” and “now married” (regardless of place of residence); (4) the current marital status categories were viewed as inadequate by unmarried same-sex couples; and (5) relationship categories should be re-ordered according to functional equivalence. Based on this research and input from an expert advisory panel, we developed the two alternative versions to the relationship and marital status as well a separate cohabitation question (to include a relationship measure for couples without any legal recognition). See Appendix A for exact wordings.

3. *Methodology*

Two different versions of the relationship and marital status question series were tested in the cognitive interviews. The two versions were crossed, resulting in four different versions of the questionnaire.³

The target questions were tested in the context of an abbreviated ACS mailout questionnaire.⁴

A total of 40 cognitive interviews were conducted, four with each questionnaire version, using retrospective probing methods. The respondent first completed the test questionnaire and was observed by the researcher. Afterwards, the researcher asked a series of probing questions to determine why the respondent answered the relationship and marital status questions the way he/she did, whether the respondent felt that the questions adequately captured his/her situation, and how the respondent interpreted specific response categories of interest. In addition, the researcher asked questions about the respondent’s specific marital situation (such as type and date of marriage ceremony

³ Version 1 contained Relationship A and Marital Status A; version 2 contained Relationship A and Marital Status B; version 3 contained Relationship B and Marital Status A; version 4 contained Relationship B and Marital Status B.

⁴ The questionnaire included name, relationship, sex, age and date of birth, place of birth, citizenship, year of entry to the U.S., education, language spoken at home, marital status, marital history, and fertility questions.

or domestic partnership registration) to better understand how the respondent interpreted the questions and whether they were answered accurately. Then the researcher gave the respondent another questionnaire, which contained the other version of both the relationship and marital status questions, and asked the respondent to complete those questions. This was followed by a discussion of responses to these questions, terms in the questions, and a reaction as to preferences for the different versions. Finally, the researcher asked whether the respondent thought any of the questions would be sensitive to other people.

The questions were tested with respondents from a mixture of sexual orientations, marital statuses, and geographic areas. We wanted to administer the questionnaire to a wide variety of types of people to maximize what we would learn in terms of reactions to the questions. We recruited the following types of respondents:

- Respondents in a same-sex cohabitating relationship that had no legal status;
- Respondents in a same-sex or opposite-sex registered domestic partnership or civil union;
- Respondents who were part of an opposite-sex married couple;
- Respondents who were part of a same-sex married couple living in a place where same-sex marriage is recognized; and
- Respondents who were part of a same-sex married couple living in a place where same-sex marriage is not recognized.

To meet these recruiting criteria it was necessary to have some geographic diversity because same-sex marriage and registered domestic partnerships are not available in all states. Furthermore, we wanted

to include respondents with a broad spectrum of reactions to the changes we made to the questions, to determine whether backlash would affect response.

We selected Ohio, North Carolina, Nevada, and the Washington, DC metropolitan area as interview locations. Nevada was chosen because registered domestic partnerships are recognized for both same-sex and opposite-sex couples. North Carolina was chosen as a southern state where individuals could potentially have conservative views, as same-sex marriage and legal relationships are not recognized. Ohio was chosen because it is a Midwestern state in which same-sex marriage is not recognized and DOMA is written into the state constitution. The Washington, DC metropolitan area was selected because it is convenient to the Census Bureau and offers a mix of place types: since same-sex marriage is legal in the District of Columbia, recognized but not legal in Maryland, and neither legal nor recognized in Virginia.

Recruiting for the Ohio, North Carolina, and Nevada interviews was contracted to Community Marketing, Inc., a California-based marketing group that has developed and maintains a database of LGBT consumers. They were able to recruit opposite-sex respondents in the required categories as well. Based on their database and the desire to avoid interviewing in college towns, Cleveland, Ohio; Charlotte, North Carolina; and Las Vegas, Nevada were selected as interviewing sites. The contractor arranged for focus group facilities to be used as the interviewing sites in Cleveland and Charlotte. In Las Vegas, interviews were conducted in conference rooms in a local hotel.

Recruiting for the Washington, DC area interviews was handled by Census Bureau staff. These interviews were conducted either in the Census Bureau's cognitive laboratory or in locations convenient to respondents.

Interviewing for all the sites was done by staff from the Census Bureau. Respondents were paid \$40 by the researchers for their participation. All the sessions were tape-recorded and the tapes were used to

write summaries of the interviews. Data analysis was conducted by carefully reviewing the summaries to discern patterns in responses to the survey questions, respondents’ spontaneous comments, and probes about their reasons for answering and reactions to the terminology.

The table below documents the demographic characteristics of the respondents who participated in the interviews. They were evenly split by gender and fairly evenly split by sexual orientation (with slightly more gay than straight respondents). The ages of the respondents ranged from 21-70, with the majority being under 40 years old. The majority of the participants had either some college or a 4-year college degree, but the education level ranged from those who did not complete high school to those with a Master’s degree.

Table 1. Demographic Characteristics of Respondents

Gender	
Male	21
Female	19
Sexual Orientation	
Gay	25
Straight	15
Age	
20-30	10
31-40	12
41-50	8
51-60	7
61-70	3
Race	
White	28
Black	7
Hispanic	3
Asian	1
Mixed	1
Education	
< high school graduate	2

High school graduate	5
Some college	11
College graduate	14
Advanced degree	8
Residence of Respondent	
OH	9
NC	9
NV	12
DC	7
MD	2
VA	1

4. Findings: New Relationship Questions

Revisions to the relationship items included adding “spouse” to the “husband/wife” category, moving up the “unmarried partner” category to second in the list and adding the delineation of “same-sex” and “opposite-sex” qualifiers before the “husband/wife/spouse” and “unmarried partner” categories on one version.

The cognitive interviews confirmed much of what was heard in the earlier focus groups. For example, when asked to express the category meanings in their own words, most respondents associated any category containing the words “husband/wife/spouse” to mean legally married. Adding the term “spouse” did not elicit much discussion. At least one married gay respondent indicated preference for this term over “husband” and another gay respondent suggested spouse had less of a legal connotation compared to husband or wife; otherwise the change appeared to have little impact on how respondents answered. The term “partner” was associated most often as referring to homosexual couples – again

confirming a theme that surfaced in the focus groups. In fact, one straight respondent indicated he would be comfortable having a choice to mark “opposite-sex unmarried partner” but not “unmarried partner” because partner is usually assumed to mean gay/lesbian and he wouldn’t want his answer to be construed as a homosexual relationship. Another straight respondent put it this way:

“He’s my boyfriend. I don’t know what partner consists of so that’s why I don’t ever use that word...this (partner) just does not seem to be the word I would use.”

That said, all three of the straight respondents who were living with someone without legal recognition selected “unmarried partner” for relationship.

When it came to answering the relationship question, regardless of version tested, the majority of respondents chose their intimate partner relationship answer according to the legal status of the relationship (see Table 2). This meant that persons who were *legally married* chose “husband/wife/spouse,” “opposite-sex husband/wife/spouse” or “same-sex husband/wife/spouse” and that persons *not* legally married (whether in a registered domestic partnership/civil union or without any legal recognition) tended to select “unmarried partner,” “opposite-sex unmarried partner” or “same-sex unmarried partner.” Of the 40 interviews conducted, five respondents reported a relationship that did not align with their legal relationship status. Upon closer examination we discovered that all five were respondents from gay couples – three had no legal status and two were in a registered domestic partnership/civil union. All five reported as “same-sex husband/wife/spouse.”

In three cases, this selection was the result of the respondent not reading far enough down the list -- at the second category, respondents saw “same-sex” in the “same-sex husband/wife/spouse” category, chose it, and moved to the next item. In the debriefing, all three respondents later noticed the “same-sex unmarried partner” category (4th in the list) and agreed it might fit better (although one respondent said the fact she has been living with her partner for 10 years and neither spousal category contains the

word “married” factored into her original selection). In the other two cases, the reasons varied for selecting the spousal category. In one case the respondent had been together with her partner for 16 years, had been married in Oregon (but the marriage was annulled), and was now in a registered domestic partnership. She considered her partner her “wife” and did not interpret “partner” as a term to describe an intimate couple. Consequently, “same-sex husband/wife/spouse” was the only category she considered. In the other case, the respondent said the category fit closest since he had a legal domestic partnership and “spouse” described his situation better than “unmarried partner.” Likewise, there was at least one other gay respondent in a domestic partnership who first answered the version without the “same-sex” categories and selected “unmarried partner,” but upon the seeing the other version indicated she would have selected “same-sex husband/wife/spouse.” She explained that “by presenting the same-sex breakout you are acknowledging that it exists” -- it being same-sex marriage. This sentiment was also expressed in some of the focus groups conducted in areas where same-sex marriage was not legally recognized, that is, if a category is printed on the form, then that option is available to choose (even if it’s not legally recognized where a person resides).

With few exceptions, respondents indicated the relationship categories adequately described their current living situation -- there were no other choices they considered or were looking for. One exception was three gay respondents in registered domestic partnerships. Each indicated they were looking for a “domestic partner” category because as one put it “I think the wording should be consistent with what’s available in a particular state.” Two of the respondents selected the “unmarried partner” category while the third chose “same-sex husband/wife/spouse.” For the balance of the other interviews, especially those legally married (gay or straight), the options were clear cut with little discussion – changes in the category wordings and ordering caused no discernable confusion or changes to how they made their selections.

One of the goals of the cognitive interviews was to gauge if the new questions might be perceived as sensitive or offensive. In particular, we wondered how the relationship categories broken out by opposite- and same-sex would be received in more conservative parts of the county, especially among heterosexuals. To assess this, we asked if there were any questions the respondent thought other people might find sensitive.⁵ The new relationship item with differentiated categories had the greatest amount of mentions; however, the reasons were twofold. The first came from both gay and straight respondents who suggested the “same-sex” / “opposite-sex” categories might offend people who don’t agree with gay unions and believe it is unnecessary to differentiate between them. The other was voiced by gays who thought the categories would cause closeted gays to answer less truthfully out of fear their answers might be used to locate or single them out. Despite these opinions, a careful reading of the summaries suggested that only two respondents really took issue with these categories. Both were married heterosexual females in Charlotte and both expressed personal disapproval of same-sex marriage. Specifically one said:

“This [version with opposite-sex and same-sex labels] actually might, would offend me a little bit, because I think it’s...I feel like we’re kind of just lowering the standards...[as in] ‘Okay we’ve got to conform to everyone, we want to be politically correct’. And that just really gets on my nerves, honestly...you know in a different part of the country, you might not be hearing this, but, that’s how I feel about it.”

The other said:

⁵ About midway through the interviews, we realized it would be preferable to assess sensitivity immediately after respondents had completed the form and prior to the retrospective debriefing. However, this change was only administered to about ¼ of the interviews – the rest followed the protocol and asked it at the end of the interview.

“[that version] tries too hard...it’s making a point. [that version means] “we’re gonna put it out there...that we’re including *everybody* (emphasis added). But I get that..it’s fine...we’re in America.”

However, when pressed directly, neither indicated this opinion would lead them to discard the survey or otherwise not participate. Or, as one put it “I wouldn’t write my Congressman. I wouldn’t go on Facebook about it...it’s not that deep.” Of course, this is a hypothetical judgment given in the context of a cognitive interview, so we can only surmise their actual behavior.

When asked if respondents had a preference for one version over another, we found that 25 preferred the break-out version, 11 preferred the version that did not differentiate, and 3 had no preference (see Table 3). Of the 11 who did not prefer the delineated categories, the gay/straight split was close with 5 and 6, respectively.⁶ Reasons *against* included: would single-out/offend gays, too pushy, not necessary, too wordy/too many categories. Reasons *for* included: more inclusive, more accurate/defined, easier for gays to place themselves.

5. Findings: New Marital Status / Marital History Series

Revisions to the marital history question included the addition of an “in a registered domestic partnership or civil union” category in one version and, in the other version, adding a separate question to obtain this information while keeping the marital status question categories the same as they are currently.

For the most part, respondents’ reports of marital status were consistent with their true legal status. There were four cases in which inconsistencies occurred across both forms that were completed by the

⁶ Readers are reminded we conducted 25 interviews with gay participants and 15 with straight.

respondent (see Table 2). All of them involved the category “in a registered domestic partnership or civil union” in different ways.

One case was a lesbian respondent who reported “in a registered domestic partnership or civil union.” She said she and her partner were going to register their partnership next week. She did not want to report “widowed” for her partner and “divorced” for herself because she did not feel that defined their lives currently, even though each had previously been in heterosexual marriages. She and her partner had previously had a commitment ceremony in Provincetown, MA that she referred to as a marriage, but she recognized that this was not a marriage legally sanctioned by the government. This is a case of answering based on the respondent’s self-perception of her relationship.

“Married in today’s American culture means legal marriage...As much as we all might want to say, ‘Oh yeah, I’ve been with this person 20 years, we’re married.’ Well, we’re not...When you say opposite-sex, we all know what that means, we all know what same-sex is because that’s a cultural term that’s all over the place. Front page...I can’t in all conscience put married, but I certainly could put registered in a domestic partnership. And, I don’t know what civil union is. I think that’s a very ambiguous term.”

In another case, a gay respondent reported that he was “in a registered domestic partnership or civil union,” although he and his partner had been legally married in Canada. He was reluctant to mark “now married” because same-sex marriage is not legal in the U.S. This is the only case from either the cognitive interviews or the focus groups (see Bates et al., 2010) in which someone in a same-sex marriage did *not* report being married in response to this question, regardless of where the marriage took place. It should be noted that this respondent was an immigrant from Canada who had been married to an American in Canada shortly after same-sex marriage became legal there. We wonder whether his American husband would have answered the same way if he had been the respondent for

this interview. This was a case of answering based on the respondent's perception of the legal status of his relationship.

Another related situation occurred with a male respondent in an opposite-sex domestic partnership who reported his legal marital status (never married for himself, divorced for his partner) because he said that a domestic partnership is not a marital status. He took the question wording seriously and answered accordingly.

The final case in which the respondent's report was inconsistent with his actual status was a gay respondent who was in a civil union and reported "divorced" for himself and "never married" for his partner. This occurred because he did not see the term "civil union" in the new response category. He noticed the new category, but did not see the part of the category that applied to him.

The inconsistencies in reporting of the legal status of these respondents resulted in inconsistent reporting across the two question versions for only one of them. The respondent who was married in Canada marked "now married" in the version with the follow-up question. Even though the marriage is not legally recognized in this country, this category was closer to the truth than his only other option, "never married." Thus, in one version he demoted his status to one that he thought was more legal even though it wasn't true; in the other version he answered correctly -- even though he thought he shouldn't -- because it was the closest option. In the other three cases, the domestic partnership or civil union was reported in the follow-up question and the respondent's actual marital status was reported in the first part of the question. When respondents who answered this question series initially were asked whether they thought these questions adequately captured their status, they generally said yes; they were able to report their domestic partnership in the follow-up question, and if they were not registered, they were able to report that they were partnered with someone in the household.

So the bottom line in terms of reporting is that there was a small amount of confusion or incorrect reporting in the version that includes “in a registered domestic partnership or civil union” as a response category in the marital status question (V1 in Appendix A). It was not concentrated among respondents in a particular subgroup, as this confusion was evidenced by same-sex married respondents, same-sex respondents with no legal status, same-sex respondents in civil unions, and opposite-sex respondents in domestic partnerships.

Respondents were asked about the term “in a registered domestic partnership or civil union.” Only a few people said they were unfamiliar with either domestic partnerships or civil unions, and these were fairly evenly split between gay and straight respondents. Three people reported not knowing what a civil union was—one of these was straight and two were gay. Three other people reported not knowing what a domestic partnership was—two of these were straight and one was gay.

While few people were totally unfamiliar with the terms, there was a fair amount of misunderstanding what the term meant. One common misunderstanding was equating this concept to gay marriage. “To me it’s the same thing almost as what the federal government classifies as marriage, just for non male-female persons;” “in California you can do a domestic partnership, which is a same-sex marriage.” These views were expressed by both gay and straight respondents.

Another was equating it to common-law marriage. “It seems like domestic partnership may be you’ve been living together for awhile. I think, legally after 5 years in North Carolina it’s considered...I can’t think of the term.” A civil union is “two people that have lived together for at least seven years.” A civil union “could be how DC views common law.” Again, these views were expressed by both gay and straight respondents.

Less common misinterpretations included equating domestic partnership to marriage (“two married people, male or female, or male and male and female and female”) and equating it to gay relationships

("I read that as a homosexual relationship...I know a lot of states only will accept civil unions or domestic partnerships. Or it could be people who just choose not to get married...they just live the same way, just in a partnership.")

The people who properly understood the term described it in different terms. One facet of the description was the process of attaining the status: these respondents reported things like having a ceremony (for civil unions); filling out forms or doing paperwork (this was denoted by the "registered" term in the category). Another facet was the effects of having the status. Examples of this included: whether to keep a person on life support in case of an accident, whether the person wants to be buried or cremated; "you're on the books, so if someone is in the hospital you have the right to see them;" taxes and hospital care and other legal rights that couples acquire that total strangers could not. Several respondents mentioned tax benefits as a benefit of having domestic partnership status. None mentioned health insurance benefits at this point, although all of the opposite-sex domestic partners had previously mentioned this as the primary reason they applied for registered domestic partnership status.

Several respondents reported that the availability of domestic partnership status varied across states. Some reported that domestic partnership status applied to both same-sex and opposite-sex couples. However, there was some difference of opinion on this topic, with a few respondents stating that domestic partnership was available for same-sex couples only. To some extent this may be a reflection of where the interviews were conducted, although at least one straight respondent in North Carolina, where it is not available at all, said that it was available for both same- and opposite-sex couples.

Respondents were asked whether they had a preference for one version of the marital status questions over the other, and if so, what the preference was. Only a few respondents did not express a preference. And the version with the embedded response category was the overwhelming favorite of

those with a preference (see Table 3). Respondents liked the fact that the category “in a registered domestic partnership or civil union” was included in the list of categories in the first question in the series. Reasons given included the following: “if two people no matter their sexual preference are registered in a civil union it needs to be clarified;” “it gives the LGBT community a place to answer;” having domestic partnership or civil union in the list was more inclusive and easier to see, not as hard to miss as it would be in a separate follow-up question” “it’s a way to recognize the relationships of all those people in our country who’ve not yet taken that jump into marriage, whether they’re the same sex or opposite sex. I consider that different than not married;” “because it’s at least acknowledging domestic partnerships but I think it’s funny that it has marital status in the question because it’s not a marital status.” These sentiments were expressed by same-sex and opposite-sex respondents alike. Recall that one of the four misreports in this question version occurred for the very reason expressed in the last quote. The respondent did not mark the correct response (“in a registered domestic partnership or civil union”) because he said this was not a marital status.

One of the few respondents who expressed a preference for the version with a follow-up question did so in reaction to the last quote. He said that “I don’t know that I would consider domestic partnership or civil union a marital status because it’s not a marriage.” A couple of respondents said they preferred to report their domestic partnerships in a separate question, it is more direct. A few people pointed out that this question actually provides more information—it provides information about marital status *and* domestic partnership or civil union status. One respondent made a political statement about the embedded question in making his choice: he felt that domestic partnership and civil unions are the equivalent of gay marriage, and by including this category in the embedded question, it allowed for separate identification of gay and straight marriage. He didn’t like that.

These results reflect a disjuncture between respondents' behavior in completing the two different versions of the marital status questions and their preferences. The only problems with accuracy that were observed occurred in completing the embedded question, yet this version was overwhelmingly preferred by respondents. Neither the errors nor the preferences were concentrated among one type of respondent. Both same- and opposite-sex respondents were represented in each category. This reflects a surprising consistency among population subgroups and suggests that the marital status question is less prone to differential political sensitivities than the relationship question.

In contrast to the relationship question, the marital status question was not generally viewed as being sensitive. In response to a probe that asked respondents to identify potentially sensitive questions, only a few people mentioned this question, and most of these grouped relationship and marital status together in answering the question. Two respondents identified specific aspects of the marital status questions as being sensitive: one person took offense at asking about domestic partnership or civil union status as a separate question rather than including it as a marital status. The other respondent thought that the cohabitation question might be sensitive "depending on your values and morals and religion...some people might not want to tell the government something so intimate...when they haven't yet decided if they want to be married or not."

6. *Findings: Cohabitation Question*

Both versions of the marital status questions contained a question new to the ACS,⁷ which allows measurement of cohabitation status of all household members.⁸ For each person it asks, "Is this person currently living with a boyfriend/girlfriend or partner in this household?" The intent of adding this question was to allow respondents without a legal status (either marriage or domestic partnership or civil union) to report a relationship measure. During the testing, we noted whether response to this

⁷ This question has been included in the Current Population Survey since 1996.

⁸ Currently the ACS only identifies the person who is cohabiting with the householder, or Person 1.

item was consistent with responses to the previous items and our knowledge of respondents' actual status. In almost all cases, respondents appeared to answer the question correctly; that is, with one exception, every respondent who did not have a legal status marked "yes" in response to the cohabitation question. The one exception was a gay person without legal status who (incorrectly) marked "in a registered domestic partnership or civil union" in the marital status question and then skipped the cohabitation question.

We also probed to determine how respondents interpreted the question. An overwhelming majority of respondents had a positive reaction to the question. They understood that the question was eliciting additional information verbalized as "if you're living with someone who is more than a roommate?," "if they're living with someone they aren't married to," and are they "living together but don't have any legal...there's nothing legal to their partnership or their relationship...boyfriend, girlfriend or same-sex partner, that could refer to same-sex partners too. But they have not gone as far as either civil union, domestic partner, or a marriage situation." One respondent thought the question was there to catch unmarried gay people who are partnered.

In addition to evaluating whether the question was understood as intended, we also probed to elicit the respondents' reactions to the terms in the question. Results of the focus groups had shown that there were varying reactions to the terms "boyfriend" and "girlfriend" among the same-sex participants. These terms are included in the new question. Respondents did not object to these terms when used in conjunction with "partner" in the question. In fact, they defined the terms in terms of two different dimensions. Some thought the terms boyfriend and girlfriend were meant to capture opposite-sex relationships while partner was used to capture same-sex relationships. Others thought that the term "partner" could capture all relationships, both gay and straight, but they felt that a large portion of the population ("middle America") would not understand the term partner. Still others felt that the terms

could also describe the variation in the life cycle of relationships, with newer relationships, temporary relationships or more casual relationships falling into the “boyfriend/girlfriend” category and longer term more committed relationships falling under the “partner” rubric. Whichever way they viewed the terms, all respondents could see the need for a range of terms. While they may have had preferences for certain terms, they could see the need for all of them.

7. Summary and recommendations

Several themes run through the results of the cognitive interviews. The first is that respondents generally perceived both relationship and marital status as asking about legal status. That being said, however, the relationship question was perceived a bit more subjectively than marital status. There was a bit more wiggle room for this item when it came to a strict legal interpretation. One aspect of this was the option of “same-sex husband/wife/spouse.” Just seeing this option seemed to open the door to selecting the category, even if it did not align with the respondent’s actual legal status. This was particularly true among gay couples without any legal recognition who resided in areas where there was no same sex recognition of any kind. This illustrates a pitfall of designing a one-size-fits-all federal form when the legal reality of same-sex partner recognition is extremely fragmented on a state-by-state basis.

Both gay and straight respondents generally felt that the term “partner” applies primarily to the same-sex population. This did not, however, deter opposite-sex respondents who were in relationships without any legal recognition from marking the “unmarried partner” or the “opposite-sex unmarried partner” category.

There was sentiment among respondents that the same-sex options in the relationship category should be listed together. Same-sex respondents were surprised, albeit pleasantly surprised, to see these phrases included in the question. They thought that people might mark the first same-sex category they came to in the current sequence, and since the same- and opposite-sex categories were alternated, they might in some cases mark “same-sex husband/wife/spouse” when they really should mark “same-sex unmarried partner.” The option of listing the two opposite-sex categories before the two same-sex categories did not present a problem for anyone.

The changes made to the relationship question were perceived as potentially sensitive to some people. This was observed particularly in the North Carolina interviews, which were chosen specifically to get a reading of how the changes would play in more conservative parts of the country. The reactions were not extreme, however; respondents did not think that, for themselves at least, the new categories on the form would preclude their completing the form.

Many respondents, both same- and opposite-sex, were unfamiliar with the concepts of domestic partnership and civil union. There was geographic diversity in how well the meaning of these terms was understood. Most respondents saw this option as a “gay thing,” although some respondents knew that domestic partnerships can apply to both same- and opposite-sex relationships.

The new cohabitation question worked well as a way of identifying people who live in relationships with no legal status. The intent of the question was understood and the terminology used was acceptable to all respondents.

These results have implications for choosing a single version of the relationship and marital status questions to use in forthcoming large-scale quantitative tests. For the relationship question, we recommend the version that delineates same- and opposite-sex categories. However, we do not recommend the exact version we tested. We think the evidence provided in the interviews shows

support for re-ordering the first four categories so that the two opposite-sex categories come first, and then the two same-sex categories.

A couple of reasons support the decision to use this version. For one thing, respondents preferred that version by a 2-to-1 margin. For another, delineating same- and opposite-sex in the relationship categories would help reduce classification errors by providing a check against mismarks in the sex question. Similar categories are used by Statistics Canada and have shown to reduce misreporting of opposite-sex couples as same-sex couples (Lathe, personal communication). This delineation may, however, also open the door for more same-sex couples without legal status to select “same sex husband/wife.” Reordering the categories to place the two same-sex categories together should reduce the extent of this potential misreporting somewhat. But in the end, we cannot know the impacts of this delineation until we can obtain quantitative results from a controlled experiment.

The recommendation for the marital status question is murkier. Although the respondents’ preferences for the question including the “in a registered domestic partnership or civil union” category were overwhelming, their understanding of the concept is marginal at best. Further qualitative testing using the embedded question with larger numbers of same-sex couples without legal status and with opposite-sex unmarried couples would provide a better sense of whether reports of domestic partnerships and civil unions would be inflated by respondents misreporting because they don’t understand the category. For now, it may be safer to collect this information in a separate question and not tamper with the current marital status categories.

Finally, we recommend adding the cohabitation question as part of the marital history series. This serves two purposes. It provides a place for respondents without legal relationships to acknowledge their partnership status, which responds to some of the negative feedback we heard during the focus

groups. In addition, it will enable demographers to identify subfamilies, which will enhance the informational value of the data the Census Bureau collects.

Table 2. Legal Relationship Status of Respondents by Answers to Relationship and Marital Status Questions

Partnership Status	RELATIONSHIP			MARITAL STATUS - DP/CU STATUS			COHABITATION QUESTION***	
	Husband/wife*	Unmarried partner**	Other	Now married	DP/CU	Never Married/ Other	YES	NO
Gay married (10)	10	0	0	9	1	0	n/a	
Straight married (9)	9	0	0	9	0	0	n/a	
Gay DP/CU (7)	2	5	0	0	6	1	n/a	
Straight DP/CU (2)	0	2	0	0	1	1	n/a	
Gay no legal status (8)	3	5	0	0	1	7	7	0
Straight no legal status (4)	0	4	0	0	0	4	4	0
N=40	24	16	0	18	9	13	11	0

* includes: Husband/wife/spouse, Opposite-sex husband/wife/spouse, Same-sex husband/wife/spouse

**includes: opposite-sex unmarried partner, same-sex unmarried partner

***There was 1 gay respondent w/o legal status who marked DP/CU & skipped the cohabitation question

Table 3. Respondents' Stated Preferences to Alternative Relationship and Marital Status Items

Partnership Status	PREFERENCES					
	RELATIONSHIP			MARITAL STATUS		
	No sex delineation	Delineated by same/opp sex	No preference	Traditional	DP/CU category added	No preference
Gay married (10)	1	9	0	1	9	0
Straight married (9)	3	5	1	3	5	1
Gay DP/CU (7)	0	7	0	0	7	0
Straight DP/CU (2)	0	1	1	1	1	0
Gay, no legal status (8)	4	4	0	2	5	1
Straight, no legal status (4)	3	0	1	0	3	1
N=40	11	26	3	7	30	3

Relationship Question

How is this person related to Person 1? **Mark (X) ONE box.**

- | Version 1 | | Version 2 | |
|---|--|---|--|
| <input type="checkbox"/> Husband/wife/spouse | <input type="checkbox"/> Parent-in-law | <input type="checkbox"/> Opposite-sex husband/wife/spouse | <input type="checkbox"/> Grandchild |
| <input type="checkbox"/> Unmarried partner | <input type="checkbox"/> Son-in-law or daughter-in-law | <input type="checkbox"/> Same-sex husband/wife/spouse | <input type="checkbox"/> Parent-in-law |
| <input type="checkbox"/> Biological son or daughter | <input type="checkbox"/> Other relative | <input type="checkbox"/> Opposite-sex unmarried partner | <input type="checkbox"/> Son-in-law or daughter-in-law |
| <input type="checkbox"/> Adopted son or daughter | <input type="checkbox"/> Roomer or boarder | <input type="checkbox"/> Same-sex unmarried partner | <input type="checkbox"/> Other relative |
| <input type="checkbox"/> Stepson or stepdaughter | <input type="checkbox"/> Housemate or roommate | <input type="checkbox"/> Biological son or daughter | <input type="checkbox"/> Roomer or boarder |
| <input type="checkbox"/> Brother or sister | <input type="checkbox"/> Foster child | <input type="checkbox"/> Adopted son or daughter | <input type="checkbox"/> Housemate or roommate |
| <input type="checkbox"/> Father or mother | <input type="checkbox"/> Other non relative | <input type="checkbox"/> Stepson or stepdaughter | <input type="checkbox"/> Foster child |
| <input type="checkbox"/> Grandchild | | <input type="checkbox"/> Brother or sister | <input type="checkbox"/> Other non relative |
| | | <input type="checkbox"/> Father or mother | |

Marital Status Question

- | Version 1 | Version 2 |
|--|---|
| a. What is this person's current marital status? | a. What is this person's current marital status. |
| Mark (X) ONE box. | Mark (X) ONE box. |
| <input type="checkbox"/> Now married – <i>SKIP to question 13</i> | <input type="checkbox"/> Now married – <i>SKIP to question 13</i> |
| <input type="checkbox"/> Widowed | <input type="checkbox"/> In a registered domestic partnership or civil union – <i>SKIP to question 13</i> |
| <input type="checkbox"/> Divorced | <input type="checkbox"/> Widowed |
| <input type="checkbox"/> Separated | <input type="checkbox"/> Divorced |
| <input type="checkbox"/> Never married | <input type="checkbox"/> Separated |
| | <input type="checkbox"/> Never married |
| b. Is this person currently living in a registered domestic partnership or civil union? | |
| <input type="checkbox"/> Yes – <i>SKIP to C</i> | |
| <input type="checkbox"/> No | |

Cohabitation Question

c. Is this person currently living with a boyfriend /girlfriend or partner in this household?

Yes

No

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References

- Bates, N., DeMaio, T.J., Robins, C. and Hicks, W. (2010). "Classifying Relationship and Marital Status Among Same-Sex Couples." Paper presented at the annual conference of the American Association for Public Opinion Research, Chicago, IL, May 13-16.
- Black, G., Gates, G., Sanders, S. and Taylor, L. (2007). "The Measurement Error of Same-Sex Unmarried Partner Couples in the U.S. Census." California Center for Population Research, December 1, 2007.
- Carrington, C. (1999). No Place Like Home: Relationships and Family Life among Lesbians and Gay Men. Chicago, IL: The University of Chicago Press.
- Gates, G. (2011). "How Many People are Lesbian, Gay Bisexual and Transgender?". Williams Institute Press release, April, 2011. <http://www2.law.ucla.edu/williamsinstitute/home.html>.
- Gates, G. (2010). "Same-sex couples in the US Census Bureau Data: Who get counted and why?" The Williams Institute, August 2010.
- Gates, G. (2010). "Same-sex couples in the U.S: Legal, Social and Measurement Trends." A panel presentation at the DC AAPOR Chapter, March 2, Urban Institute, Washington D.C.
- Gates, G. (2009). "Same-sex Couples and Unmarried Partners in the ACS, 2008." The Williams Institute, October, 2009, [http://www.law.ucla.edu.williamsinstitute/pdf/ASC2008Final\(2\).pdf](http://www.law.ucla.edu.williamsinstitute/pdf/ASC2008Final(2).pdf).
- Gates, G. and Steinberger, M. (2009). "Same-sex Unmarried Partner Couples in the ACS: The Role of Misreporting, Miscoding, and Misallocation." Paper presented at the Annual Meetings of the Population Association of America, Detroit, MI, and April 30, 2009.
- Hull, K.E. (2006). Same-Sex Marriage: The Cultural Politics of Love and Law. New York, NY: Cambridge University Press.
- Lathe, H. (2011). Personal communication, March 11, 2011.
- Markon, J. and Somashekhar, S. (2011). "In gay rights victory, Obama administration won't defend Defense of Marriage Act." *Washington Post*, February 23, 2011.
- Mills, M. and Poortman, A.R. (2010). "Registered Partnerships in Europe: An alternative to marriage and cohabitation?" A paper presented at the Population Association of America 2010 Annual Meeting, April 15-17, Dallas, TX.

Mortensen, A.K. and Orten, H. (2009). Measuring Legal Marital Status: Cognitive interviews on two instrument versions in a Norwegian context," A paper presented at the Conference of the European Survey Research Association, June 29-July 3, 2009, Warsaw, Poland.

National Center for Marriage and Family Research (2010) "Same-Sex Couple Households in the U.S., 2009." Family Profiles, October, 2010.

National Center for Marriage and Family Research (2010) "Question Crosswalks". Found on the NCFMR webpage: <http://ncfmr.bgsu.edu/page88943.html>.

O'Connell, M. and Lofquist, D. (2009). "Counting Same-sex Couples: Official Estimates and Unofficial Guesses." Paper presented at the Annual Meetings of the Population Association of America, Detroit, MI, April 30-May 2, 2009.

O'Connell, M. and Gooding, G. (2006). "The Use of First Names to Evaluate Reports of Gender and its Effect on the Distribution of Married and Unmarried Couple Households." Poster presented at the Annual Meetings of the Population Association of American, Los Angeles, CA.