

Counting Same-sex Couples:
Official Estimates and Unofficial Guesses

Authors: Martin O’Connell and Daphne Lofquist

Affiliation: U.S. Census Bureau
Housing and Household Economic Statistics Division

Phone: 301-763-2416
Fax: 301-457-3500

Email: Martin.T.Oconnell@census.gov
Daphne.A.Lofquist@census.gov

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Abstract:

When editing Census Bureau data, if a household consisted of a same-sex married couple, the respondent reported as the spouse was changed to the unmarried partner of the householder. Up until 2004, no state granted marriage licenses to same-sex couples in the United States. However, marriages between same-sex couples have been legal in Massachusetts since 2004 and in California since 2008, thus creating differences in how respondents report data and how data are shown in Census Bureau publications. We will discuss the history of these editing decisions and present “unofficial” estimates of the numbers of respondents who reported themselves as same-sex married couples in Census 2000 and in the American Community Survey during the transitional periods when states began to legalize same-sex marriages. Finally, we will present some general characteristics of married opposite-sex couple, unmarried opposite-sex couples, and unmarried same-sex couples by their reporting status.

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Housing and Household Economic Statistics Division
US Bureau of the Census

Introduction

How the Census Bureau edits and publishes the numbers of same-sex couples has been the basis for numerous reports in the media since the California Supreme Court ruled for the issuance of marriage licenses to same-sex couples beginning in June, 2008. The media reports began with a widely published article appearing in the *San Jose Mercury* on July 12, 2008 entitled “Census Bureau Won’t Count Same-sex Marriages.” That story quickly morphed into a “Census Won’t Count Gay Marriages” article in the July 17, 2008 *Washington Post* and a “Census Won’t Recognize Gay Marriages in 2010 Count” article in the July 17, 2008 *Associated Press* release. All of these articles, more correctly but less dramatically, should have been re-headlined to read “Census Bureau Will Count Everyone But Does Not Currently Publish Tabulations of Couples of the Same-sex Who Report Being Married to Each Other.”

These articles stem from the way the Census Bureau edits and publishes data on same-sex couples that report themselves as being spouses. In the editing process of Census 2000 data, unlike in the 1990 Census, if a household consisted of a married couple, with both spouses reporting the same sex—and where no questionnaire item imputations were made for either person for either relationship or sex—then the respondent who reported

being the spouse of the householder was changed to being the unmarried partner of the householder.

In 1990, the *relationship* category would have remained the same (spouse) but the *sex* of the partner would have usually been changed.¹ Because there were no same-sex couples legally married in any state in the United States at the time of Census 2000, it was reasonable to assume these responses were either in error or were meant to reflect a social response of living together “like a married couple” but without the legal certificate. Using this rationale, responses of spouses were assigned to responses of unmarried partners to attempt to preserve the social but not legal response.

Up until 2004, no state granted marriage licenses to same-sex couples in the United States, hence, there was no difference between state and federal law and the Bureau’s procedure was generally not in dispute. However, marriages between same-sex couples have been legal under state laws beginning in May 2004 in Massachusetts and since June 2008 in California, thus creating differences in how data are reported by respondents in surveys and how data are shown and tabulated in official Census Bureau reports. The Census Bureau counts everyone regardless of his or her sexual orientation or marital status but as a federal agency, it also follows the guidelines of the 1996 Defense of Marriage Act. This act specifies the definition of marriage and spouse for purposes of federal law²:

¹ This explanation was posted to the Census Bureau website after the publication of same-sex couple data from Census 2000. See <<http://www.census.gov/Press-Release/www/2002/sf3compnote.html>>

² For the specifications of the act, see <http://thomas.loc.gov/cgi-bin/query/z?c104:H.R.3396.ENR>:

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

It does not include in this definition a marriage between people of the same sex, even if they have been married under the laws of individual states. Inasmuch as the Census Bureau is a federal agency and provides data to other federal agencies for the purposes of enacting their programs, the Census Bureau's decision to continue these editing and tabulation practices has been recognized to be consistent with federal law even by members of Congress who voted against the passage of this act.³

This paper will discuss the history of why these editing and tabulation decisions were made beginning with Census 2000 and continuing to the present. We then will present "unofficial" data on the numbers of respondents who reported themselves as same-sex married couples from Census 2000, further test censuses conducted in 2004, and more recent data from the American Community Survey during the transitional periods when states began to legalize same-sex marriages. This will give data users insight into potential problems that the Census Bureau faces in analyzing same-sex couples and the statistical complexities that public data users would face that have not been addressed in news headlines. Finally, we will present some general characteristics of married opposite-sex couple, unmarried opposite-sex couples, and unmarried same-sex couples that go beyond current tabulations shown in Census Bureau publications.

³ Eric Moskowitz, "Out for the Count," *Boston Globe*, July 27, 2008
<< http://www.boston.com/news/local/articles/2008/07/27/out_for_the_count>>.

Data source

Internal data files for the American Community Survey (ACS) will be primarily used in this study that contain variables that have not been released to the public. The American Community Survey was chosen for several reasons. First, since the proportion of households with same-sex partners is less than 1 percent of all households, other Census Bureau Surveys, such as the Current Population Survey and the Survey of Income and Program Participation, could not yield satisfactory estimates for this population group at either the national or the state level. The ACS sample size of final interviewed households⁴ was about 570,000 for 2003 and 2004 and slightly over 1.9 million for 2005 and 2006.

Second, the ACS is able to produce annual estimates at the state level, a data requirement necessary to observe trends during periods of changing state laws. Third, the ACS also collects information on a wide variety of social and economic characteristics that will enable us to understand the differences in the various population groups that will not be collected in the upcoming Census 2010.

The internal data files used in this paper will contain the final edited responses after all of the demographic data have been processed in order to show the characteristics of the couples. An imputation flag is also available on this data file that will enable us to tally

⁴ For a description of the national level and state samples in the ACS, go to the ACS Quality Measure page on the Census Bureau website at << <http://www.census.gov/acs/www/UseData/sse> >>.

the final number of edited unmarried partner households that were initially reported as being same-sex spouse households.

The following sections highlight the topics to be presented. Data as recent as the 2006 ACS will be used but there is the possibility that data from the 2007 files will be available before the completion of this paper. At this time, only table outlines are shown in this abstract. After Census Bureau approval, they will be completed using appropriate data sources

Editing and Tabulations Decisions for Census 2000

The background to the initial editing and tabulation decision will be discussed. Three issues are key to understanding the decision to assign reports of same-sex spouses to those of unmarried partners:

1. The re-examination of the 1990 decision to change the sex of same-sex spouses.
2. The guidelines of the 1996 Defense of Marriage Act.
3. A study of field test data in 1998 examining the characteristics of married and unmarried same-sex couples.

The result of decision not to change the respondent's sex but their relationship category from spouse to unmarried partner will be shown from Census 2000 by examining the degree of assignments made at the national and state level.

Decisions Made in the Post Census Period

Research has been undertaken both by outside data users⁵ and the Census Bureau to evaluate the reasonableness of the data on same-sex couples from Census 2000 and subsequent years of the American Community Survey.⁶ This section will outline some of the problems in evaluating the accuracy of the “married” component of the same-sex couple population and the sensitivity of the accuracy of the data on both the size and characteristic composition of the population.

We will show trends in the married and unmarried component of the same-sex couple population using ACS data beginning in 2003 at the national level and for both California and Massachusetts and evaluate the reasonableness of these data over the transitional period of state issued marriage licenses to same-sex couples. Alternative estimates of the same-sex population for four different groups will also be examined: (1) those reporting themselves as unmarried partners, and among the component reporting themselves as married, (2) those who may have legal state issued marriages, (3) those identifying themselves as living together as spouses but not possessing a marriage certificate, and (4) those who may be actually married but who may constitute misreports of sex on the forms. This latter estimates will be attempted using data from the ACS which has special computerized checks to verify answers when respondents report being same-sex spouses.

⁵ Gary J. Gates and Randall Sell, “Measuring Gay and Lesbian Couples,” in Sandra L. Hofferth and Lynne M. Casper, Eds. *Handbook of Measurement Issues in Family Research* (Mahwah, NJ: Lawrence Erlbaum Associates, 2007), pp, 235-244.

⁶ See Martin O’Connell and Gretchen Gooding, “Editing Unmarried Couples in Census Bureau Data,” (HHES Working Paper, July 2007)

<< <http://www.census.gov/population/www/documentation/twps07/twps07.html> >>.

Characteristics of Same-Sex Couples

The characteristics of same-sex couples will be shown specific to the household, householder and the couple. Household-specific characteristics are average household income, the poverty index, presence of children under the age of 18 years, and housing tenure. Householder-specific characteristics are age, race, and Hispanic origin. Couple-specific characteristics are the educational attainment and labor force participation of both partners. These characteristics will initially be displayed to compare unmarried same-sex couples with both married and unmarried opposite-sex couples.

We will then further explore the demographics of same-sex couples by showing how they initially reported their partnership—as either married spouses or unmarried partners. This table will be divided between as married (male-male and female-female) couples and unmarried (male-male and female-female) couples. This breakdown will allow us to examine the differences and similarities between these populations by both their reports of relationship and by the gender of the households.

To control for those respondents who may have mismarked their response to the item on gender on the paper forms, thus making them a same-sex couple when they really are not, we will further display tabulations of same-sex couples by their response mode type. In other words, we will divide the couples into groups that responded via CATI/CAPI and mailout/mailback questionnaires. The CATI/CAPI data collection instrument include checks which allowed respondents to verify that they are indeed in a same-sex relationship or to correct their previous answers when they are in fact in an opposite-sex

relationship. We believe that the CATI/CAPI subsection will provide us with the most accurate and error free look at the characteristics of the same-sex couples that report being married compared with those same-sex couples who report being unmarried partners.

This current project expands previous research by Simmons and O’Connell⁷ that gave basic counts and descriptive information of same-sex couples using the 2000 Decennial Census. Simmons and O’Connell focused their research specifically on three primary characteristics of married-couple and unmarried-partner households, which include households with children under the age of 18 years, racial and ethnic discrepancies, and average age of the householder and their partner/spouse. These tables will fill an important gap in the analysis of the same-sex couples and provide a stepping-stone for further research in this area.

⁷ Tavia Simmons and Martin O’Connell, “Married-Couple and Unmarried-Partner Households: 2000,” *Census 2000 Special Reports*, CENSR-5 (February 2003).

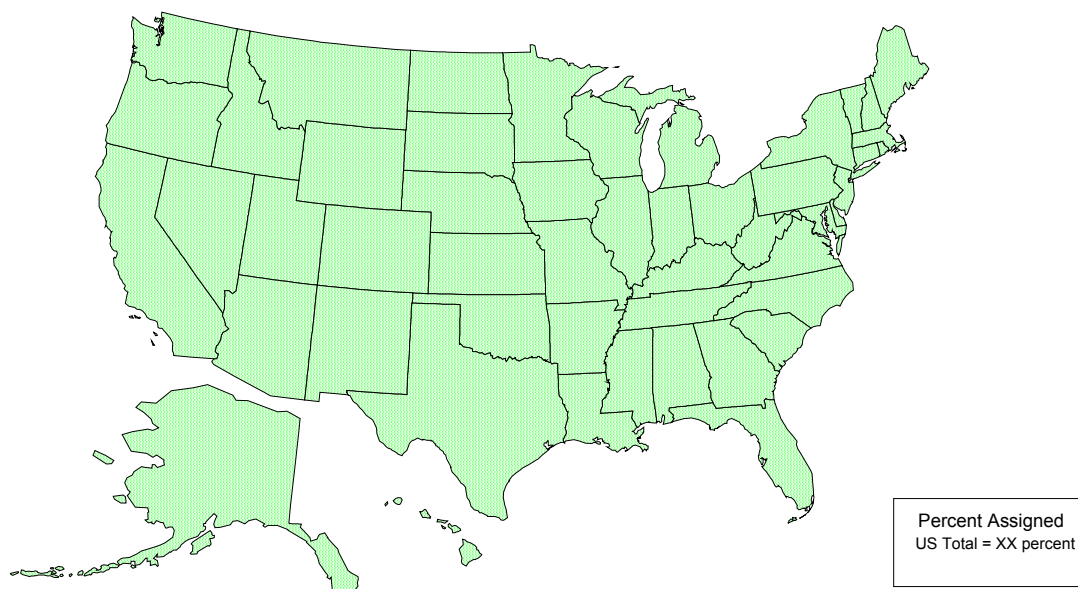
Table 1. Numbers of Same-Sex Couples by Assignment Status:
Census 2000 Short Form

Sex of partners	Total	Reporting status		
		Unmarried partners	Spouses	
			Number	Percent
Total	594,391	#	#	%
Male-Male	301,026	#	#	%
Female-Female	293,365	#	#	%

Source: Census 2000 SF1 table PCT14.

Detailed data available but not included in the abstract until approval
received for release by the Census Bureau.

Percent of Same-sex Households Assigned from Spouses: Census 2000



Detailed data available but not included in the abstract until approval received for release by the Census Bureau

Table 2. First Name Probabilities by Living Arrangements: 2004 Test Census of New York
(Percent distribution)

Characteristic	Total	No report or not in dictionary ¹	Ratio of sex of first name to all reported names per 1,000 ²					
			<=10	11-50	51-100	101=899	950-989	990+
Married Couples								
Husband	55,026	17.2	0.5	0.2	0.2	12.5	18.2	51.2
Wife	55,026	18.4	0.6	0.3	0.2	10.7	12.5	57.4
Opposite-sex unmarried couples								
Male	4,112	11.1	0.4	0.2	0.2	9.0	18.6	60.6
Female	4,112	11.6	0.3	0.4	0.3	8.3	12.6	66.6
Same-sex unmarried couples								
Male Partners								
Assigned ³								
Householder	283	23.7	10.3	2.8	1.1	10.6	19.1	32.5
Partner	283	28.3	29.3	4.2	1.1	13.1	7.8	16.3
Not Assigned ⁴								
Householder	381	12.6	1.3	1.1	0.5	6.3	10.0	68.2
Partner	381	19.9	1.6	1.1	0.0	7.6	15.2	54.6
Female Partners								
Assigned ³								
Householder	280	21.1	27.5	11.1	1.1	9.3	3.6	26.4
Partner	280	25.0	7.9	5.4	1.1	7.5	10.0	43.2
Not Assigned ⁴								
Householder	162	19.8	2.5	1.9	0.0	11.1	8.6	56.2
Partner	162	26.6	2.5	0.6	0.6	8.7	6.8	54.3

Source: 2004 Test Census of New York. Data from PAA presentation 2006

"Editing Unmarried Couples in Census Bureau Data," by Martin O'Connell and Gretchen Gooding

¹ No report of first name or no one with this first name reported sex for this name.

² Ratio of males (females) per 1,000 persons reporting this name.

³ Initially reported as a married-couple with householder and spouse of the same sex.

⁴ Not assigned from reports of same-sex spouses.

Table 3. Model Estimates of Gains and Losses to the Same-Sex Couple Population:
2004 American Community Survey Baseline Data and Varying Name Acceptance Levels
Derived from 2004 Test Census of New York

Losses and gains by arrangement types	Acceptance level		
	99 percent	95 percent	90 percent
Published estimate of same-sex couples	707,196	707,196	707,196
Losses to same-sex estimates			
Assigned couples	#	#	#
Percent loss due to name	%	%	%
Number lost	#	#	#
Not assigned couples ¹	#	#	#
Percent loss due to name	%	%	%
Number lost	#	#	#
Total losses due to names	#	#	#
Percent of all same-sex couples	%	%	%
Gains to same-sex estimates			
Opposite-sex married couples	#	#	#
Percent loss due to name	%	%	%
Number lost	#	#	#
Opposite-sex unmarried couples	#	#	#
Percent loss due to name	%	%	%
Number lost	#	#	#
Total gains due to names	#	#	#
Revised estimate of same-sex couples (lines 1 - 8 + 16)	#	#	#

Source: Estimates of couple populations in total line are from 2004 ACS tables B11001 and B11009; details for same-sex couples for ACS 2004 are from unpublished tabulations. Percent loss estimates due to name change will be derived from the 2004 Test Census of New York. Detailed data available but not included in the abstract until approval received for release by the Census Bureau.

¹ Includes XXX couples who were randomly imputed as unmarried partners.

Table 4. Estimates of Same-Sex Households by Assignment Status:
American Community Survey, 2003-2006

Survey year and sex of couple	Edited Responses ¹				
	Total couples	Assigned from spouse		No imputation	Other imputation ²
		Number	Percent		
2006					
Male-Male	417,044	#	%	#	#
Female-Female	362,823	#	%	#	#
2005					
Male-Male	413,095	#	%	#	#
Female-Female	363,848	#	%	#	#
2004					
Male-Male	374,397	#	%	#	#
Female-Female	332,799	#	%	#	#
2003					
Male-Male	363,072	#	%	#	#
Female-Female	338,661	#	%	#	#

Source: Data in total couples column from published data from the American Community Survey for each year. Detailed data available but not included in the abstract until approval received for release by the Census Bureau.

¹ Data tabulated after age, sex, relationship, and marital status items were edited.

² Includes cases randomly imputed via hot deck imputations.

Table 5. Estimates of Same-Sex Households by Assignment Status:
California and Massachusetts, American Community Survey, 2003-2006

Survey year and sex of couple	Edited Responses ¹				
	Total couples	Assigned from spouse		No imputation	Other imputation ²
		Number	Percent		
California					
2006					
Male-Male	62,808	#	%	#	#
Female-Female	45,926	#	%	#	#
2005					
Male-Male	59,963	#	%	#	#
Female-Female	47,809	#	%	#	#
2004					
Male-Male	49,732	#	%	#	#
Female-Female	41,679	#	%	#	#
2003					
Male-Male	53,819	#	%	#	#
Female-Female	40,109	#	%	#	#
Massachusetts					
2006					
Male-Male	11,789	#	%	#	#
Female-Female	11,866	#	%	#	#
2005					
Male-Male	11,356	#	%	#	#
Female-Female	12,388	#	%	#	#
2004					
Male-Male	7,831	#	%	#	#
Female-Female	10,638	#	%	#	#
2003					
Male-Male	7,328	#	%	#	#
Female-Female	9,438	#	%	#	#

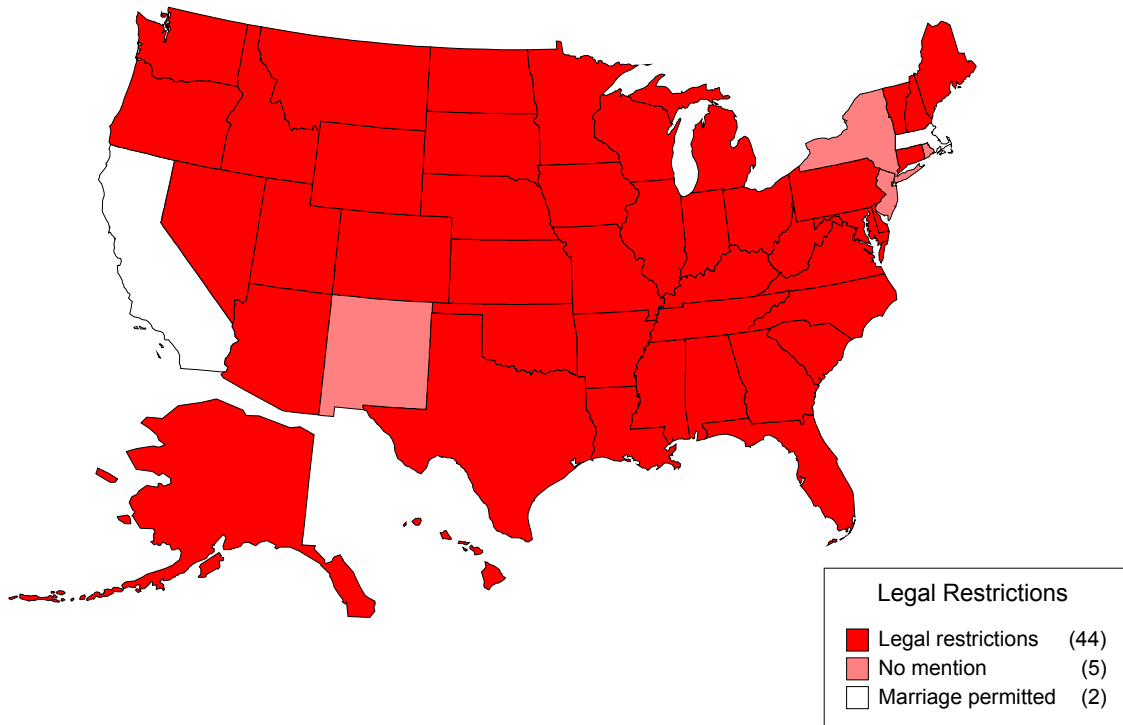
Source: Total column consistent with published tables from the American Community Survey for each year.

Detailed data available but not included in the abstract until approval received for release by the Census Bureau.

¹ Data tabulated after age, sex, relationship, and marital status items were edited.

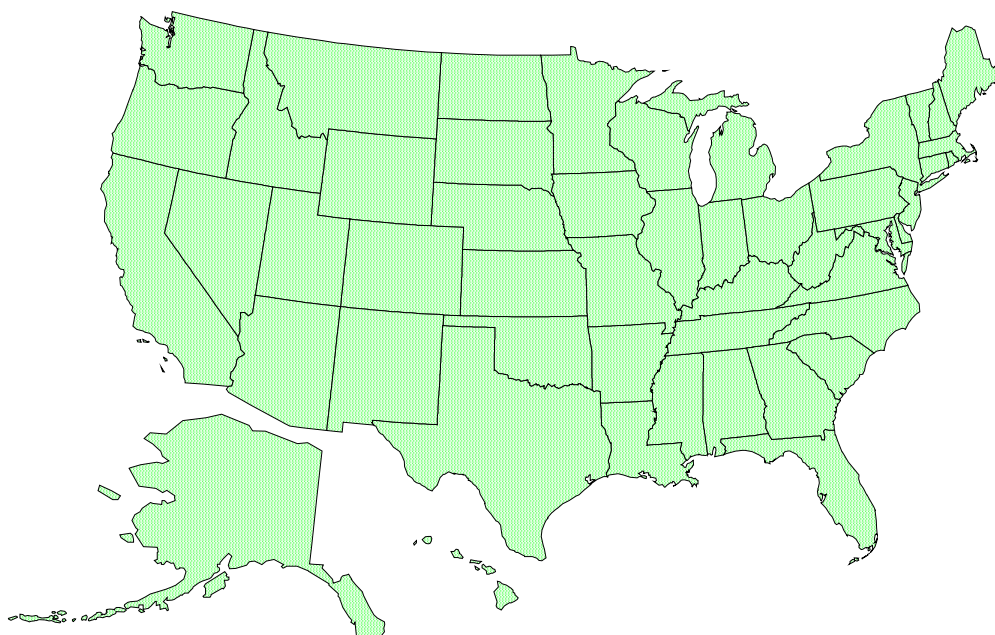
² Includes cases randomly imputed via hot deck imputations.

States with Statutes or Constitutional Language Defining Marriage: 2008



Detailed data available but not included in the abstract until approval received for release by the Census Bureau

Percent of Same-Sex Households Assigned from Spouses: 2006 ACS



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Table 6. Estimates of Same-sex Households from Mailout/Mailback and CATI/CAPI Forms: and Potential Errors in Sex Item: American Community Survey, 2006

Form type and sex of household	Total	Unmarried partners	Assigned from spouses	
			Number	Percent
Total	779,867	#	#	%
Mailout/Mailback				
Total	#	#	#	%
Male households	#	#	#	%
Female households	#	#	#	%
CATI/CAPI				
Total	#	#	#	%
Male households	#	#	#	%
Female households	#	#	#	%
Ratio of spouses/partners from CATI/CAPI				
Total	%			
Male households	%			
Female households	%			
Expected spouses from Mailout/Mailback				
Total	#			
Male households	#			
Female households	#			
Difference actual - expected				
Mailout/Mailback spouses				
Total	#			
Male households	#			
Female households	#			
Percent potential errors in Mailout/Mailback spouses				
Total	%			
Male households	%			
Female households	%			

Source: Total number for 2006 from published tabulations from the 2006 American Community Survey.

Detailed data available but not included in the abstract until approval received for release by the Census Bureau.

**Estimate of Distribution of Same-sex Couples:
2006 American Community Survey
(Distributions are for Illustrative Purposes Only)**

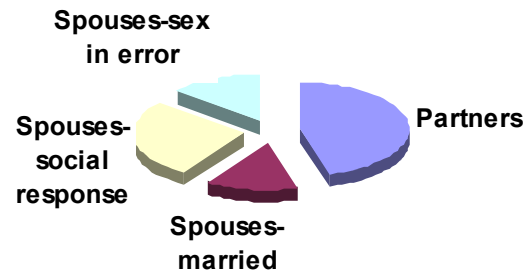


Table 7. Household Characteristics of Opposite-sex and Same-sex couples: ACS 2006

Household Characteristics	Married opposite-sex couples	Unmarried opposite-sex couples	Unmarried same-sex couples
All Respondents	#	#	#
Age of Householder			
15 to 24 years	%	%	%
25 to 34 years	%	%	%
35 to 44 years	%	%	%
45 to 54 years	%	%	%
55 to 64 years	%	%	%
65 years and over	%	%	%
Race of householder			
White	%	%	%
Black or African American	%	%	%
American Indian or Alaska Native	%	%	%
Asian	%	%	%
Native Hawaiian or Pacific Islander	%	%	%
Some Other Race	%	%	%
Hispanic Origin			
Hispanic or Latino origin (of any race)	%	%	%
White alone, not Hispanic or Latino	%	%	%
Educational Attainment			
Both partners have at least a Bachelor's degree	%	%	%
At least 1 partner without a Bachelor's degree	%	%	%
Children in the Household ¹	%	%	%
Own Children in the Household	%	%	%
Average Household Income	#	#	#
Poverty Index			
Below 100 percent of poverty level	%	%	%
100 to 199 percent of poverty level	%	%	%
200 percent or more above poverty level	%	%	%
Home Tenure			
Own	%	%	%
Rent	%	%	%
Labor Force Participation			
Householder employed	%	%	%
Both partners employed	%	%	%

¹ Includes own children and nonrelatives of the household under 18 years.

Detailed data available but not included in the abstract until approval received for release by the Census Bureau.

Table 8. Household Characteristics of Same-sex Couples by Assignment Status: ACS
2006

Household Characteristics	Assignment status for relationship item			
	Assigned from spouse		Unmarried partners	
	Male-Male	Female-Female	Male-Male	Female-Female
All Respondents	#	#	#	#
Age of Householder				
15 to 24 years	%	%	%	%
25 to 34 years	%	%	%	%
35 to 44 years	%	%	%	%
45 to 54 years	%	%	%	%
55 to 64 years	%	%	%	%
65 years and over	%	%	%	%
Race of householder				
White	%	%	%	%
Black or African American	%	%	%	%
American Indian or Alaska Native	%	%	%	%
Asian	%	%	%	%
Native Hawaiian or Pacific Islander	%	%	%	%
Some Other Race	%	%	%	%
Hispanic Origin				
Hispanic or Latino origin (of any race)	%	%	%	%
White alone, not Hispanic or Latino	%	%	%	%
Educational Attainment				
Both partners have at least a Bachelor's degree	%	%	%	%
At least 1 partner without a Bachelor's degree	%	%	%	%
Children in the Household ¹	%	%	%	%
Own Children in the Household	%	%	%	%
Average Household Income	#	#	#	#
Poverty Index				
Below 100 percent of poverty level	%	%	%	%
100 to 199 percent of poverty level	%	%	%	%
200 percent or more above poverty level	%	%	%	%
Home Tenure				
Own	%	%	%	%
Rent	%	%	%	%
Labor Force Participation				
Householder employed	%	%	%	%
Both partners employed	%	%	%	%
Reiterate for Mailout/Mailback respondents				
Reiterate for CATI/CAPI respondents				

¹ Includes own children and nonrelatives of the household under 18 years.

Detailed data available but not included in the abstract until approval received for release by the Census Bureau.

