



Maryland Citizens for a Responsible Government

## **Democracy Dealt Blow by Maryland Supreme Court** *Gender Identity Referendum Temporarily Stopped* *MCRG Considering New Legal Challenge*

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(Gaithersburg, Md.) -- The voters of Montgomery County today lost the right to vote on the issue of whether the county's controversial "bathroom bill" should become law. Maryland Citizens for a Responsible Government (MCRG) plans to challenge the Maryland Court of Special Appeals ruling.

"The court's ruling today is a loss for democracy, a loss for Montgomery County, and a loss for common sense," said Ruth Jacobs, M.D., president of the MCRG. "The average citizen wants to protect a woman's right to privacy and safety. To that end, voters would have defeated this bill. The MCRG is considering a legal challenge to ensure that voters have the chance to be heard on this issue."

MCRG spearheaded the referendum effort last winter in response to the county's passing of Bill 23-07, which added "gender identity" to the existing anti-discrimination code. MCRG contends that, amongst other dangers, the bill's loose definition of "gender identity" offers a gaping loophole which could potentially allow men to enter women's restrooms and shower areas. In addition, women, employers, roommates, and others could face an onslaught of fines for failing to recognize a person's "perceived gender" in a variety of circumstances.

In today's decision, the state's highest court upheld claims of Equality Maryland -- a group that advocates for the transgender and homosexual agenda -- which alleged that the BOE improperly submitted more than 26,000 signatures of Montgomery County voters and miscalculated the number of petition signatures needed to bring the law to referendum. The court ruled today that the BOE should have included "inactive voters" when calculating the number of signatures that were required to place the issue on the ballot. ***Months after the deadline for turning in signatures***, the court increased the number of valid signatures required from 25,001 signatures to over 27,000.

"There were more than enough valid signatures. Amazingly, Equality Maryland demanded that inactive voters who have likely died or moved out of state be considered in the calculation to

determine the number of valid signatures needed. This simply demonstrates that they will go to any lengths to prevent living, breathing county residents from determining public policy," Jacobs said.

The Montgomery County Council refused to include important exemptions, such as separate toilet facilities for males and females, in the bill.

"We're concerned that the council seems to be working more as lobbyists for Equality Maryland, than as responsible lawmakers representing the safety concerns of our residents," added Jacobs.

"We're very disappointed with this court's ruling, which suggests that, in America, every citizen does *not* have a voice," said Amy Smith, an attorney with the Alliance Defense Fund, a legal alliance that represented the interests of the MCRG. "Today's court decision sends a clear message that groups with narrow, extreme political agendas can disenfranchise the voters of an entire county. We will work closely with MCRG toward the goal of putting this issue back into the hands of the voters."

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**About Maryland Citizens for a Responsible Government, Inc.:** Maryland Citizens for a Responsible Government, which advocates for fair laws that are inclusive of everyone's rights, was formed by a group of residents who were concerned about the impact of Bill 23-07 on the privacy and safety rights of women, children, employers, religious institutions, schools and other groups. Bill 23-07 fails to provide even the most basic common sense exemptions to protect the citizens of Montgomery County. Despite knowledge of this fact, and ignoring thousands of e-mails and phone calls in protest of Bill 23-07, the Montgomery County Council unanimously passed Bill 23-07. One week later, on November 21, 2007, County Executive Isiah Leggett signed into law one of the most extreme pieces of gender identity legislation in the U.S.

The MCRG formed immediately following the passage of Bill 23-07. County law stipulates that the group had 90 days to collect 25,001 petition signatures to bring the issue to the voters via referendum. Ninety days later, on Feb. 19, 2008, the MCRG presented well over 25,000 signatures to the Montgomery County Board of Elections (BOE). On March 7, 2008, the BOE certified 26,813 signatures to ensure that the issue would be placed on the Nov, 4, 2008 ballot. Maryland's Supreme Court overturned that certification today.

A copy of Bill 23-07 and complete analysis can be found at [www.notmyshower.com](http://www.notmyshower.com).