



Citizens for a Responsible Government

Maryland Citizens for a Responsible Government

## **ELECTION BOARD GIVES GENDER ID BILL REFERENDUM GREEN LIGHT**

### **Puts Measure on Ballot Next November**

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Montgomery County, MD – The all-volunteer, grassroots organization opposing the county’s newly passed ‘gender identity’ bill received word yesterday that their referendum petition has been certified by the Montgomery County Board of Elections. This clears the way for the bill to be put before the voters next November during the General Election.

“We are delighted that the board has validated our petition, containing the signatures of over 32,000 citizens. We look forward to the next step, reaching out to the voters and informing them about this bill, which utterly fails to secure the safety and privacy rights of women and children,” said Ruth Jacobs, president of Maryland Citizens for a Responsible Government. “We have gotten the sense from talking to thousands of voters across every political and demographic line that the Council is really out of step on this one.”

The bill would add ‘gender identity’ to the County’s non-discrimination code which covers public accommodation, employment, housing, taxicab and cable services.

The bill loosely defines gender identity as “an individual’s actual or perceived gender, including a person’s gender related appearance, expression, image, identity, or behavior, whether or not those gender related characteristics differ from the characteristics customarily associated with the person’s assigned sex at birth.”

This means that a male appearing as or perceiving he is a female, regardless of his DNA, anatomy, and chromosomal makeup, could gain the legal right to call himself a woman, and use the woman’s facility in any public accommodation.

The bill could violate the privacy rights of the county’s 500,000 women and children, according to MCRG, since the County’s public accommodations code would be revised to read:

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*"An ...agent...of any place of public accommodation in the County must not, with respect to the accommodation: .....make any distinction with respect to ...race, color, sex, marital status, religious creed, national origin, disability, sexual orientation, or **gender identity** in connection with... use of any facility ..."*

Accommodations are defined in the code as “restaurants, hotels and motels, retail stores, hospitals, swimming pools,...” “Facilities” are referenced by the County in their own memorandum accompanying the bill as “restrooms and locker rooms.” Excluded areas are “distinctly personal and private accommodations,” i.e., private homes and private clubs.

Montgomery County’s public accommodations non-discrimination law was originally written to enforce racial desegregation over 20 years ago.

“With all due respect, if one accepts the Council’s assertion that the ‘gender identity’ law does not cover bathrooms, one would also have to accept that the County’s public accommodations code never intended to racially desegregate bathrooms. Race and gender identity are both listed in the same sentence,” said Theresa Rickman, one of MCRG’s two founding members.

Interpretation and enforcement of the bill rest with the County’s Human Rights Commission. The HRC’s opinion accompanying the bill’s release stated that “if Bill 23-07 were silent on the issue of public facilities, [it] would interpret the bill as allowing a person to use facilities based on that person’s gender identity.”

Other criticisms of the bill include the lack of exemptions for religious organizations, daycare providers and teachers, and employers with less than 15 employees in their hiring practices. Schools and businesses must allow their employees to cross-dress.

Since the bill empowers the HRC to levy fines for discriminatory practices, businesses may find themselves facing hundreds of thousands of dollars in penalties if they do not hire a cross-dresser or allow a transgender equal use of the restroom associated with his or her gender choice, regardless of the sensitivities of employees and customers.

The petition was certified despite bullying and harassment. A weeklong campaign of intimidation which included blocking petition tables, shouting invectives at would-be signers, and demanding that stores evict the petition collectors, cost many hundreds, if not thousands, of signatures.

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A video of Dana Beyer, vice president of Equality Maryland, co-author of the bill, and senior aide to Councilwoman Duchy Trachtenberg, falsely telling residents that their signatures on the petition they were signing were illegal, has been posted on the MCRG web site, [www.notmyshower.net](http://www.notmyshower.net).

After the signatures had been turned over to the Board, Dan Furmansky, executive director of Equality Maryland, the group which lobbied for the bill's passage, hired an attorney to mount a legal challenge to stop the bill from being voted on.

“We would hope that Dan rethinks his strategy of launching lawsuits to derail the democratic process. As it is, we have shown that over 5% of the County's voters want to see the bill on the ballot next November. We seek an open and fair discussion of the provisions of this flawed bill,” said Jacobs

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