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Same-sex marriage bill faces unexpected holdup

Opponents have chance to mobilize if vote lingers into weekend

by Sarah Breitenbach | Staff Writer

ANNAPOLIS — A gay-marriage bill, which was expected to be sure thing in Maryland's House of Delegates, suddenly has a questionable future, as members wait to cast a committee vote.

Tied up in the House Judiciary Committee since Tuesday, observers say the longer the bill waits, the slimmer its chance of passage.

"If you're a proponent of the bill, you certainly don't feel as confident as you did a week ago," said Todd E. Eberly, a political science professor at St. Mary's College of Maryland.

The Civil Marriage Protection Act, passed by a slim margin in the Senate last week, began its path to uncertainty Tuesday, when two delegates failed to show up for a morning voting session on the House version of the bill.

Dels. Jill P. Carter (D-Dist. 43) and Tiffany T. Alston (D-Dist. 24) of Mitchellville were absent from the session.

According to media reports, Carter's absence was an attempt to gain leverage for school funding for Baltimore city, while the next day Alston explained her reason for missing the meeting.

Alston said that although she personally supports same-sex marriage and is a bill co-sponsor, she wanted more time to address constituents' concerns.

Some delegates signed onto the legislation because they thought it would not clear the Senate, Eberly said. When Senate passage became a possibility, they got scared, he said.

"You've got this pure silliness going on as people are facing the reality of casting a tough vote," Eberly said.

Judiciary chairman Joseph F. Vallario Jr. (D-Dist. 27A) of Upper Marlboro had yet to call for a vote as of press time Thursday and said it is unlikely delegates would cast ballots before Friday.

If no vote occurs before the weekend, the bill could be in trouble, as religious leaders are afforded extra time to lobby delegates in their congregation, Eberly said.

Del. Curtis S. Anderson (D-Dist. 43) of Baltimore, another co-sponsor, said if the legislation didn't get a vote by Thursday, reporters could begin writing its obituary, noting the lobbying efforts delegates would face at church.

"If the bill is not voted on tomorrow, then I think everybody's got to rethink the priorities," he said

Wednesday.

A version of same-sex marriage legislation has been introduced in the General Assembly since the 2008 session.

Passage would make Maryland the sixth state to legalize gay marriage. Last year, an opinion by Attorney General Douglas F. Gansler (D) said Maryland would recognize same-sex marriages performed in other jurisdictions, including Washington, D.C.

Carter and Alston were not ready to vote because they needed more time to mull the issue, Anderson said.

"This is hard. This is hard for a lot of people to do," he said. "And so taking a little extra time never hurt. That's why I can't be critical of the delegates involved. They just wanted a little more time to do it. They didn't want to feel rushed, and I can't argue with that."

Speeding the measure through the legislature was a way to deter mobilization by opponents and guarantee passage, said Mary Ellen Russell, executive director of the Maryland Catholic Conference. She also thinks legislators sitting on the fence are being bullied into voting for the measure.

"I don't think they've got the votes in committee or on the floor without twisting arms," she said.

Last week, bill sponsor Kumar P. Barve (D-Dist. 17) of Gaithersburg said he is confident he has the votes to pass the measure on the floor. The bill, which needs 71 votes to pass, has 59 sponsors, although one, Del. Melvin L. Stukes (D-Dist. 44) of Baltimore, has said he will no longer support the measure. After this week's developments, the support of other sponsors might be in jeopardy as well.

Donald H. Dwyer Jr. (R-Dist. 31) of Glen Burnie, a conservative Republican who last week appeared more focused on a referendum effort should the House pass the bill, praised Alston and Carter.

"They were looking for a way to leverage legislation for their area, and they used a tremendous piece of legislation to do it with," Dwyer said. "Unfortunately, it ends up being an issue that is very, very public in nature, and I think they're to be commended for it. They weren't secret about what they were doing about it. They specifically told the public what their intentions were and why they were doing it."

Dwyer and other Republicans on the committee have encouraged a voting session, knowing the measure would fail without Carter's and Alston's presence.

But the implications for delegates who have delayed the process could be dramatic, Eberly said.

He thinks voters and potential opponents will remember how delegates came down on the issue during the next three years and in the 2014 election. Also, General Assembly colleagues might distance themselves from those considered to be holding up the vote.

"There's some danger they face of people thinking their word is not their bond when they sponsor a bill," Eberly said.

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