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Initiative wants anti-bias law to include sexual orientation

By Howard Fischer

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PHOENIX — A state legislator started a petition drive Friday to forbid all employers from discriminating against gays, lesbians, bisexuals and transgender individuals.

Existing law prohibits discrimination based on a number of factors, including sex. The initiative by Rep. Kyrsten Sinema, D-Phoenix, would define that term to also include gender identity, gender expression and sexual orientation.

Sinema needs 153,365 signatures by July 3 to put the issue on the November ballot.

The legislator, who describes herself as bisexual, said she intends to start gathering signatures immediately.

But Sinema said she will abandon her petition drive if supporters of a constitutional ban on same-sex marriages drop their effort to put that issue on the November ballot. That, however, isn't likely to happen.

Ron Johnson, who lobbies on behalf of the state's three Catholic bishops, said he and other supporters of the marriage amendment are "not prepared to give up," even after one version of their measure died in the state House Thursday.

"Just hearing that an initiative was filed today on some other matter really isn't going to affect that," he said.

Cathi Herrod, president of the Center for Arizona Policy, also said she intends to push ahead with trying to get lawmakers to put the marriage amendment on the ballot. "No deal," she said.

"The people of Arizona need to decide the definition of marriage and put it in our state Constitution," Herrod said. "We don't compromise on an issue like marriage between one man and one woman."

Sinema said that's fine with her. She said the law needs to be changed anyway.

"Right now, not all workers are protected under Arizona law," she said.

Current law makes it illegal for an employer to discriminate against workers and applicants based on race, religion, sex, age, disability or national origin. By providing a statutory definition of "sex" beyond gender, Sinema's initiative would expand the protections of that law.

"So today, there are people who are hard workers, who have great qualifications and great talents, who could be fired from their job simply because of who they are," she said.

But Herrod, whose organizational goals include "restoring traditional principles" to public policy, said the people who are not covered by state law now should not gain the same legal protections as others.

"The proposed initiative would protect individuals on the basis of behavior," she said.

Herrod said most of the other categories, like race, sex and age, are "immutable characteristics" that individuals are powerless to change. She does not believe that to be the case with sexual orientation.

She acknowledged that people can change their religion. But Herrod said the fact that religion is specifically

protected by the First Amendment entitles people to be free from discrimination because of their choices of whom or how to worship.

Sinema has only three months to gather the necessary signatures. But she said she already has lined up both paid circulators to carry the initiative, as well as a source of cash to pay them.

Sinema was active in a 2006 campaign to defeat a ballot measure to not only limit marriage to one man and one woman, but also to bar courts and lawmakers from creating civil unions. That measure also would have constitutionally precluded governments from providing health and other benefits to the domestic partners of their employees.

Her group managed to collect and spend \$1.8 million, outspending supporters, including the Center for Arizona Policy, by about \$800,000.

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