



TO: House Community and Family Advancement Committee
FROM: Lisa Wurm, Policy Manager, ACLU of Ohio
DATE: April 12, 2016
RE: House Bill 286

To Chairman Derickson, Vice Chair Ginter, Ranking Minority Member Howse, and members of the House Community and Family Advancement Committee, my name is Lisa Wurm, policy manager for the American Civil Liberties Union of Ohio ("ACLU of Ohio"), and I appear to present opponent testimony on House Bill 286.

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Freedom of religion is one of our most fundamental rights as Americans and that is why it is protected in our state and federal constitutions. The ACLU cherishes this value and has worked hard to defend it for nearly 100 years. However, House Bill 286 is a potentially harmful, unnecessary piece of legislation that only serves to drive a further wedge in our state.

To be extremely clear, houses of worship and clergy have and will continue to have the freedom to determine which marriages they will and won't perform in their faith traditions. HB 286 won't change this First Amendment right just as allowing gay-marriage hasn't either.

Beyond re-stating constitutional protections, HB 286 goes further by adding that "religious societies" can refuse to hold gay marriage ceremonies, even if these facilities are open to the public.

The lack of a definition for "religious societies" leaves the door open to broad interpretation. This appears to allow groups affiliated, however loosely, with a particular religion, the ability to deny same-sex couples access to areas that have little to do with sincerely held beliefs and are open to the public. Providing these services doesn't mean a group is endorsing anyone's marriage, or agreeing with everything the person believes. It simply means they are providing services to the public and that they are open to everyone on the same terms.

Gay, lesbian, and transgender people are our friends, neighbors, family, and co-workers, who contribute greatly to our state, not to mention our tax-base. In fact, it is these Ohioans who do not have protections in housing, employment, and public accommodations and are being discriminated against. Our legislature should strive to treat these Ohioans equally and fairly under the law, rather than bring legislation forward that would only do harm.