**Fairness in Women’s Sports? Explaining State Legislator Support for**

**Transgender Athlete Bans**

**Online Appendix**

**Data Glossary**

All data is publicly available, though some was not easily accessible online and required inquiries with Secretary of State or legislative information services offices. When needed, these offices were contacted by phone. I used the most recent data available, making sure it was collected before the new state district maps went into effect following the 2020 census.

**Bill Identification and Selection** – Similar to studies that use state legislators as the unit of analysis (Kreitzer 2015; Hicks et al. 2016; Shor 2018), I include bills that made it to the final passage stage of the policy process. Only bills that passed one or both chambers received committee votes. Most were left in committee without a hearing. The most notable committee vote occurred in Alaska where the Senate Judiciary Committee passed a bill, but the full Senate tabled the bill.

Bills must meet similar criteria to be included. They must explicitly ban transgender girls from participation on sports teams, and the bans must be uniformly enforced at the secondary education level. I chose these criteria because while all states included a “primary” athlete ban bill with definitions and language excluding transgender girls at the secondary education level, some states introduced additional bills with separate provisions such as banning college athletes or locker room access. The bills included in this study all had “primary” bill status. In addition, I only collected info on one bill per state. Individual legislators are not included more than once in the data. Bill content is presented in greater detail in Table 3 at the end of the Online Appendix.

The Movement Advancement Project (MAP), the Human Rights Campaign (HRC), and the Freedom for All Americans campaign all employ staff to track the progress of LGBTQ+ legislation in state legislatures. Their lists are thorough, current, and reliable. States are categorized as either having no legislation, considering or introduced, passed one or both chambers but not yet signed into law, or ban has passed, meaning that the bill was signed by the governor. I searched the MAP and HRC databases to locate the relevant bills, then accessed the bill archives section of each state legislature to download and review the texts, ensuring they met the criteria for this study. Finally, I conduced a state-by-state keyword search of individual state names accompanied by the phrase “transgender athlete bill” to double-check that all states convening a roll-call vote were included in the study.

By mid-2023, four states had passed athlete bans in only one chamber. These bills were originally excluded from the 28-state model, however, because their presence did not change the significance of the variables, they were eventually included. The bills were Georgia SB 435, Wisconsin AB 196, North Carolina HB 574, and Virginia HB1387.

**Votes** – Available on state legislative websites and bill archives. The date of passage for the corresponding chamber is noted in the data. The dependent variable is the roll-call vote before the bill moves to the opposite chamber – generally the 3rd Reading - or before the bill moves to the governor’s desk. Absentee or no votes were dropped from the data since it would be difficult to determine why someone was absent or decided not to vote. Table 5 lists the date that each bill passed its respective chambers.

*Legislator demographics*

**LGBTQ+** identifying legislators were identified through the Victory Institute’s yearly “Out for America” report which lists known elected LGBTQ+ officials. LGBT legislators included in this dataset identify as lesbian, gay, bisexual or transgender, however, nearly all are cisgender gay or lesbians.

**Black and Hispanic legislators** - Black and Hispanic legislators were identified through the Joint Center for Political and Economic Studies and the National Association of Latino Elected and Appointed Official’s updated databases listing Black and Hispanic legislators by state.

**Female legislators** – The Center for American Women and Politics maintains a list of women state officeholders which was crosschecked with information on state legislature websites. Transgender officeholders were coded as belonging to the gender through which they identify and were also listed as LGBT.

The **margin of victory (MOV)** variable is calculated using Berry, Berkman, and Schniederman’s (2000) formula. “Margin = (A - B)/(C/D), where A = the number of votes received by the legislator, B = the number of votes received by the losing candidate with the most votes, C = the total number of votes cast in the district's election, and D = the number of seats selected in the district.” Election results were retrieved from the election results archive on the Secretary of State’s website for each state.

*District Variables*

**District Ideology –** Warshaw and Tausanovitch’s (2022) estimates are available in the Harvard Dataverse. These scores allow for direct comparison of constituent ideological preferences across districts. District scores range from -1.07 (liberal) to .97 (conservative).

**Age and Race** – ACS Table DP05. 2019 ACS 5 YR estimates.

**Married, Educational Attainment, Rural & Urban** – ACS Table S1201, S1501, & H2. 2018 ACS 5 YR estimates.

**Same-sex married partners (SSMP)** - Estimates come from the American Community Survey. The latest year that this information was aggregated by state legislative district was 2018 and includes 5-year estimates of same-sex partner households. The Census has made significant changes to data collection on this topic. See <https://www.census.gov/library/visualizations/2020/demo/the_context_and_evolution_of_data_collection_for_same_sex_married_couple_households.html> for a description of the methods used to collect information on SSMP by the Census

**Religious adherence** – Religious data comes from the Association of Religion Data Archives which only lists adherence rates by county. Their most recent data (2020) includes adherence rates per 1000 citizens for all religious groups and Evangelical Protestants. I used state websites and Secretary of State archives to make a list of legislative districts by county. I utilized district maps displaying boundaries that were in effect prior to the adoption of the 2020 census maps. I then created two variables per legislative district, one for all religious groups and one for evangelical Protestants using the average religious adherence score for all the counties included in a particular district. I ran the model with the All Religious Groups variable but it was not significant and was replaced with the evangelical Protestant (EP) variable.

Some caution should be taken when interpreting this variable using this approach to data collection. Legislative districts rarely include entire counties. For instance, the state of Arizona only has 15 counties. Maricopa County, where Phoenix resides, encompasses over 9,000 square miles and several large cities. While this is the best data source available and other studies collect religious adherence data using a similar method, averaging counties does not precisely reflect religious adherence within a particular district. This variable should be interpreted as an approximation. However, the results are supported by other studies which suggest that the presence of evangelical Protestants in a district decreases the likelihood that an LGBT rights policy will pass (Wald et al. 1996).

*Ideology*

There is some disagreement in the literature about whether ideology (Shor 2018) or party (Jenkins 2006) is the best predictor of voting behavior. Shor (2018) finds that legislator ideology is a more influential factor than party identification when predicting votes for state legislation implementing the Affordable Care Act (ACA). Jenkin’s (2006) research finds that the impact of party is greater on roll-call votes, but the relative influence of party varies by state and is most impactful in states where the party exercises the most influence over voting behavior.

Shor and McCarty’s (2011) state legislator ideology scores were originally included in this study but were omitted due to data availability (45% missing). Ideology was also excluded because the missing data was not random. The last iteration of Shor and McCarty’s data was taken in 2018, meaning that newly elected legislators were not included. Legislators with ideology scores were elected just before 2018 or were longtime members of their state’s legislature.

Table 1 compares the full set of variables with only party to the same model with legislator ideology included. There was no evidence of multicollinearity between the variables (VIF=3.87). Both ideology and party are significant predictors of a “yes” vote. This presents an interesting theoretical question because unlike other LGBT policies, such as the Defense of Marriage Act, where majorities in both parties voted in favor of the legislation (Bishin and Smith 2013), transgender athlete bans were not bipartisan. Very few legislators crossed party lines. Jenkins (2006) finds that the influence of party varies by state, and there is some evidence of this in my data.

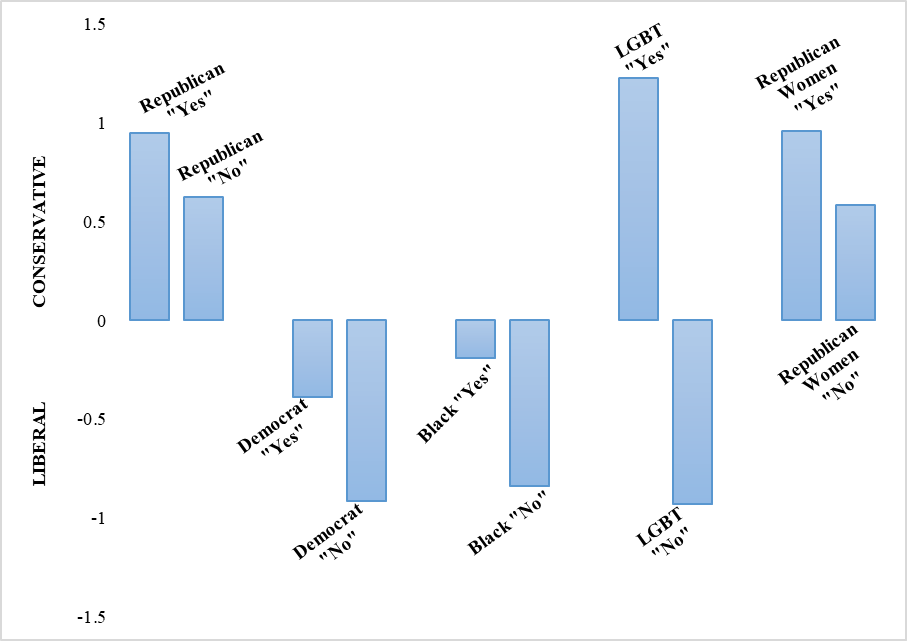
Where ideology scores appear to have an advantage over party ID is their explanatory power among legislators who voted against their party. For example, ideology scores were available for some of the LGBT identifying Republican lawmakers. Preliminarily, ideology scores suggest that athlete ban supporting LGBT legislators may be more ideologically partisan (M=1.23) than the LGBT Republicans who voted “no” (M=.93).

Table 1: Likelihood that a state legislator votes “yes.”

|  |  |  |
| --- | --- | --- |
| Variable | w/o Ideology | Ideology |
| Legislator Ideology | -- | 3.00\*\*\* |
|  | -- | (0.40) |
| Republican | 3.19\*\*\* | 1.46\*\*\* |
|  | (0.16) | (0.28) |
| Supermajority | -.51\*\* | -.63\*\* |
|  | (0.21) | (0.26) |
| Female | -.13 | -.19 |
|  | (0.10) | (0.13) |
| Black | -.18 | -.04 |
|  | (0.11) | (0.15) |
| LGBT+ | -.58\*\*\* | -.61\*\*\* |
|  | (0.11) | (0.20) |
| Margin of Victory | -.04 | .08 |
|  | (0.10) | (0.13) |
| District Ideology | 0.32\*\* | 0.17 |
|  | (0.13) | (0.17) |
| % 65+ | 0.05 | 0.19 |
|  | (0.12) | (0.15) |
| % Nonwhite | -0.32\* | -0.07 |
|  | (0.20) | (0.25) |
| % Same-Sex Partners | -.20\*\* | -.21\* |
|  | (0.09) | (0.11) |
| % Bachelor's Degree | -0.47\*\*\* | -0.46\*\*\* |
|  | (0.12) | (0.16) |
| Evangelical Protestant | .48\*\*\* | 0.40\* |
|  | (0.18) | (0.22) |
| % Rural | .18 | 0.09 |
|  | (0.11) | (0.14) |
| Constant | 1.88\*\*\* | 1.94\*\*\* |
|  | (0.26) | (0.33) |
|  |  |  |
| N | 3,651 | 2,160 |
| AIC | 1,036.88 | 664.00 |
| BIC | 1,129.92 | 754.90 |
| *Note*. Standardized multilevel logistic regression coefficients with standard errors in parenthesis. | | |
| AIC = Akaike information criterion; BIC = Bayesian information criterion. | | |
| \*p < .10. \*\* p < .05. \*\*\*p < .01. | |  |

Figure 1 further illustrates this point. Republicans, Democrats, Black legislators, LGBT legislators, and Republican women who supported athlete bans are more ideologically conservative than those who opposed. While I must again caution the reader about the preliminary nature of this data, the inclusion of ideology does give us additional clues for predicting support or opposition to these bills.

Figure 1: Ideological differences between “yes” and “no” voting legislators.



**Legislator Demographics and Intersectional Data**

Table 2 shows demographic information on legislator race, gender, sexual orientation, party, and vote choice. The states that passed transgender athlete bans through to the governor’s desk were all Republican majority states and as such, most legislators in the data are Republican. Most legislators are also white, cisgender males.

All LGBT Democrats opposed athlete bans, whereas the results for LBGT Republicans was mixed - some adhered to their party, while others crossed party lines. Future research should investigate the effects of LGBT Republicans on voting behavior for other anti-trans policies once more data becomes available.

It was rare for Black Democratic legislators to cross party lines, but it did happen. Like aggregate Democratic support, if a Black Democrat is going to cross party lines, that legislator will most likely be male. The influence of party affiliation is evident, particularly among Black Republicans, who are predominantly men. All 15 Black Republicans voted “yes.” This number includes 2 female Black Republicans.

Table 2 also explores the intersectionality of legislator identities, providing insight into how we understand individual group experiences and behaviors. For instance, we can see that Democratic women are less likely to support athlete bans than Democratic men. Over half of the white women legislators in the data support athlete bans, however, this does not extend to Black and minority women. Most white women legislators are Republican which is consistent with the literature on the voting preferences of women in the Republican Party. In fact, white women Republicans supporting trans-exclusive policies would make an interesting future research study.

Examining legislator behavior at the intersection of race and religion did not, in this instance, yield different findings than investigating race alone. I created an interaction term between Black legislators’ and the proportion of evangelical Protestants in their districts and added it to the full model. The variable was not significant, did not alter the coefficients of the other parameters, and showed no evidence that Black legislators with a high proportion of evangelicals in their district are more likely to vote “yes.” A high proportion of evangelical Protestants is defined as greater than 200 per 1000 citizens.

Table 2: Legislator demographics by vote.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Vote "Yes" | % | Vote "No" | % | Total |
| Republicans | 2,481 | 96.16% | 99 | 3.84% | 2,580 |
| Democrats | 53 | 4.95% | 1,018 | 95.05% | 1,071 |
| Independents | 1 | 33.33% | 2 | 66.67% | 3 |
| Women | 430 | 46.34% | 498 | 53.66% | 928 |
| Men | 2,105 | 77.22% | 621 | 22.78% | 2,726 |
| LGBT | 3 | 5.66% | 50 | 94.34% | 53 |
| Black | 36 | 10.11% | 320 | 89.89% | 356 |
| Minority\* | 85 | 16.25% | 438 | 83.75% | 523 |
|  |  |  |  |  |  |
| Black Men | 29 | 13.43% | 187 | 86.57% | 216 |
| Black Women | 7 | 5.00% | 133 | 95.00% | 140 |
| Black Men Democrats | 16 | 7.88% | 187 | 92.12% | 203 |
| Black Women Democrats | 5 | 3.62% | 133 | 96.38% | 138 |
| Black x Evangelical Protestant | 24 | 17.27% | 190 | 136.69% | 139 |
|  |  |  |  |  |  |
| Female Republican | 420 | 95.67% | 19 | 4.33% | 439 |
| Female Democrat | 10 | 2.04% | 479 | 97.96% | 489 |
| Male Republican | 2,061 | 96.26% | 80 | 3.74% | 2,141 |
| Male Democrat | 44 | 7.52% | 541 | 92.48% | 585 |
| White Women | 409 | 57.36% | 304 | 42.64% | 713 |
| Black Women | 7 | 5.00% | 133 | 95.00% | 140 |
| Minority Women | 21 | 9.77% | 194 | 90.23% | 215 |
| *Note.* Minority includes Black, Hispanic, Asian, Native American, and Pacific Islander. | | | |  |  |

Analyzing support for athlete bans through an intersectional lens highlights how personal experiences interact with party affiliation to shape legislative behavior. Within parties, diversity among legislators can lead to unexpected outcomes, such as women—typically supportive of transgender issues—voting for anti-trans legislation. Intersecting identities help explain why Democrats representing rural districts with lower educational attainment are likely to support athlete bans. Additionally, it's notable that intersectionality appears to have little impact on certain groups, such as Black legislators, who despite representing highly religious constituents, remain committed to their party.

**Description of Bill Contents**

The absence of federal legislation addressing transgender rights has left an opening for state legislatures to fill this policy gap (Bishin et al. 2021). States began passing legislation meant to ban transgender athletes from competing on teams that match their gender identity in 2020 and continued to pass similar legislation into 2024.

Many of the bills are identical or nearly identical from state-to-state and are titled “Fairness in Women’s Sports Acts” or “Save Women’s Sports Acts.” There was a great deal of policy diffusion occurring from state to state. Many of the bills were identical, having been drafted by the Alliance for Defending Freedom. The legislation generally begins with a rationale that cites research and court cases establishing an “inherent difference between men and women.” The rationale then highlights physiological differences such as men having “denser, stronger bones” or “larger hearts and greater lung volume per body mass.” The physiological difference given the most attention are testosterone levels which are naturally higher in men and contribute to muscle development and the ability to “generate higher speed and power.”

Some states include collegiate athletics along with high school, intramural, and even club athletics, while others only focus on high school. Most bills target public education, but a few states include private schools that compete with public schools. Some of the bills give students who believe they have been personally harmed by trans athletes the ability to sue the school district or university. Other states include guidelines for proving a student is a particular biological sex. The bills make it illegal for transgender women to participate in women’s athletic events while few address transgender men playing in men’s sports. Those that do address transgender men state that cisgender females can play on men’s teams if there is no female equivalent and at least one (FL SB 1028) makes it legal for females to participate in male sports. For a more detailed description of bill content, see Online Appendix Table 3.

Overall, the bills included in this study are not significantly different in their content to warrant major discrepancies in voting patterns. As an experiment, I regressed states based on bill specific content and compared them to states that omitted that content, for instance, states that included a provision for trans boys versus states that did not. The probability that a Republican would vote “yes” is 10.49 and 13.24 times higher than a Democrat in states with or without provisions for trans boys, respectively. Likewise, in states where bills required a birth certificate to prove gender, the probability that a Republican would vote “yes” is 13.70 times higher than a Democrat in states with the provision and 12.99 times higher in states that did not make a birth certificate a requirement. In short, despite minor variations in the bills, the importance of party remained consistent. Legislators knew what they were voting on, and they voted in a manner consistent with their party, no matter the content.

Future research should explore the effects of content on voting behavior for the myriad of anti-transgender bills now being proposed in state legislators such as prohibiting minors from seeking gender affirming care, restricting “adult cabaret” performances, and even resurrecting public accommodations bills.

**Results by State**

Table 4 displays standardized logistic coefficients and standard errors by state. The factors or combination of factors that predict voting preferences are unique to each state, except for Arizona, Alabama, and Mississippi. These states had no significant variables, aside from party ID, as identifying as a Republican was the only reason that legislators supported transgender athlete bans. I dropped the party variable “Republican” from all state models because it was frequently a perfect predictor of a “yes” vote.

Female legislators were less likely to support athlete bans in Florida, Iowa, Kentucky, Missouri, Montana, North Dakota, Oklahoma, and Texas. “Female” refers to cisgender female legislators. Oddly, female legislators in Louisiana and Wyoming were more likely to vote “yes.” In these states, all Republican female legislators voted yes and in Louisiana, 3 of 8 female Democrats also voted “yes.” In both states, >70% of female legislators are Republican.

In Florida, Iowa, and Tennessee, legislators in competitive districts were less likely to support transgender athlete bans, while in Indiana, Montana, Oklahoma, South Carolina, and West Virginia, legislators in safe districts felt more confident voting “yes.” Unsurprisingly, legislators representing more conservative districts in Idaho, Indiana, Kansas, Ohio, Oklahoma, Texas, Utah, and Wyoming were also more likely to vote “yes.”

In most states, legislators representing districts with younger and educated constituents were unlikely to support the bills. Educational attainment had the most significant affect in Arkansas, Florida, Idaho, Iowa, Montana, North Dakota, Utah, and Wyoming where a higher concentration of educated constituents usually resulted in a “no” vote. Larger percentages of same-sex partner households in a district also tended to indicate the likelihood of a “no” vote.

A high proportion of evangelical Protestants were indicative of a “yes” vote in Pennsylvania, Indiana, Iowa, Kansas, and Montana, and Pennsylvania.

Table 3: Athlete bills included in this study.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Transgender Athlete Bills | | | | | | | | | | | |
| Year | State | Bill # | Status | Transgender girls/women banned | Transgender boys/men banned | Elementary athletes banned | Middle/High school athletes banned | Private school competing against public banned | Collegiate athletes banned | Legal redress specified | Birth Certificate as Proof / Biological sex at birth |
| 2021 | Alabama | HB 391 | Governor Signed |  |  |  |  |  |  |  |  |
| 2022 | Arizona | SB 1165 | Governor Signed |  |  |  |  |  |  |  |  |
| 2021 | Arkansas | SB 354 | Governor Signed |  |  |  |  |  |  |  |  |
| 2021 | Florida\* | S 1028 | Governor Signed |  |  |  |  |  |  |  |  |
| 2022 | Georgia | SB 435 | Passed Senate Died in the House |  |  |  |  |  |  |  |  |
| 2020 | Idaho | HB 500 | Governor Signed |  |  |  |  |  |  |  |  |
| 2022 | Indiana | HB 1041 | Governor Veto (Republican) Governor's Veto Overridden |  |  |  |  |  |  |  |  |
| 2022 | Iowa | HF 2416 | Governor Signed |  |  |  |  |  |  |  |  |
| 2021 | Kansas | SB 55 | Governor Veto 2021 (Democrat) Attempt to Override Veto Failed 2022 |  |  |  |  |  |  |  |  |
| 2022 | Kentucky | SB 83 | Governor Veto (Democrat) Governor's Veto Overridden |  |  |  |  |  |  |  |  |

Table 3: Athlete bills included in this study, continued.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Year | State | Bill # | Status | Transgender girls/women banned | Transgender boys/men banned | Elementary athletes banned | Middle/High school athletes banned | Private school competing against public banned | Collegiate athletes banned | Legal redress specified | Birth Certificate as Proof / Biological sex at birth |
| 2021 | Louisiana | SB 156 | Governor Veto 2021 (Democrat) Became Law 2022 |  |  |  |  |  |  |  |  |
| 2021 | Mississippi | SB 2536 | Governor Signed |  |  |  |  |  |  |  |  |
| 2023 | Missouri | SB 39 | Governor Signed |  |  |  |  |  |  |  |  |
| 2021 | Montana | HB 112 | Governor Signed |  |  |  |  |  |  |  |  |
| 2023 | North Carolina | HB 574 | Governor Veto Veto Override |  |  |  |  |  |  |  |  |
| 2021 | North Dakota | HB 1298 | Governor Vetoed |  |  |  |  |  |  |  |  |
| 2022 | Ohio\* | HB 151 | Passed House Passed Senate House refused Senate Amendments |  |  |  |  |  |  |  |  |
| 2022 | Oklahoma | SB 2 | Governor Signed |  |  |  |  |  |  |  |  |
| 2022 | Pennsylvania | HB 972 | Governor Veto (Democrat) |  |  |  |  |  |  |  |  |
| 2022 | South Carolina | HB 4608 | Governor Signed |  |  |  |  |  |  |  |  |

Table 3: Athlete bills included in this study, continued.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Year | State | Bill # | Status | Transgender girls/women banned | Transgender boys/men banned | Elementary athletes banned | Middle/High school athletes banned | Private school competing against public banned | Collegiate athletes banned | Legal redress specified | Birth Certificate as Proof / Biological sex at birth |
| 2022 | South Dakota | SB 46 | Style-and-Form Veto 2021 (Republican) Governor Signed 2022 |  |  |  |  |  |  |  |  |
| 2021 | Tennessee | SB 228 | Governor Signed |  |  |  |  |  |  |  |  |
| 2021 | Texas | HB 25 | Governor Signed |  |  |  |  |  |  |  |  |
| 2022 | Utah | HB 11 | Governor Veto (Republican) Governor's Veto Overridden |  |  |  |  |  |  |  |  |
| 2023 | Virginia | BHB 1387 | Passed House Failed Senate Committee on Education and Health |  |  |  |  |  |  |  |  |
| 2021 | West Virginia | HB 3293 | Governor Signed |  |  |  |  |  |  |  |  |
| 2021 | Wisconsin | AB 196 | Passed House Failed Senate Governor Veto 2024 Bill |  |  |  |  |  |  |  |  |
| 2023 | Wyoming | SF 133 | Became law without Governor's signature |  |  |  |  |  |  |  |  |

Notes: In most states, biological females can participate on a male designated team if there is no female equivalent. Biological males may never participate on a female designated team.

Florida & Ohio – Bill is a multi-subject document that include a range of educational policies.







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