

Schultz: Appeals by Utah moms, girls propelled override of transgender bill veto

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Photos supplied, Utah House and Senate

Utah Rep. Mike Schultz, left, said Monday, March 28, 2022, that debate is likely to continue on involvement of transgender girls in sports, notwithstanding the override of Gov. Spencer Cox's veto of House Bill 11, which prohibits involvement in high school sports by transgender girls. Rep. Steve Waldrip, center, and Sen. Ann Millner, both of Weber County, were among the lawmakers who switched their votes against HB 11, allowing the override to pass.

In mustering the votes needed to override Gov. Spencer Cox's veto of legislation prohibiting transgender girls from taking part on girls high school sports teams, lawmakers heard from a very vocal and passionate contingent — females.

"I would say the moms and girls of the state seemed to be most passionate," said Utah Rep. Mike Schultz, a Hooper Republican and the House majority leader. After Cox vetoed House Bill 11, he said, he "couldn't go anywhere" without someone, especially females, approaching him on the topic and assailing the governor's action.

That said, last Friday's override of Cox's veto of HB 11 — blasted by Utah House Democrats, advocates for the LGBTQ community and many others — isn't likely the end of the discussion on the red-hot issue.

Litigation to block the measure seems to be likely, as has occurred in other states where similar measures have passed, and lawmakers will be continuing to debate and discuss the issue.

Rep. Kera Birkeland, the Morgan Republican who spearheaded HB 11, didn't immediately respond to a query Monday seeking comment on what happens now. But Schultz, part of House GOP leadership, said he foresees much more deliberation.

"There will be ongoing discussion about this and what we can do to keep these kids involved in sports," said Schultz, noting the topic could be focus of debate by a summer interim committee.

In his view, those born male but transitioning to female shouldn't be allowed to compete with cisgender girls in sanctioned high school sports. Those favoring measures like HB 11 argue that having gone through puberty as males can give transgender girls a physiological edge over cisgender girls.

Next steps in the matter, Schultz said, will depend on "what the discussion looks like with our constituents and the LGBTQ community and the (Utah High School Athletic Association)."

Friday's action has sparked strong backlash from advocates for the lesbian, gay, bisexual, transgender and queer community and others. Critics view the override of HB 11 and enactment of the measure effective July 1 as an affront to the transgender community and a message that those in the community are unwelcome.

"We are deeply disappointed and saddened at today's votes by the Utah Legislature to discriminate against transgender youth to exclude them from participating fully on sports teams," the Utah branch of the American Civil Liberties Union said Friday in a statement. "Litigation to stop H.B. 11 from taking effect is now both necessary and inevitable to ensure constitutional promises of equal protection to all Utahns."

Whatever the case, proponents of the measure were able to get enough lawmakers to switch their original votes on HB 11 when it first passed on March 4 to override Cox's veto. Overriding a veto requires two-thirds support in both the House and Senate.

The Utah House originally approved HB 11 on March 4 by a 46-29 vote while the Utah Senate approved it by a 16-13 vote. To override, four House members and four Senators needed to switch their no votes to yes and proponents were able to get the needed support — the House voted Friday 56-18 in favor of overriding Cox and the Senate voted 21-8.

Among those who switched their no votes to yes votes, enabling the override, were Reps. Steve Waldrip of Eden, Stephen Handy of Layton, Raymond Ward of Bountiful and Karen Peterson of Clinton, all Republicans. Four Utah County lawmakers, also GOPers, switched their votes as well — Reps. Marsha Judkins, Norman Thurston, Douglas Welton and Stephen Whyte.

On the Senate side, Sen. Ann Millner of Ogden and Sens. Michael Kennedy and Michael McKell of Utah County were among the five, all Republicans, to switch their votes.

Neither Waldrip nor Millner immediately responded to queries Monday about their changes of heart on HB 11.

In a Facebook post last Friday, though, Handy, like other HB 11 proponents, said his yes vote "is about preservation of women's sports." Like Schultz, Handy hinted that HB 11 doesn't end the debate on the matter.

"We need to find ways for trans girls to compete but not at the expense of traditional girls sports. The next bill will provide the improvements I was looking for," Handy said.

However, Handy's ability to implement change will be limited. Davis County Republicans on Saturday nominated Trevor Lee over Handy to represent the party in elections this year for the District 16 House seat, meaning the incumbent is out in his bid for reelection.

The flip-flopping has prompted some observers to wonder if those changing their votes may have done so to bolster their reelection bids in conservative Utah.

Schultz, though, noted, that most of those who switched their votes don't face challengers this cycle, at least Republican challengers. That some lawmakers switched their votes, he said, "shows how engaged our constituents and women are on the issue."

Waldrip faces two Republican challengers this cycle, Jason Kyle and Kimberly Cozzens. Monica Hall, a Democrat, is also running for the District 8 House post.

Millner also faces two GOP challengers, Doug Durbano and Kevin Hall. A Democrat, Michael Blodgett, is also running for the District 5 Senate seat.

Ward and Welton also face Republican challengers.

Utah Republicans meet for the state party convention on April 23, when they'll pick their preferred hopefuls in the various Utah House and Senate posts that cover portions of two or more counties, like House District 8 and Senate District 5.