

Evaluating Ballot Initiative Support for Legalised Marijuana: The Case of Washington

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Abstract

Background

In 2012, Washington and Colorado became the first U.S. states to legalise recreational marijuana. By 2016, eight states and the District of Columbia had legalised recreational marijuana, with more expected to consider it in 2018. Despite this trend, little academic research explains what drives ballot-initiative vote choice on marijuana legalisation.

Methods

This paper uses a pre-election random sample voter survey to examine the individual characteristics that correlated with Washington voters' support for legal recreational marijuana.

Results

We find that voting on marijuana ballot initiatives largely reflects public opinion about marijuana and is particularly shaped voters' political ideology, party affiliation, religious affiliation and practice, and education. Notably, we find that those reporting experiences (i.e., someone they know) with the criminal justice system are more supportive of legalisation than those who do not.

Conclusion

We conclude that marijuana legalisation voting behavior generally aligns with public opinion on the issue. However, one key aspect of Washington's legalisation campaign—the criminal injustices of marijuana illegality—helped shape Washington state voting behavior. Further research is needed to examine if, when, and in what contexts criminal justice campaign themes are likely to strengthen or undermine future states' marijuana legalisation efforts.

Keywords: Marijuana legalisation , public opinion , direct democracy

1 Introduction

In 1996, California voters passed Proposition 215 with 56 percent of the vote, making it the first U.S. state to legalise medical marijuana. Since then, twenty-seven states and the District of Columbia have passed laws (either via ballot initiative or legislation) that allow the use of marijuana for medicinal purposes (see Appendix Table 3 for a list of states). In 2010, California became the first state in recent years to consider legalizing marijuana for recreational use. That year, voters rejected Proposition 19 by a seven-point margin (46.5 in favor, 53.5 opposed). Two years later (November 2012), voters in Washington and Colorado decisively approved the legalisation of recreational marijuana in their states (both with 55 percent of the vote). They became the first two states to legalise the recreational use of marijuana, initiating a wave of state-level policy diffusion to other states (Boehmke & Witmer, 2004; Mintrom & Vergari, 1998; Shipan & Volden, 2008). In 2014, voters in Alaska, Oregon and the District of Columbia elected to legalise marijuana for private recreational consumption. Even as these states struggled to address policy challenges introduced by their new marijuana laws, five additional states placed recreational marijuana initiatives on their 2016 ballots: California, Arizona, Nevada, Maine, and Massachusetts. That November, voters in all but one of those five states (Arizona) legalised recreational marijuana. At the time of this research, eight states and the District of Columbia allow, regulate and tax the use of recreational marijuana.¹

¹For research on the impact that state-based marijuana legalisation has had on state budgets and its cross-border spill-over effects, see J. Caulkins, Coulson, Farber, and Vesely (2012). In addition, a recent review of legalisation's effects suggests that legalisation may bring higher consumption due to market incentives (Pacula & Smart, 2017), which may contribute to deleterious social effects such as increased drugged driving (J. P. Caulkins, Kilmer, & Kleiman, 2016), as well as greater cognitive effects amongst users (J. P. Caulkins et al., 2016). However, because state laws and their regulation vary considerably the social benefits and ills from legalisation will likely also vary by state.

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Public support for expanding marijuana legalisation to include recreational use is continuing to grow nationwide (see Figure 1) and is at an all-time high (Geiger, 2016; Swift, 2016). Today, as many as sixty percent of Americans support legalising recreational use. All age groups—including older voters—currently register higher levels of support for legal recreational marijuana than they did in 2003 or 2005 (Swift, 2016). This comes at a time when the United States’ “war on drugs” is under scrutiny for enabling racially biased arrests (ACLU, 2013) and for contributing to the disproportionate mass incarceration of non-violent minority drug offenders (Alexander, 2012). California’s Proposition 64—the initiative that legalised recreational marijuana use in 2016—promised to “stop ruining people’s lives for marijuana” (State of California, 2016). Advocates of legalisation are increasingly highlighting the criminal injustices enabled by existing drug laws and enforcement practices.

[INSERT FIGURE 1 ABOUT HERE]

Given these recent ballot-initiative successes, scholars and policymakers anticipate an increase in state ballot initiatives to legalise recreational marijuana in 2018 and beyond. Despite these expectations, no academic research to our knowledge has considered what shapes voters’ preferences on ballot-initiative legalisation. Khatapoush and Hallifors (2004) examine how public attitudes have changed as a result of medicinal legalisation. More recently, Schnabel and Sevell (2017) examined how attitudes towards both marijuana legalisation and same-sex marriage have become more favorable over time. However, these articles examine general public attitudes. They do not focus on attitudes among voters considering specific, upcoming marijuana-legalisation ballot initiatives. Unpacking the individual-level drivers of support for legalisation

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is critical for state policymakers, law-enforcement officials, criminal-justice activists, and marijuana enthusiasts alike as they evaluate if and when to expend political capital and resources on marijuana-legalisation efforts. In states that legalised recreational marijuana, who supported these changes and who opposed them? We begin to answer this question by analysing attitudes among voters in Washington State in the month before Washington's 2012 ballot initiative.

Research on direct democracy suggests that the demographic patterns and partisanship affiliations that shape ballot-initiative voting behavior can mirror the patterns that shape candidate-centred elections.² Smith and Tolbert (2001) found that voting behavior on California ballot initiatives that addressed immigration, health care, affirmative action, and medical marijuana largely followed party positions on those issues. Other researchers have found similar results for ballot initiatives on term limits, gun safety, affirmative action and English language-only initiatives, with voters largely mirror their parties' line on the relevant issue (Chavez, 1998; Citrin, Reingold, Walters, & Green, 1990; Donovan, 1993; Donovan & Snipp, 1994; Joslyn & Haider-Markel, 2000; Smith & Tolbert, 2001). Examining fifty ballot initiatives in thirteen states, Branton (2003) found that left-right voting patterns shaped individual voter preferences on a variety of issues—including medical marijuana—across all states in the study.

This research suggests that voter preferences will covary with their political parties' positions, which can provide voters with shortcuts when their own knowledge or perspectives of a particular issue is lacking (Green, Palmquist, & Schickler, 2004; Lewis-Beck, 2009; Poole &

²Research has shown that ballot-initiative elections can lack traditional heuristics of partisan identification, especially when partisan elites make minimal cues to influence their partisan constituents (Lewkowicz, 2006; Magleby, 1984). Instead of party cues, voters may rely on other sources, such as cues from initiative campaigns, non-partisan elites, or the mass media (Banducci, 1998; Bowler & Donovan, 1994; Bowler, Donovan, & Tolbert, 1998; Karp, 1998).

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Rosenthal, 2000; Sundquist, 2011). Because the Republican Party and its state affiliates tend to oppose marijuana legalisation more than actors within the Democratic Party, we might expect Republican partisans to oppose marijuana legalisation at higher rates than their Democrat or independent counterparts. This is indeed the case. Previous research routinely identifies a partisan split on legalisation opinion (Geiger, 2016; Schnabel & Sevell, 2017; Swift, 2016). In addition to cuing partisan allegiances, marijuana legalisation may well cue moral ideas and normative considerations among voters (Biggers, 2014); thus, we expect a strong ideological split among voters.

The social relevance and implications of marijuana legalisation extend far beyond individual recreational use. Legalising marijuana has the potential to significantly impact the U.S. criminal justice system, especially among the non-violent, disproportionately minority convicted drug offenders. We therefore expect that voters' experiences with the criminal justice system will have a stronger impact on attitudes about marijuana legalisation than they would on other direct-democracy measures. Thornhill (2011) found that experiences with the criminal justice system affected African American attitudes toward legalisation. African American communities are disproportionately affected by drug laws in the United States (Alexander, 2012; Provine, 2008; Thornhill, 2011). Although some surveys suggest that African Americans overall tend to be less supportive of marijuana legalisation than the general population, Thornhill found that, in cities with the highest levels of race-specific arrests, support for marijuana legalisation among African Americans was nearly 80 percent higher than it was in cities with the lowest levels of race-specific arrests. High race-specific arrest rates make it more likely that black voters may know someone who has been arrested for drug violations. Thus, these findings offer some preliminary

evidence than minority-voter experiences with the criminal justice system may have a significant influence on support for marijuana legalisation.

We examine the individual characteristics that correlate with voters' support for—and opposition to—the legalisation of recreational marijuana in Washington, which has been at the vanguard of state-based marijuana legalisation.³ Our data come from the 2012 Washington Poll, taken in the month before Washington's 2012 approval of recreational marijuana. The remainder of this article seeks to identify the demographic characteristics most often associated with favorable attitudes toward legalising recreational marijuana in Washington state, with particular attention given to partisanship, political ideology, and experiences with the criminal justice system. Next, we introduce the Washington's 2012 ballot initiative and political context. This is followed by a discussion of existing public opinion findings. We then discuss our data and methods, followed by a section on results based on bivariate and multivariate regression analysis. Finally, we provide a discussion about the study's limitations; and conclude with remarks about the study's implications for future marijuana ballot initiatives.

2 Washington Ballot Initiative 502

Washington State leans stably Democratic (Burns & Johnson, 2013). The Democratic Party's candidate won the state in the last seven presidential elections. The last five Washington governors (including sitting Governor Jay Inslee), both current senators, and six of its ten members

³Unfortunately, the 2012 Washington Poll did not contain items about individual drug use. However, drawing on Trevino and Richard (2002), we would speculate that drug users are, on average, more supportive of legalisation than non-drug users.

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of the House of Representatives are Democrats. The portion of the state west of the Cascade Mountains, including King County's Seattle metropolitan area, tends to be Washington's progressive stronghold, relative to areas east of the mountains. This is likely to change, however, as eastern and central Washington's growing Latino populations make their communities increasingly Democratic, while rural counties in western Washington grow increasingly Republican (Collingwood, Barreto, & Garcia-Rios, 2014). Several close past elections suggest that business-conservative Republicans in western Washington could potentially begin to beat their Democratic rivals, particularly in areas outside Seattle (Yardley, 2010). Nevertheless, Washington's strong pockets of Democratic- and progressive-leaning constituents made it a prime candidate for legalising marijuana. However, since no state prior to 2012 had circumvented U.S. federal policy to legalise recreational marijuana, the prospects of any such ballot initiative were uncertain.

In 1998, Washington became the second state (after California) to legalise medicinal marijuana. Initiative 692 passed resoundingly with 59 percent of the vote (Mkrtchyan, 2012). In 2012, Washington voters returned to the ballots to consider expanding the legal use of marijuana beyond medicinal purposes to include recreational use. Initiative 502, The Washington Marijuana Legalisation and Regulation, called for the legalisation and taxation of marijuana's production, possession, delivery and distribution. It would license marijuana farms and food processors by the Washington State Liquor Control Board and allow the regulated small-scale sale of marijuana (one ounce of marijuana or a pound of marijuana edibles) to a person in Washington who was at least twenty-one years old. As part of its regulatory measures, Initiative 502 would set state-wide legal limits to the levels of tetrahydrocannabinol (THC, an active ingredient in marijuana) vehicular drivers could have in their blood systems to drive legally (Wyman, 2011).

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A year earlier—on December 29, 2011—legalisation activists submitted to the Washington Secretary of State nearly 278,000 valid signatures of Washington voters calling for the legal consideration of recreational marijuana. Such requests first go before the state legislature, who may choose to consider the proposal as legislation or to submit it to a popular ballot-initiative vote. Since this initiative included a tax increase (on marijuana commerce), it would have required an unlikely two-thirds approval from the legislature. In early February 2012, the chairman of the House State Government and Tribal Affairs Committee announced the state legislature would not consider the proposal, thus cuing a popular ballot initiative (N.a., 2012a). The Washington voters would decide on recreational marijuana use that fall. On November 6, 2012, Washingtonians approved Initiative 502 with more than an 11-point margin. Together with voters in Colorado, they became the first in the United States to legalise the recreational use of marijuana (Healy, 2012).

Washington's legalisation campaign was led by New Approach Washington, which argued for the initiative's public health benefits, safety regulations, financial benefits, and legal protections to medicinal drug users (New Approach Washington, 2012). Policymaker supporters avoided endorsing recreational marijuana use and tended instead to present a vote for I-502 as a vote for criminal justice and rule of law. They emphasised the exorbitant costs of the failed "war on drugs" to Washington taxpayers; highlighted the initiative's tough DUID (Driving Under the Influence of Drugs) provisions; rebuked the criminal drug cartels who profited from marijuana illegality; and critiqued the criminal injustices of the current law's enforcement, presenting evidence that it disproportionately affects non-white Washingtonians. I-502 advocate John McKay, a former U.S. attorney for Seattle, declared that "locking people up and putting handcuffs on

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them is not the way to resolve our society's issues with regard to marijuana" (Kaminsky, 2012). This criminal justice narrative was highlighted by a former federal prosecutor and two former judges, who together published an opinion in the *Seattle Times* calling for marijuana's decriminalisation:

Decriminalizing marijuana would allow our state and local governments to refocus limited police and court resources on more important priorities than arresting, jailing and trying adult marijuana users. It would redirect hundreds of millions of dollars that are currently flowing to criminal organizations each year to legitimate businesses. It would restore respect for our laws and law enforcement. And it would decrease the disproportionate criminalization of people of color who have historically been harmed most by the existing laws.

The article later linked arrests for "simple marijuana possession" to the U.S. "crisis of over-incarceration," to "wasted" money,⁴ and "wasted lives," disproportionately among non-white Washingtonians: "In Washington, an African American is three times as likely to be arrested, three times as likely to be charged and three times as likely to be convicted of a marijuana offense as a white person, despite the fact that white Washingtonians use marijuana at a higher rate" (Pflaumer, Alsdorf, & Levinson, 2011).

Several high-profile leaders sponsored or endorsed Initiative 502, including sixteen Democratic state legislatures (N.a., 2012c); Seattle's Mayor, county sheriff, and entire City Council

⁴Washington state spent four times more money annually on each incarcerated individual than it did on each public-school student.

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(Martin, 2012a); and several public health, labor and African-American community leaders, including the NCCAP (N.a., 2012b).

Relative to the pro-Initiative 502 campaign and its criminal-justice narrative, the opposition movement was far less cohesive. The Washington Association of Sheriffs and Police Chiefs opposed marijuana's legalisation on public health and safety grounds, arguing that legalisation would condone what they considered "a harmful drug" and increase incidents of impaired driving (Washington Association of Sheriffs and Police Chiefs, 2011). Others opposed the initiative out of concern for the existing medicinal marijuana infrastructure: The medicinal marijuana industry indicated concern that it would lose its monopoly over a niche market. Meanwhile, Washington Attorney General and 2012 Republican gubernatorial candidate Rob McKenna opposed it for fear that it would harm medicinal users (Connelly, 2012b), who would be subject to the "unscientific" DUID standards.⁵ Still others opposed it because it could initiate legal and enforcement interventions from the federal government,⁶ introduce new taxes (Editors, 2012), or condone unproductive behavior (Porter, 2016).

With the exception of a few Democratic Party actors, most elected officials either publicly opposed Initiative 502 or remained silent on the issue of marijuana legalisation. The 2016 gubernatorial candidates from both major parties opposed legalizing recreational marijuana. The 2012 incumbent and current Governor Jay Inslee (D) shared Republican challenger McKenna's concern that the bill would harm medicinal users (Connelly, 2012a). Even after its passage, only

⁵Because THC stays in bloodstream long after inhibiting mental effects have worn off, several prominent voices indicated concern that the initiative's strong DUID standards were unscientific and unreasonably punitive against medicinal and recreational marijuana users (Editors, 2012).

⁶These concerns proved largely unfounded when the Obama Administration announced that it would not challenge state laws legalizing marijuana, provided states maintain strict rules regulating marijuana sale and distribution (Dennis, 2013).

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four of Washington's twelve-member federal Congressional delegation (all Democrats) acknowledged voting in favor of the initiative (Song, 2013). The Initiative 502 was, however, endorsed by the Washington State Democratic Central Committee and Washington Libertarians. Although receiving more public support from Democratic Party elites than Republican Party elites, marijuana legalisation did not emerge as a definitive partisan issue, relative to other party-agenda issues (Nicholson, 2005).

All told, the pro-502 campaign raised more than six million dollars and faced limited public opposition, giving the pro-502 side a strong advantage over the initiative's opposition.⁷ Meanwhile, the opposition movement failed to raise the funds necessary to counter *New Approach Washington's* well-funded campaign. In October 2012 alone, the pro-legalisation campaign spent 2.8 million dollars on television ad-buys. The opposition lacked the funds to counter the support campaign's well-funded advertisement campaign (Martin, 2012b).

3 Public Opinion and Voting Behavior: Theories and Hypotheses

The lack of cohesive opposition to I-502 likely reflects shifts in public opinion about marijuana legalisation, which have been trending more favorable over the last decade (see Figure 1). Support for marijuana legalisation has grown considerably among Americans of all ages from the 1970s to today, with these time-period effects becoming initially evident in the mid-1980s

⁷Well-funded ballot-initiative campaigns are more likely than under-funded initiatives to pass (Broder, 2000; Ellis, 2002; Schrag, 2004; Smith, 2013; Stratmann, 2006).

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(Campbell, Twenge, & Carter, 2017). Previous research has shown that public opinion on marijuana legalisation is shaped by individuals' demographics and social predispositions, primarily their party identification, political ideology, religiosity, and gender (Geiger, 2016; McGreevy, 2016; Schnabel & Sevell, 2017; Zaller, 1992). As Americans have become increasingly favorable overall, differences in support across some characteristics (namely religious affiliation and education levels) have dwindled while the gap in support between liberal supporter and conservative opposition has grown (Schwadel & Ellison, 2017). The same study also found notable shifts among racial groups. While both black and white Americans have grown in their support for marijuana since the 1970s, the gaps in support are smaller now than they were forty years ago. Black Americans were notably more supportive than white Americans of legalisation in the 1970s, but by 2014, support between those groups were within a few points of each other, with white Americans registering slightly higher levels of support than their black counterparts.

What has been under-examined, however, was the pro-legalisation's criminal-justice narrative, which emerged as central to Washington's pro-I-502 campaign. This indicates a possible need to update these public opinion models to include voter concerns about criminal justice. The specific campaign attention to the disproportionate enforcement of anti-marijuana laws against black Americans may also contribute to closing any existing gaps between black and white support observed at the start of the 21st century (Schwadel & Ellison, 2017). Thus, our research seeks to answer two overarching questions. First, to what extent do the individual social and political predispositions that shape public opinion also shape voting behavior? Second, how, and to what extent, did this emerging criminal justice frame augment public opinion expectations to shape voting behavior? In other words, did Washington vote patterns reflect extant public opinion

survey results, or were they augmented by this emerging criminal justice frame? As our analysis (below) indicates, party identification, religiosity and, in particular, political ideology, remained strong indicators of voting behavior in this case. Augmenting these expectations, however, we find support for a concern for criminal justice: Individuals who knew someone who had been arrested within the criminal justice system were more likely to support marijuana legalisation than those who did not.

4 Data and Methods

We use the 2012 Washington Poll to assess public opinion about the legalisation of recreational marijuana in the month before the general election, which was fielded in October 2012 ([dataset] Barreto, Matt & Parker, Christopher, 2012). The poll is a random-sample telephone survey of $n=1,560$ respondents selected from the Washington voter file. The poll has a margin of error of ± 2.48 percent and is weighted by gender, age, race, and education. Respondents were contacted via landline or cellular telephone, according to their registration telephone number. The response rate was 4.8 percent, with a cooperation rate of 22 percent. Data were collected by trained interviews through the University of Washington Survey Research Center.

Our interest is understanding what individual factors associate with support and opposition to marijuana legalisation. Thus, our dependent variable reads accordingly:

Statewide ballot initiative 502 concerns marijuana. This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorises; tax

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marijuana sales; and earmarks marijuana-related revenues. Will you vote yes or no on Initiative 502?

The question branches into several answer categories. First, voters are asked if they intend to vote “yes” or “no” on I-502 and with what degree of certainty (see Table 1 for variable distribution; Appendix B for wording and coding). Table 1 reveals that “Yes, Certain” and “No, Certain” are by far the most represented categories. The relatively small number of voters responding “will not vote”, “don’t know”, or who refuse to answer the question are dropped from the analysis.⁸

[INSERT TABLE 1 ABOUT HERE]

We use an ordered logit regression model to analyse our ordinal dependent variable. For simplicity of our bivariate presentation of results, however, we collapse all no categories together and all yes categories into a binary (“yes”/“no”) dependent variable. Our theoretical framework stipulates that voting on marijuana initiatives is largely consistent with the left-right voting cleavages emblematic of the contemporary party system (Green et al., 2004; Lewis-Beck, 2009; Poole & Rosenthal, 2000; Sundquist, 2011). Therefore, we expect individual characteristics that push people towards a more tolerant worldview to lend themselves towards support for marijuana legalisation, and vice-versa for people with more intolerant attributes. In addition, we expect that

⁸However, due to the possibility of non-random missing data (Lancaster, Ritter, & Stafford, 2013; Matheson et al., 2014), we estimated two additional models (see Tables 6 and 7 in Appendix D). The first, a multinomial model, bins all “yes” answers, and “no” answers together, respectively, then creates a third category of “don’t know”/refused/undecided voters. We set the comparison group to “vote no”, thus columns 2 and 3 in Table 6 are interpreted relative to “no” voters. The second model relies upon an imputed dataset, using the R package, Amelia (Honaker, King, & Blackwell, 2011). Using variables from our dataset, we estimate the most likely value for every missing response in the dataset, then re-estimate our ordered logit model. Both methods show similar substantive and significant results, and do not change our main findings.

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people who have had some sort of negative interaction (themselves or someone they know) with the justice system (e.g., arrested) to be more supportive of I-502.

Our variables include political ideology, party identification, Tea Party support (for reasons of inclusion, see Parker and Barreto (2014)) and key individual demographics: religiosity, marital status, education, race, and age. In addition, we think that experience with the criminal justice system should push certain respondents towards legalisation since many people have been incarcerated for relatively minor drug crimes (Alexander, 2012). Thus, we include two items asking whether the respondent or someone they know has ever been arrested.⁹ Finally, we add a control for social desirability effects, as some respondents may be hesitant to provide an honest answer to how they will vote on a marijuana ballot initiative. We include tables of all variables' distributions in Appendix C; in addition, all variable questions and coding schemes are listed in Appendix B.

5 Results

Most polling research from media outfits on marijuana legalisation is limited to bivariate analyses and therefore does not account for possible confounding factors. We report these bivariate relationships and then clarify which variables maintain their significance in a multivariate model.¹⁰ Figure 2a displays the bivariate relationships between political party, political ideology, and support for the Tea Party (independent variables) and attitudes towards I-502 (dependent

⁹We recognise this is a limitation, as we would prefer a more drug-focused arrest question. Unfortunately, the survey only asked whether respondents, or someone they know, has ever been arrested.

¹⁰We conducted either difference-of-means t-tests or anova variance tests, depending on the independent variable's structure.

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variable), respectively. All three variables appear to yield a large separation in support for I-502. Nearly 80 percent of liberals supported the initiative, compared to just more than 30 percent of conservatives ($F = 234.2, p < 0.000$). Approximately 73 percent of Democrats but only 31 percent of Republicans supported I-502 ($F = 159.7, p < 0.000$). Results for party identification and ideology are broadly consistent with findings from extant U.S. public opinion data, as Geiger (2016) found that, of any group, conservative Republicans and liberal Democrats were the most divided on marijuana opinion. Sixty-seven percent of Tea Party opponents but only 43 percent of Tea Party loyalists support I-502 ($t = 9.184, p < 0.000$). Religion also appears to have a strong influence: frequent church-goers ($F = 140.5, p < 0.000$) and more personally religious respondents harbor higher-than-mean levels of opposition to legal recreational marijuana ($F = 150.9, p < 0.000$). This is broadly consistent with the relatively recent findings from Schnabel and Sevell (2017) who find that Americans who literally believe in the Bible are strongly opposed to marijuana legalisation. Finally, those who have had encounters with the criminal justice system are more likely to support legalisation ($F = 17.26, p < 0.000$). These relationships are all statistically significant at the bivariate level, and (with the exception of Tea Party support) maintain their significance and their strong magnitude in a multivariate model.

[INSERT FIGURE 2 ABOUT HERE]

Respondent demographic characteristics also reveal meaningful bivariate relationships, although at least at the bivariate level these effects are attenuated relative to our aforementioned political variables (see Figures 2b, 2c, and 2d). Women ($t = 2.011, p < 0.05$) and more-educated voters ($F = 3.752, p < 0.10$) are more supportive of legalising recreational marijuana use than

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their counterparts. The latter squares with existing findings, with Geiger (2016) finding that post-graduates are seven points more supportive of legalisation compared to people with a high school education or less. However, Geiger (2016) found men slightly more favorable on legalisation (five points) compared to women; thus our results differ on this variable. Future research should continue to investigate this possible gender split and why it varies state to state. Two variables (age, $F = 10.23, p < 0.005$; marital status, $t = 3.248, p < 0.005$) are significant at the bivariate level but lose their significance in a multivariate model. Age is consistently found to negatively correlate with support for marijuana legalisation (Geiger, 2016; Schnabel & Sevell, 2017), as some surveys have demonstrated more than a 40 point opinion gap between Millennials (age 18-35 as of 2016) and the Silent generation (age 71-88 as of 2016). We also find a large gap here at the bivariate level, with a 20-30 point difference between the youngest and oldest cohorts.

Race (non-white), however, is not statistically significant ($t = 1.456, p = 0.14$). While it appears that non-whites are more supportive of marijuana legalisation on average than are white voters, our relatively small sample size of minority voters limits what we can say about this population's voting behavior on marijuana legalisation.¹¹ This fits somewhat with existing findings on race, which find relatively small gaps between blacks and whites on legalisation opinion, but that whites are more supportive of legalisation than are Hispanics (Geiger, 2016; Schnabel & Sevell, 2017).

Key bivariate relationships relevant to our broad theoretical contention, maintain their statistical significance in a multivariate analysis, as presented in Table 2.¹² Respondents who know

¹¹Furthermore, given our small minority sample size, we are unable to disentangle race beyond a white/non-white binary.

¹²We also include a model with survey weights included in Table 8, Appendix D; results remain unchanged.

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someone who has been arrested are more supportive of legal recreational use of marijuana. However, respondents who have themselves been arrested are no more or less likely to support legalisation than are people who have not been arrested (or know someone who has been). While we cannot say for sure, given data limitations, it may be that many people know someone who has been arrested – specifically for marijuana – and that respondents are connecting this knowledge with the decriminalisation campaign rhetoric to push their vote disproportionately towards legalisation. To be sure, future research should investigate this in depth.

Fitting with a generalised view of contemporary voting trends, conservatives, Republicans, and highly religious people are more opposed to expanding marijuana laws than their counterparts. These are all groups that express lower levels of tolerance toward their partisan adversaries or out-groups (Parker & Barreto, 2014; Sidanius & Pratto, 2001; Sullivan, Piereson, & Marcus, 1993).

We present our multivariate results graphically in Figure 3, which depicts simulated standardised coefficient estimates given minimum to maximum changes in the independent variable. The results demonstrate that ideology is the single strongest factor driving a respondent's support of – or opposition to – legal recreational marijuana in Washington. Self-identified conservatives are very opposed to I-502, whereas liberals are very supportive. Indeed, the effects of ideology on vote choice is more than double the effects of any other explanatory variable. Finally, it is worth noting that women in Washington support marijuana legalisation more than do men, while Washingtonians with more education are more opposed to the new law.¹³ These results are

¹³This latter finding counters the bivariate results. This is because education is correlated with ideology in Washington. Once ideology is controlled for, education tends to push people away from supporting legalisation.

highly consistent with our expectations: Ideology outperforms party, while religion, education, and experience with the criminal justice system all further shape and support respondent's vote choices.

[INSERT TABLE 2 ABOUT HERE]

[INSERT FIGURE 3 ABOUT HERE]

6 Limitations

This paper is one of the first to analyse voting behavior in the context of a marijuana legalisation ballot initiative. While our findings are important and should be built upon and studied in legalisation efforts in other U.S. states, our study is not without limitations. First, the Washington Poll surveys registered voters only, as such, we are missing the opinions of adult non-voters. While this is proper procedure in understanding what drives voting behavior, specifically, we want to be clear that these findings do not generalise to all adults in Washington State. Furthermore, this sampling difference (registered voters vs adults 18 plus) may be one reason why we see some differences with extant public opinion data where the sampling frame is typically all U.S. adults.

Second, while our sample is relatively large for a statewide survey ($n = 1560$), one major limitation is that the survey organisation did not oversample racial and ethnic minorities. Given that the American criminal justice system disproportionately targets and punishes blacks and Latinos (Alexander, 2012; Murakawa, 2014; Thorpe, 2015; Walker, Thorpe, Christensen, & Anderson, 2017), it is unfortunate we do not have enough data with these subgroups to conduct more in-

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depth analysis of how they perceive legalisation efforts. Future research should investigate these subgroups' attitudes in depth.

Third, our measure of contact with the criminal justice system is a broad measure, where we first dummy for whether the individual respondent has been arrested, and second dummy for whether the respondent knows someone who has been arrested. We would have preferred to include these questions but then also add two branching questions inquiring into drug arrests generally and marijuana arrests specifically. We expect that people arrested for marijuana, specifically, would be significantly more likely to vote for legalisation. However, we cannot say that with these data. Future research investigating voting behavior on marijuana legalisation ballot initiatives, therefore, should include these more specific questions in their surveys.

Finally, these findings may not generalise to other states when it comes to ballot initiatives. Each state develops specific campaigns around specific measures, with the pro I-502 campaign focusing specifically on the criminal justice component. This focus may not be as effective in some states where voters – or at least a majority – tend to be more punitive in orientation (Hurwitz & Peffley, 2005). In addition, Washington State is a relatively white state; in states with larger minority populations (but not majority), many whites may disproportionately associate criminal justice with race, and so might actually be less likely to support legalisation. Thus, while we might be able to generalise the results of these findings to similarly situated states – like Oregon, New Hampshire, Vermont, Colorado, or Maine – our findings are certainly not generalizable to every U.S. state.

7 Discussion

The United States has seen a striking influx of marijuana legalisation. In just five years and three election cycles, eight states and the District of Columbia elected to allow its recreational use. Marijuana may be on a path towards widespread acceptance and even national legalisation. Despite these trends, our analysis finds significant opposition to legalisation among certain demographics, most notably political conservatives and respondents with high levels of religiosity.

This analysis identifies important observations for any additional states considering legal recreational use of marijuana. If these findings are any indication, we can anticipate Democratic-leaning and liberal states that vote on marijuana ballot initiatives to approve those laws. However, opposition will likely remain in southern states – places where conservatism is high and public attitudes on crime and punishment remain disproportionately authoritarian (Hetherington & Weiler, 2009).

Experience and life circumstances also appear to matter. People who have had encounters with the criminal justice system (i.e., know someone who has been arrested) are more supportive of expanding legalisation. This finding is particularly meaningful in the American carceral context, which has incarcerated massive amounts of people for minor drug charges since the 1980s (Alexander, 2012; Duster, 1997; King, 2008; Tonry, 1994). Furthermore, trends of support for marijuana legalisation are changing dramatically. Legalisation movements are driven not only by marijuana enthusiasts, but also by those who wish to counter the damages that America’s “War on Drugs” has done to disadvantaged communities. Notably, these racialized criminal justice elements have inspired even the likes of prominent conservative evangelical televangelist Pat

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Robinson to support legalizing recreational marijuana. Although this kind of support may help shift the minds of conservative Christians (for instance) in the long run, our analysis suggests that conservative individuals' hardwired anti-drug attitudes will nevertheless change slowly, if at all.

This analysis makes an important first step in attempting to understand the individual-level voting contours of marijuana legalisation initiatives. Certainly, the votes in Colorado, California, and elsewhere have taken on unique state-level characteristics which should be highlighted and analysed in future research. As legalisation continues to be considered on direct democracy ballots across the United States, it will be important for policymakers, criminal justice advocates, marijuana enthusiasts, and the voting public alike to understand the factors that will facilitate or inhibit its success. Future research should not only consider traditional demographic predictors of support for marijuana legalisation, but also how support among certain populations is premised upon how they have been affected by America's War on Drugs. Our study, and the earlier study by Thornhill (2011), suggest that those communities most impacted by the criminalisation of marijuana may be increasingly supportive of legalisation.

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8 Tables

Table 1: Dependent variable distribution: ‘Statewide ballot initiative 502 concerns marijuana. This measure would license and regulate marijuana production, distribution, and possession for persons over 21; remove state-law criminal and civil penalties for activities that it authorises; tax marijuana sales; and earmarks marijuana related revenues. Will you vote yes or no on Initiative 502? Are you fairly certain you will vote YES/NO or is there a chance you could change your mind? (IF UNDECIDED OR DON’T KNOW): Let’s say the election was being held today, which way are you leaning towards voting? YES or NO?’

	Frequency	N
No, certain	0.34	545
No, could change	0.03	40
Undecided, lean No	0.01	22
Undecided, lean Yes	0.03	53
Yes, could change	0.06	91
Yes, certain	0.43	677
Will not vote on this issue	0.01	8
Undecided/Don’t know/Refused	0.09	145

Table 2: Predictors of support for marijuana legalisation

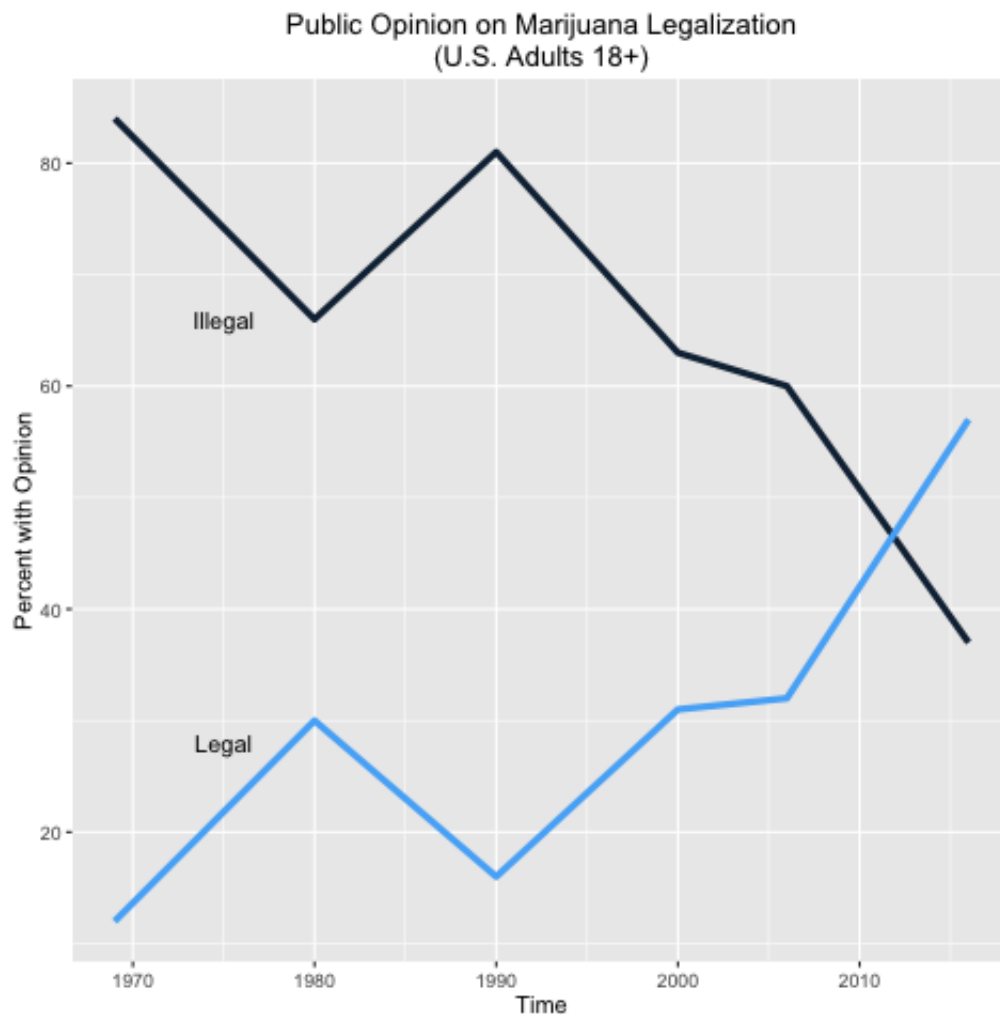
	<i>Dependent variable:</i>
	Pr(I-502 Yes)
Female	0.309** (0.126)
Arrested or know someone arrested	0.221** (0.087)
Education (low to high)	-0.131** (0.062)
Non-White	0.284 (0.226)
Ideology (Lib-Mod-Cons)	-0.342*** (0.049)
Party (Dem-Ind-Rep)	-0.204* (0.106)
Religion guide life (low to high)	-0.175** (0.072)
Religious attendance (low to high)	-0.145*** (0.048)
Married	-0.007 (0.139)
Age	-0.003 (0.004)
Social desirability	-0.212** (0.092)
Tea Party support	-0.060 (0.079)
1 2	-7.987*** (0.553)
2 3	-7.028*** (0.528)
3 4	-3.916*** (0.491)
4 5	-3.719*** (0.489)
5 6	-3.373*** (0.487)
Observations	1,149
Pseudo R square	0.27

Note:

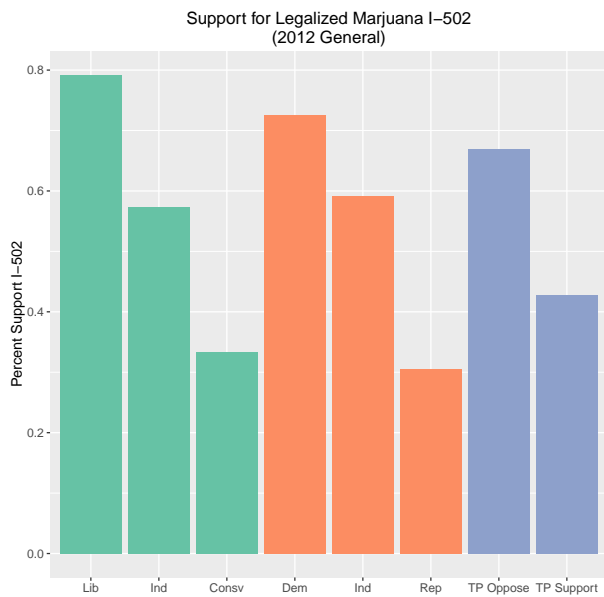
*p<0.1, **p<0.05, ***p<0.01

9 Figures

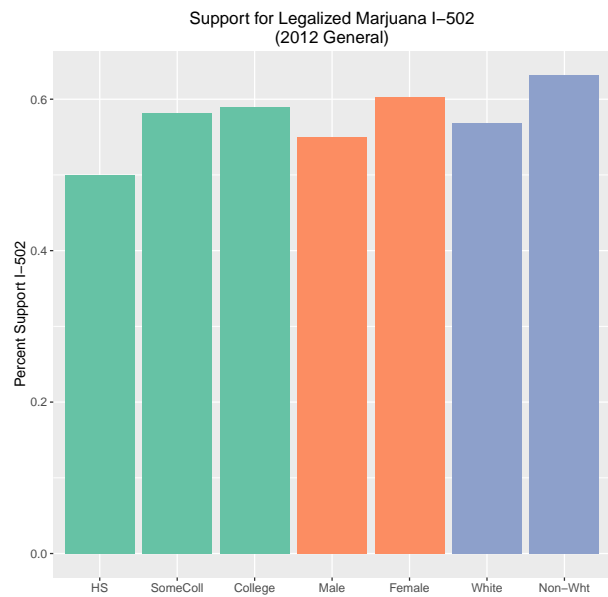
Figure 1: U.S. adult opinion on marijuana legalisation across time. Source: Pew Research Center



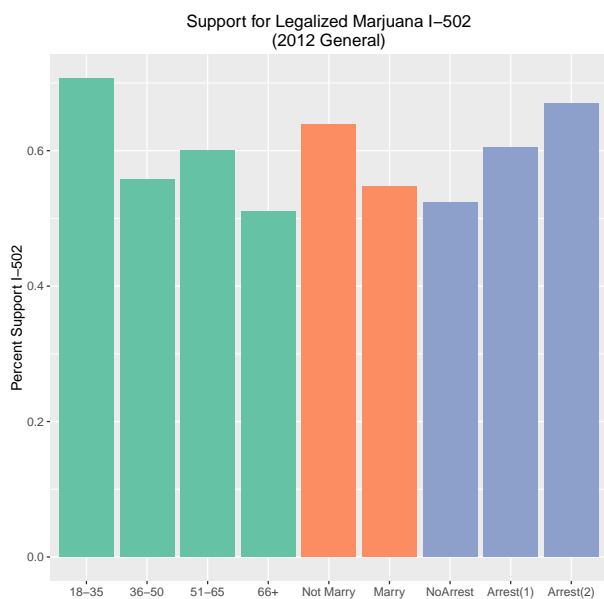
Marijuana legalisation



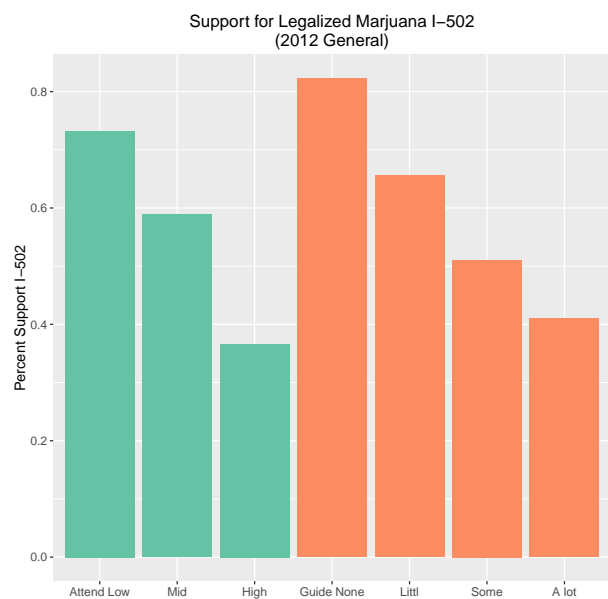
(a) Ideology, party and Tea Party



(b) Education, Gender, race



(c) Age, marital status, arrested or know someone arrested

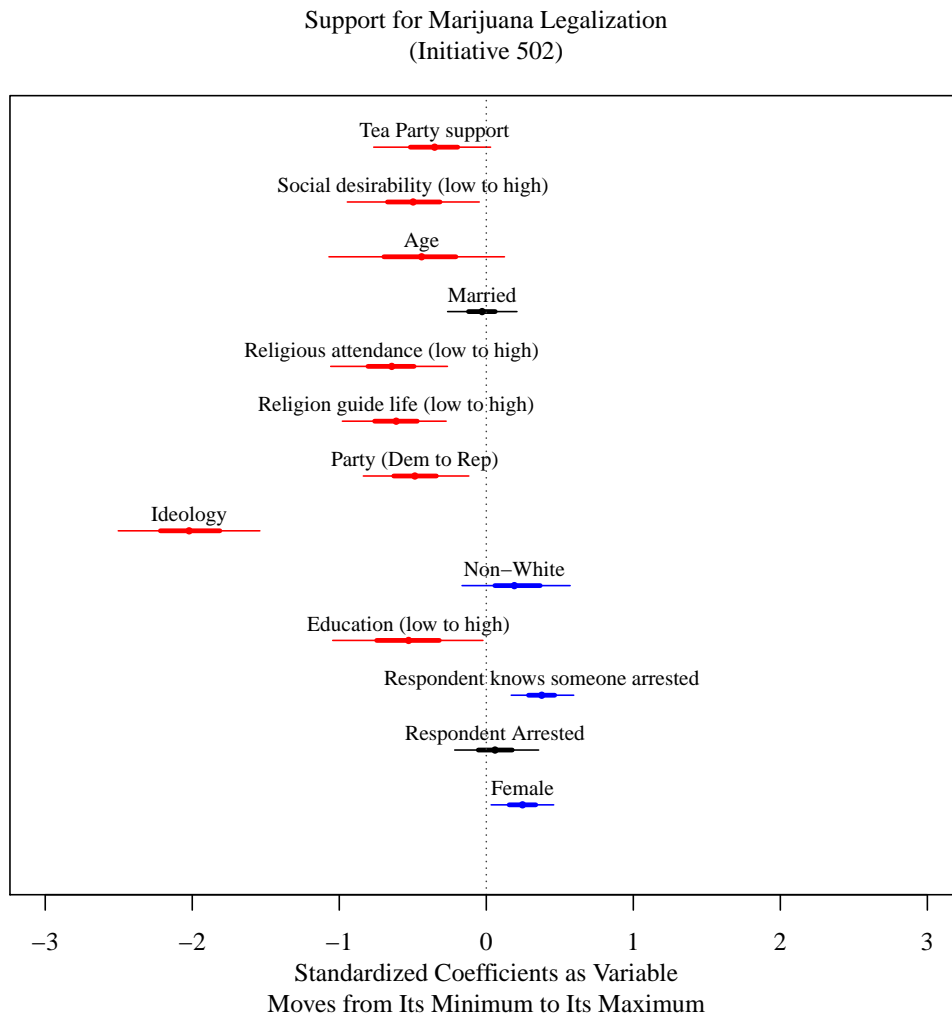


(d) Church attendance, religion as guide

Figure 2: Marijuana legalisation vote choice in Washington State by demographic (Initiative 502, 2012 General Election)

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Figure 3: Predictors of Support and Opposition to Initiative 502, a ballot measure on marijuana legalisation in 2012 Washington State



10 Appendix

10.1 A. States with medical marijuana and legal marijuana laws; robustness models

State	Year	How Passed	Law Type
1 Alaska	1998	Ballot Measure 8 (58%)	1 oz usable; 6 plants (3 mature, 3 immature)
2 Arizona	2010	Proposition 203 (50.13%)	2.5 oz usable; 12 plants
3 Arkansas	2016	Ballot Measure Issue 6 (53.2%)	3 oz usable per 14-day period
4 California	1996	Proposition 215 (56%)	8 oz usable; 6 mature or 12 immature plants
5 Colorado	2000	Ballot Amendment 20 (54%)	2 oz usable; 6 plants (3 mature, 3 immature)
6 Connecticut	2012	House Bill 5389 (96-51 H, 21-13 S)	2.5 oz usable
7 Delaware	2011	Senate Bill 17 (27-14 H, 17-4 S)	6 oz usable
8 Florida	2016	Ballot Amendment 2 (71.3%)	Amount to be determined
9 Hawaii	2000	Senate Bill 862 (32-18 H; 13-12 S)	4 oz usable; 7 plants
10 Illinois	2013	House Bill 1 (61-57 H; 35-21 S)	2.5 ounces of usable cannabis during a period of 14 days
11 Maine	2013	Ballot Question 2 (61%)	2.5 oz usable; 6 plants
12 Maryland	2014	House Bill 881 (125-11 H; 44-2 S)	30-day supply, amount to be determined
13 Massachusetts	2012	Ballot Question 3 (63%)	60-day supply for personal medical use (10 oz)
14 Michigan	2008	Proposal 1 (63%)	2.5 oz usable; 12 plants
15 Minnesota	2014	Senate Bill 2470 (46-16 S; 89-40 H)	30-day supply of non-smokable marijuana
16 Montana	2004	Initiative 148 (62%)	1 oz usable; 4 plants (mature); 12 seedlings
17 Nevada	2000	Ballot Question 9 (65%)	2.5 oz usable; 12 plants
18 New Hampshire	2013	House Bill 573 (284-66 H; 18-6 S)	Two ounces of usable cannabis during a 10-day period
19 New Jersey	2010	Senate Bill 119 (48-14 H; 25-13 S)	2 oz usable
20 New Mexico	2007	Senate Bill 523 (36-31 H; 32-3 S)	6 oz usable; 16 plants (4 mature, 12 immature)
21 New York	2014	Assembly Bill 6357 (117-13 A; 49-10 S)	30-day supply non-smokable marijuana
22 North Dakota	2016	Ballot Measure 5 (63.7%)	3 oz per 14-day period
23 Ohio	2016	House Bill 523 (71-26 H; 18-15 S)	Maximum of a 90-day supply, amount to be determined
24 Oregon	1998	Ballot Measure 67 (55%)	24 oz usable; 24 plants (6 mature, 18 immature)
25 Pennsylvania	2016	Senate Bill 3 (149-46 H; 42-7 S)	30-day supply
26 Rhode Island	2006	Senate Bill 0710 (52-10 H; 33-1 S)	2.5 oz usable; 12 plants
27 Vermont	2004	Senate Bill 76 (22-7) HB 645 (82-59)	2 oz usable; 9 plants (2 mature, 7 immature)
28 Washington	1998	Initiative 692 (59%)	8 oz usable; 6 plants
29 Washington, DC	2010	Amendment Act B18-622 (13-0 vote)	2 oz dried; limits on other forms to be determined

Table 3: Medical marijuana state laws summary plot (taken from <http://medicalmarijuana.procon.org/>)

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	State	Year	Number	Title	Yes	No	Results
1	CA	2010	CA Proposition 19	Marijuana legalisation Initiative	46.50	53.50	Rejected
2	CO	2012	Amendment 64	Colorado Marijuana legalisation Initiative	55.32	44.68	Approved
3	WA	2012	Initiative 502	Washington Marijuana legalisation and Regulation	55.70	44.30	Approved
4	AK	2014	Ballot Measure 2	Alaska Marijuana legalisation	53.23	46.77	Approved
5	DC	2014	Initiative 71	Washington D.C. Marijuana legalisation	70.06	29.94	Approved
6	OR	2014	Measure 91	Oregon legalised Marijuana Initiative	56.11	43.89	Approved
7	AZ	2016	Proposition 205	Arizona Marijuana legalisation	48.68	51.32	Rejected
8	CA	2016	CA Proposition 64	CA Marijuana legalisation Initiative	57.13	42.87	Approved
9	MA	2016	Question 4	Massachusetts Marijuana legalisation Initiative	53.66	46.34	Approved
10	ME	2016	Question 1	Maine Marijuana legalisation	50.26	49.74	Approved
11	NV	2016	Question 2	Nevada Marijuana legalisation	54.47	45.53	Approved

Table 4: Marijuana state laws summary initiative vote

10.2 B – Washington State

Survey Dates: October 2012

Sample Size: 1,560 registered voters in WA

Data: The Washington Poll

- **Gender.** (Do Not Read) Gender: Male (0), Female (1)

- **Tea Party Support.** How about the Tea Party. Do you have a very favorable (4), somewhat favorable (3), somewhat unfavorable (2), or strongly unfavorable (1) view of the Tea Party?

- **Marijuana Opinion.** Statewide ballot initiative 502 concerns marijuana. This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorises; tax marijuana sales; and earmarks marijuana-related revenues. Will you vote yes or no on Initiative 502?
 - (IF YES OR NO): Are you fairly certain you will vote YES/NO or is there a chance you could change your mind?

 - (IF UNDECIDED OR DON'T KNOW): Let's say the election was being held today, which way are you leaning towards voting?

 - Yes I-502 certain (6); Yes I-502 could change (5); Undecided - lean Yes (4); No I-502 certain (3); No I-502 could change (2); Undecided - lean No (1).

- **Arrested or Know someone arrested (combined measure: 0,1,2):** “Have you ever been

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arrested, charged or questioned by the police, even if you weren't guilty, excluding minor traffic stops such as speeding (yes=1, no = 0)?"

"And what about someone you know, such as a close friend or family member – do you know someone who has been arrested, charged or questioned by the police, even if they weren't guilty, excluding minor traffic stops such as speeding (yes=1, 0=no)?"

- **Education.** What is the highest level of education you completed? Just stop me when I read the correct category – Grades 1-8 (1), some high school (2), high school graduate (3), some college or technical school (4), college graduate (5), or post-graduate (6).
- **Race.** What is your racial or ethnic background? [Do Not Read] White (0=white, non-white=1), non-Hispanic; African-American; Asian American; Hispanic or Latino; Native American; Middle-Eastern; Other; (Don't Know); (Refused)
- **Party.** Generally speaking, do you think of yourself as a Democrat (1), a Republican (3), an independent (2), or what?
- **Ideology.** When it comes to politics, do you usually think of yourself as a Liberal, a Conservative, a Moderate, or haven't you thought much about this?
 - If Liberal/Conservative: Would you call yourself very Conservative/Liberal or not?
 - If Moderate: Would you say that you are slightly Liberal, slightly Conservative, or neither?
 - Very conservative (7), conservative (6), slightly conservative (5), moderate (4), slightly liberal (3), liberal (2), and very liberal (1).

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- **Religious Attendance.** Aside from weddings and funerals, how often do you attend religious services? Would you say more than once a week (6), once a week (5), once or twice a month (4), a few times a year (3), less often than a few times a year (2), or never (1)?
- **Religion Guide Life.** Regardless of how often you attend church, would you say religion provides a great deal (4), quite a bit (3), some (2), or no guidance at all (1) in your day-to-day living?
- **Marital Status** Are you currently single, married (1=yes, 0=no), living with a same-sex partner, separated, divorced, or widowed?
- **Year Born** In what year were you born? (2012 - reported answer)
- **Social Desirability.** Now that we're done with the survey, can you tell me how many of the responses that you gave today were a little more politically correct than you might have given if you were talking to your best friend? Was it quite a few (4), a couple here and there (3), maybe just once (2), or none at all (1)?

10.3 C – Independent Variables Distribution

Table 5: Sample distributions of independent variables, Washington Poll 2012

	Frequency	N
Sex		
Male	0.54	839
Female	0.46	721

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Ever Been Arrested		
Arrested	0.17	267
Not Arrested	0.81	1287
Don't Know/Refused	0.02	27

Know Someone Who Has Been Arrested		
Know Someone Arrested	0.48	764
Don't Know Someone Arrested	0.48	759
Don't Know/Refused	0.04	58

Marijuana Most Important Issue		
Marijuana Not Most Important Issue	0.98	1551
Marijuana Most Important Issue	0.02	30

Edumacation		
Grades 1-8	0.00	3
Some high school	0.02	29
High school graduate	0.11	176
Some college/Technical school	0.30	481
College graduate	0.30	471
Post graduate	0.25	392
Don't Know/Refused	0.02	29

Racial Identity		
White	0.87	1381

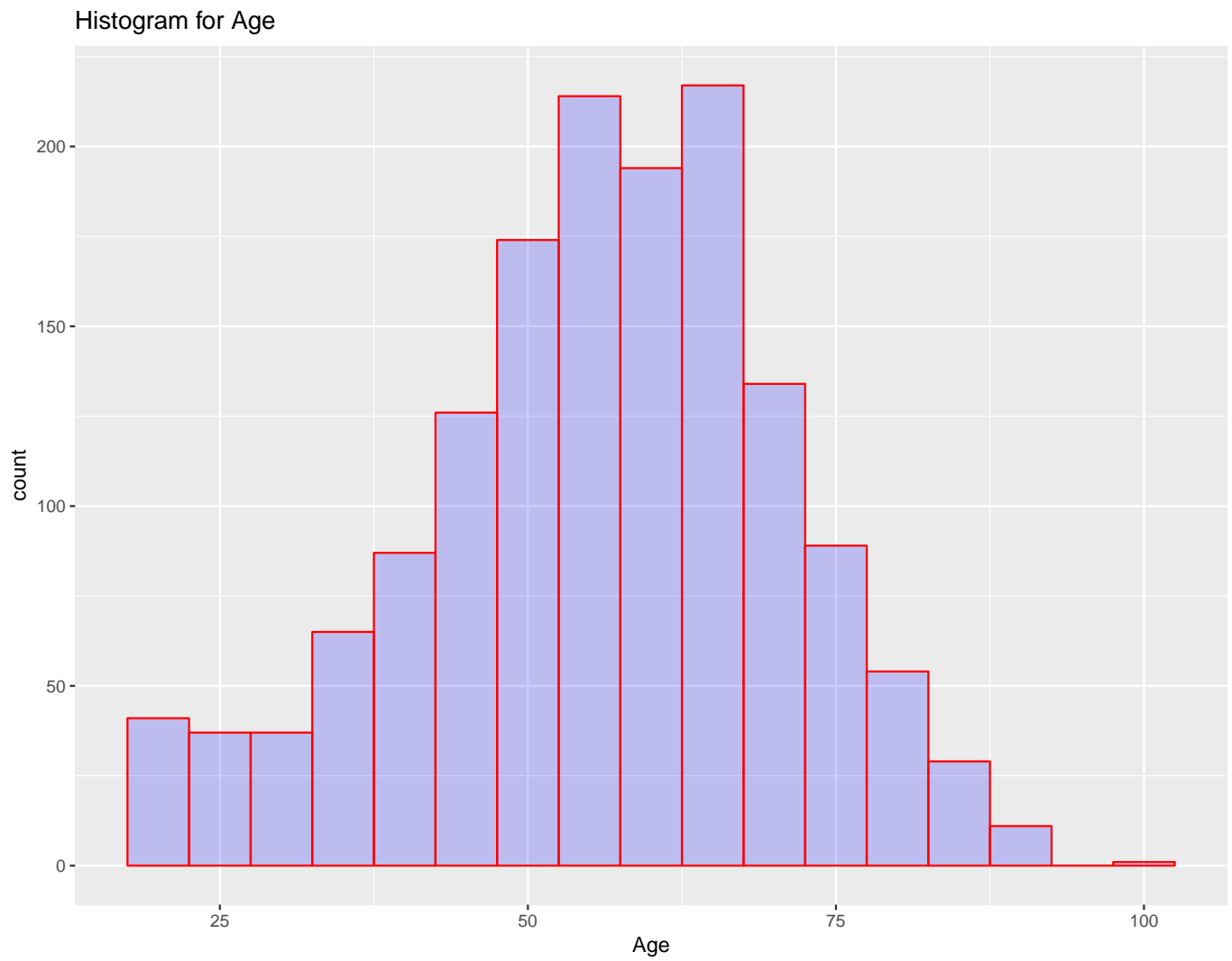
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Non-White	0.09	148
Don't Know/Refused	0.03	52
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Political Ideology		
<hr/>		
Very liberal	0.12	186
Liberal	0.13	212
Slightly liberal	0.08	120
Moderate	0.23	356
Slightly conservative	0.09	136
Conservative	0.14	224
Very conservative	0.07	116
Don't Know/Refused	0.15	231
<hr/>		
Political Party Identification		
<hr/>		
Democrat	0.38	597
Republican	0.23	360
Independent/Other/Neither/None	0.37	587
Don't Know/Refused	0.02	37
<hr/>		
Role Religion Plays in R's Life		
<hr/>		
A great deal	0.34	534
Quite a bit	0.17	266
Some	0.27	430
No guidance at all	0.18	291

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Don't Know/Refused	0.04	60
<hr/>		
Religious Attendance		
<hr/>		
More than once a week	0.07	107
Once a week	0.23	356
Once or twice a month	0.12	192
A few times a year	0.19	300
Less often than a few times a year	0.11	177
Never	0.25	399
Don't Know/Refused	0.03	50
<hr/>		
Marital Status		
<hr/>		
Married	0.69	1094
Not Married	0.28	447
Don't Know/Refused	0.03	40
<hr/>		
Social Desirability		
<hr/>		
Quite a few	0.03	42
A couple here and there	0.05	80
Maybe just once	0.08	123
None at all	0.82	1291
Don't Know/Refused	0.03	45
<hr/>		

Figure 4: Distribution of age



10.4 D – Alternative Models

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Table 6: Predictors of support for marijuana legalisation (multinomial model, 'vote against comparison category')

	<i>Dependent variable:</i>	
	2	3
	Support I-502 (1)	DK/Refused I-502 (2)
Female	0.224 (0.146)	-0.943*** (0.280)
Respondent Arrested	0.076 (0.201)	0.044 (0.383)
Respondent knows someone arrested	0.317** (0.143)	0.218 (0.248)
Marijuana Important Issue	-0.378 (0.502)	-0.635 (1.080)
Education (low to high)	-0.065 (0.071)	0.170 (0.128)
Non-White	0.032 (0.251)	0.263 (0.416)
Ideology (lib - conserv)	-0.330*** (0.055)	-0.144 (0.095)
Party (Dem-Ind-Rep)	-0.284** (0.117)	-0.270 (0.207)
Religion guide life (low to high)	-0.255*** (0.081)	-0.140 (0.141)
Religious attendance (low to high)	-0.131** (0.054)	-0.120 (0.094)
Married	-0.034 (0.156)	0.121 (0.274)
Age	-0.008* (0.005)	0.004 (0.009)
Social desirability	-0.143 (0.106)	0.342** (0.148)
Tea Party support	-0.133 (0.089)	-0.034 (0.156)
Constant	4.418*** (0.568)	-0.949 (1.028)
Akaike Inf. Crit.	1,933.849	1,933.849
Pseudo R2	0.36	
Observations	1237	

Note:

*p<0.1; **p<0.05; ***p<0.01

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Table 7: Predictors of support for marijuana legalisation (imputed data for missing values)

	<i>Dependent variable:</i>	
	I-502 ordered	
Female	0.221**	(0.109)
Respondent Arrested	0.066	(0.150)
Respondent knows someone arrested	0.395***	(0.108)
Education (low to high)	-0.030	(0.051)
Non-White	0.147	(0.181)
Ideology (lib - conserv)	-0.320***	(0.039)
Party (Dem-Ind-Rep)	-0.157*	(0.088)
Religion guide life (low to high)	-0.164***	(0.060)
Religious attendance (low to high)	-0.136***	(0.039)
Married	-0.126	(0.115)
Age	-0.005	(0.004)
Social desirability	-0.096	(0.074)
Tea Party support	-0.090	(0.064)
1 2	-3.610***	(0.402)
2 3	-3.445***	(0.401)
3 4	-3.294***	(0.400)
4 5	-3.056***	(0.399)
5 6	-2.707***	(0.397)
Observations	1,560	
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01	

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Table 8: Predictors of support for marijuana legalisation (ordered logit, including survey weights)

	<i>Dependent variable:</i>
	Pr(I-502 Yes)
Female	0.299** (0.134)
Respondent Arrested	-0.002 (0.177)
Respondent knows someone arrested	0.418*** (0.131)
Education (low to high)	-0.210*** (0.067)
Non-White	-0.004 (0.224)
Ideology (lib - conserv)	-0.343*** (0.053)
Party (Dem-Ind-Rep)	-0.319*** (0.110)
Religion guide life (low to high)	-0.313*** (0.074)
Religious attendance (low to high)	-0.132*** (0.049)
Married	-0.018 (0.144)
Age	-0.006 (0.004)
Social desirability	-0.201** (0.087)
Tea Party support	-0.038 (0.083)
1 2	-5.196*** (0.499)
2 3	-5.022*** (0.497)
3 4	-4.921*** (0.496)
4 5	-4.690*** (0.494)
5 6	-4.282*** (0.490)
Observations	1,118
Pseudo R2	0.312
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01