

# BALLOTWATCH

## Important Facts

- 11 state propositions in November
- All appear headed for passage
- 2 measures approved, Missouri and Louisiana

## FOCUS ON MARRIAGE

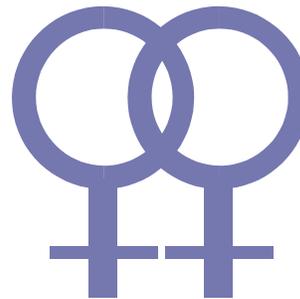
Marriage is the main event on ballot propositions this fall. A total of 11 states will be voting on constitutional amendments to define marriage as exclusively the union of one man and one woman in November, and Missouri (in August) and Louisiana (in September) have already approved such measures this year. Six of the measures were placed on the ballot by initiative (AR, MI, MO, MT, ND, OH, OR) and the seven by legislatures.

The measures were triggered by a Massachusetts Supreme Judicial Court ruling in February that the state's ban on gay marriage violated the state constitution, followed shortly by San Francisco mayor Gavin Newsom's decision to issue same sex marriage licenses. The San Francisco licenses were subsequently invalidated by the California Supreme Court.

The propositions seek to write the conventional definition of marriage into state constitutions to prevent judges from finding a right to same-sex marriages in those documents, and to prevent the state from recognizing same-sex marriages from other states.

"The typical initiative is designed to override the legislature. The marriage amendments are something new

because they are aimed at judges," observes IRI president John G. Matsusaka.

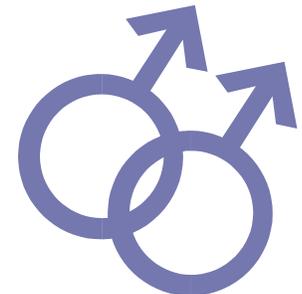


The Louisiana measure, which passed with 78% in favor, was struck down by a state judge in October as a violation of the "single subject" rule that ballot measures pertain to only one subject. The ruling is being appealed. The ruling adopts an extremely narrow view of the single subject rule. The vast majority of ballot measures nationwide would probably fail to meet its standard.

Polling data are available for nine states (see table), and the amendments appear headed for victory in all of them. The two states without polling data are considered sure bets to approve the amendments. Gay marriage groups considered Michigan and Oregon their best chance to defeat one of these meas-

ures, and although the polls are closer in those states than others, the yes-no margin is still a formidable 17% in Michigan and 11% in Oregon.

Looming in the background is the question of how the measures will affect the presidential election if they draw voters to the polls who would not



otherwise participate. Conventional wisdom holds that conservative anti-gay-marriage voters will be the most motivated to turn out, and they will tend to support the reelection of George W. Bush. However, national surveys show that black voters are even more strongly in favor of a ban on gay marriage than white voters. If the marriage amendments draw black voters, they could end up helping Democratic candidate John Kerry.

The key state to watch here is Ohio, where the presidential

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## MARRIAGE (CONTINUED)

candidates have been seeing back and forth in the polls. The Ohio measure is spearheaded by Citizens for Community Values, a pro-family group, and is supported by a host of similar organizations. Ohio measure's is more far-reaching than others because it would also bar public institutions such as universities from providing benefits to domestic partners.

*This report is eighth in a series on the 2004 election. Other reports and updates are available on the IRI web site: [www.iandrinstitute.org](http://www.iandrinstitute.org). Contact John G. Matsusaka, IR president and professor of business and law at the University of Southern California, at (213) 740-6495, email [matsusak@usc.edu](mailto:matsusak@usc.edu).*

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### Recent Polls

State	Yes%—No%	Poll	Date
Arkansas	77-19	Opinion Research Associates	10/18-10/20
Georgia	61-47	Zogby	Mid-October
Kentucky	73-24	WHAS-TV/WLEX-TV	10/17-10/19
Michigan	52-35	Glengariff	9/28-9/30
Mississippi	NA	NA	NA
Montana	61-32	Mason-Dixon	9/20-9/22
North Dakota	52-36	Forum/WDAY-TV	Mid-October
Ohio	57-40	Ohio Poll	10/11-10/17
Oklahoma	74-22	KJRH-TV/KFOR-TV	10/18-10/20
Oregon	50-44	Gallup	10/15-10/18
Utah	62-27	Salt Lake Tribune	9/24-9/29