Marriage on the Ballot: An Analysis of Same-Sex Marriage Referendums in North Carolina, Minnesota, and Washington During the 2012 Elections

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INTRODUCTION

Using direct democracy, voters in a majority of states have considered, in recent years, whether the definition of marriage should include or exclude same-sex couples. This Article explores how individuals assessed three ballot measures that defined marriage in three states: two constitutional referendums that proposed to outlaw same-sex marriage in North Carolina and Minnesota, and a veto referendum that asked voters to affirm a legislative action that legalized same-sex marriage in Washington state. We explore what individuals knew about the referendums and whether elite endorsements helped them make what Lupia and McCubbins termed "reasoned choices" on these ballot measures.[1] We find that, despite the simplicity of the measures, knowledge about them was generally poor. We also show that individuals sometimes, but by no means universally, use elite endorsements to inform their decisions. When individuals use elite endorsements, the individual must perceive the cue-giver to be knowledgeable and trustworthy. We also discover knowing a gay or lesbian person is sometimes related to voters' decisions about whether to support or oppose same-sex marriage. Our results have broad implications for how individuals form their evaluations of social policy in the United States and how these evaluations translate into votes. We conclude by considering what our findings mean for direct democracy from both a legal and policy perspective.

Since 1998, voters in thirty-six states have considered the question of whether to outlaw or allow same-sex couples to marry

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1 *See generally* ARTHUR LUPIA & MATHEW D. MCCUBBINS, THE DEMOCRATIC DILEMMA: CAN CITIZENS LEARN WHAT THEY NEED TO KNOW? (James E. Alt & Douglass C. North eds., 1998) [hereinafter LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA].

a total of forty times.[2] Until the 2012 elections in Maine, Maryland, and Washington, citizens had not yet voted to legalize same-sex marriage at the ballot box. In June 2015, the United States Supreme Court decided in *Obergefell v. Hodges* that bans on same-sex marriage are unconstitutional.[3] While the basic right of same-sex marriage is now decided, issues related to same-sex marriage as a social policy—for example, whether public figures can opt out of performing marriages based on their religious beliefs or whether businesses must cater to same-sex couples—will continue to be matters considered both in the courts and on the ballot. Despite the often-contentious nature of the issue—and the sometimes astronomical spending for or against these measures—research using individual-level data to analyze how individuals make decisions concerning same-sex marriage is limited.

In what represents some of the only individual-level data that explores how voters decided these social policy questions, our previous research on same-sex marriage[4] examines an exit survey of California voters regarding Proposition 8—the highly contentious and notably expensive constitutional amendment banning same-sex marriage in California that was later overturned by the United States Supreme Court.[5] Our results reveal that most voters knew very little about the measure. Those who knew and trusted one of the political parties' endorsements, however, were likely to use that cue to arrive at a decision. This finding supports the theory of persuasion, learning, and choice that Lupia and McCubbins proposed.[6] By contrast, voters' knowledge of specific facts about the measure had a negligible effect on their decisions.

Our previous results, while novel and interesting, suffer from a relatively small sample size.[7] Moreover, due to the exit

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2 Two states—Arizona and California—considered outlawing marriage twice; Maine rejected a law via referendum to allow same-sex marriage, but then passed an initiative to legalize same-sex marriage. H.R. 1860, 125th Leg., 2d Reg. Sess. (Me. 2012). Nevada's constitution dictates that voters must consider (and pass) any constitutional change in two subsequent elections. NEV. CONST. art. 19, § 2.

3 Obergefell v. Hodges, 135 S. Ct. 2584 (2015).

4 For our analysis on voting behavior on California's Proposition 8 in 2008, see generally Craig M. Burnett & Mathew D. McCubbins, *Sex and the Ballot Box: Perception of Ballot Measures Regarding Same-Sex Marriage and Abortion in California*, 34 J. PUB. POL'Y 3 (2014) [hereinafter Burnett & McCubbins, *Sex and the Ballot Box*].

5 Hollingsworth v. Perry, 133 S. Ct. 2652 (2013).

6 For a formal explanation of their model and expectations, see LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 17–39.

7 *See* Craig M. Burnett, Elizabeth Garrett, & Mathew D. McCubbins, *The Dilemma of Direct Democracy*, 9 ELECTION L.J.: RULES, POL., & POL'Y 305, 305–14 (2010) [hereinafter Burnett et al., *Dilemma of Direct Democracy*] (analyzing voting behavior on California's Proposition 7, showing that usage of cues is quite limited); *see also* Burnett

survey format of these studies, we were unable to ask more than a few questions about the ballot measures we surveyed. Indeed, our research on Proposition 8 likely raises more questions than answers,[8] including:

1. How often do voters use endorsements to arrive at an informed decision on ballot measures?
2. Is our finding that knowledge of facts has a limited impact on decisions idiosyncratic to Proposition 8, or is this a general finding?
3. Given the relatively low levels of knowledge about policy specifics and endorsements, how do the majority of voters arrive at decisions?

While we cannot definitively approach an answer to the third question, we endeavor to provide some analysis on the other two questions with additional data. Using survey data from three states that considered outlawing or adopting same-sex marriage during the 2012 election cycle, we again examine the degree to which individuals' knowledge of prominent endorsements and pertinent policy facts influence their decisions. Taking our lead from Lupia,[9] and his work with McCubbins,[10] we explore the hypothesis that individuals use information to arrive at a reasoned decision. Unlike our previous research, we have gathered significantly more in-depth data to provide greater insight into how voters make decisions about whether to legalize or outlaw same-sex marriage in their state. As in our previous research, we find that individuals do not use cues from prominent third-party endorsers at a high rate. We also show that factual knowledge has a limited effect on decisions.

We argue that the results we present here represent a unique and instructive test case of the Lupia and McCubbins hypothesis, as same-sex marriage is the prototypical "easy issue" for which most individuals can arrive at a decision armed with little more than their gut instinct.[11] In other words, we expect

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& McCubbins, *Sex and the Ballot Box*, *supra* note 4, at 11 (finding wide recognition of Governor Schwarzenegger's endorsement in a study of several Indian gaming compacts); Craig M. Burnett & Mathew D. McCubbins, *When Common Wisdom Is Neither Common nor Wisdom: Exploring Voters' Limited Use of Endorsements on Three Ballot Measures*, 97 MINN. L. REV. 1557, 1561–69 (2013) [hereinafter Burnett & McCubbins, *Voters' Limited Use of Endorsements*].

8 Burnett & McCubbins, *Sex and the Ballot Box*, *supra* note 4, at 10–12.

9 *See generally* Arthur Lupia, *Shortcuts Versus Encyclopedias: Information and Voting Behavior in California Insurance Reform Elections*, 88 AM. POL. SCI. REV. 63 (1994) [hereinafter Lupia, *Shortcuts*] (showing that voters make reasonably informed decisions on insurance reform initiatives).

10 LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 35–38.

11 For what constitutes an "easy issue," see Edward G. Carmines & James A.

that same-sex marriage is the least likely place to find support for the Lupia and McCubbins hypothesis.[12] In addition to estimating the effect of endorsements and facts, we also provide some traction on the third question by gauging the effect that personal relationships have on decisions. In particular, we find that knowing a gay or lesbian person can have a large effect on the individuals' decision calculus.

Not only do these findings have both important normative and legal implications, we suspect that our results will be informative regarding how voters will behave on related issues in future elections. That is, while the basic policy of marriage is decided, it is likely that same-sex marriage will follow a similar policy path that abortion did post *Roe v. Wade*.[13] The battle of same-sex marriage will likely shift to the policy margins, as citizens, interest groups, and legislatures will attempt to shape and reshape the boundaries of same-sex marriage as a policy.

I. VOTERS AND DECISION MAKING ON BALLOT MEASURES

Whether voters are equipped with the ability to make political decisions in both representative and direct democracy has been a subject of considerable debate among scholars and political observers. For representative democracy, Converse's study of belief systems highlights the fact that most individuals do not organize the world in terms of a liberal or conservative ideology, and most individuals lack a meaningful understanding of the ideological spectrum.[14] The impact of Converse's study cannot be understated, as it became common wisdom that the average voter's inability to recall specific facts implies voters are unprepared to make democratic decisions. Subsequent studies on what voters know about politics have served to reinforce this belief.[15]

In response to Converse's findings, scholars interested in voter decision making approached the question of competence from a more practical vantage point. Notably, Brady and Sniderman constructed a framework for understanding voters'

Stimson, *The Two Faces of Issue Voting*, 74 AM. POL. SCI. REV. 78, 80 (1980).

12 LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 205–08.

13 *See* Roe v. Wade, 410 U.S. 113 (1973).

14 Philip E. Converse, *The Ideological Character of Mass Participation in American Politics*, *in* POLITICAL ISSUES AND BUSINESS IN 1964, at 11, 15 (Govert W. van den Bosch ed., 1964) (finding that voters lack a strong understanding of the political world in a deep analysis of American National Election Study data).

15 For a summary of what voters know about politics, see MICHAEL X. DELLI CARPINI & SCOTT KEETER, WHAT AMERICANS KNOW ABOUT POLITICS AND WHY IT MATTERS 62–104 (1996).

decisions that differed substantially from Converse.[16] They argue that most individuals will rely on basic feelings of groups to help them arrive at a decision, which they termed "likability heuristics." Their argument is that storing and recalling vast amounts of knowledge to make a decision is often too difficult for most individuals. Instead, basic feelings of like or dislike for a group or person often lead to similar decisions as if the individual were more informed.

Similar to Downs,[17] Popkin's classic work on heuristics argues that simple cues—and especially party identification—help voters arrive at a relatively informed decision without investing much time or effort.[18] Popkin argues that voters choose to minimize the time required to arrive at a decision, but still make decisions that are not all that different from a fully-informed vote.[19] Empirically, it is Lupia's seminal research on voters in Los Angeles during the 1988 general election that examines this theory with survey data.[20] Lupia's survey shows that voters who were aware of simple endorsements were able to arrive at decisions that were indistinguishable from those who were the most informed.

While the public's use of party identification was largely a foregone conclusion, Lupia's results demonstrate that voters' use of cues beyond party identification is possible. Expanding on this finding, Lupia and McCubbins identify the conditions under which the significant result seen in Lupia can appear.[21] Lupia and McCubbins define two necessary conditions for a third-party endorsement to be persuasive and demonstrate the conditionality of persuasion in a novel set of laboratory experiments.[22] First, an

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16 *See generally* Henry E. Brady & Paul M. Sniderman, *Attitude Attribution: A Group Basis for Political Reasoning*, 79 AM. POL. SCI. REV. 1061 (1985) (theorizing that most individuals think about politics simplistically).

17 ANTHONY DOWNS, AN ECONOMIC THEORY OF DEMOCRACY 211 (1957) (arguing that ignorance of specific facts is rational).

18 SAMUEL L. POPKIN, THE REASONING VOTER: COMMUNICATION AND PERSUASION IN PRESIDENTIAL CAMPAIGNS (2d ed. 1994) (expanding on the logic that ignorance is rational and party identification helps voters cast reasoned votes despite their ignorance of politics).

19 *Id.* at 7–15.

20 Lupia, *Shortcuts*, *supra* note 9, at 63, 72.

21 *Id.*; LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 98.

22 LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 98. For additional experimental research on this topic which confirms the Lupia and McCubbins finding, see Cheryl Boudreau, *Closing the Gap: When Do Cues Eliminate Differences Between Sophisticated and Unsophisticated Citizens?*, 71 J. POL. 964 (2009); Cheryl Boudreau, Mathew D. McCubbins & Seana Coulson, *Knowing When to Trust Others: An ERP Study of Decision Making After Receiving Information from Unknown People*, 4 SOC. COGNITIVE & AFFECTIVE NEUROSCIENCE 23 (2009) [hereinafter Boudreau et al., *ERP Study*]; Mathew D. McCubbins & Daniel B. Rodriguez, *When Does Deliberating Improve Decisionmaking?*, 15 J. CONTEMP. LEGAL ISSUES 9 (2006). For experimental results that match the Lupia

individual must trust the cue-giver in order for an endorsement to be persuasive. There are four requirements, which are individually or jointly sufficient, for an individual who receives an endorsement to trust the endorser.[23] One means by which someone trusts the statements made by someone else (who is a stranger to them), is the Aristotelian maxim that the two are perceived by each other to share a common interest in the outcome of the individual's choice. In terms of a vote on a ballot measure, the endorser and the voter must desire the same outcome. In the absence of a shared common interest, the endorser can establish trust by taking an observable and costly action to convey the information. Similarly, a penalty for lying or the threat of outside verification of the endorser's statement can serve as external forces that substitute for the trust gained from common interest.

The second condition is that the individual must perceive the endorser as being knowledgeable about the decision at hand. Put another way, if the endorser has no experience or knowledge that is pertinent to the choice available—e.g., the hardware salesman who is not particularly knowledgeable about cars offers his advice about which car to purchase—the individual receiving the endorsement will disregard the information as not useful.

By establishing these two conditions for persuasion, Lupia and McCubbins make clear that a good number of endorsements will not be persuasive.[24] Indeed, Garrett and McCubbins find that many third party endorsements fail to meet the two conditions for persuasion,[25] and Garrett and Smith uncover the

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and McCubbins propositions, but do not test it directly, see generally GERD GIGERENZER, ADAPTIVE THINKING: RATIONALITY IN THE REAL WORLD (Stephen Stich ed., 2000); GERD GIGERENZER, GUT FEELINGS: THE INTELLIGENCE OF THE UNCONSCIOUS (2007); GERD GIGERENZER, RATIONALITY FOR MORTALS: HOW PEOPLE COPE WITH UNCERTAINTY (Stephen Stich ed., 2008); GERD GIGERENZER ET AL., SIMPLE HEURISTICS THAT MAKE US SMART (Stephen Stitch ed., 1999); GERD GIGERENZER & REINHARD SELTEN, BOUNDED RATIONALITY: THE ADAPTIVE TOOLBOX (2001).

23 Lupia and McCubbins state a prior necessary condition: individual decision makers must believe that they will learn something that enables them to improve the outcome resulting from their decision, or else they will not pay attention to the endorsement to begin with. Attention, and the belief that the decision maker can learn from the statement of another, is assumed away in all other analyses of persuasion and learning. LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 2. If, for example, the individual is already confident in her choice, she will not seek or incorporate an endorsement into her decision (more information is not always better, a new statement could be erroneous, or confusing, thus making the decision maker worse off). *Id.* For an experimental study of attention and persuasion, see Boudreau et al., *ERP Study*, *supra* note 22.

24 LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 7.

25 For an analysis of several cue-givers in direct democracy elections, see Elizabeth Garrett & Mathew D. McCubbins, *When Voters Make Laws: How Direct Democracy Is*

common practice of hiding the identity of the true endorsement with an ambiguous front group name.[26] In our own research, we also call into question the degree to which voters use endorsements to make decisions on ballot measures.[27] Our empirical findings are quite mixed, but consistent: endorsements are influential on some people for some endorsements, and knowledge of facts only matters some of the time.

While our surveys have raised important questions about the degree to which voters actually use endorsements or knowledge of facts, the results we have presented to date are still limited. Our goal here is to expand on the empirical record concerning both cues and factual information and how voters process knowledge into decisions. The policy area we study is whether an individual chooses to adopt or ban same-sex marriage—a policy we have examined before.[28] In addition to providing new data, we ask more in-depth questions about what kinds of policy facts and prominent endorsements individuals learn about, allowing us to gauge what individuals know about these referendums that will appear on their ballots just days later. We also include a measure of whether or not they know a gay or lesbian person.

Unlike our previous research that examines other policy areas, same-sex marriage is a relatively inhospitable environment to look for the Lupia and McCubbins hypothesis to have predictive power. Same-sex marriage is an archetypal "easy issue" under the Carmines and Stimson framework.[29] Same-sex marriage has been on the political agenda for over fifteen years and focuses on the ends, rather than the means. Thus, voters who must consider these types of issues often have well-formed opinions about the matter and can rely on a "gut reaction" to the policy. Because easy issues, such as same-sex marriage measures, typically do not require much in the way of policy specifics, providing a reasoned answer often means the voter needs "no conceptual sophistication."[30] For the Lupia and McCubbins framework, we would predict that endorsements are likely less persuasive. Many individuals will already have made

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Shaping American Cities, 13 PUB. WORKS MGMT. & POL'Y 39 (2008).

26 *See* Elizabeth Garrett & Daniel A. Smith, *Veiled Political Actors and Campaign Disclosure Laws in Direct Democracy*, 4 ELECTION L.J. 295 (2005) (revealing, in an examination of several groups listed in official support or opposition of ballot measures, that most groups were constructed for just the one election and the names chosen were largely uninformative, if not misleading).

27 *See* Burnett et al., *Dilemma of Direct Democracy*, *supra* note 7; Burnett & McCubbins, *Sex and the Ballot Box*, *supra* note 4; Burnett & McCubbins, *Voters' Limited Use of Endorsements*, *supra* note 7, at 1561.

28 Burnett & McCubbins, *Sex and the Ballot Box*, *supra* note 4, at 3, 10–12.

29 Carmines & Stimson, *supra* note 11, at 78.

30 *Id.*

up their minds about the issue and, therefore, are not seeking knowledge from an endorsement. Under these conditions, endorsements will only be persuasive for a fraction of the population.

In this research, we test two hypotheses that we derive from the Lupia and McCubbins framework that sets parameters for when third-party endorsements will be persuasive.[31] Similar to our previous research, we operationalize common interest—which establishes trust—between an endorser and an individual as being satisfied when the individual has a positive perception of the endorser.[32] We establish the knowledgeability condition by only examining endorsers who have considerable expertise on the question at hand.[33] Consistent with the Lupia and McCubbins framework, we explore the following hypothesis:

> **Hypothesis 1**: Individuals who share a common interest with a cue-giver will be more likely to accept the cue-giver's endorsement and vote in accordance with that recommendation.

We also use the Lupia and McCubbins framework to derive a second hypothesis about how third-party endorsements can influence voters. In particular, we agree with Lupia and McCubbins that an individual does not need to have a positive perception of the endorser to extract information from an endorsement. Indeed, Lupia and McCubbins argue that sometimes the most informative endorsement comes from endorsers with whom an individual *disagrees*.[34] In other words, an individual can use the recommendation from an endorser they disagree with to learn to do the opposite, as they do not share a common interest. Accordingly, our second hypothesis is:

> **Hypothesis 2**: Individuals who are aware that they do not share a common interest with a cue-giver will be more likely to use the cue-giver's endorsement and vote in opposition to that recommendation.

We also examine two other relationships with our data. First, similar to Lupia and others, we investigate whether greater knowledge has an impact on an individual's decision.[35] In

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31 *See* LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1, at 9.

32 Burnett & McCubbins, *Sex and the Ballot Box*, *supra* note 4, at 10–11.

33 We discuss this in further detail for each endorsement in the next section. *See infra* Part II.

34 *See generally* LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1.

35 *See* Lupia, *Shortcuts*, *supra* note 9, at 72. For an example of how increased information can alter voting choices, see Larry M. Bartels, *Uninformed Votes: Information*

our research, we focus on whether factual knowledge of policy specifics influences an individual's decision. Second, we explore the degree to which personal relationships affect an individual's belief that same-sex marriage should be legal or not. Here, the personal relationship we focus on is whether an individual knows a gay or lesbian person. We do not define these two explorations as formal hypotheses to test because, as we outline next, we perceive these two variables to be covariates in our model, not treatments.

II. RESEARCH DESIGN AND DATA

We examine our hypotheses using data we collected during the 2012 election cycle. During the 2012 primary season, we polled eligible voters in North Carolina about Amendment 1—a legislatively-referred constitutional amendment that proposed to outlaw same-sex marriage in the state.[36] In the general election, we asked registered voters in Minnesota and Washington about a referendum in their respective state concerning same-sex marriage. Minnesota's Amendment 1 was a legislatively-referred constitutional amendment that proposed to outlaw same-sex marriage in the state.[37] Washington's Referendum 74 was a veto referendum[38] of a legislative statute that legalized same-sex marriages.[39] Thus, for North Carolina and Minnesota, voters in these states were considering an amendment to the constitution that would outlaw same-sex marriage; all constitutional amendments in these states require voter approval.[40] As a veto referendum, Washington's measure was citizen-initiated, in that individuals gathered enough signatures to require the duly passed legislation (a regular statute) authorizing same-sex marriages to appear on the ballot for voter approval before being enacted.[41]

We use a post-test-only non-equivalent group design to explore our two hypotheses based on the Lupia and McCubbins

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Effects in Presidential Elections, 40 AM. J. POL. SCI. 194 (1996).

36 *North Carolina Same-Sex Marriage, Amendment 1 (May 2012)*, BALLOTPEDIA, https://ballotpedia.org/North_Carolina_Same-Sex_Marriage,_Amendment_1_(May_2012) [http://perma.cc/FH4J-V3EN].

37 *Minnesota Same-Sex Marriage Amendment, Amendment 1 (2012)*, BALLOTPEDIA, https://ballotpedia.org/Minnesota_Same-Sex_Marriage_Amendment,_Amendment_1_(2012) [https://perma.cc/WYR4-6VRF].

38 This may also be called a popular referendum.

39 *Washington Same-Sex Marriage Veto Referendum, Referendum 74 (2012)*, BALLOTPEDIA, https://ballotpedia.org/Washington_Same-Sex_Marriage_Veto_Referendum,_Referendum_74_(2012) [perma.cc/J5X9-WRYG].

40 MINN. CONST. art. XI; N.C. CONST. art. XIII; WASH. CONST. art. XXIII.

41 *See Washington Same-Sex Marriage Veto Referendum, Referendum 74 (2012)*, *supra* note 39.

model of when third-party endorsements will influence outcomes.[42] In a basic sense, our treatment is knowledge of an endorsement. Knowledge of an endorsement, as we discussed previously, is not sufficient for persuasion by itself. For the endorsement to be persuasive, the individual must trust the endorser by sharing a common interest or knowing that they do not share a common interest (allowing for the individual to do the opposite of the recommendation). Here, similar to Karp and our own research, we establish trust between the individual and the endorser by accounting for the interaction between knowledge of an endorsement and the individual's perception of the cue-giver (positive or negative).[43] Our first hypothesis states that individuals who have knowledge of an endorsement and have a positive perception of the endorser will be more likely to follow the endorser's suggestion in their vote choice. Likewise, our second hypothesis states that individuals who have knowledge of an endorsement but have a negative perception of the cue-giver will be less likely to follow the cue-giver's recommendation. To model this relationship, we split our sample of respondents into two groups: individuals who have a positive view of the endorser and individuals who have a negative view of the endorser. Separating the two types of individuals allows us the most precise test of our hypotheses and minimizes the difference in propensity to receive the treatment between the two groups. In other words, if there is a difference in propensity to learn of an endorsement based on an individual's perception of the cue-giver, we account for that variance by separating our respondents into separate groups.

While we can account for the variance in the propensity to receive the endorsement between groups by creating subgroups, we still must account for the variance in propensity *within groups*. Since we have a non-equivalent group design, we must account for the discrepancies between the treatment group—i.e., learned of an endorsement—and the control group—i.e., did not learn of an endorsement. We use the empirical strategy we outlined in our previous research to construct equivalent groups.[44] Specifically, we use the GenMatch package for R as implemented by MatchIt to construct equivalent treatment and

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42 *See generally* LUPIA & MCCUBBINS, DEMOCRATIC DILEMMA, *supra* note 1.

43 *See* Burnett & McCubbins, *Voters' Limited Use of Endorsements*, *supra* note 7, at 1575; Jeffrey A. Karp, *The Influence of Elite Endorsements in Initiative Campaigns*, *in* CITIZENS AS LEGISLATORS: DIRECT DEMOCRACY IN THE UNITED STATES 149 (Shaun Bowler et al. eds., 1998) (showing that impact of an endorsement depends on an individual's evaluation of the endorser).

44 *See* Burnett & McCubbins, *Voters' Limited Use of Endorsements, supra* note 7.

control groups.[45] Matching is a useful tool to reduce the covariate imbalance between treatment and control groups. Unlike experimental work in which the researcher can use random assignment to achieve balance between the treatment and control groups, researchers conducting observational or quasi-experimental work have no control over the distribution of the treatment among groups. Indeed, there are sound reasons to expect that the treatment is not distributed evenly among the treatment and control group. In our research, we know that knowledge of endorsements is not randomly assigned to individuals: people who are more interested in politics, better educated, wealthier, and older are more likely to follow politics and, as a result, learn from endorsements. Matching, then, finds the best matches of individuals in the treatment group to the control group. In a more practical sense, the genetic matching algorithm produces a two-group sample of respondents who are as similar as possible along important covariates. Matching, combined with separating respondents into the two groups described in the previous paragraph, creates a balance in the propensity to receive the treatment for all relevant subgroups. In each of our matching algorithms, we use the following covariates: age, income, education, gender, party identification, ideology, and political knowledge.[46]

After constructing equivalent groups, we use a logit regression to estimate the effect of knowing an endorsement on vote choice. A formal representation of this regression appears in Equation 1.

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45 For detailed descriptions on how GenMatch works, see Alexis Diamond & Jasjeet Sekhon, *Genetic Matching for Estimating Causal Effects: A General Multivariate Matching Method for Achieving Balance in Observational Studies*, 95 REV. ECON. & STAT. 932 (2013); Jasjeet Sekhon, *Opiates for the Matches: Matching Methods for Causal Inference*, 12 ANN. REV. POL. SCI. 487 (2009). MatchIt is a package in R that implements several matching algorithms. For a technical description of how to use the MatchIt package, see Daniel E. Ho et al., *Matching as Nonparametric Preprocessing for Reducing Model Dependence in Parametric Causal Inference*, 15 POL. ANALYSIS 199 (2007).

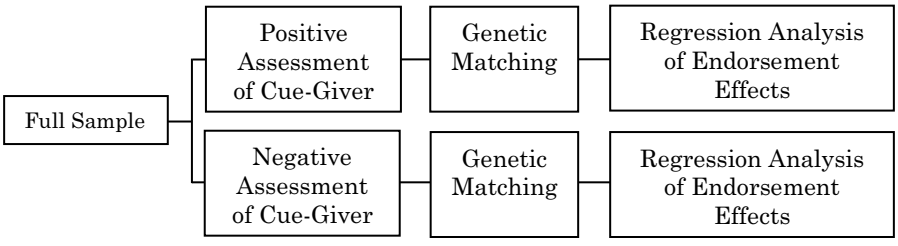
46 Political knowledge for North Carolina's Amendment 1 is an index of the percentage of correct answers of the following six questions: (1) Whose responsibility is it to determine if a law is constitutional or not; (2) Do you happen to know what job or office Harry Reid currently holds; (3) How much of a majority of both the House of Representatives and the Senate are required to override a presidential veto; (4) Do you happen to know which party has the most members in the House of Representatives in Washington, D.C.; (5) Who is the current Speaker of the U.S. House of Representatives; and (6) Who is the current Chief Justice of the United States Supreme Court? For Minnesota's Amendment 1 and Washington's Referendum 74 there is an additional question in the index: Do you happen to know which party has the most members in the Senate in Washington, D.C.?

Equation 1

$$\Pr(y_{iz} = 1) = \frac{1}{1+e^{-(\beta_0+\beta_1 \boldsymbol{Q}_{iz}+\beta_2 \boldsymbol{X}_{iz})}}$$

In our logit regression, $\Pr(y_{iz} = 1)$ represents the estimated probability an individual voting in favor of supporting a ballot measure; i denotes an individual in our survey; z represents the ballot measure being analyzed. A binary choice, "1" represents a "yes" vote and "0" is a "no" vote on ballot measure z. Next, $\boldsymbol{Q}$ is a matrix of dichotomous variables that signifies whether an individual had knowledge of an endorsement for ballot measure z. The model's final term is $\boldsymbol{X}$, which is a matrix of covariates that includes dichotomous variables identifying whether respondent i had knowledge of facts pertaining to ballot measure z and whether respondent i knows a gay or lesbian person. For a summary of our research design, see Figure 1.

Figure 1: Research Design Summary



We fielded three surveys during the 2012 election cycle to examine our hypotheses. The first survey asked voting-eligible residents of North Carolina about Amendment 1, which appeared on the May 8 presidential primary ballot. To collect our sample of respondents, we hired Marketing Systems Group (MSG) to recruit voting eligible North Carolina residents and forward those individuals to our survey site.[47] We received responses from 1066 individuals during the time we were in the field, and our cooperation rate was 6%.[48]

On this survey, we asked our respondents to report what they knew about Amendment 1, a legislatively-referred constitutional amendment that would codify the already existing statutory ban on same-sex marriage in the state's constitution.[49]

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47 Marketing Systems Group recruits respondents from their online opt-in panel. Online opt-in panels are discussed at length in the literature concerning survey sampling; we argue that most samples will be biased in some way. Additionally, since we are using a quasi-experimental design, we minimize the problem of selection bias. However, Appendix A contains the demographics for each sample compared to relevant U.S. census statistics.

48 Time in the field was from April 27 to May 3, 2012.

49 *See North Carolina Same-Sex Marriage, Amendment 1 (May 2012), supra* note 36.

Many individuals voiced their support or opposition to the measure. Of note, both President Barack Obama and then-Governor Beverly Perdue expressed opposition to the amendment. In addition to these two identification questions, we also asked respondents to indicate whether they approved or disapproved of President Obama's and Governor Perdue's job performance (two separate questions). Finally, we asked respondents to identify a piece of factual information regarding Amendment 1: whether our respondents understood that same-sex marriage was already prohibited in North Carolina.[50] This question serves as a covariate in our regression model.

Our second survey asked registered voters in Minnesota about Amendment 1, a legislatively-referred constitutional ban on same-sex marriage that appeared on the 2012 general election ballot.[51] As before, we used MSG to provide a sample of registered voters in Minnesota. We collected survey responses from October 31 to November 5, receiving a total of 1250 responses. The cooperation rate was 7%.

On this survey, we asked respondents to report whether they knew the positions of some of the most prominent third-party endorsements relating to Minnesota's Amendment 1. In particular, we asked our respondents to identify the positions of President Barack Obama (opposed), Governor Mark Dayton (opposed), and Congresswoman Michele Bachmann (supported). We also asked respondents to indicate whether respondents had a positive or negative view of these cue-givers. For this measure, we assessed respondents' knowledge about three facts relating to Amendment 1: (1) Amendment 1 left open the possibility for civil unions; (2) same-sex marriages were already prohibited by the state; and (3) the Minnesota Legislature had considered proposing a similar measure previously. A full list of these questions is available in Appendix B.

The third survey asked registered voters in Washington state about Referendum 74, a veto referendum that proposed to legalize same-sex marriage in the state on the November 6, 2012 general election ballot, where a yes vote constituted a vote to approve same-sex marriage.[52] For this sample, we again used MSG and collected responses from registered voters in the state from October 31 to November 5. We received responses from 1285 registered voters in Washington with a response rate of 7%.

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50 *See* Appendix B.

51 The date of the general election ballot was November 6, 2012. *See Minnesota Same-Sex Marriage Amendment, Amendment 1 (2012), supra* note 37.

52 *See Washington Same-Sex Marriage Veto Referendum, Referendum 74 (2012)*, *supra* note 39.

Similar to questions regarding the Minnesota measure, we asked respondents to identify the positions of three third-party endorsements: Washington State Democrats (supported); Jeff Bezos, CEO of Amazon.com, a major employer in the state (supported); and the National Organization for Marriage (opposed). As was the case with the other measures, we asked respondents to indicate whether they had a positive or negative assessment of each cue-giver. In addition, we asked respondents to report their knowledge of three facts pertaining to Referendum 74: (1) same-sex couples were not allowed to marry in Washington state; (2) if passed, the majority of domestic partnerships would convert to marriages; and (3) there was no exemption for religious organizations who accepted state money from being required to provide various services to same-sex couples, such as adoption (but excluding marriages). Again, a full description of each question is available in Appendix B.

For each of the three ballot measures, we also asked respondents to indicate whether they knew a gay or lesbian person. Specifically, we asked: "Do you have any friends or relatives or coworkers who have told you, personally, that they are gay or lesbian?" This variable is similar to our measures of knowledge about the ballot measure, since it acts as a covariate in our model. Additionally, including this measure allows us to examine whether contact with a gay or lesbian person continues to have an impact on vote choice. We turn now to present our results.

III. RESULTS

The first step in our results is to present the percentage of correct answers to each of the knowledge questions and the distribution of responses for knowing a gay or lesbian person for each of the three samples. As Table 1 shows, knowledge of cues and facts varied across the three surveys. For North Carolina's Amendment 1, only 36.5% of respondents were aware of President Obama's opposition, and only 42.6% were aware of then-Governor Perdue's opposition to the measure. Notably, 72.2% of respondents knew the status quo, that same-sex marriages were already illegal in the state. Lastly, just over 70% of respondents reported having been informed personally by someone close to them that he or she was a gay person or a lesbian.

Table 1: Percentage of Correct Responses to Endorsement and Factual Knowledge Questions and Knowing a Gay or Lesbian Person

Question Description	Ballot Measure	% Correct
North Carolina		
President Obama Opposed (Cue)	Amendment 1 (NC, 2012)	36.5
Governor Beverly Perdue Opposed (Cue)	Amendment 1 (NC, 2012)	42.6
NC Prohibits Same-Sex Marriage Already (Fact)	Amendment 1 (NC, 2012)	72.2
Knows a Gay or Lesbian Person (Covariate)	Amendment 1 (NC, 2012)	70.3
Minnesota		
President Obama Opposed (Cue)	Amendment 1 (MN, 2012)	44.2
Governor Mark Dayton Opposed (Cue)	Amendment 1 (MN, 2012)	48.4
Representative Michele Bachmann Supported (Cue)	Amendment 1 (MN, 2012)	50.2
MN Prohibits Same-Sex Marriage Already (Fact)	Amendment 1 (MN, 2012)	77.6
Leaves Open Possibility of Civil Unions (Fact)	Amendment 1 (MN, 2012)	38.5
Considered Similar Measure Before (Fact)	Amendment 1 (MN, 2012)	29.5
Knows a Gay or Lesbian Person (Covariate)	Amendment 1 (MN, 2012)	70.6
Washington		
Washington State Democrats (Cue)	Referendum 74 (WA, 2012)	62.3
Jeff Bezos Supported (Cue)	Referendum 74 (WA, 2012)	32.1
National Organization for Marriage (Cue)	Referendum 74 (WA, 2012)	40.3
WA Prohibits Same-Sex Marriage Already (Fact)	Referendum 74 (WA, 2012)	77.6
Domestic Partnerships Convert to Marriages (Fact)	Referendum 74 (WA, 2012)	29
No Exemption for Religious Organizations (Fact)	Referendum 74 (WA, 2012)	24.6
Knows a Gay or Lesbian Person (Covariate)	Referendum 74 (WA, 2012)	74.6

Note: We calculate the percentage of correct responses to these questions based on the respondents who are eligible for regression analysis before matching. The sample sizes are as follows: North Carolina N=561, Minnesota N=684, Washington N=700.

Regarding Minnesota's Amendment 1, knowledge of the cues we asked about varied from 44.2% for President Obama's opposition to 50.1% identifying Representative Michele Bachmann's support of the amendment, while 48.4% identified Governor Dayton as an opponent. As was the case with North Carolina, a large majority of respondents knew the status quo

policy—that Minnesota law already prohibited same-sex marriages.[53] The two other facts in our survey did not fare as well: only 38.5% understood that the legislation left open the possibility of civil unions and just 29.5% were aware that the Legislature had considered proposing a similar measure recently. Almost identical to North Carolina, we find that 70.6% of respondents have had someone close to them inform them personally that he or she is a gay person or a lesbian.

For Washington, knowledge of cues also varies. A majority[54] of respondents were aware of the Washington State Democrats' support of Referendum 74,[55] but only 32.1% were aware of Amazon.com CEO Jeff Bezos's support for the measure. Likewise, 40.3% of the Washington respondents knew that the National Organization for Marriage opposed the measure. As before, the status quo—that Washington did not allow same-sex couples to marry—was widely known.[56] Knowledge of other facts, however, was quite low, with just 29% and 24.6% of respondents reporting correctly that most domestic partnerships would convert to marriages and that the law did not provide exemptions for religious organizations to not be required to serve same-sex couples (with the exception of marriage ceremonies), respectively. As was the case in both North Carolina and Minnesota, a large majority of respondents report having a close relative or friend who identifies himself or herself as a gay person or lesbian.[57]

Next, we turn to analyze whether knowledge of cues have an impact on individuals' decisions on ballot measures that consider same-sex marriage as a policy outcome. First, we present the results of our matching algorithm. While the full output associated with our matching results is far too large to publish, we present the overall improvement in propensity scores achieved through our genetic matching algorithm in Table 2. The first column of the table reports the difference in means for the propensity to receive the treatment between the treatment and control groups. That is, column one is the pre-matching mean propensity of the treatment minus the pre-matching mean propensity of the control group. The second column is the same comparison in mean propensity scores *post matching*. The third column is a calculation of the percent of propensity score improvement.

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53 77.6% correct. *See supra* Table 1.
54 62.3%. *See id*.
55 Referendum 74 legalizes same-sex marriage. *See id*.
56 77.6 % correct. *See id*.
57 74.6%. *See id*.

Table 2: Propensity Score Balance Before and After Genetic Matching

Matched Treatment Condition	Mean Propensity Difference Pre	Mean Propensity Difference Post	Percent Improvement
NC Amendment 1, Approve Obama	0.058	0.002	97.2
NC Amendment 1, Disapprove Obama	0.068	0.000	95.7
NC Amendment 1, Approve Perdue	0.171	0.005	97.0
NC Amendment 1, Disapprove Perdue	0.065	0.004	94.2
MN Amendment 1, Negative Opinion Bachmann	0.219	0.003	98.8
MN Amendment 1, Approve Obama	0.139	0.001	99.3
MN Amendment 1, Disapprove Obama	0.133	0.000	99.8
MN Amendment 1, Approve Dayton	0.275	0.012	95.7
MN Amendment 1, Disapprove Dayton	0.290	0.006	97.9
WA Referendum 74, Positive Opinion Bezos	0.134	0.003	98.0
WA Referendum 74, Positive Opinion WA Dems.	0.120	0.005	95.5
WA Referendum 74, Negative Opinion WA Dems.	0.199	0.003	98.6
WA Referendum 74, Negative Opinion N.O.M.	0.358	0.018	95.7

As Table 2 shows, each of the subgroups we matched saw a marked improvement in propensity score balance between the treatment and control groups. As an example, consider the improvement in North Carolina's Amendment 1 for individuals who gave a positive job evaluation to President Obama. Before matching, respondents who received the treatment—i.e., they were aware that President Obama opposed the amendment—were 5.8 percentage points more likely to receive the treatment based on the matching algorithm we used.[58] After matching, the difference in propensity to receive the treatment between the treatment and control group dropped to 0.2 percentage points. In fact, this subgroup saw a 97.2% increase in propensity score balance between the treatment and control group after matching. While we refrain from discussing each of the propensity score improvements for each subgroup, it is worth noting that each subgroup experienced a substantial increase in propensity

[58] See *supra* Part II for details on the algorithm.

balance after matching (the lowest improvement was 94%). Overall, Table 2 shows that our genetic matching algorithm produced a treatment group and control group that are directly comparable.

With comparable groups, we calculate a series of regressions based on Equation 1. After each regression, we calculate some predicted probabilities of interest using Long and Freese's SPost program (SPost is a program in Stata that easily calculates quantities of interest based on regression results 2005).[59] Table 3 presents the regression results for our matched samples of respondents who either approved or disapproved of President Obama's job performance. For respondents who approved of his job performance, knowledge of President Obama's opposition led individuals to vote against the measure at a higher rate—that is, they appeared to follow the advice of his endorsement. For respondents who disapproved of his job performance, knowledge of Obama's opposition to the measure led them to do the opposite of his recommendation. In both cases, then, the treatment had a significant effect in the predicted direction. Notably, respondents in both subgroups who knew a gay or lesbian person were significantly less likely to support the measure.

Table 3: Logit Regression Results of President Obama's Endorsement on North Carolina's Amendment 1

	Approve Obama	**Disapprove Obama**
Knows Obama Opposed	-0.94*	0.62*
	(0.41)	(0.27)
SSM Prohibited	-0.08	0.07
	(0.48)	(0.28)
Knows Gay or Lesbian Person	-1.63***	-1.11***
	(0.43)	(0.31)
Constant	0.65	0.83*
	(0.57)	(0.35)
Pseudo-R^2	.122	.057
N	172	294

Note: Dependent variable is support for North Carolina's same-sex marriage ban (Amendment 1 of 2012). * p<0.05, **p<0.01, *** p<0.001

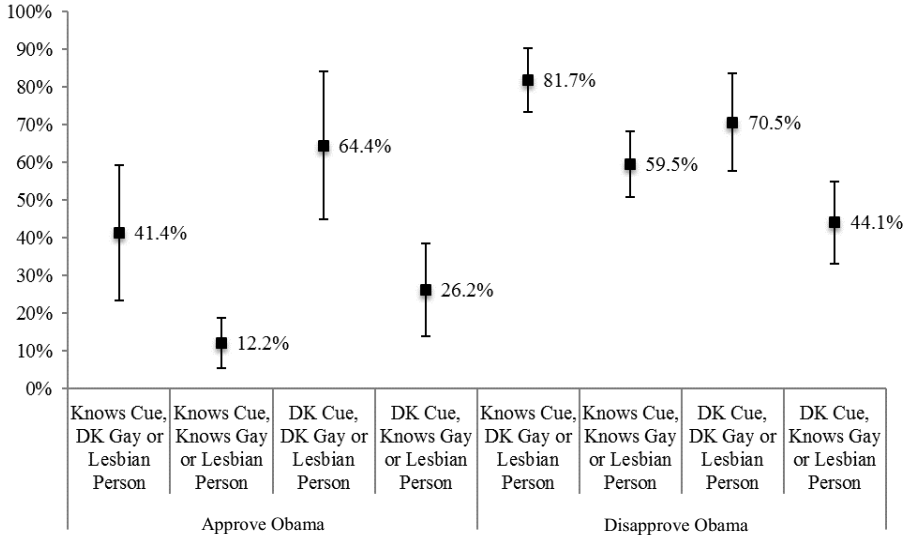
Figure 2 presents the predicted probabilities for the regressions in Table 3. Holding the factual knowledge variable at its mean effect,[60] we calculate four quantities of interest for North Carolina's Amendment 1. What these probabilities show is

59 *See generally* J. SCOTT LONG & JEREMY FREESE, REGRESSION MODELS FOR CATEGORICAL DEPENDENT VARIABLES USING STATA (3d ed. 2014).

60 For all calculations of predicted probabilities, we hold the effects of factual knowledge at their mean values.

that knowledge of Obama's opposition produced a 23 percentage point drop in support for the amendment among individuals who approve of his job performance; knowing both a gay or lesbian person and the cue lead to an additional decline of 29.2 percentage points. Interestingly, just knowing a gay person or lesbian and not knowing the cue produces a voting rate that is statistically indistinguishable from respondents who approve of Obama's job performance. For respondents who disapprove of Obama, patterns are similar: knowledge of the cue leads to an increase in support for the amendment, but knowing a gay or lesbian person leads to a substantial decline in support.

Figure 2: Predicted Probabilities of President Obama's Endorsement on North Carolina's Amendment 1 (2012)



Turning now to examine the effect of Governor Perdue's opposition to the amendment, Table 4 reports that her endorsement only had an effect on individuals who disapproved of her job performance. That is, individuals who disapproved of her job performance as Governor but knew she opposed Amendment 1 were more likely to support the measure as a result. Governor Perdue's endorsement did not have a significant effect on respondents who approved of her job performance, but the effect was in the expected direction. In both regressions, we again see a significant decline in support for the amendment among respondents who know a gay or lesbian friend or relative.

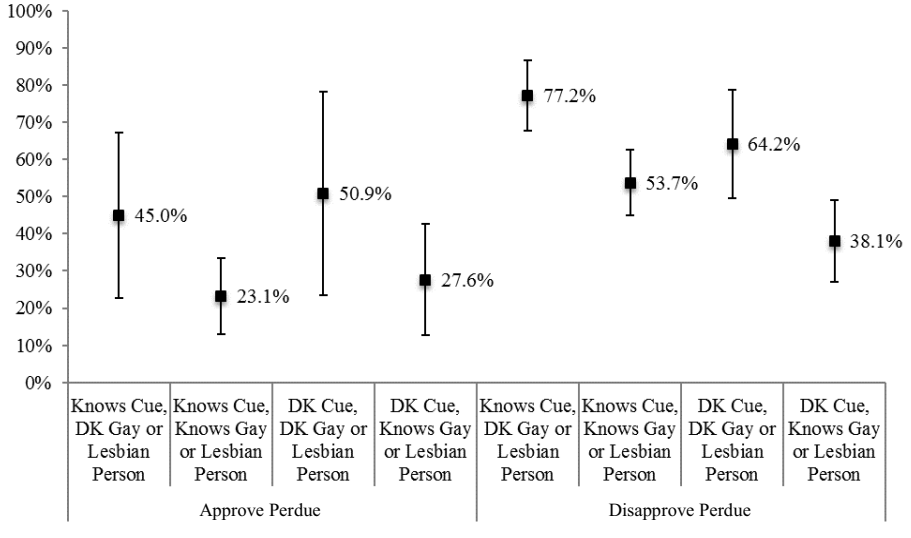
Table 4: Logit Regression Results of Governor Perdue's Endorsement on North Carolina's Amendment 1

	Approve Perdue	Disapprove Perdue
Knows Perdue Opposed	-0.24	0.63*
	(0.46)	(0.28)
SSM Prohibited	1.00	0.22
	(0.55)	(0.29)
Knows Gay or Lesbian Person	-1.00*	-1.07***
	(0.51)	(0.31)
Constant	-0.69	0.43
	(0.63)	(0.34)
Pseudo-R^2	.05	.055
N	128	287

Note: Dependent variable is support for North Carolina's same-sex marriage ban (Amendment 1 of 2012). * p<0.05, **p<0.01, *** p<0.001

The predicted probabilities relevant for Governor Perdue, presented in Figure 3, highlight the effect of both the endorsement and knowing a gay or lesbian person. While knowledge of her endorsement had no discernable effect on respondents who approved of her job performance, knowing a gay person or lesbian leads to a decline in support for the measure by about 22 percentage points. For respondents who disapprove of her job performance, knowledge of her endorsement increases support for the measure by 13 percentage points, but knowing a gay person or lesbian decreases support for the measure by 23.5 percentage points for individuals who know the cue and 26.1 percentage points for those who do not.

Figure 3: Predicted Probabilities of Governor Perdue's Endorsement on North Carolina's Amendment 1 (2012)



We begin our analysis of Minnesota's Amendment 1 by examining the effect of Representative Bachmann's support for the measure. Unfortunately, there were not enough respondents who reported a positive opinion of the Representative to analyze whether her endorsement had an effect on those respondents. Instead, Table 5 reports the regression results for just individuals who have a negative opinion of Representative Bachmann. The regression shows clearly that knowing that Representative Bachmann supported the measure was helpful for this subgroup as they were less likely to support the amendment. Interestingly, knowing that the law left open the possibility of civil unions led to an increase in support for the measure. Unlike North Carolina, however, knowing a gay or lesbian friend or relative did not have a substantial effect on this subgroup. The predicted probabilities associated with this regression, available in Figure 4, show that the effect of knowing her endorsement led to a substantial drop in support for the amendment of at least 16 percentage points.

Table 5: Logit Regression Results of Representative Bachmann's Endorsement on Minnesota's Amendment 1

	Negative Opinion of Bachmann
Bachmann Supported	-1.17***
	(0.35)
Civil Unions Possible	1.04**
	(0.35)
SSM Prohibited	0.36
	(0.39)
Considered Ban Previously	-0.81
	(0.42)
Knows Gay or Lesbian Person	-0.54
	(0.35)
Constant	-0.84
	(0.44)
Pseudo-R^2	.107
N	378

Note: Dependent variable is support for Minnesota's same-sex marriage ban (Amendment 1 of 2012). * p<0.05, **p<0.01, *** p<0.001

Figure 4: Predicted Probabilities of Representative Bachmann's Endorsement on Minnesota's Amendment 1 (2012)

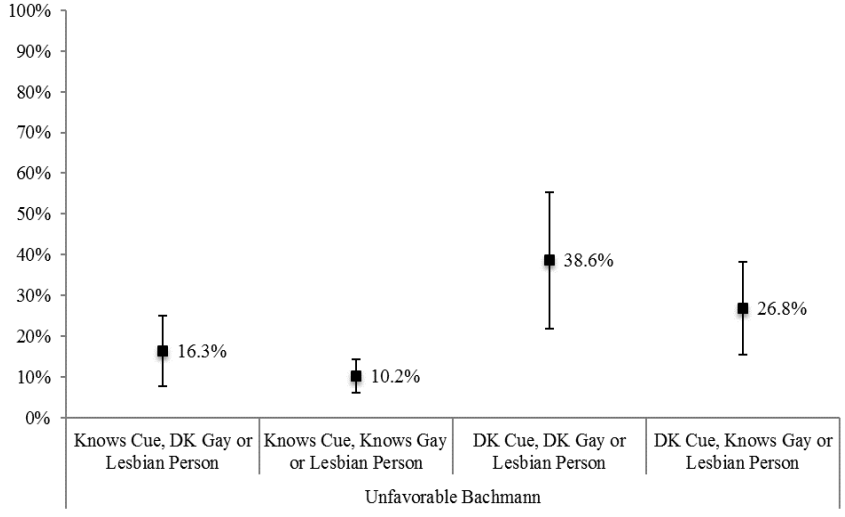


Table 6 contains the regression results for President Obama's endorsement. Unlike North Carolina, President Obama's opposition to Minnesota's Amendment 1 only had an effect on respondents who disapproved of the President's job performance: respondents aware of this cue were significantly more likely to support the measure, as our second hypothesis predicts. As was the case with Representative Bachmann, knowing a gay or lesbian friend or relative has no discernable

Table 6: Logit Regression Results of President Obama's Endorsement on Minnesota's Amendment 1

	Approve Obama	**Disapprove Obama**
Obama Opposed	-0.07	1.33***
	(0.36)	(0.35)
Civil Unions Possible	0.50	-0.21
	(0.37)	(0.34)
SSM Prohibited	-0.02	-0.63
	(0.42)	(0.46)
Considered Ban Previously	0.12	0.28
	(0.38)	(0.45)
Knows Gay or Lesbian Person	-0.55	-0.25
	(0.40)	(0.35)
Constant	-1.80***	1.25*
	(0.51)	(0.53)
Pseudo-R^2	.017	.077
N	300	310

Note: Dependent variable is support for Minnesota's same-sex marriage ban (Amendment 1 of 2012). * p<0.05, **p<0.01, *** p<0.001

effect on our respondents in either subgroup. Figure 5, which presents the predicted probabilities, shows that there is essentially no difference in voting rates among respondents who approve of the President's job performance. For respondents who disapprove of his job performance, however, knowing his endorsement leads to at least a 21.2 percentage point increase in support for the measure.

Figure 5: Predicted Probabilities of President Obama's Endorsement on Minnesota's Amendment 1 (2012)

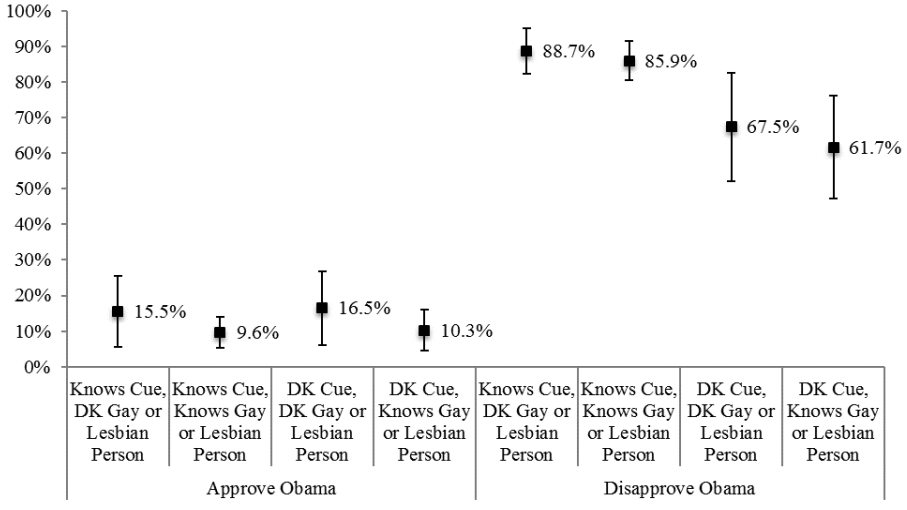


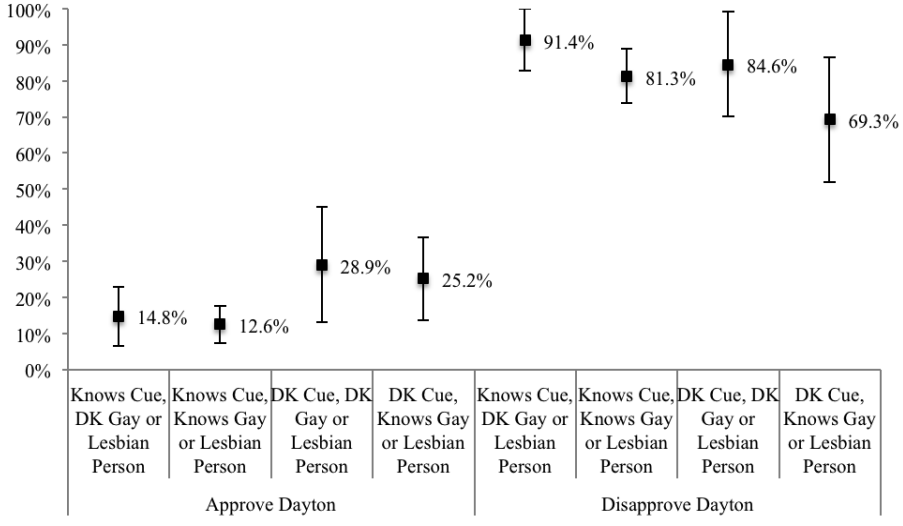
Table 7 presents the regression results related to Governor Dayton's endorsement. The results for Governor Dayton are the exact opposite of President Obama's: individuals who approve of Governor Dayton's job performance and knew of his opposition to the measure were significantly less likely to support Amendment 1. Also, similar to the results for Representative Bachmann, respondents in this subgroup who knew that the measure left open the possibility of civil unions were more likely to support the measure. By contrast, there were no significant results for respondents who disapproved of Governor Dayton's job performance. Identical to the previous two sets of regression results, knowing a gay person or lesbian had no effect on vote intention for Minnesota's Amendment 1. The predicted probabilities we generate from this regression, available in Figure 6, show that knowledge of the cue among respondents who approve of Governor Dayton's job performance lead to at least a 12.6 percentage point drop in support for the measure. There were no meaningful quantities of interest for respondents who disapproved of Governor Dayton's job performance.

Table 7: Logit Regression Results of Governor Dayton's Endorsement on Minnesota's Amendment 1

	Approve Dayton	Disapprove Dayton
Dayton Opposed	-0.85*	0.66
	(0.37)	(0.47)
Civil Unions Possible	0.87*	0.37
	(0.34)	(0.42)
SSM Prohibited	0.42	-0.02
	(0.42)	(0.52)
Considered Ban Previously	0.22	0.30
	(0.35)	(0.44)
Knows Gay or Lesbian Person	-0.19	-0.89
	(0.37)	(0.57)
Constant	-1.56***	1.44*
	(0.47)	(0.62)
Pseudo-R^2	.053	.053
N	303	177

Note: Dependent variable is support for Minnesota's same-sex marriage ban (Amendment 1 of 2012). * p<0.05, **p<0.01, *** p<0.001

Figure 6: Predicted Probabilities of Governor Dayton's Endorsement on Minnesota's Amendment 1 (2012)



The final measure we surveyed about is Washington's Referendum 74. First, we examine the effect of Jeff Bezos' support of the referendum. The regression results for individuals who have a positive opinion of Bezos are available in Table 8.[61]

61 There were not enough respondents who had a negative opinion of Bezos to run a regression.

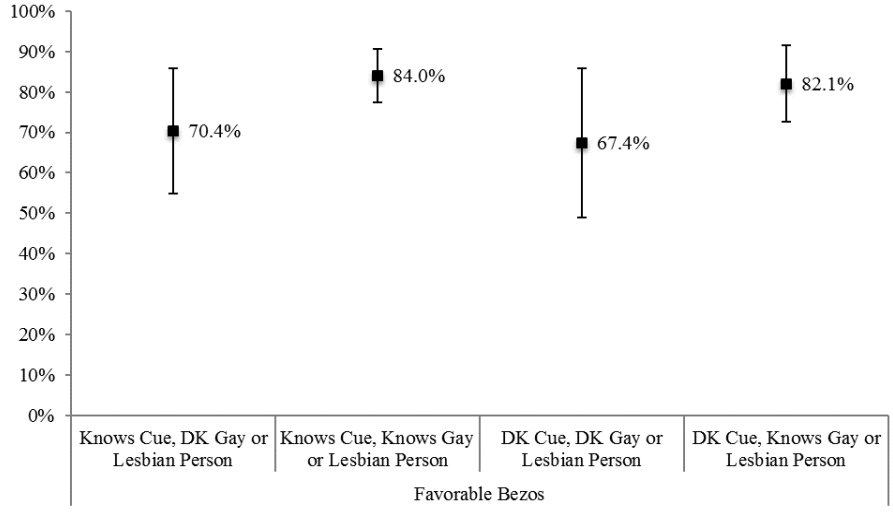
The results show that Jeff Bezos had no effect on vote intention. This is perhaps expected, as Bezos is not a policy expert. The predicted probabilities in Figure 7 reflect the null results seen in Table 8.

Table 8: Logit Regression Results of Jeff Bezos's Endorsement on Washington's Referendum 74

	Positive Opinion of Bezos
Bezos Supported	0.14
	(0.38)
SSM Prohibited	0.15
	(0.44)
Civil Unions Convert	-0.49
	(0.38)
No Religious Exemptions	-0.28
	(0.46)
Knows Gay or Lesbian Person	0.80
	(0.42)
Constant	0.81
	(0.59)
Pseudo-R^2	.03
N	210

Note: Dependent variable is support for Washington's legalization of same-sex marriages (Referendum 74 of 2012). * p<0.05, **p<0.01, *** p<0.001

Figure 7: Predicted Probabilities of Jeff Bezos's Endorsement on Washington's Referendum 74 (2012)



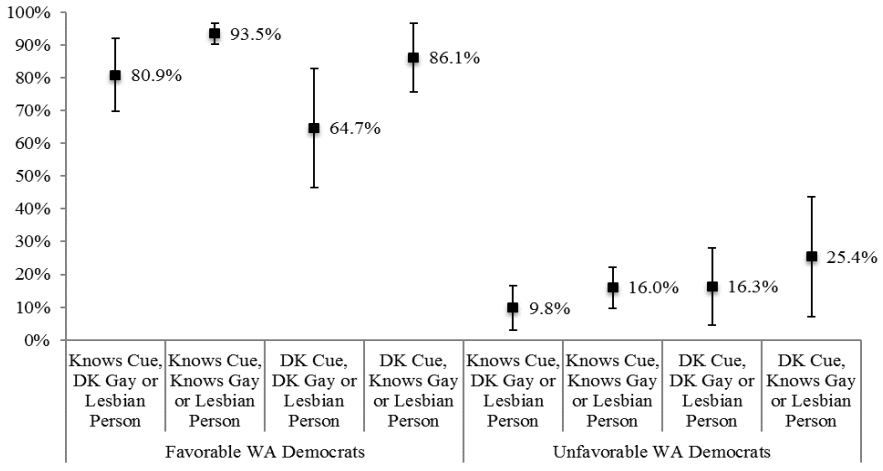
Next, we examine the effect of the Washington State Democrats' endorsement on individuals' vote choice. As Table 9 shows, the effect of their support for the referendum was statistically indistinguishable for both respondents who have a positive or negative opinion of the party. That is, the treatment of an endorsement from the Washington State Democrats has no effect on respondents' intended vote choice. For respondents with a positive view of the Washington State Democrats, knowing a gay or lesbian relative or friend had a significant and positive effect on voting for the referendum (i.e., supporting same-sex marriage). For those who have a negative view, knowing that the referendum did not provide exemptions for religious organizations for activities other than marriage led to a significant and negative effect on support for the measure. For the predicted probabilities in Figure 8, the only interesting calculation is that knowing a gay person or lesbian increases support for the referendum by about 12.6 percentage points for respondents who have a positive opinion of the Washington State Democrats.

Table 9: Logit Regression Results of Washington State Democrats Endorsement on Washington's Referendum 74

	Positive Opinion of WA Democrats	**Negative Opinion of WA Democrats**
WA Democrats Supported	0.83	-0.58
	(0.45)	(0.45)
SSM Prohibited	0.22	-0.01
	(0.44)	(0.43)
Civil Unions Convert	-0.44	-0.37
	(0.40)	(0.42)
No Religious Exemptions	-0.25	-1.47*
	(0.44)	(0.72)
Knows Gay or Lesbian Person	1.22**	0.56
	(0.41)	(0.44)
Constant	0.62	-1.17*
	(0.45)	(0.50)
Pseudo-R^2	.071	.066
N	324	245

Note: Dependent variable is support for Washington's legalization of same-sex marriages (Referendum 74 of 2012). * p<0.05, **p<0.01, *** p<0.001

Figure 8: Predicted Probabilities of Washington State Democrats' Endorsement on Washington's Referendum 74 (2012)



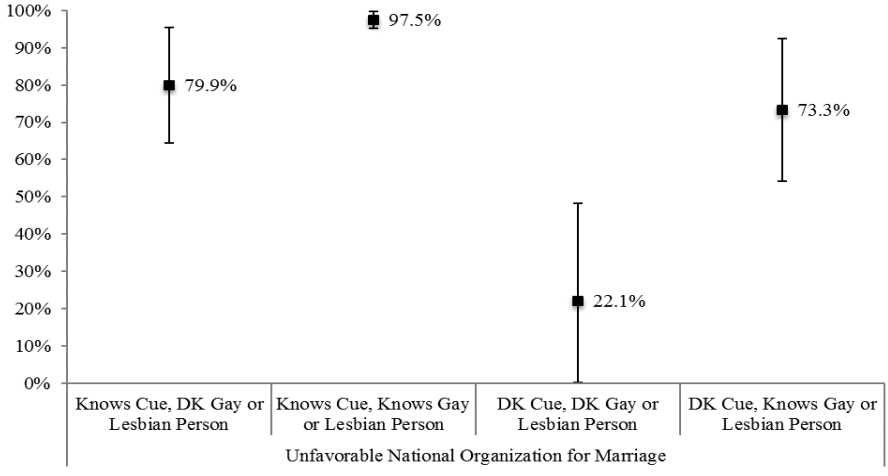
Finally, we present the results related to the National Organization for Marriage's endorsement. While there were not enough respondents who had a positive view of the organization to run a regression, the results for respondents who had a negative opinion of the group are available in Table 10. Unlike the previous two endorsements that had no effect, individuals who were both aware of the National Organization for Marriage's opposition to Referendum 74 and held a negative view of the group were significantly more likely to vote for the referendum. This result supports our second hypothesis. Also of note, individuals who knew a gay person or lesbian were significantly more likely to support the measure. The predicted probabilities, presented in Figure 9, are impressive as well: knowledge of the endorsement leads to a 57.8 percentage point increase in support, and knowing a gay person or lesbian increased that support by an additional 17.6 percentage points. In fact, just knowing a gay or lesbian friend or relative increases the probability of supporting the measure by 51.2 percentage points.

Table 10: Logit Regression Results of National Organization for Marriage's Endorsement on Washington's Referendum 74

	Negative Opinion of the National Organization for Marriage
National Organization for Marriage Opposed	2.64***
	(0.73)
SSM Prohibited	-0.96
	(0.78)
Civil Unions Convert	1.01
	(0.67)
No Religious Exemptions	-0.90
	(0.70)
Knows Gay or Lesbian Person	2.27***
	(0.63)
Constant	-0.58
	(0.77)
Pseudo-R^2	.271
N	204

Note: Dependent variable is support for Washington's legalization of same-sex marriages (Referendum 74 of 2012). * p<0.05, **p<0.01, *** p<0.001

Figure 9: Predicted Probabilities of the National Organization for Marriage's Endorsement on Washington's Referendum 74 (2012)



CONCLUSION

We analyzed whether cues from prominent third-party endorsers have an effect on individuals' decisions on ballot measures related to same-sex marriage. Using the largest database of individual-level data collected on the topic to date, we used genetic matching to examine the hypothesis that knowledge of cues leads to improved decision making. We found that knowledge of a cue only sometimes influences individuals'

decisions: a cue was effective in seven of our thirteen cases. This result reinforces our interpretation that cues are influential some of the time for some voters. Indeed, there are substantial swaths of the electorate—i.e., those who do not have firm opinions of the cue-givers we analyzed—who are absent from our analysis. We also showed that knowing a gay or lesbian person sometimes has a substantial impact on an individual's voting behavior.

Similar to our previous research, we find that knowledge of a policy's specifics has a very limited impact on individuals' decisions. In only a few of our regressions did we find that knowledge of facts had an effect on vote choice. What we can conclude, however, is that knowledge of the status quo policy—that same-sex couples were prohibited from marrying in all three states—never had an effect on an individual's assessment of the ballot measure being considered. While our expectation is that knowledge of facts should influence individuals' decisions, after numerous explorations of this hypothesis in this Article and in our previous research, we can only conclude that, when compared with cues, factual information has an even more limited effect on individuals' decisions.[62]

Examining an easy issue for voters to understand and make decisions leaves open the possibility that individuals simply do not need a cue to make a choice and, as a result, we should read our results as signs of encouragement that voters are making competent choices. We argue, however, that this is not what our results suggest. Overall, our results imply that scholars and the legal community should not assume that individuals use elite endorsements to inform their decisions at a high rate. Furthermore, we also find that knowledge of cues and facts is often quite low. Even though we examine an easy issue in same-sex marriage, our results here mimic the results in previous research, where we examine both easy and hard issues.[63] In other words, we argue that our results are beginning to provide convergent validity to our conclusion that individuals simply do not use information from the campaign environment at a high rate.

Our findings have several notable implications relevant to both legal scholars and practitioners. First, interpreting the will of the electorate may be more difficult than some might commonly assume. We show that knowledge of most ballot

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62 Burnett et al., *Dilemma of Direct Democracy*, *supra* note 7, at 305–16; Burnett & McCubbins, *Sex and the Ballot* Box, *supra* note 4, at 3, 5.

63 Burnett & McCubbins, *Voters' Limited Use of Endorsements*, *supra* note 7, at 1587–94.

measures is often quite low, demonstrating that most individuals are unaware of a measure's specific attributes. If voters do not know a policy's specifics, the courts are left with the unenviable task of guessing what the average voter knew when casting her choice. Additionally, we found that voters often knew little about the relevant endorsements. These endorsers are often the individuals who must explicate the logic behind supporting or opposing a specific policy. Thus, when voters are unaware of these endorsements, it raises concerns about turning to the actual supporting and opposing campaigns for guidance on interpreting what the voters' intent was—which is a natural place for the courts to look, as these groups often compose at least one of the belligerents in a legal contest.

Second, our results imply that the legal community and policymakers should be concerned about the kinds of questions that appear on the ballot. Moreover, in states similar to Washington that pose multiple ballot questions per cycle (e.g., California and Oregon), there should be some additional concern about the length of the ballot. In addition to the decades of research showing that voters lack basic foundational knowledge about politics, our findings show that knowledge of ballot measures is also quite low. As Downs argues, we suspect that most voters are simply too busy to spend the time and resources to acquire a deep understanding of the political world, let alone facts about ballot measures that will appear during the next election.[64] Whereas Downs was less concerned about voter knowledge because cues, such as party labels, could convey immense amounts of information and substitute for knowledge, we show that knowledge of these cues is low—a problem that only compounds because cues are not available on the ballot directly in direct democracy contests, unlike many candidate contests. While some policies are largely symbolic and ends- rather than means-focused, and likely not difficult for most voters to cast a competent vote, many issues are complex and legally complicated propositions that require more than a "gut response" to make a reasoned decision.[65] When ballots ask voters to consider these complicated policies, democracy is likely asking too much from the average voter. In some states, the number of complicated policies the voter must consider is astoundingly large. Policymakers and the legal community should begin thinking about how to institute controls and regulations that address these larger democratic concerns.

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64 DOWNS, *supra* note 17, at 44–46.

65 Carmines & Stimson, *supra* note 11, at 78, 80 (referencing the prototypical "easy issues").

Third, our findings show that the political landscape of direct democracy is one that is particularly susceptible to elite manipulation. With most voters knowing little about the ballot measures they consider on Election Day, it should be no surprise that political elites can shape the way in which the law is implemented, which is often contrary to the intent of the law.[66] In other words, when representative democracy interferes with the outcomes of direct democracy, voters are at an insurmountable disadvantage concerning their ability to monitor and enforce the outcomes of direct democracy.

Elite interference may also begin well before Election Day. The results we present here, in conjunction with our previous research on the topic, show that voters know little about many kinds of ballot measures. This means that voters may rely disproportionately on the information that appears on the ballot—namely, the title and summary. With few exceptions, these titles and descriptions are written by a politically motivated figure.[67] Indeed, it is commonplace to see several challenges to the proposed titles and summaries of ballot measures every election cycle, most claiming that the verbiage encourages a particular outcome through biased language. As Burnett and Kogan show, this kind of elite manipulation can be impressively effective with just a few word changes, even on "easy issues" such as same-sex marriage.[68] To date, however, the task of writing these potentially manipulated titles and summaries remains largely in the hands of politically motivated individuals, and the courts consider challenges on a case-by-case basis.

While the three issues we just outlined are important policy concerns, there may be no single solution to creating a better direct democracy framework. What is clear, however, is that direct democracy asks much from the average voter, but provides little in the way of informing voters about the potential impact of their choice in a way that is useful to them. To be sure, some measures have active campaigns that attempt to inform (albeit selectively) voters about their choices. In other cases, official

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66 Previous research has documented that elected officials often fail to implement or only partially implement laws passed through direct democracy when it is not in their best interest. *See* Alan S. Gerber & Donald P. Green, *The Effects of Canvassing, Telephone Calls, and Direct Mail on Voter Turnout: A Field Experiment*, 94 AM. POL. SCI. REV. 653, 661–62 (2000).

67 For example, this could be an attorney general or the measure's proponents.

68 Craig M. Burnett & Vladimir Kogan, *When Does Ballot Language Influence Voter Choices? Evidence from a Survey Experiment*, 32 POL. COMM. 109, 109–11 (2015) (demonstrating, using experimental evidence, that elites may easily manipulate voters with very slight changes in titles and descriptions).

election literature outlines the issue at hand. But, most voters are busy, and largely unconcerned with their choices on Election Day beyond the top of the ballot contests (e.g., presidency, governorship). Several rounds of surveying individuals concerning what they know about direct democracy has only emphasized the veracity of this observation.

One potential enhancement to the institution of direct democracy from the voter's-eye-view is to improve the information environment on the ballot. Most voters appear to know little about the measures they are considering, and most measures are not as easy as a social policy choice such as same-sex marriage. Thus, policymakers should endeavor to consider ways to improve the kinds of information that are available to voters at the point-of-decision (i.e., on the official ballot). As Burnett, Garrett, and McCubbins proposed in "The Dilemma of Direct Democracy," we argue that endorsements on the actual ballot would be helpful to many voters.[69] The challenge, however, is constructing a framework to select the endorsements that should be included and which ones should be excluded. Other kinds of information that would help improve decision making in direct democracy include, but are not limited to: clearly outlining the impact of a yes versus a no vote, longer descriptions of the measures, and the potential financial impact of a yes or no outcome (California already includes this information). While we cannot fully assess the feasibility or impact of any, or all, of these measures with the data we have, we suspect some of these additional pieces of information would drastically improve the quality of decisions in direct democracy elections for the average voter.

69 Burnett et al., *Dilemma of Direct Democracy*, *supra* note 7, at 317–24.

Appendix A

North Carolina Demographics

	Survey	2011 Census Estimates
Age (Median)	39.9	37.7
Income (Median)	$25,001–$50,000	$45,570
% High School Graduates, Age > 25	97.9	83.6
% Female	76.6	51.3
% White (Not Hispanic)	80.2	65
% Black	12.6	22
% Latino/Hispanic	2.2	8.6
% Asian	2.2	2.3

Minnesota Demographics

	Survey	2012 Census Estimates
Age (Median)	49	36.9
Income (Median)	$50,001–$75,000	$58,476
% High School Graduates, Age > 25	98.8	91.6
% Female	63.4	50.3
% White (Not Hispanic)	94	82.4
% Black	1.1	5.5
% Latino/Hispanic	0.9	4.9
% Asian	2.2	4.4

Washington Demographics

	Survey	2012 Census Estimates
Age (Median)	49	37.3
Income (Median)	$50,001–$75,000	$58,890
% High School Graduates, Age > 25	98.3	89.8
% Female	64.7	50.1
% White (Not Hispanic)	87.3	71.6
% Black	1.7	3.9
% Latino/Hispanic	2.1	11.7
% Asian	5.4	7.7

Appendix B

North Carolina
Amendment 1

1. Do you happen to know if President Barack Obama supported, opposed, or took no position on Amendment 1?
2. Do you happen to know if Governor Beverly Perdue supported, opposed, or took no position on Amendment 1?
3. To the best of your knowledge, do you know if North Carolina law currently prohibits same-sex marriage?

Minnesota
Amendment 1

1. Do you happen to know if President Barack Obama supported, opposed, or took no position on Amendment 1?
2. Do you happen to know if Governor Mark Dayton supported, opposed, or took no position on Amendment 1?
3. Do you happen to know if Representative Michele Bachmann supported, opposed, or took no position on Amendment 1?
4. To the best of your knowledge, does Amendment 1 leave open the possibility of civil unions between same-sex couples?
5. To the best of your knowledge, do you know if Minnesota law currently prohibits same-sex marriage?
6. Do you happen to know if the Minnesota state legislature has considered constitutional amendments to outlaw same-sex marriage before the current proposal?

Washington
Referendum Measure No. 74

1. Do you happen to know if Mark Bezos, CEO of Amazon.com, supported, opposed, or took no position on Amendment 1?
2. Do you happen to know if the Washington State Democrats supported, opposed, or took no position on Amendment 1?
3. Do you happen to know if the National Organization for Marriage supported, opposed, or took no position on Amendment 1?
4. To the best of your knowledge, as of today, do you know if same-sex couples are allowed to marry in Washington State?
5. If Referendum Measure No. 74 is confirmed—that is, voters support the referendum—do you happen to know what will happen to the majority of current domestic partnerships in the state?
6. Do you happen to know if confirming Referendum 74 will require religious organizations that receive state funding to recognize and serve same-sex couples seeking to adopt a child or become foster parents?