

California's Proposition 8: What Happened, and What Does the Future Hold?

Patrick J. Egan
New York University

Kenneth Sherrill
Hunter College-CUNY

*Commissioned by the Evelyn & Walter Haas, Jr. Fund
in San Francisco.*

*Released under the auspices of the
National Gay and Lesbian Task Force Policy Institute.*



California's Proposition 8: What Happened, and What Does the Future Hold?

Patrick J. Egan

New York University
patrick.egan@nyu.edu

Kenneth Sherrill

Hunter College-CUNY
kenneth.sherrill@hunter.cuny.edu

January 2009

© 2009 Patrick J. Egan and Kenneth Sherrill.

This report was commissioned by Evelyn & Walter Haas, Jr. Fund, a foundation whose mission includes the advancement of the civil rights of gays and lesbians. We gratefully acknowledge the foundation's support. We also acknowledge David Binder Research, which conducted the survey of California voters analyzed in this study, and Peter Frase and the Center for Urban Research at The Graduate Center, CUNY, which developed and analyzed precinct-level data on the Proposition 8 vote. We remain fully responsible for the analysis and interpretation of results herein.

California's Proposition 8: What Happened, and What Does the Future Hold?

On November 4, 2008, California voters approved Proposition 8—which eliminated the right of same-sex couples to marry—by a 52 to 48 percent margin. In this study, we examine three questions about this result using a new survey of California voters as well as precinct-level election returns and demographic data. First, we explore the characteristics of voters that were associated with support for and opposition to Proposition 8. We find that voters' party identification, ideology, religiosity and age had a much bigger impact on the vote than other voter characteristics. Second, we examine the African American vote for Proposition 8. We provide evidence showing that while African Americans supported Proposition 8 more than voters as a whole, they did not do so in the overwhelming numbers suggested by one exit poll. We show that black support for Proposition 8 can largely be explained by African Americans' higher levels of religiosity—a characteristic strongly associated with opposition to same-sex marriage. Finally, we examine how Californians' opinions have shifted dramatically toward support of marriage equality over the short time between the Knight Initiative in 2000 and now, and explore the implications of this change for the future.

PROPOSITION 8: EXPLAINING THE VOTE

- **Voter support for Proposition 8 split most sharply along the lines of age, religiosity, and political views.**

Table 1 displays findings from a poll of California voters conducted by David Binder Research (DBR) between November 6th and 16th, 2008. The survey included 1,066 respondents selected at random from state voter registration lists, including an oversample of 266 African American, Latino, and Asian-American voters.¹ Participants were asked a series of questions about Proposition 8, as well as basic questions about their demographic background, religion, political views, and other characteristics. The sample in the DBR survey was limited to those who reported voting in the November 4 general election, and its margin of error was 3 percentage points (although the margin is greater for analyses of subgroups within the sample).

¹ Data are weighted to represent the demographic characteristics of California voters.

Table 1. The Vote on Proposition 8

<i>(% of voters)</i>		<i>% voting "Yes" on Proposition 8</i>
Total		52
Sex		
(46%)	Men	54
(54%)	Women	49
Age		
(17%)	18-29	45
(21%)	30-44	48
(38%)	45-64	47
(23%)	65 +	67
Race/Ethnicity		
(68%)	White	49
(7%)	African American	58
(14%)	Latino/Hispanic	59
(7%)	Asian	48
Attendance of Religious Services		
(45%)	weekly	70
(12%)	monthly	48
(14%)	holidays and special occasions	44
(29%)	hardly ever	30
Party Identification		
(45%)	Democratic	30
(18%)	Independent	53
(34%)	Republican	81
Political Ideology		
(37%)	Liberal	22
(27%)	Moderate	51
(36%)	Conservative	82
Have Lesbian/Gay Family or Friends		
(26%)	No	60
(74%)	Yes	49

Source: DBR Survey of California Voters for Equality California, November 6-16, 2008

As shown in Table 1, conservatives and Republicans were the most likely to support Proposition 8: 82% of conservatives and 81% of Republicans voted in favor of the measure. People who attended religious services weekly (70%) and those over age 65 (67%) also approved Proposition 8 by substantial majorities. Men were slightly more likely to support Proposition 8 (by 54%) than women (49%). Majorities of those under age 65 opposed Proposition 8. African American and Latino voters supported Proposition 8 to a greater degree, 58% and 59% respectively, than did whites and Asians. According to this survey, blacks' support for the ballot measure was much lower than reported by Election Day exit polls. (An extensive discussion about this issue appears later in this report.)

The vote on Proposition 8 was polarized to a remarkable degree along the lines of party identification, ideology, and religiosity. The largest divide—fully 60 percentage points—was between conservatives and liberals (82-22). A similarly large gap (51 points) existed between Republicans and Democrats. By a commonly used measure of religiosity—frequency of attendance at religious services—the most religious (those attending services weekly) favored Proposition 8 by 40 percentage points more than the least religious (those who hardly ever attend services).

Three-quarters of California voters reported knowing having friends or family members who are lesbian or gay.² Fifty-one percent of these voters cast ballots against Proposition 8. Among those who do not know any gay people very well, 60% supported the amendment and 40% opposed it.³

- **Significant differences between population groups remain after controlling for all voter characteristics.**

One question that arises after examining Table 1 is whether the differences seen between population groups persist after holding all other voter characteristics constant. We answer this question with the multivariate analyses shown in Table 2, which assess the extent to which voter characteristics had independent associations with the vote on Proposition 8 after controlling for other variables. The numbers in the table are estimates of the difference in the proportion voting “yes” on Proposition 8 among groups in the electorate. Four successive models are estimated, each including additional variables. Entries in the table that are marked with asterisks (*) identify voter characteristics that were significantly associated with the vote on Proposition 8 after controlling for the other variables in each model.

As shown in Table 2, most of the differences found among population groups in Table 1 persist in the multivariate context. Across all models, men, older voters, the more religious, Republicans, and conservatives were all significantly more likely to support Proposition 8 than women, younger voters, the less religious, Democrats and liberals.

² Personal knowledge of lesbians and gays was measured with the question “Do you have any friends, family members, or people you know well who are lesbian or gay, or in a same-sex couple?”

³ One additional variable—education—has been found to be strongly associated with support for same-sex marriage (see, e.g., Egan, Persily & Wallsten 2008). Unfortunately, the DBR survey did not include a question about respondents’ education levels and so we are unable to analyze the relationship between this variable and support for Proposition 8.

Table 2. Multivariate Analysis of the Vote on Proposition 8

Variable	I	II	III	IV
gender <i>comparison category: female</i>				
male	.12*	.14*	.13*	.11*
race/ethnicity <i>comparison category: white</i>				
African American	.08	.02	.01	.25*
Latino	.10*	.07	.07	.24*
Asian	.00	.00	-.02	.02
mixed/other	-.10	-.12	-.12	-.08
age <i>comparison category: age 50-64</i>				
18-29	-.08	-.06	-.06	-.08
30-39	-.10	-.11*	-.11*	-.21*
40-49	.04	.02	.02	-.10
65 +	.21*	.21*	.20*	.14*
frequency of attendance of religious services <i>comparison category: attend monthly</i>				
weekly or more often		.26*	.26*	.22*
holidays only		-.01	.00	.06
hardly ever		-.13*	-.12*	-.06
personal knowledge of gays and lesbians <i>comparison category: have gay friends or family</i>				
no gay friends or family			.08*	.02
party identification <i>comparison category: Independent</i>				
Republican				.15*
Democratic				-.23*
ideology <i>comparison category: moderate</i>				
conservative				.20*
liberal				-.22*
sample size	1,052	1,052	1,052	1,052
% of votes correctly predicted by model	58%	66%	66%	76%

Cell entries are first differences derived from probit analyses. They are estimates of the difference in the probability of supporting Proposition 8 between voters in the specified category and those in the variable's comparison category. Coefficients marked with asterisks (*) indicate categories estimated to be significantly different from the comparison category with at least 95% confidence. Comparison categories are the variables' modes (in the case of gender, race/ethnicity, and knowledge of gays and lesbians) or medians (in the case of age, attendance of religious services, party identification, and ideology).

Source: DBR Survey of California Voters for Equality California, November 6-16, 2008

Two variables are exceptions in that their effects do not persist across all of the models: (1) race and ethnicity, and (2) personal knowledge of gays and lesbians. The analysis shows that African Americans and Latinos were stronger supporters of Proposition 8 than other groups (Model I), but not to a significant degree after controlling for religiosity (Models II and III). That is, much of the stronger support found for Proposition 8 among these groups is explained by their increased levels of attendance of religious services. The distinctiveness of blacks and Latinos re-emerges once we control for party identification and ideology (Model IV). Personal knowledge of lesbians and gay men was significantly associated with opposition to Proposition 8 (Model III), but the effect of such knowledge disappears once we control for party identification and ideology (Model IV).

- **Party identification, political views, religiosity, and age contributed to the vote more than race, gender, or personal knowledge of gays and lesbians.**

In Table 3, we assess how important each voter characteristic was in contributing to the vote on Proposition 8. We do this by multiplying the estimated effect of each characteristic (the entries in Table 2, Model IV) by the percentage of voters with that characteristic. This measure thus accounts for both the prevalence of a characteristic and the strength of its association with the vote. For example, as shown on the top row of Table 3, 45.9 percent of California voters are male. In Table 2, Model IV we see that men were 11 percentage points more likely to vote “yes” on Proposition 8 than women. The contribution of the category of this variable to the ultimate result is therefore $(.459 \times .11 = .049)$, or 4.9 percentage points. Thus the impact of gender was to affect the votes of 4.9 percent of Californians on Proposition 8. In variables with multiple categories, we sum up the magnitudes of these effects over the categories of each variable to calculate the percentage of votes that were affected by the variable.⁴

⁴ These percentages are the share of votes predicted to change (in one direction or another) if the variable were to have no impact on how voters decided on Proposition 8. Equivalently, the figures are also the percentage of votes on Proposition 8 that would have shifted in one direction or another in the hypothetical circumstance where all voters shared the comparison category. This analysis is based on a measure called “level importance” described by Achen (1982).

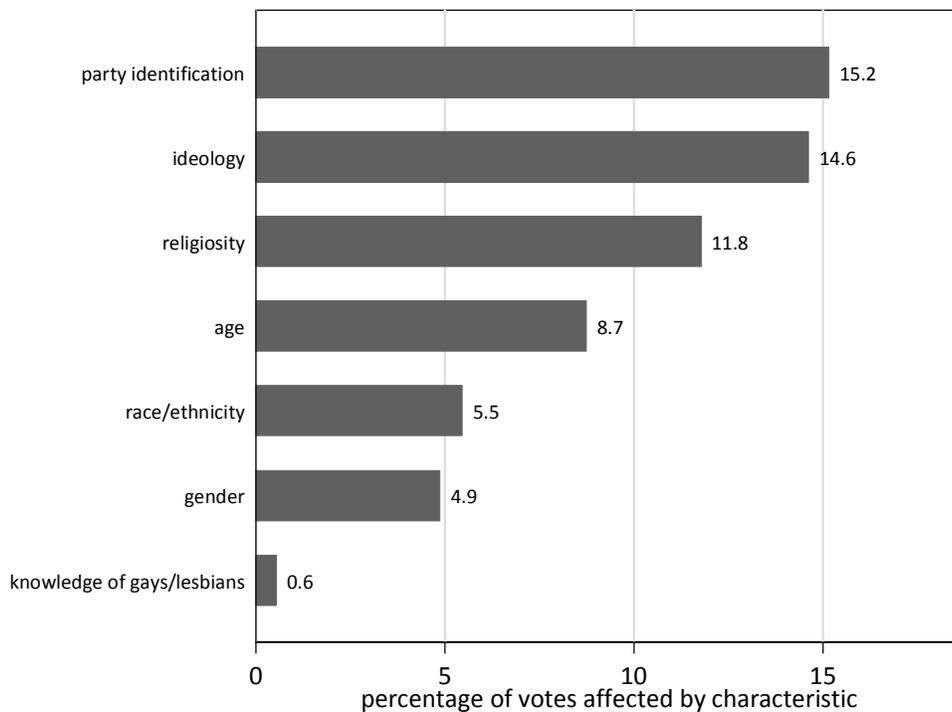
Table 3. Estimates of the Impact of Voter Characteristics on the Proposition 8 Vote

Variable	direct effect of characteristic (A)	% of voters with characteristic (B)	% of votes affected by characteristic A x B 	% of votes affected by variable
gender comparison category: female				
male	.11	45.9%	4.9%	4.9%
race/ethnicity comparison category: white				
African American	.25	7.0%	1.8%	
Latino	.24	13.7%	3.3%	
Asian	.02	6.2%	0.1%	
mixed/other	-.08	3.2%	0.3%	5.5%
age comparison category: age 50-64				
18-29	-.08	16.6%	1.3%	
30-39	-.21	11.8%	2.4%	
40-49	-.10	18.1%	1.8%	
65 +	.14	22.6%	3.2%	8.7%
frequency of attendance of religious services				
<i>comparison category: attend monthly</i>				
weekly or more often	.22	42.8%	9.5%	
holidays only	.06	13.0%	0.7%	
hardly ever	-.06	27.5%	1.6%	11.8%
personal knowledge of gays and lesbians				
<i>comparison category: have gay friends or family</i>				
no gay friends or family	.02	25.8%	0.6%	0.6%
party identification comparison category: Independent				
Republican	.15	33.0%	4.8%	
Democratic	-.23	45.5%	10.3%	15.2%
ideology comparison category: moderate				
conservative	.20	34.0%	6.8%	
liberal	-.22	35.4%	7.9%	14.6%

Source: DBR Survey of California Voters for Equality California, November 6-16, 2008

Figure 1 displays the relative size of the impact of each variable on the vote. The lengths of the bars in Figure 1 correspond to the percentage of votes affected by each variable. As shown in this figure, party identification and ideology had substantial impacts on the ultimate result: the two variables each affected an estimated 15 percent of the vote, a contribution about three times the size of race and gender. Religiosity (which affected the votes of 12 percent of Californians) and age (9 percent) also had substantial effects. Despite the intense attention placed on race and ethnicity as factors in determining the vote on Proposition 8, this variable only affected about six percent of the total vote.

Figure 1. The Impact of Voter Characteristics on the Proposition 8 Vote



Source: Calculations in Table 3.

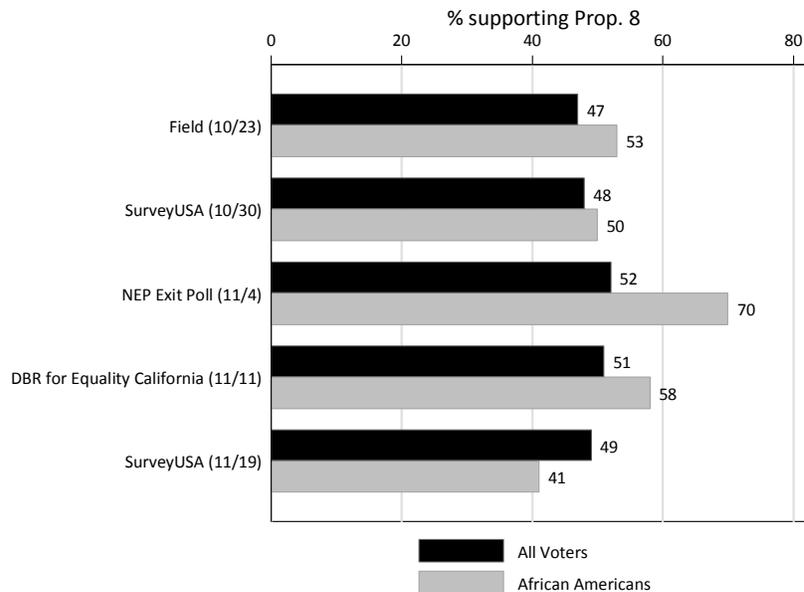
AFRICAN AMERICANS AND PROPOSITION 8

Here we present data indicating that while African Americans did support the measure at higher rates than voters as a whole, we have strong reason to think that their support was not as high as that estimated by the National Election Pool (NEP) exit poll (70 percent). Analysis of the full range of data available persuades us that the NEP exit poll overestimated African American support for Proposition 8 by ten percentage points or more. Furthermore, much of African Americans' support for Proposition 8 can be explained by the fact that blacks tend to be more religious than Californians as a whole.

- **Surveys conducted just before and just after Election Day found much smaller differences in support for Proposition 8 between African Americans and voters as a whole than did the NEP exit poll. The NEP result should thus be treated as an outlier that overstates black support for Proposition 8.**

As shown in Figure 2, two surveys conducted just before Election Day (by Field and SurveyUSA) found insignificant differences in support for Proposition 8 between African Americans and Californians as a whole. Two surveys conducted in the weeks following Election Day found similar results. On average, the difference in support between African Americans and all voters in these four surveys was just two percentage points. The NEP exit poll finding—that black support for Proposition 8 was 18 points higher than Californians as a whole—is most likely an “outlier,” a result that is very different than what concurrent data trends suggest to be the case.

Figure 2. Support for Proposition 8 in Pre-Election, Exit Poll, and Post-Election Surveys

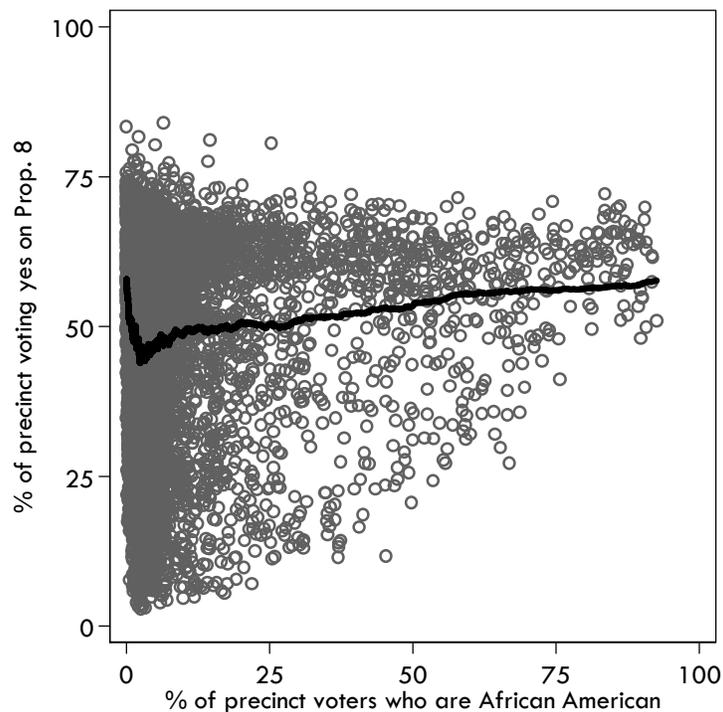


source: Authors' tabulation of polling data. Percentages calculated include only those expressing a preference.

- **Evidence from precinct-level voting returns suggests that African American support for Proposition 8 was in the range of 57 to 59 percent.**

We analyzed precinct-level voting data on Proposition 8 from five California counties—Alameda, Los Angeles, Sacramento, San Diego, and San Francisco—that together comprise 66 percent of the state’s African American population. By merging these data with estimates of the precincts’ racial and ethnic makeup, we were able to assess the precinct-level relationship between voter demographics and support for Proposition 8.

Figure 3. Precinct Vote for Proposition 8 and African American Population in Five California Counties



Source: Peter Frase and the Center for Urban Research at The Graduate Center, CUNY

Figure 3 depicts this relationship with a scatterplot in which each precinct is represented by a point. The figure also includes a line called a “running-mean smoother” that indicates the pattern taken on by the data. As seen in the figure, a slight but unmistakable relationship exists between the proportion of a precinct’s voters who are African American and support for Proposition 8. Also, we note, that precincts with very few black voters (shown on the left-hand side of the figure) supported Proposition 8 at levels about as high as those precincts with many black voters (shown on the right-hand side). That is, support for Proposition 8 was greatest in precincts that are the least racially diverse.

While it is difficult to make precise inferences about individual voters from aggregate data, two statistical analyses that we employed generated estimates of African American support for Proposition 8 of 57 percent and 59 percent. The estimate of 57 percent is derived from ecological analysis conducted using the *EzI* software program (Benoit & King 1999). In this analysis, a control was added for the percentage of each precinct estimated to be Latino. The estimate of 59 percent is based on a much simpler approach, known as Goodman’s ecological regression (Goodman 1953). Rather than being treated as definitive, these estimates should be considered as helping to corroborate the individual-level findings discussed earlier in this section of the study.⁵

- **Much of the difference among racial and ethnic groups in support for Proposition 8 is explained by varying levels of religiosity.**

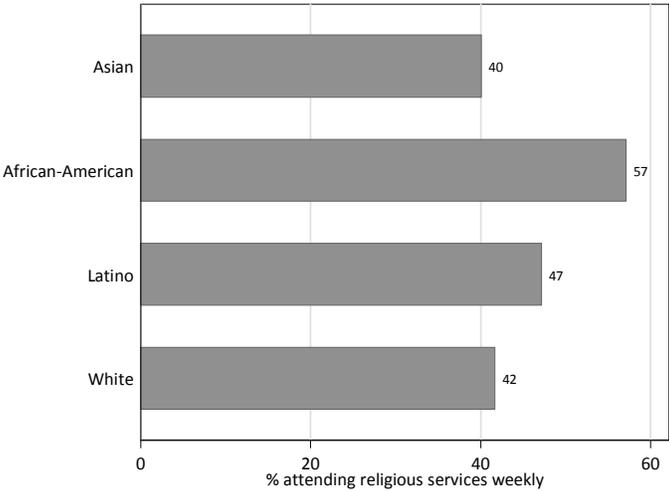
As shown in Figure 4, African Americans are more religious (as measured by frequency of attendance at religious services) than any other racial or ethnic group of California voters. As a whole, 43 percent of Californians attend religious services at least once per week. The share of African Americans attending services with this frequency is much higher: 57 percent. This difference in frequency of attendance between African Americans and the rest of the population is statistically significant.⁶

As shown in Figure 5, controlling for frequency of religious attendance helps explain why African Americans supported Proposition 8 at higher levels than the population as a whole. Among Californians who attend worship at least weekly, support for Proposition 8 was nearly uniform across all racial and ethnic groups. Among those who attend worship less than weekly, majorities of every racial and ethnic group voted “no” on Proposition 8. The differences that remain among groups are not statistically significant at the 95% level of confidence.

⁵ The precinct-level data were developed and analyzed by Peter Frase and the Center for Urban Research at The Graduate Center, CUNY. Estimates of the percent of precinct voters who are African American and Latino were obtained from the California Statewide Database at the Institute of Governmental Studies, UC Berkeley. We note that the ecological analysis is a work in progress: future research will include additional control variables. We also note that Proposition 8 fared less well in the five counties analyzed (where the measure was approved by 48.3% of voters) than in California as a whole—although this partially reflects the fact that African Americans are more likely to reside in liberal counties than conservative ones.

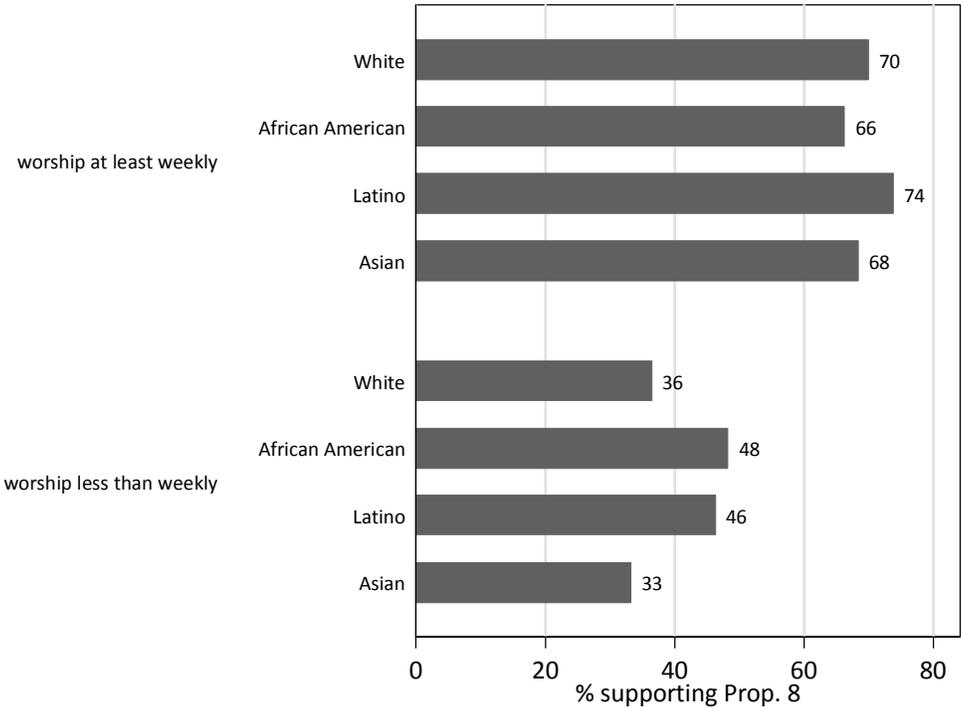
⁶ The *p*-value associated with this test is less than .001 .

Figure 4. Frequency of Attendance of Religious Services by Race and Ethnicity



Source: DBR Survey of California Voters for Equality California, November 6-16, 2008

Figure 5. Support for Proposition 8 by Frequency of Attendance of Religious Services and Race and Ethnicity



Source: DBR Survey of California Voters for Equality California, November 6-16, 2008

THE FUTURE

- **Since 2000, vote in support of marriage equality has grown by nearly ten percentage points—a trend found among virtually every demographic group in California.**

Eight years ago, Californians approved Proposition 22, a statewide ban on the recognition of same-sex marriages, by 61 to 39 percent. (The proposal is also known as the “Knight Initiative,” after the late state senator William “Pete” Knight, who spearheaded the measure). The two initiatives provide a unique opportunity to assess over-time change in Californians’ votes on marriage, which we do in Table 4.

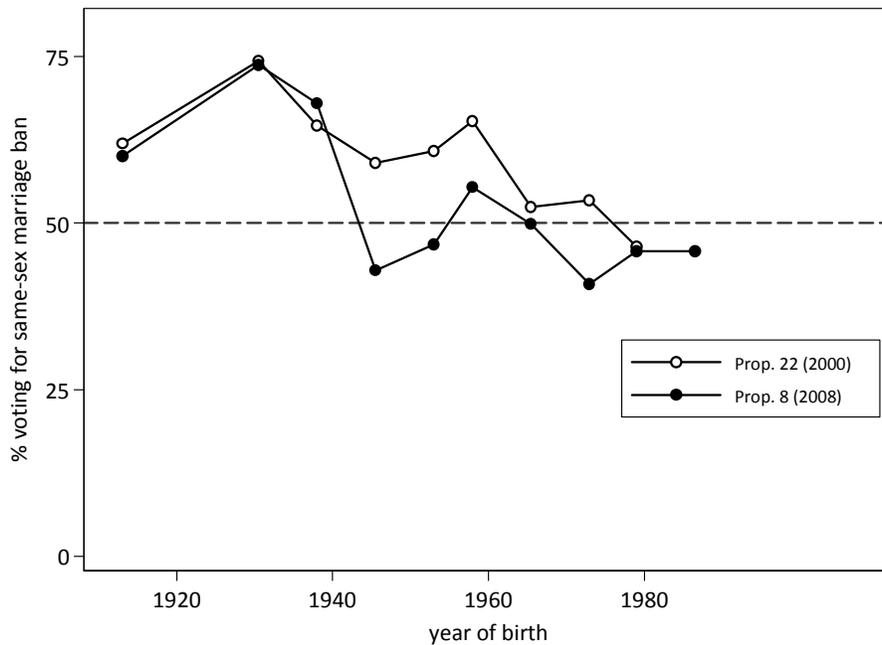
Table 4. Change in Californians’ Votes on Marriage Equality, 2000-2008

	% voting "Yes" on Prop. 22 (<i>LA Times</i> , 2000)*	% voting "Yes" on Prop. 8 (DBR, 2008)	change, 2000-2008
Totals	61	52	-9
Gender			
Men	61	54	-7
Women	57	49	-8
Age			
18-29	58	45	-13
30-44	56	48	-8
45-64	63	47	-16
65 +	68	67	-1
Race/Ethnicity			
White	58	49	-9
Black	62	58	-4
Latino/Hispanic	65	59	-6
Asian	59	48	-11
Party Identification			
Democratic	43	30	-13
Independent	58	53	-5
Republican	80	81	1
Ideology			
Liberal	29	22	-7
Moderate	57	51	-6
Conservative	84	82	-2
Religion			
Protestant	75	66	-9
Catholic	59	55	-4
Jewish	24	17	-7

* *LA Times* exit poll data. Available at <http://www.latimes.com/media/acrobat/2008-10/43119888.pdf>

Table 4 compares data from the *Los Angeles Times* exit poll on Proposition 22 in 2000 with the results from the DBR survey.⁷ The table displays support for the marriage bans in 2000 and 2008 across demographic groups including gender, age, race/ethnicity, party identification, ideology, and religious preference. In nearly every instance, the votes of Californians have shifted in the direction of support for marriage equality. Men and women have moved toward approval of same-sex marriage to a nearly equal degree (by 7 and 8 percentage points, respectively). Support has increased among every age group under age 65, across all racial and ethnic groups, and among Protestants, Catholics and Jews alike. The state’s Democrats, independents, liberals and moderates have all shifted in the direction of marriage equality, as well. The comparisons reveal three groups that may be considered to be “holdouts” regarding the move toward approval of legalizing same-sex marriage in California: Republicans, conservatives, and those aged 65 or over. Voting patterns among these groups have remained static over the past eight years, and all remain staunchly opposed to legalization.⁸

Figure 6. Votes on Marriage Equality in California in 2000 and 2008, by Birth Cohort



Sources: Proposition 22: *LA Times* Exit Poll, February 2000
 Proposition 8: DBR Survey of California Voters for Equality California, November 6-16, 2008

⁷ To make the comparison, we use data from the DBR survey rather than the 2008 NEP exit poll to maintain consistency with the other findings reported throughout this study. The 2008 NEP estimates are broadly similar to those of the DBR survey (excepting, of course, the discrepancy discussed earlier in estimates of African American support for Proposition 8). Not all of the variables in the DBR survey (including attendance at religious services) were available for comparison in the 2000 *L.A. Times* poll.

⁸ For the most part, these findings echo those identified by Lewis & Gossett (2008) in their analysis of opinion surveys of Californians administered between 1985 and 2006.

Figure 6 displays another way to consider how Californians' votes on marriage equality have changed over time. The figure plots support for Proposition 22 and Proposition 8 among those in the same birth cohort—that is, those born in the same time period. By doing this, we are able to assess the extent to which Californians have actually shifted their votes over time.

The trends shown in Figure 6 are illuminating. The figure shows that virtually no change in the vote has occurred among those born before 1940 (that is, those who are currently 68 years or older). But the “Baby Boom” generation—those born between 1940 and 1960—has shifted substantially toward voting for marriage equality in just eight years. During this period, the vote for same-sex marriage grew among “boomers” by 13 percentage points, and a slim majority of this generation voted against Proposition 8. Among those born between 1960 and 1982, the vote in favor of legalizing marriage has also increased, from 49% in 2000 to 53% in 2008.

The figure suggests that two factors—aging and generational replacement—may hasten the arrival of a day when a majority of Californians votes in favor of marriage equality. As Californians born from the Baby Boom and afterward have aged, they have become more supportive of legalizing marriage, and it is possible that this trend will persist among the youngest Californians as they grow older. At the same time, the newest voters enter the electorate with much more supportive views on same-sex marriage and other rights for gay people than those who they replace.

CONCLUSION

This study shows that the characteristics that shape Americans' views on many important political issues—including party identification, ideology, and religiosity—played their expected strong roles in determining the choices of individual votes on Proposition 8 as well as the final statewide result. The differences seen among racial and ethnic groups in support for Proposition 8 were almost certainly more narrow than indicated by the Election Day exit poll conducted by the NEP, and we believe these differences do not merit the amount of attention they have received. We hope that this study shines light on a phenomenon that will ultimately be seen as more important to the future of marriage equality in California and nationwide: a change in voter sentiment toward support for legalizing same-sex marriage whose swift pace is rarely seen on any issue in American politics.

REFERENCES

- Achen, Christopher. 1982 *Interpreting and Using Regression*. Newbury Park, CA: Sage.
- Benoit, Kenneth & Gary King. 1999. "EzI: An Easy Program for Ecological Inference."
Available at <http://gking.harvard.edu/stats.shtml>.
- Egan, Patrick J., Nathaniel Persily & Kevin Wallsten. 2008. "Gay Rights." In *Public Opinion and Constitutional Controversy*, eds. Nathaniel Persily, Jack Citrin and Patrick J. Egan. New York: Oxford University Press.
- Goodman, L.A. 1953. Ecological regression and the behavior of individuals. *American Sociological Review* 18: 663-64.
- Lewis, Gregory B. & Charles W. Gossett. 2008. "Changing Public Opinion on Same-Sex Marriage: The Case of California." *Politics & Policy* 36:4-30.

ABOUT THE AUTHORS

PATRICK J. EGAN (Ph.D., University of California, Berkeley) is assistant professor of politics and public policy at New York University, where he specializes in public opinion, political institutions, and their relationship in the context of American politics. He is co-editor of the volume *Public Opinion and Constitutional Controversy*, which was published by Oxford University Press in 2008. Egan served as an Assistant Deputy Mayor of Policy and Planning for the City of Philadelphia under former Mayor Edward Rendell. He was a visiting scholar at Princeton University's Center for the Study of Democratic Politics in 2006-07.

KENNETH SHERRILL (Ph.D., University of North Carolina, Chapel Hill) is professor of political science at Hunter College, CUNY, where he has taught since 1967. A specialist in public opinion, political participation, voting and elections, he has been studying the LGBT rights movement since 1972. His book with Marc Wolinsky, *Gays and the Military* (Princeton University Press, 1993) won honorable mention for the Gustavus Magnus Prize for distinguished book on human rights in the North Americas. In 1977, he was elected Democratic District Leader in New York's 69th Assembly District, succeeding Jerrold Nadler and becoming New York's first openly gay elected official. He served until 1985.