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Public Support for Marriage for Same-sex Couples by State

by Andrew R. Flores and Scott Barclay
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Executive Summary

Around the issue of same-sex marriage, there has been a slate of popular and legislative actions in a number of states in the past four years. Some states have supported marriage recognition for same-sex couples while other states have prohibited it. The marked differences among states on this issue raise three questions: the current position of each state's general population on the legality of same-sex marriage, how it differs across the 50 states and District of Columbia, and its change since 2004. This research brief seeks to directly address those three questions.

Yet, despite all of this recent activity, it is not possible to simply use state-level polling results to measure the present level of popular support for same-sex marriage. Not every state has the relevant polling data available, especially when wanting to draw comparisons across time. Instead, this research brief reports results generated by applying an established statistical technique to data from multiple national surveys to generate reliable estimates of state-level public opinion.

Main findings from the report include:

- > By the end of 2012, 12 states and the District of Columbia had support for same-sex marriage at or above 50%.
- > Of these 12 states, all currently perform marriages, civil unions, or domestic partnerships for same-sex couples.
- > 13 additional states presently are within 5 percentage points of majority support
- > In the last eight years, *every* state has increased in its support for marriage for same-sex couples with an average increase of 13.6%.
- > If present public opinion trends continue, another 8 states will be above 50% support by the end of 2014.

Introduction

In the November 2012 elections, a majority of voters in three states—51.5% in Maine, 52.4% in Maryland, and 53.7% in Washington—supported legalizing marriage for same-sex couples in statewide ballot initiatives. These electoral outcomes represent the first examples of popular majorities voting to endorse same-sex marriage in statewide initiatives. Simultaneously, in Minnesota, 51.2% of voters rejected an attempt to pass a state constitutional amendment prohibiting same-sex marriage.

Since 2009, legislative majorities in six states—Maine, Maryland, New York, New Hampshire, Vermont and Washington—have passed laws that introduce same-sex marriage in their respective state. And, in that same time period, legislatures in five additional states—Delaware, Hawaii, Illinois, Nevada, and Rhode Island—introduced civil unions or domestic partnerships for same-sex couples.

Yet, five months before the November 2012 elections, 61.0% of voters in North Carolina endorsed a state constitutional amendment prohibiting same sex marriage. And, as recently as 2008, the majority of voters in two additional states—52.3% in California and 62.1% in Florida—similarly restricted same-sex marriage through statewide initiatives or referendums.

As these examples of popular and legislative actions demonstrate, state populations clearly differ in their level of support for same-sex marriage. These marked differences among states have important consequences for predicting the outcome of future legislative activities and statewide initiatives around this issue. This raises three questions:

1. What is the position of each state's general population on same-sex marriage at this point in time?
2. How does it differ across the 50 states and the District of Columbia?
3. Has there been a degree of change since 2004?

The simplest way to answer these three questions would be to turn to public opinion polls conducted in each state to determine the level of popular support for same-sex marriage in that location. Yet, despite all of the recent activity on the issue of same-sex marriage in the states, reliable public opinion polling at the state-level on the issue of same-sex marriage is rare—polls are usually conducted in individual states only at the height of popular or

legislative action around the issue. In addition, for those states that are not similarly involved in popular and legislative action, public opinion polls are particularly rare. The consequence of these facts is that, although national public opinion surveys are available that offer insight into the position of the population of the whole country on this issue, no similar polls exist that focus reliably and consistently on the different positions of the populations of each of the 50 states and the District of Columbia during this time period.

In the absence of the results of state-level public opinion polls in each state on the issue of same-sex marriage, this research brief relies on an established statistical technique that effectively utilizes data from multiple national surveys to generate reliable estimates of the public opinion in each state within the country.¹ Using this technique, this brief provides state-level opinion estimates for 2012, highlights how popular opinion varies from state to state, and demonstrates how opinions have changed from 2004 to 2012.²

What are the opinions on marriage for same-sex couples in the states?

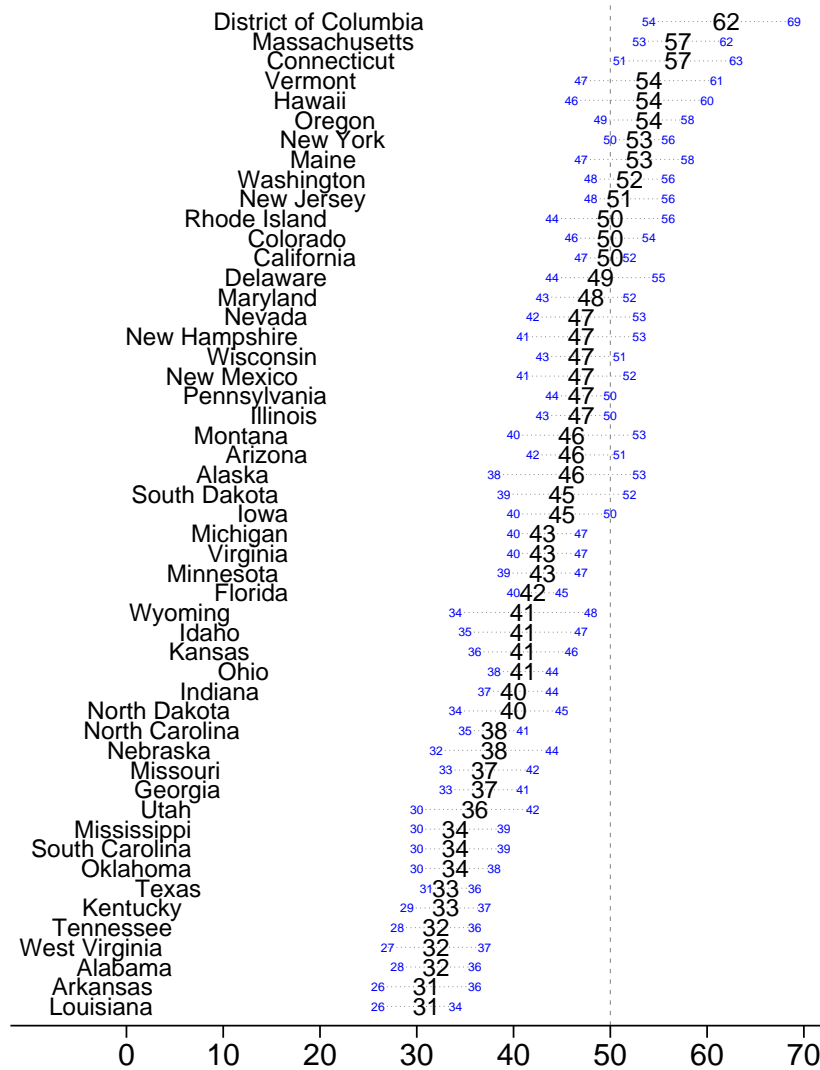
As represented in Figure 1 below, there are substantial differences among the states and the District of Columbia in their level of approval of marriage for same-sex couples in 2012. The states range from a low of 31% support in Louisiana and Arkansas to a high of 57% support in Massachusetts and Connecticut and 62% support in the District of Columbia. Accordingly, there was a 31% difference between the lowest level of support found in a state and the highest level found in a state.

Also provided in Figure 1 (in blue text) is the margin of error – there is a 95% probability that the actual level of popular support for same-sex marriage in each state lies between the smallest number (lower bound) and largest number (upper bound). These intervals show the range of possible numbers one may find for opinions on this issue in a single survey.

¹<http://www.columbia.edu/~jhp2121/publications/HowShouldWeEstimateOpinion.pdf>

²In 2010, Andrew Gelman, Jeffrey Lax, and Justin Phillips of Columbia University used the same statistical technique, with slight variation, to generate state-level estimates on popular support for same-sex marriage that were reported in the New York Times. Alongside their estimates, they provided “projected” numbers, and now with polling data available, we update their projections with current estimates.

Figure 1: Marriage Opinion 2012 Estimates
 (ranked from lowest support to highest support with the margin of error in blue)



In 2012, there were 12 states – California, Colorado, Connecticut, Hawaii, Maine, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington – and the District of Columbia with a majority (50% or above) in support of same sex marriage. All of these 12 states currently offer marriage, civil unions or domestic partnerships for same-sex couples.

There are 13 additional states – Alaska, Arizona, Delaware, Illinois, Iowa,

Maryland, Montana, Nevada, New Hampshire, New Mexico, Pennsylvania, and South Dakota – that have an estimate of popular support within 5 percentage points of the 50% majority point. In fact, the statistical margin of error for each of those 13 states, as reported in Figure 1, presently touches or crosses the 50% majority point, which means it is very possible that popular opinion is already at that point in each of these states. Of these 13 states, 6 of them – Delaware, Illinois, Iowa, Maryland, Nevada, and New Hampshire – currently offer marriage, civil unions or domestic partnerships for same-sex couples.

Finally, there are 10 states – Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia – that have an estimate of the level of popular support for same-sex marriage at less than 35%. In these 10 states, popular support is more than 15 percentage points (from 16% to 19%) from the 50% majority point.

Overall, in 2012, there were wide differences among the states in their levels of their popular opinion on marriage recognition for same-sex couples. As Gregory B. Lewis reported, a national majority in favor of the issue does not directly correspond with a majority in favor in each and every state.³ However, opinions on marriage for same-sex couples have undergone many positive changes nationally, with Third Way reporting a sixteen-point increase in support of same-sex marriage opinions since 2004.⁴

How have opinions changed in the states?

Given the national changes since 2004, opinions in favor of marriage recognition for same-sex couples in the states should also have similar positive trends. But national opinions may be driven by residents of more populous states, and they may not be entirely representative of each individual state, especially those states with smaller populations. To investigate whether the state-level of support has changed over the last eight years, we first analyze the level of support for same-sex marriage in 2004. Comparisons can then be made to determine how the political landscape has changed.

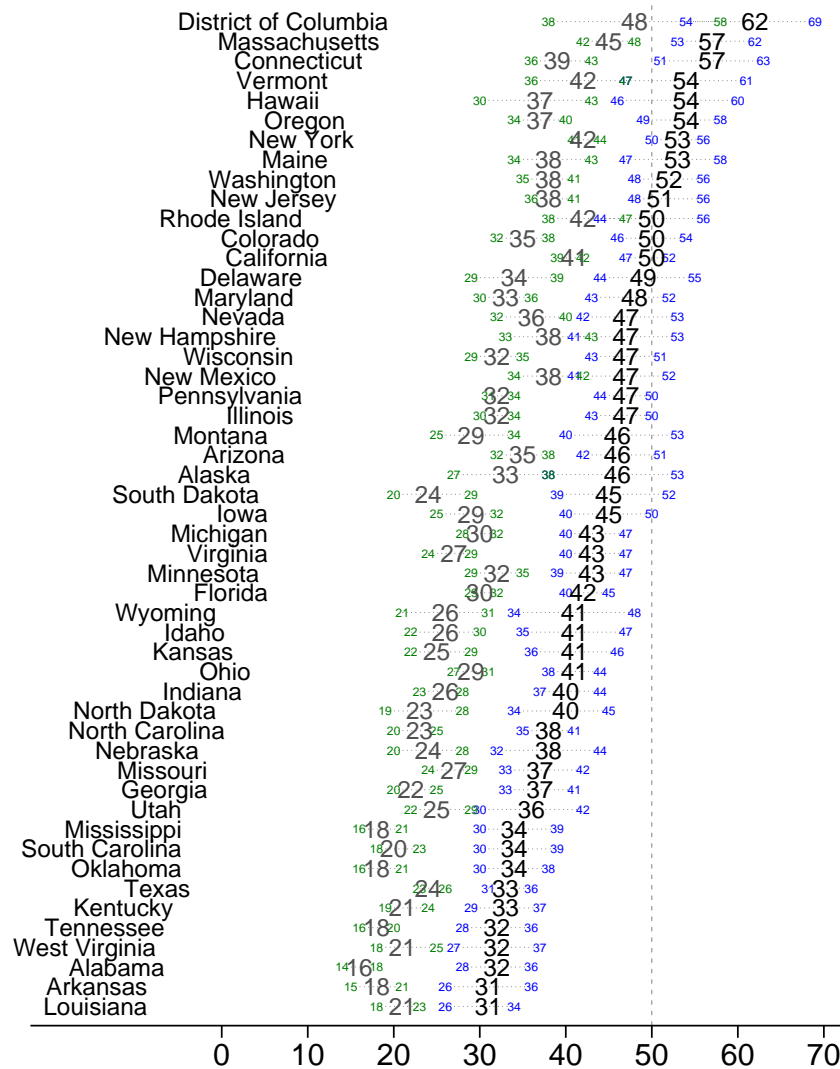
The results indicate that all of the states have increased in their approval of marriage recognition for same-sex couples since 2004. In 2004, there was

³<http://themonkeycage.org/blog/2012/05/15/if-same-sex-marriage-is-so-popular-why-does-it-always-lose-at-the-ballot-box-includes-state-level-data-on-support-and-legislation/>

⁴<http://www.thirdway.org/subjects/11/publications/600>

not a single state that had a majority in favor of same-sex marriage. As Figure 2 shows, support has increased at a rapid pace, similar to national trends.

Figure 2: Marriage Opinion 2004 Estimates and 2012 Estimates
(ranked from lowest support to highest support in 2012 – the margin of error for 2004 in green and for 2012 in blue)



In every state except Alaska, New Hampshire, New Mexico, and Rhode Island as well as the District of Columbia, there has been a statistically sig-

nificant positive trend in the last eight years on attitudes favoring marriage recognition for same-sex couples. Statistically significant changes are determined by observing an overlap in the margins of error between 2004 and 2012 and, if there is no overlap, then the change is significant and likely not a result of random chance.

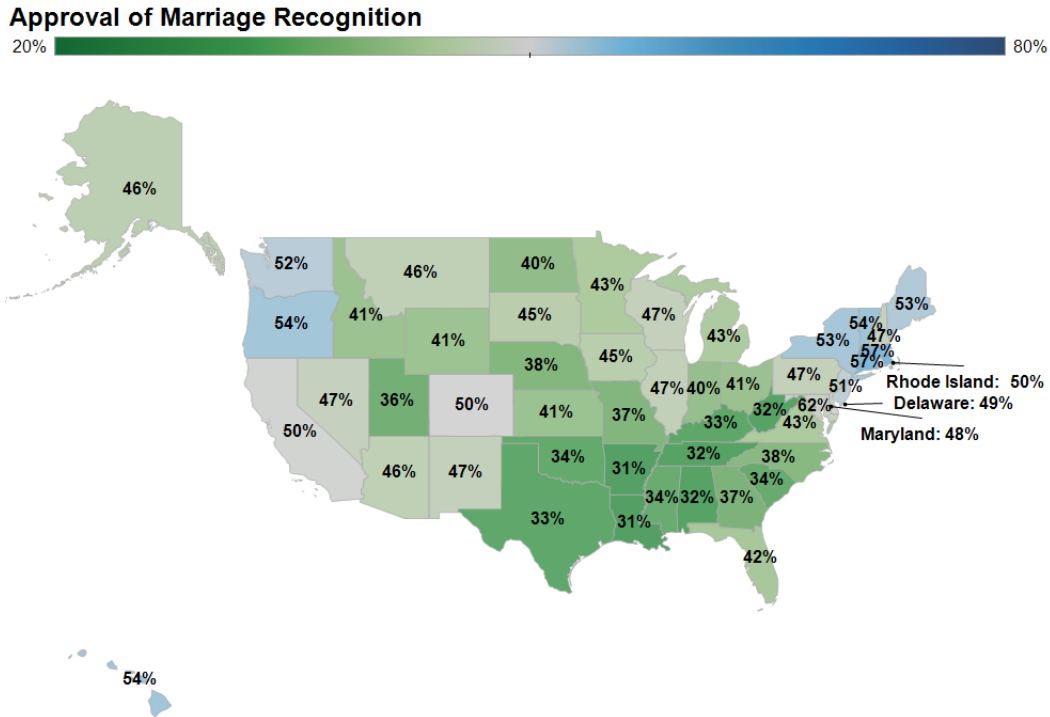
Overall, there has been an average increase in 13.6 percentage points in support for marriage in the states, though there is substantial variation between states regarding how much change is observed ranging from 8 to 21 percentage points.⁵

In addition, states have not all changed at the same rate: some had rapid change and others slower change. Comparing the magnitude of the change between the level of support in 2004 to 2008 indicates that some states, like Connecticut and South Dakota, have had a marked increase of 11 or more percentage points, while others like Colorado and Texas, have increased by a smaller percentage (about nine percentage points). Nevertheless, the positive trend indicates that opinions toward marriage recognition continues in a single direction, upward, and this is found nationally as well as in most of the states.

As these results show, there have been significant changes in opinions since 2004, a year when 13 state-level defense of marriage acts were passed by popular statewide votes. Given current trends in public opinion and an average increase of approximately 1.7 percentage points per year, it is likely that another 8 states will have majority support for marriage for same-sex couples by the end of 2014 – for a total of 20 states and the District of Columbia with 50% or above of its population in support of marriage for same-sex couples and another 9 states within 5% or less of the majority point.

⁵The estimates presented tend to underestimate as opposed to overestimate support, so we believe our findings indicate a lower bound for what true opinions may be in the states. The estimates use public opinion from data in the year of analysis and the year prior to increase sample sizes in the states, which increases our accuracy. By incorporating the year prior, the magnitude of the positive change in one year is pulled down by the year before it.

Figure 3: State approval of marriage in 2012



Conclusion

Public opinion in the states is important to policies offering marriage licenses to same-sex couples. In the November 2012 elections, a majority of voters in three states—Maine, Maryland, and Washington—supported legalizing marriage for same-sex couples in statewide ballot initiatives. Yet, as recently as May 2012, voters in North Carolina favored a state constitutional restriction on marriage equality. As these examples demonstrate, there are clear and distinct differences among the states in terms of the level of support for same-sex marriage. These marked differences have important consequences for predicting both the timing and the outcome of legislative activities and statewide initiatives around this issue.

This research brief identified that there 12 states plus the District of Columbia presently with a majority (50% or above) in support of same-sex marriage. And, given current trends in public opinion on this issue, an additional 8 states will join this group by 2014. In contrast, 10 states remain

more than 15 percentage points from achieving a majority in support of this issue. Yet, all states are presently experiencing a trend reflecting increasing popular support for marriage for same-sex couples; the rates of change across states averaged 1.7% per year and ranged from 1% a year to 2.6% a year. Therefore, even the two states with the lowest levels of support in 2012, Louisiana and Arkansas at 31%, if accorded even the lowest rate of present change, 1% a year, are still only slightly less than 20 years from each having a majority on this issue.

Finally, there are 10 states that have previously passed constitutional amendments to not introduce same-sex marriages that now have a majority or are within five percentage points of a majority in favor same-sex marriage – Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, South Dakota, and Wisconsin. These states may be the future political arenas where existing constitutional amendments may be repealed in order to perform marriages for same-sex couples in those states.

Methodology

Data Sources

The analyses aggregate survey data from multiple polling agencies and news sources; all of the data are available on the The Roper iPoll database, except for the Logo TV poll. The estimates incorporate data from the current year and the year earlier. The statistical procedure calculates the state estimates in a multilevel Bayesian analysis using 10,000 iterations ran with 3 simultaneous Markov chains. The chains were assessed to ensure that all of them mixed properly, indicating the analysis was successful, and the last 5,000 iterations were kept to produce the estimates and margins of error. Table 1 provides the details of the surveys included in the analysis for 2012. There were over 13,000 observations included in the estimation for 2012. Park, Gelman, and Bafumi (2004) detail the estimation procedure in depth. The estimation procedure is done in two steps.

Estimation Procedure

First, a regression model estimates how demographic and geographic covariates affect the likelihood someone supports marriage recognition for same-sex couples. The demographic variables include: age (18-29, 30-44, 45-64, 65+), sex (male and female), race (black and all others), and education (Less than H.S. diploma, H.S. diploma, some college, and college graduate). The geographic variables include: each state including the District of Columbia and region (Midwest, Northeast, South, West, and the District of Columbia). The District of Columbia is included as both a region and a state because it has been known to have distinct political opinions from the rest of the country, making it a unique region in it of itself. The model estimates the effects for each age group, sex group, race group, education group, state, and region. Like many statisticians in the calculation of survey weights, an interaction between sex and race is included, and we do the same for the present analyses.

Second, the results of the model are post-stratified to each age-sex-education-race group using population estimates in the U.S. Census for each state. This way, the likelihood a person supports marriage for same-sex couples is estimated and then the Census indicates how many people fit that demographic profile. Table 2 provides a portion of Census population estimates for each

Table 1: The Surveys and Questions Used in Estimation

Poll	Question Wording	% Favor (N)
Pew 2012	Do you strongly favor, favor, oppose, or strongly oppose gay and lesbian couples to marry legally?	52% (1337)
CNN 2012	Do you think marriages between gay and lesbian couples should or should not be recognized as valid, with the same rights as traditional marriages?	56% (968)
CBS 2012	Do you think it should be legal or not legal for same-sex couples to marry?	51% (968)
Logo TV 2012	Please indicate how strongly you support or oppose legalizing same-sex marriage.	52% (1367)
CBS 2012	Do you think it should be legal or not legal for same-sex couples to marry?	56% (1216)
Pew 2011	Do you strongly favor, favor, oppose, or strongly oppose allowing gays and lesbians to marry legally?	50% (1365)
ABC 2011	On another subject, do you think it should be legal or illegal for gay and lesbian couples to get married?	53% (989)
CNN 2011	Do you think marriages between gay and lesbian couples should or should not be recognized as valid, with the same rights as traditional marriages?	52% (807)
ABC 2011	On another subject, do you think it should be legal or illegal for gay and lesbian couples to get married?	48% (946)
CNN 2011	Do you think marriages between gay and lesbian couples should or should not be recognized as valid, with the same rights as traditional marriages?	53% (1023)
Pew 2011	Do you favor or oppose allowing gays and lesbians to marry legally?	51% (2174)

year and age-sex-education-race group for each state. There are 64 unique combinations of the groups in each state, and this provides 3,264 population estimates for the entire country each year. We use these population estimates to average across all the people-types in a state. This way, for example, the probability respondents support same-sex marriage among residents of Wyoming who are female, not black, over the age of 65 is estimated, and then weighted by the number of people in Wyoming who are female, not black, and over the age of 65; this provides the number of people who support and do not support same-sex marriage. We sum the number of supporters across all of the groups in the state and then divide it by the total amount of people in that state, providing the proportion of people in a state who are supportive of same-sex marriage. We use 2010 Census estimates for 2012

while we use 2000 estimates with weights from American Community Survey for 2004.

Table 2: Sample of the U.S. Census population estimates used in the second step of the estimation procedure

Age	Sex	Education	Race	State	Year	N
18-29	Male	Less than H.S.	Black	Alabama	2004	26,286
30-44	Male	H.S. Diploma	Black	Alabama	2004	41,583
⋮						
65+	Female	Some College	All else	Wyoming	2010	10,016
65+	Female	College Degree	All else	Wyoming	2010	5,501

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About the Institute

The Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at UCLA School of Law advances law and public policy through rigorous, independent research and scholarship, and disseminates its work through a variety of education programs and media to judges, legislators, lawyers, other policymakers and the public. These studies can be accessed at the Williams Institute website.

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