



July 29, 2016

TO: Interested Parties  
FROM: Erik Iverson, Principal  
RE: Marsy's Law Survey Results: Montana

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Montana voters strongly support CI-116, the Marsy's Law Initiative, with three-in-four saying they would vote "yes" to pass the initiative if the election were held today.

**Awareness of CI-116 Has Increased; Ballot Title Receives Majority Support Today**

Overall awareness of CI-116, or the "Marsy's Law regarding rights for crime victims," is 25% in Montana today. This is nearly double that of a year ago, when 14% had heard about the initiative in Montana.

After hearing the official ballot title of CI-116, the vote is 75% yes (48% "definitely" yes), 12% no and 13% undecided. Furthermore, after hearing the ballot summary, with the result of a "yes" vote and result of a "no" vote, the margin widens to 79% yes, 13% no and 7% undecided.

Looking at subgroup reactions, we find that there is majority support for Marsy's Law in Montana among all voter subgroups and across all party lines. By comparison, roughly one year ago when we polled Montana voters on a series of potential Marsy's Law initiatives, we found similar levels of support (78%).

Measures that start off with at least 60% total support in initial pre-campaign benchmark polls are considered likely to pass on Election Day, particularly when coupled with a solid campaign and communications plan. The Montana survey results convincingly exceed this 60% standard "rule of thumb" for ballot measures. Additionally, the intensity of support is also impressive as nearly 50% are "definitely" voting yes.

**Montana Voters Agree that Crime Victims Have Equal Rights to the Accused**

By a 79-12% margin, Montana voters agree that "crime victims should have equal rights to those accused or convicted of a crime." This sentiment is widely held among all voter subgroups, regardless of party, age, gender or other demography.

**Proponent Messages Poll Well; Opponent Messages Not as Effective**

All six proponent messages tested in the survey are well-received. In general, we consider any message that generates a "much more likely" response from 35% or more to be an issue that will motivate voters – and, in fact, three of the six exceed that threshold.

The three most positive messages, each with 36% "much more likely" to vote to support CI-116 are as follows:

- Marsy's Law for Montana requires the courts to consider the safety of victims and families when setting bail and release conditions, and gives family members a legal standing in bail hearings, pleas, sentencing and parole hearings. (36% much more likely to vote yes, 64% total more likely)

- Montana’s legal system generally does good job, but mistakes happen, like when a victim isn’t notified of a hearing or not given an opportunity to address the court in a hearing involving the offender. Marsy’s Law would provide the victims of crime legal standing in court proceedings if these types of mistakes do occur. (36% much more likely, 64% total more likely)
- Montana’s State Constitution provides rights for individuals accused of, or convicted of, a crime but not for victims of those crimes. This initiative would amend Montana’s Constitution to give victims of crime equal rights as those given to individuals accused of, or convicted of, crimes. (36% much more likely, 58% total more likely)

At the same time, none of the six opponent messages tested were as effective in generating opposition as the supporter arguments were in generating support. In fact, more than two-in-five voters said each of these messages made “no difference” in their support for CI-116. The highest level of “much less likely” to vote sentiment was just 22%. The best argument for opponents based on these data, is that it is funded by a California billionaire (even so, just 39% of voters are less likely to support it based on that message alone).

### **Marsy’s Law Explanation**

After hearing the explanation of Marsy’s Law, “the Marsy’s Law measure is named after Marsy, a 21-year-old college senior who was murdered on November 30, 1983. Marsy’s Law was written as a result of the experiences her brother and parents endured after her murder when they were often treated as though they had no rights, and was further inspired by hundreds of thousands of victims of crime who have also experienced the additional pain and frustration of a criminal justice system that too often fails to afford victims even the most basic of rights,” fully 56% of voters are more likely to support CI-116, while 6% are less likely and 32% say this explanation has no impact on their support. This information was most well-received among women, voters age 45+ and soft GOPs. For undecided voters and opponents of CI-116, this information had no impact on a plurality of voters.

Based on the results of this poll, Montana’s CI-116 is well-positioned for passage in November.

*These results are from a Moore Information, Inc. telephone survey conducted July 24-25, 2016 by live interviewers using both cellular and landline telephones among a representative sample of 500 voters in Montana. The potential sampling error is plus or minus 4% at the 95% confidence level.*