

Enforcing Marijuana Prohibitions

PROSECUTORIAL POLICY IN FOUR STATES

MAY 2023

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Enforcing Marijuana Prohibitions: Prosecutorial Policy in Four States

University of North Carolina School of Law Prosecutors and Politics Project and The
Ohio State University Moritz College of Law Drug Enforcement and Policy Center

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About the Prosecutors and Politics Project and the Drug Enforcement Policy Center

The Prosecutors and Politics Project at the University of North Carolina School of Law studies the role of prosecutors in the criminal justice system, focusing on both the political aspects of their selection and their political power. The Project endeavors to bring scholarly attention to the democratic accountability of elected prosecutors, to increase our understanding of the relationship between prosecutors and politics through empirical study, and to publicly share research in order to increase voters' knowledge about their elected prosecutors and broader criminal justice issues.

The Drug Enforcement and Policy Center at the Ohio State University Moritz College of Law helps shape and enrich public conversations about the intersecting fields of criminal justice and drug policy and enforcement, and their historical and modern impact on society. Center faculty and staff examine criminal and civil laws, policies, and enforcement efforts related to traditionally illicit drugs, with a particular focus on marijuana laws and reform efforts. We conduct and support interdisciplinary, evidence-based research, scholarship, education, community outreach and public engagement on these issues and their impacts.

For more information about the Prosecutors and Politics Project, please visit law.unc.edu/academics/centers-and-programs/prosecutors-and-politics-project/

For more information about the Drug Enforcement Policy Center, please visit moritzlaw.osu.edu/faculty-and-research/drug-enforcement-and-policy-center

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Executive Summary

As states have increasingly legalized and decriminalized marijuana, the enforcement of criminal laws prohibiting the personal possession of marijuana has become more controversial in those states where cannabis remains illegal. Among other controversies, some local prosecutors have publicly stated that they will not continue to prosecute cases involving personal possession of marijuana. Although such statements have captured headlines, very little systematic research has been done to see how prosecutors, as a group, enforce criminal laws prohibiting personal possession. This study fills that gap by examining prosecutorial enforcement of laws prohibiting the personal possession of marijuana in four states that have not legalized medical or adult-use marijuana—Indiana, North Carolina, Tennessee, and Texas. It examined views of both incumbent prosecutors and those candidates running for the office.

The study produced the following six key findings:

Key Finding #1:

Very few incumbent and non-incumbent candidates have adopted policies or platforms of full enforcement.

Of those incumbents and candidates who had adopted formal or informal policies, only 5% of incumbents and 5% of non-incumbents indicated full enforcement as their policy or platform. More than half of incumbent prosecutors who had adopted a policy on the topic indicated that their policy was less than full or ordinary enforcement of laws against personal possession of marijuana. In addition, nearly two-thirds of non-incumbents running for local prosecutor reported that they would have adopted such policies if elected.

Key Finding #2:

Practical concerns drive the adoption of less than full or ordinary enforcement policies.

Candidates who had adopted policies of less than full or ordinary enforcement identified three main reasons for pursuing less than full enforcement: the inability to distinguish illegal cannabis from legal hemp, insufficient resources in their office to pursue minor possession cases, and not identifying minor possession offenses as a priority for prosecution. Only a few respondents identified the preferences of voters who oppose prosecution or racial inequality concerns as the reasons motivating their policies.

Key Finding #3:

Policies or platforms of less than full enforcement could be found across political parties and in both urban and rural jurisdictions. Democratic candidates were most likely to indicate adoption of less than ordinary enforcement.

Candidates who ran as Democrats were far more likely to have policies of less than full or ordinary enforcement than were Republicans (87% as compared to 41%). Less than a tenth (7%) of Democratic candidates had policies or platforms of full or ordinary enforcement, as compared to nearly a third (33%) of Republican candidates. Approximately half of all candidates in both the largest and the smallest jurisdictions adopted policies or platforms of less than full or ordinary enforcement. That figure was much higher for jurisdictions with populations between 250,000 and 1 million; 90% of candidates in those jurisdictions adopted policies or platforms of less than full or ordinary enforcement.

Key Finding #4:

Incumbents are more likely to believe that marijuana enforcement promotes public safety, while non-incumbent candidates are more likely to view enforcement as detrimental to public safety.

The study asked candidates to share their views on how the enforcement of laws prohibiting possession of marijuana affects public safety. Non-incumbents were far more likely than incumbents to think that enforcing marijuana laws had either no effect or a negative effect on public safety. More than half of all responding non-incumbent candidates agreed with the negative impact statements as compared to less than a third of responding incumbents. Incumbents, on the other hand, were more likely to agree with statements that claimed enforcing marijuana laws increased public safety.

Key Finding #5:

Non-incumbent candidates were more likely to believe their voters favored decriminalization.

Responding incumbents and non-incumbents had significantly different perceptions of their voters' preferences in respect to marijuana enforcement. Only 9% of incumbents believed that the majority of voters in their districts would support marijuana decriminalization, compared to 59% of non-incumbents. Half (50%) of incumbents and 32% of non-incumbents believed their voters opposed decriminalization.

Key Finding #6:

Very little information on marijuana possession enforcement is available to the public.

A search of media archives and candidate Facebook pages found very little publicly available information on candidates' stances on marijuana enforcement. Only 9% of candidates had an identifiable policy on marijuana possession enforcement that was discoverable in print news media. An additional 1% of candidates had such a policy available on Facebook. When asked in our survey, only 19% of incumbents reported having announced their office policy on the issue, as compared to 52% of non-incumbents.

Methodology

The study proceeded in three stages. In the first stage, we identified all candidates who ran for the office of local prosecutor in our four subject states: Indiana, North Carolina, Tennessee, and Texas. These states were chosen because they held an election in 2022, and because personal possession of marijuana remains a crime.

In the second stage, we searched print media and Facebook for publicly available information about the candidates' policies on marijuana possession enforcement. We chose these venues on the theory that they would be popular sources of information for voters attempting to learn about the candidates. The study examined all media articles written during the first five months of 2022, which were available in the America's News database, as well as candidate Facebook posts for the same period. When a news article about and candidate or a Facebook post by a candidate was identified, we coded the article or post to capture the type of policy or policies articulated by candidates.

In the third stage of the study, we surveyed candidates directly about their policies and their views on the impacts of marijuana enforcement policy on public safety. The survey was conducted using Qualtrics, and all candidates were contacted and invited to participate via phone, email, or both.

The results of that survey were combined with the results from the media stories and Facebook posts to develop a comprehensive picture of marijuana enforcement policies.

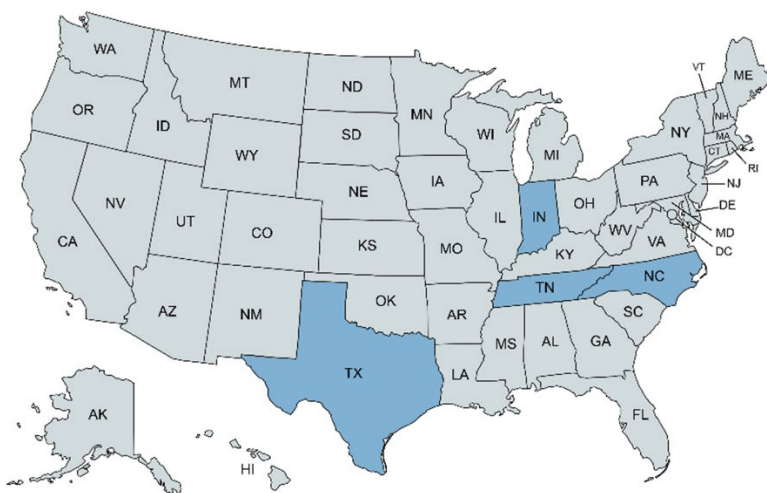
Findings

As more states have legalized and decriminalized marijuana, the enforcement of criminal laws prohibiting the personal possession of marijuana has become more controversial in states where cannabis remains illegal. Some local prosecutors have announced that they will no longer prosecute cases of personal possession—announcements that in some states have drawn intense criticism from other public officials.¹ Yet, despite these few high-profile announcements, very little is understood about how other prosecutors enforce criminal prohibitions on the personal possession of marijuana.

This study aims to fill this gap. It systematically examines prosecutorial enforcement of laws prohibiting the personal possession of marijuana in four states that have not legalized medical or adult-use marijuana. The study had four major goals: (1) to determine what enforcement policies had been adopted by incumbent prosecutors, (2) to determine the enforcement platforms of candidates running for the office of local prosecutor, (3) to explore the reasons and reasoning behind those policies and platforms, and (4) to determine what information, if any, was accessible to voters about the issue.

The study included four states—Indiana, North Carolina, Tennessee, and Texas. These states both prohibit the personal possession of marijuana and held an election in 2022. It found that underenforcement of marijuana laws is common, but that little information about enforcement policies were publicly available.

Figure A: States Included in the Study



¹ See, e.g., Jeff Amy, *Georgia bill is latest GOP effort targeting prosecutors*, ASSOCIATED PRESS (March 28, 2023) (reporting that Georgia legislation to create a commission which could remove local prosecutors from office was prompted, in part, by anger toward a local prosecutor who is “under fire for refusal to prosecute marijuana crimes”).

Study Demographics

Overall, we identified 289 candidates in all four states: 62% of these candidates were incumbents and 38% were non-incumbents. Forty-seven percent of candidates were running in contested elections while 53% were not.

Although all 289 candidates were invited to participate in the survey, many candidates did not respond despite multiple invitations via email and telephone. Overall, 21% of candidates, or 62 candidates,² responded to large portions of our survey. These 62 candidates included 35 incumbents and 27 non-incumbents, who were spread throughout our four subject states and hailed from districts of varied populations.³

The survey respondents were a diverse group and were generally representative of the entire candidate pool. Approximately the same percentage of uncontested prosecutors and slightly more incumbent prosecutors who won their race responded to our survey relative to the larger group of 289. In the overall candidate pool, 25% of incumbents ran in contested elections and similarly, 26% of incumbent candidates responding to our survey ran in contested elections. Of the incumbents responding to the survey, 94% won their election compared to 90% of incumbents in the larger candidate pool. For non-incumbents, the pattern was similar. Overall, 83% of non-incumbents ran in contested elections while 96% of non-incumbent survey respondents ran in contested elections. The win rate for non-incumbent respondents to our survey was 41%, compared to the overall non-incumbent win rate of 44%. In other words, more non-incumbents who were contested or lost their elections responded to our survey relative to the larger candidate pool.

Marijuana Enforcement Policies and Platforms

The survey asked candidates whether they had a formal or informal policy or platform on charging adult personal possession of marijuana cases. Overall, only 14% of incumbents and less than a quarter (22%) of non-incumbents indicated that they had a formal policy or platform on this topic. An additional 17% percent of incumbents and 7% of non-incumbents said they had an informal policy or platform.

Those candidates who indicated that they had either a formal or informal policy or platform on marijuana possession enforcement were asked to describe it. They were given several possible descriptions, which are reproduced in Table 1 below, as well as the option to indicate that their policy was not included in the list of descriptions. Table 1 gives an

² While 62 candidates responded to large portions of the survey, not every candidate responded to every question creating variation in the total respondents for each question.

³ A complete list of the 289 candidates with indications of which candidates appear in our study can be found in Appendix A.

overview of the survey responses, as well as policies and platforms gleaned from media coverage and Facebook posts.

Table 1: Policies and Platforms

Prosecution policy type	Incumbents	Non-incumbents
No prosecution of any personal possession of marijuana cases.	10%	21%
Diversion, rather than criminal charges, for any personal possession of marijuana.	3%	21%
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	26%	5%
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	13%	18%
Fully enforce personal possession of marijuana cases.	5%	5%
Personal possession cases are treated like all other cases and are considered on a case-by-case basis.	23%	15%
Other	21%	15%

One tenth (10%) of incumbents and nearly a quarter of non-incumbents (21%) said that their office did not (or would not, if elected) prosecute any personal possession of marijuana cases. Three percent (3%) of incumbents and 21% of non-incumbents said they relied (or would rely) on diversion, rather than criminal charges, for any personal possession of marijuana case. Diversion for first time offenders was the policy selected by over one quarter (26%) of incumbents and 5% of non-incumbents. Thirteen percent of incumbents and 18% of non-incumbents indicated that they assigned a lower priority to marijuana possession cases, but still prosecuted in some circumstances; however they did not have a more precise policy.

Full enforcement was identified by 5% of incumbents and 5% of non-incumbents as their policy or platform. Treating personal possession cases no differently than other cases—that is, assessing them on a case-by-case basis—was selected by 23% of incumbents and 15% of non-incumbents.

The last category, “other,” was selected by over one-fifth (21%) of incumbents and 15% of non-incumbents. Respondents were given an opportunity to explain their policy or platform if they chose “other.” Those explanations varied widely. Several respondents

articulated a policy of not prosecuting possession up to a certain weight, and several others indicated a policy of deferred prosecution, with criminal charges involved.

The responses from Table 1 can be roughly grouped into policies and platforms that can be categorized as “less than full or ordinary enforcement” (indicated in blue)⁴ or “full or ordinary enforcement” (indicated in light blue).⁵ When grouped into these categories, as shown in Table 2, a slight distinction emerges between the policies of incumbents and non-incumbents. Non-incumbents are more likely to adopt platforms of less than full or ordinary enforcement as compared to incumbents. However, many incumbents also adopted such policies; more than half of incumbents had adopted policies of less than full or ordinary enforcement.

Table 2: Policies by Candidate Status

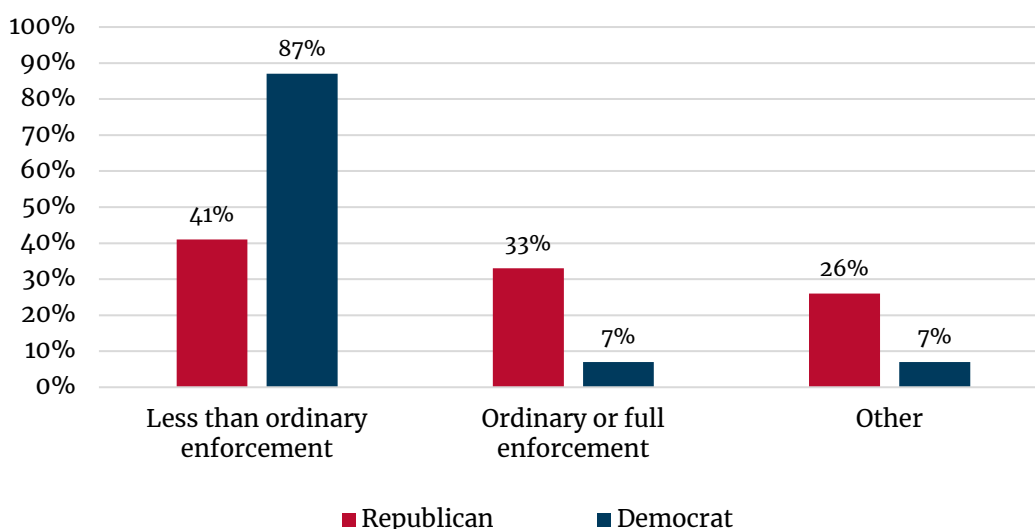
Prosecution Policy	Incumbents	Non-incumbents
Less than full or ordinary enforcement	51%	64%
Full or ordinary enforcement	28%	21%
Other	21%	15%

Digging deeper into the survey responses, it becomes clear that whether a candidate was an incumbent or a non-incumbent was not the only characteristic correlated with enforcement policies. Democrats were far more likely to have policies or platforms of less than full or ordinary enforcement, than were Republicans (87% as compared to 41%). Less than a tenth (7%) of Democratic candidates had policies or platforms of full or ordinary enforcement, as compared to nearly a third (33%) of Republican candidates. Although the correlation between political party and enforcement policy is very strong for Democratic candidates, it was weaker for Republican candidates. A plurality of Republican candidates adopted policies of less than full or ordinary enforcement—indeed, more Republican candidates adopted such policies than policies of full or ordinary enforcement (19 candidates as compared to 15).

⁴ The policies grouped in the “Less than full or ordinary enforcement” category include “No prosecution of any personal possession of marijuana cases”, “Diversion, rather than criminal charges, for any personal possession of marijuana”, “Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders” and “Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances”.

⁵ The policies grouped in “Full or ordinary enforcement” include “Fully enforce personal possession of marijuana cases” and “Personal possession cases are treated like all other cases and are considered on a case-by-case basis”.

Figure B: Enforcement Policy by Major Political Party

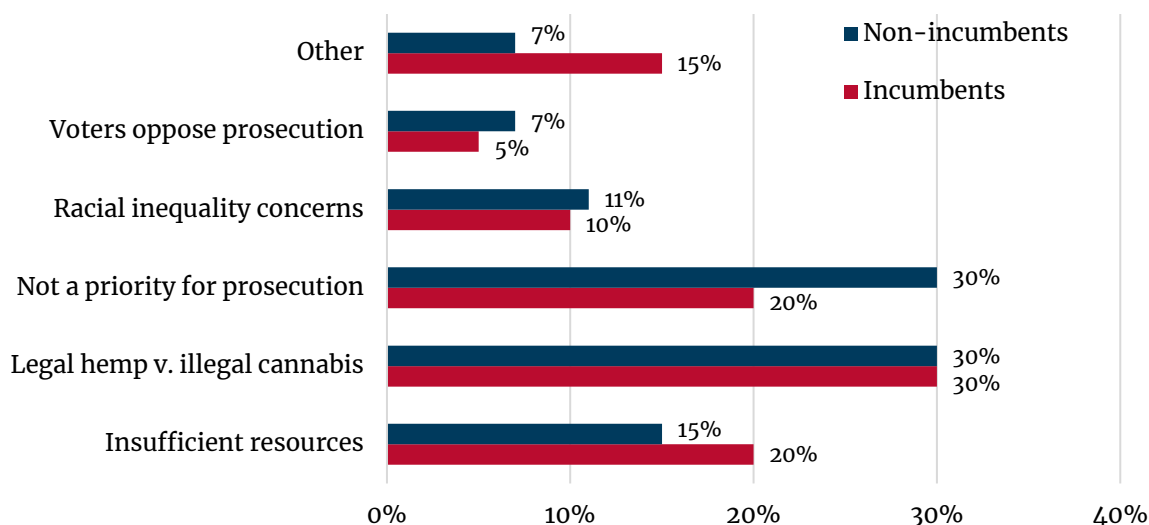


While there are clear differences between candidates running as members of different political parties, there is no easily discernable pattern when it comes to population. Approximately half of all candidates in both the smallest and the largest jurisdictions adopted policies or platforms of less than full or ordinary enforcement. The one exception to this pattern comes from districts with populations between 250,000 and 1 million people; in those districts, 90% of candidates adopted policies or platforms of less than full or ordinary enforcement.

Motivations behind Policies and Platforms

The survey asked those candidates who had adopted policies or platforms of less than full or ordinary enforcement to identify the reasons behind their policies. Respondents were given several options from which they could select all that applied. Incumbents framed their top motivation in practical terms—namely, that it is difficult to distinguish between legal hemp and illegal cannabis. As one incumbent in Tennessee put it: “We’ve not really been prosecuting that for the last couple of years due to issues of trying to determine what’s marijuana and what’s hemp...[.]”

Figure C: Motivations for Limited or No Prosecution of Marijuana Possession



Perhaps because they were able to identify multiple reasons for their policies, we saw overlap between incumbents and non-incumbents in their answers. The idea that marijuana is not a priority and the difficulties with distinguishing between hemp and cannabis were popular answers for candidates in both groups, as was the idea of insufficient resources. One non-incumbent candidate from Texas framed the resource question as follows: “A joint costs maybe five bucks. But [our county’s] taxpayers spend \$20,000 every time we prosecute someone for that five-dollar joint.”

Notably, few respondents identified the feelings of voters who oppose prosecution or racial inequality concerns as the reasons motivating their policies.

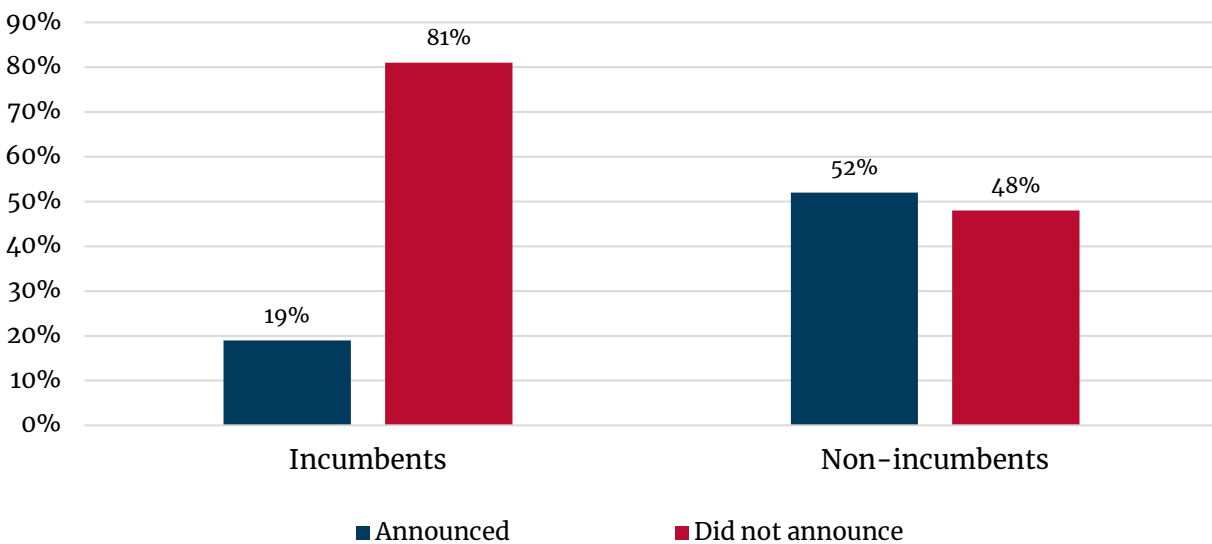
Only those candidates who identified their policy or platform as one of less than full or ordinary enforcement were asked about the reasons for that policy. But some indication of the reasons behind ordinary or full enforcement policies nonetheless appeared in media searches and open-ended survey questions. For example, one incumbent in Indiana stated, “...discretion occurs on a case-by-case basis from a potential arrest, all the way to the prosecutor’s office.” Another survey respondent said, “I don’t think that it’s appropriate for me as the DA to say I’m not going to prosecute a crime that has been set by law.” A third respondent, an incumbent in Texas, expressed similar sentiments, stating “So as long as it’s on the books and I’m the DA, it’s gonna be enforced.”

Public Information about Policies and Platforms

Because these candidates were running in an election, our survey sought to identify not only their policies and platforms, but also whether voters had access to that information prior to the election.

Searches of print news and Facebook posts yielded little publicly available information about candidates' policies and platforms on marijuana possession enforcement. Indeed, for some candidates, the searches revealed very little information at all. Nearly a quarter (24%) of all candidates did not have a single print news reference between January and May 2022, despite the fact that they were on the ballot in an election year. An additional 65% of candidates received one or more media references, but those references did not mention their policies on marijuana enforcement. Only 9% of candidates had an identifiable policy on marijuana possession enforcement that was discoverable in print news media. An additional 1% of candidates had such a policy available on Facebook.

Figure D: Did Candidates Announce Their Policy or Platform?



The media reports and Facebook posts gave some indication that little information was available to voters. To supplement that information, we asked candidates whether their office or campaign had publicly announced their policy on marijuana possession. Incumbents were far less likely to report that they had publicly announced their position than non-incumbents (19% versus 52%).

As a follow-up question to the public announcement issue, the candidates were asked for the reasons behind that decision. On that question, both incumbents and non-incumbents agreed that the top reason to share the policy was that it was important or simply, that they were asked. Among the top reasons both incumbents and non-incumbents supplied

for not sharing the policy were that no policies of any kind were announced publicly or that no one asked. Additional reasons that they had not announced a policy or a platform included that taking a case-by-case approach would preclude an announcement of doing so, and that publicly announcing a policy could lead to misunderstanding.

Views on Marijuana Possession Enforcement and Public Safety

The survey included a section on candidates' views about marijuana possession enforcement and its impact on public safety. Candidates were presented with a series of statements about marijuana and public safety, and they were asked to express agreement or disagreement with those statements. Three statements indicated ways in which marijuana possession enforcement makes communities safer, one statement indicated that marijuana enforcement had no effect on public safety, and three additional statements described ways in which marijuana possession enforcement can harm public safety.⁶ Table 3 provides an overview of the percentage of candidates who expressed agreement or disagreement with each of the statements about marijuana possession and public safety. The Table is color coded to indicate high levels of agreement, low levels of agreement, and relatively even splits.⁷

⁶ Candidates were given the option of expressing their agreement or disagreement in relative terms (e.g., strongly agree, somewhat agree) or to express no opinion. For the purposes of Table 3, "strong" and "somewhat" agreements were grouped together, as were "strong" and "somewhat" disagreement statements. The degree of agreement/disagreement is reproduced in the tables that appear in Appendix B.

⁷ The table is color coded as follows: green for agreement rate of 56%-100%, yellow for agreement rate of 45%-55%, and red for agreement rate below 45%.

Table 3: Respondents Views on Impact of Marijuana Possession Enforcement on Public Safety

Percentage of respondents agreeing with the following statements:	Incumbents	Non-incumbents
Marijuana possession enforcement can make communities safer because marijuana users often commit other crimes.	59%	32%
Marijuana possession enforcement can make communities safer because it disrupts drug trafficking, which can lead to violence and other public safety harms.	63%	50%
Marijuana possession enforcement can make communities safer by allowing law enforcement to apprehend suspects involved in other crimes or while other crimes are being committed.	81%	45%
Marijuana possession enforcement generally has little or no effect on public safety.	22%	59%
Marijuana possession enforcement can harm public safety by diverting law enforcement and other resources away from efforts to combat serious crimes.	30%	73%
Marijuana possession enforcement can harm public safety by damaging community trust in law enforcement and prosecutors.	22%	59%
Marijuana possession enforcement can harm public safety by saddling more people with a criminal record that may impact their ability to remain law abiding.	31%	73%

As Table 3 illustrates, the responses look quite different for incumbents and non-incumbents. Most strikingly, non-incumbents were far more likely than incumbents to think that enforcing marijuana laws had either no effect or a negative effect on public safety. More than half of all responding incumbent candidates agreed with those statements as compared to less than a third of responding incumbents.

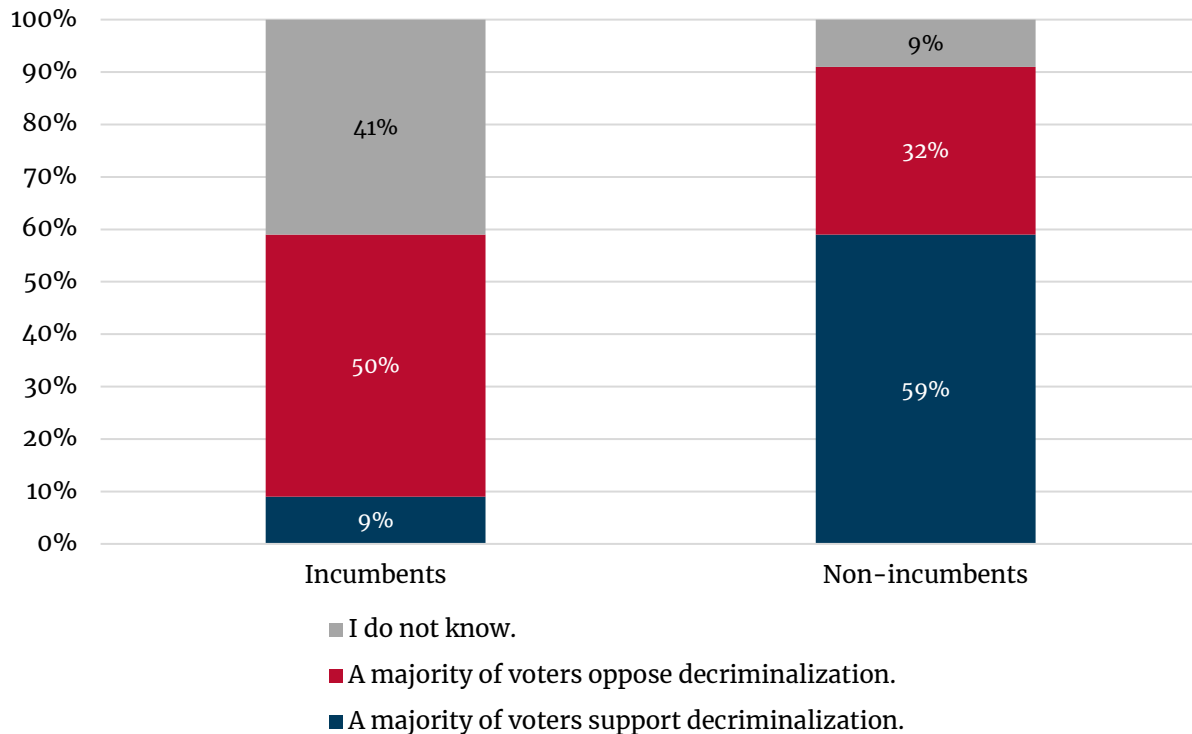
Incumbents, on the other hand, were more likely to agree with statements that claimed enforcing marijuana laws increased public safety. Indeed, 81% of incumbents agreed with the statement “Marijuana possession enforcement can make communities safer by allowing law enforcement to apprehend suspects involved in other crimes or while other

crimes are being committed.” Importantly, 45% of non-incumbent candidates also agreed with that statement. More strikingly, half of all responding non-incumbents also agreed with the statement “Marijuana possession enforcement can make communities safer because it disrupts drug trafficking, which can lead to violence and other public safety harms.” That figure is not as high as the number of incumbents who agreed with the statement (63%), but it is still significant.

Decriminalization and Voter Preferences

The survey asked candidates not only about their own views, but also about the views of their voters. Specifically, it asked candidates whether they believed that the majority of voters in their district supported or opposed decriminalization of marijuana for personal use by adults. Nine percent (9%) of incumbents believed voters supported decriminalization compared to 59% of non-incumbents. Half (50%) of incumbents and 32% of non-incumbents believed voters opposed decriminalization, and 41% of incumbents and 9% of non-incumbents were not sure about the beliefs of voters in their districts. The divergence in views between incumbents and non-incumbents may help to explain why incumbents were more likely to adopt policies of full or ordinary enforcement than were non-incumbents.

Figure E: Candidate Opinions on Voters' Beliefs

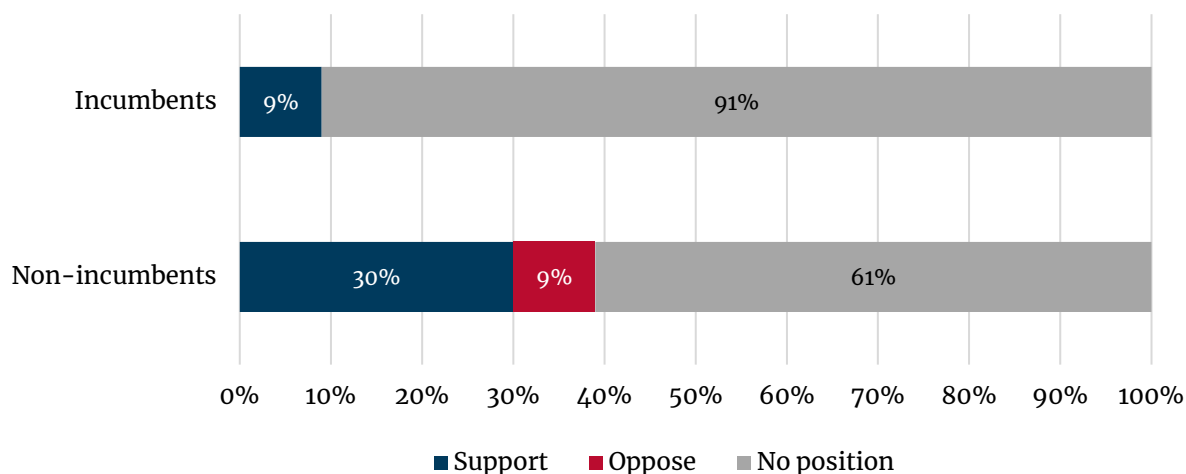


Indeed, there is some agreement between the candidates' opinions on voters' beliefs and candidates' adopted enforcement policies. Eighty-seven percent (87%) of the respondents who believed that the majority of their voters supported decriminalization adopted a policy of less than full or ordinary enforcement while 7% maintained a policy of full or ordinary enforcement. Of the respondents with a policy of full or ordinary enforcement, 82% believed voters opposed decriminalization of marijuana compared to 9% who believed voters favored decriminalization.

Public Statements on Decriminalization

Because marijuana possession remains illegal in each of the four states, and because research suggests that prosecutors are effective lobbyists,⁸ the survey also asked candidates if they had made public statements in support or opposition to state legislative efforts to decriminalize marijuana for adult personal use. The vast majority (91%) of incumbents and the majority of non-incumbents (61%) had taken no position. Nine percent (9%) of incumbents and close to a third (30%) of non-incumbents expressed public support for decriminalization. Nine percent (9%) of non-incumbents publicly opposed decriminalization.

Figure F: Public Statements on Decriminalization of Marijuana



Comparing responses across questions revealed that 62% of the candidates who had a policy or platform of less than full or ordinary enforcement of marijuana possession had

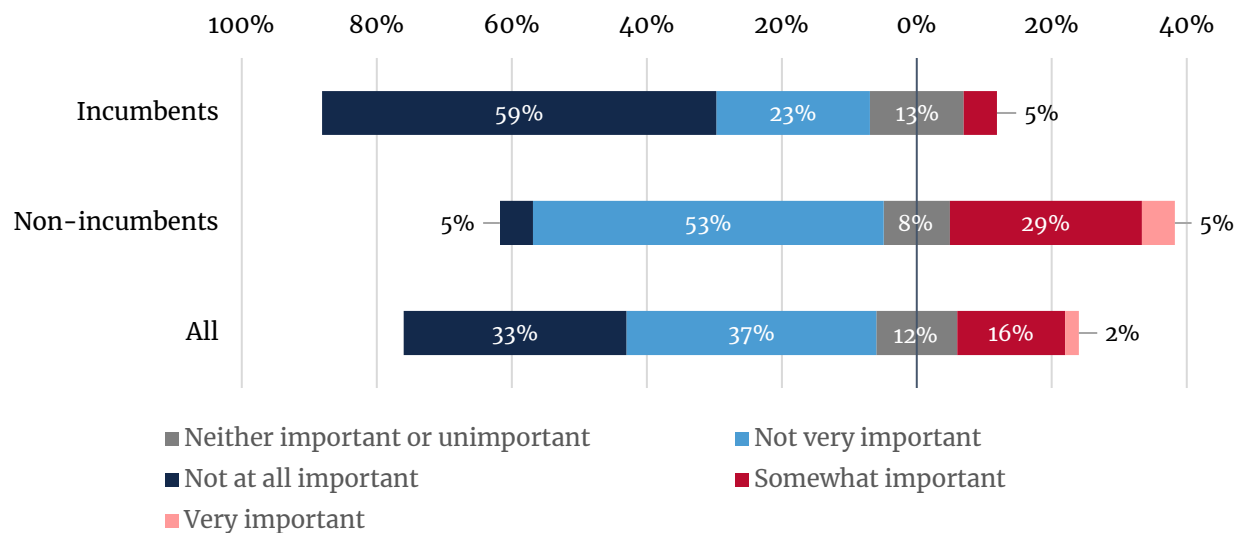
⁸ See THE PROSECUTORS AND POLITICS PROJECT, PROSECUTOR LOBBYING IN THE STATES, 2015–2018, 8-9 (June 2021), <https://perma.cc/XW32-XJV9> (documenting that prosecutors are especially successful lobbyists “when supporting bills that sought to decrease coverage of substantive criminal law”).

not taken a public position on decriminalization. This may suggest that current debates over whether prosecutors who do not fully enforce criminal laws are “nullifying” state statutes notwithstanding, individual prosecutors view their office enforcement policies as separate from general legislative policies. In other words, prosecutors believe that they possess the discretion to adopt policies that do not fully enforce the laws as written even without a legislative change.

Importance of Marijuana Enforcement Policies

It is possible that candidates did not publicly support decriminalization efforts because doing so was not politically expedient. In particular, if a candidate does not believe that marijuana enforcement is an important issue for their voters, then it may not make sense to expend political capital arguing for legislative change. This explanation finds some support in the survey results.

Figure G: Importance of Marijuana Policy in Elections

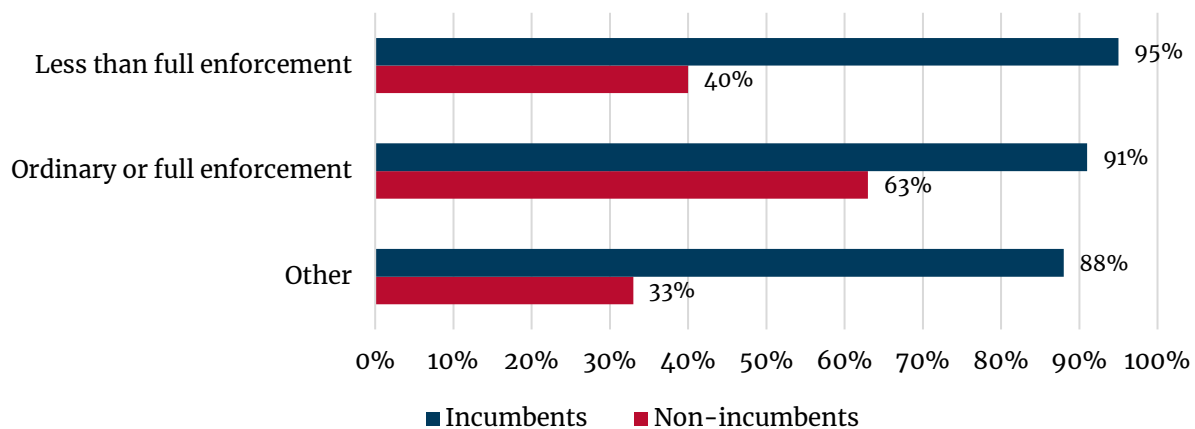


The survey asked candidates how important local policies on marijuana possession enforcement had been in their election. Respondents were asked to rate the issue on a scale of 1 to 5, with five being very important and one being not important at all. The respondents overwhelmingly answered that it was not an important issue for voters: 82% of incumbents and 57% of non-incumbents indicated that marijuana possession enforcement was either not at all important or not very important issue in their election. Only 5% of incumbents and just over one third of non-incumbents (34%) indicated that it was either a somewhat important or very important issue, although the “very important” category was selected only by 5% of non-incumbents.

Because the study examined candidates who ran in the 2022 election cycle, we were able to determine whether the candidates who adopted different policies or platforms won their election. A simple correlation suggests that marijuana enforcement policies are not related to whether an incumbent won reelection although it should be noted that the size of our sample precludes any robust statistical analysis. Barely any incumbents who responded to the survey ended up losing their election, and the few incumbents who did lose did so at a comparable rate across enforcement categories.⁹

The relationship looks somewhat different for non-incumbents. Those candidates with a platform of less than full enforcement won at a lower rate than those with platforms of full or ordinary enforcement, although again, the size of our sample precludes any definitive statements on this topic.

Figure H: Election Winners by Policy Type



While there is a correlation between marijuana enforcement policies and election outcomes for non-incumbents, there is reason to doubt that these policies played much of a role in election outcomes. Because so many candidates did not publicly announce their policies or platforms, it is unlikely that marijuana possession enforcement drove voter decisions in many elections. In addition, as Figure G indicates, the candidates themselves did not perceive the issue to be an important one in their election.

⁹ Only one incumbent in each of our enforcement categories lost reelection; the difference in win percentages reflected in Figure H is merely a function of how many incumbent candidates were in each category.

Conclusion

There is a fierce debate in this country about whether prosecutors should be permitted to adopt policies of non-enforcement or limited enforcement for marijuana possession. The debate is often couched in terms of whether so-called progressive prosecutors in large urban areas are misusing the power of their office by failing to enforce criminal laws as written. This study suggests that the terms of the debate may be misguided. At least when it comes to enforcement of laws prohibiting personal possession of marijuana, limited enforcement policies are actually quite common across political parties and geographic regions. That these policies and platforms go unannounced is troubling not only because it reduces the ability of voters to cast informed ballots, but also because it affects public perceptions about prosecutorial power and discretion.

Appendix A: Candidates in Study

The table included in this appendix may not be fully accessible. To request this information in an alternative and/or accessible format, please contact depc@osu.edu.

Table Key:

Bold type indicates the overall election winner.

* Findings include candidate data derived from media sources or survey responses.

† Candidate was not contacted to complete the survey.

± Candidate opted out of the survey.

Incum. = incumbent

Chall. = challenger

Con. = contested

Uncon. = uncontested

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
IN	1	Vanderburgh	Nicholas Hermann	I	Rep	C
IN	1	Vanderburgh	±Diana Moers	C	Rep	C
IN	1	Vanderburgh	Jon Schaefer	C	Dem	C
IN	2	Warrick	*Michael "Mike" Perry	I	Rep	U
IN	3	Harrison	J. Otto Schalk	I	Rep	U
IN	4	Clark	Jeremy Mull	I	Rep	U
IN	5	Jefferson	David Sutter	I	Dem	U
IN	6	Scott	Chris Owens	I	Dem	U
IN	7	Dearborn, Ohio	Lynn Deddens	I	Rep	U
IN	8	Johnson	*Lance Hamner	O	Rep	C
IN	8	Johnson	Joseph Villanueva	O	Rep	C
IN	9	Bartholomew	Lindsey Holden-Kay	O	Rep	C
IN	9	Bartholomew	Joshua Scherschel	O	Rep	C
IN	10	Monroe	Erika Oliphant	I	Dem	U
IN	11	Posey	Thomas Clowers	I	Rep	U
IN	12	Knox	J. Dirk Carnahan	I	Rep	U
IN	13	Clay	Emily Clarke	I	Rep	U
IN	14	Sullivan	Ann Mischler	I	Rep	U
IN	15	Morgan	*Steven Sonnega	I	Rep	U
IN	16	Shelby	James Landwerien	I	Rep	U
IN	17	Wayne	Michael "Mike" Shipman	I	Rep	U
IN	18	Hancock	*Brent Eaton	I	Rep	C
IN	18	Hancock	Grey Chandler	C	Rep	C
IN	19	Marion	Ryan Mears	I	Dem	C
IN	19	Marion	Cynthia "Cyndi" Carrasco	C	Rep	C

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
IN	20	Boone	Kent Eastwood	I	Rep	U
IN	21	Warren	Bonnie Adams	O	Rep	U
IN	22	Montgomery	Joseph Buser	I	Rep	U
IN	23	Tippecanoe	Pat Harrington	I	Rep	U
IN	24	Hamilton	D. Lee Buckingham	I	Rep	C
IN	24	Hamilton	Greg Garrison	C	Rep	C
IN	24	Hamilton	Jessica Paxson	O	Dem	C
IN	25	Randolph	±David Daly	I	Rep	U
IN	26	Adams	Jeremy Brown	I	Rep	U
IN	27	Wabash	William Hartley Jr.	I	Rep	U
IN	28	Wells	*Andrew Carnall	I	Dem	C
IN	28	Wells	Colin Andrews	C	Rep	C
IN	29	Cass	Noah Schafer	O	Rep	U
IN	30	Jasper	Jacob Taulman	I	Rep	U
IN	31	Lake	Bernard Carter	I	Dem	U
IN	32	LaPorte	John Lake	I	Dem	C
IN	32	LaPorte	Sean Fagan	C	Rep	C
IN	33	Noble	James "Jim" Mowery	I	Rep	U
IN	34	Elkhart	Vicki Becker	I	Rep	U
IN	35	Lagrange	Travis Glick	O	Rep	U
IN	36	Tipton	Jay Rich	I	Rep	U
IN	37	Franklin	* Chris Huerkamp	I	Rep	U
IN	38	Allen	Michael "Mike" McAlexander	O	Rep	U
IN	39	White	* Mark Delgado	O	Rep	C
IN	39	White	*Stacey Diener	O	Rep	C
IN	40	Jackson	Jeffery Chalfant	I	Rep	U
IN	41	Fulton	Michael Marrs	I	Rep	U
IN	42	Washington	Tara Hunt	O	Rep	U
IN	43	Vigo	* Terry Modesitt	I	Rep	C
IN	43	Vigo	Johnny Vaughn	C	Dem	C
IN	44	Starke	Leslie Baker	I	Rep	C
IN	44	Starke	Autumn Ferch	C	Dem	C
IN	45	Clinton	Anthony Sommer	I	Rep	U
IN	46	Delaware	* Eric Hoffman	I	Dem	U
IN	47	Vermillion	Bruce Aukerman	I	Dem	U
IN	48	Grant	Rodney Faulk	I	Rep	C
IN	48	Grant	Scott Hunt	C	Rep	C
IN	49	Daviess	Dan Murrie	I	Rep	U

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
IN	50	Madison	Rodney Cummings	I	Rep	U
IN	51	Miami	Jeff Sinkovics	I	Rep	U
IN	52	Floyd	Chris Lane	O	Rep	U
IN	53	Henry	Anthony Saunders	I	Rep	C
IN	53	Henry	*Michael Mahoney	C	Rep	C
IN	54	Kosciusko	Travis McConnell	O	Dem	C
IN	54	Kosciusko	† J. Brad Voelz	O	Rep	C
IN	55	Hendricks	Loren Delp	I	Rep	U
IN	56	Huntington	*Jeremy Nix	O	Rep	U
IN	57	Dubois	± Beth Sermersheim	O	Rep	U
IN	58	Jay	Wesley Schemenaur	I	Dem	U
IN	59	Pulaski	Kelly Gaumer	O	Rep	U
IN	60	St. Joseph	*Kenneth Cotter	I	Dem	U
IN	61	Fountain	*Daniel Askren	I	Rep	U
IN	62	Howard	Mark McCann	I	Rep	U
IN	63	Greene	*Jarrod Holtsclaw	I	Rep	U
IN	64	Putnam	Jim Bookwalter	I	Rep	U
IN	65	Rush	Phillip Caviness	I	Rep	U
IN	66	Gibson	*Michael Cochren	I	Rep	U
IN	67	Porter	Gary Germann	I	Dem	U
IN	68	Parke	*Steve Cvangros	I	Rep	U
IN	69	Decatur	Nathan Harter	I	Rep	U
IN	70	Perry	Jason Hoch	I	Dem	C
IN	70	Perry	† Samantha Hurst	C	Rep	C
IN	71	Blackford	Joelle Freiburger	O	Rep	U
IN	72	Marshall	*E. Nelson Chipman Jr.	I	Rep	U
IN	73	Fayette	Bette Jones	I	Rep	U
IN	74	Carroll	*Nicholas C. McLeland	I	Rep	U
IN	75	DeKalb	Neal Blythe	O	Rep	U
IN	76	Benton	Rex Kepner	O	Rep	C
IN	76	Benton	Jeanna Pitstick	O	Rep	C
IN	77	Crawford	T. Parker Hudson	O	Dem	C
IN	77	Crawford	*Chase Smith	O	Rep	C
IN	78	Owen	Donald VanDerMoere II	I	Rep	U
IN	79	Newton	Jeffrey Drinkski	I	Rep	U
IN	80	Ripley	Richard "Ric" Hertel	I	Rep	U
IN	81	Lawrence	Samuel Arp II	I	Rep	U
IN	82	Whitley	Daniel Sigler	I	Rep	U

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
IN	83	Pike	Darrin McDonald	I	Rep	U
IN	84	Spencer	Dan Wilkinson	I	Dem	C
IN	84	Spencer	Megan Bennet	C	Rep	C
IN	85	Steuben	*Jeremy Musser	I	Rep	U
IN	86	Jennings	Brian Belding	I	Rep	U
IN	87	Orange	Holly Hudelson	I	Rep	U
IN	88	Brown	*Ted Adams	I	Rep	U
IN	89	Union	Andrew "A.J." Bryson	I	Dem	U
IN	90	Martin	Aureola Vincz	I	Rep	C
IN	90	Martin	†C. Michael Steiner	C	Ind	C
IN	91	Switzerland	Monica Hensley	I	Dem	C
IN	91	Switzerland	Ryan Marshall	C	Rep	C
NC	1	Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, Dare	Jeffrey Cruden Jr.	O	Rep	C
NC	1	Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, Dare	Kimberly Pellini	O	Rep	C
NC	2	Martin, Beaufort, Washington, Tyrrell, Hyde	Seth Edwards	I	Dem	U
NC	3	Pitt	Faris Dixon Jr.	I	Dem	U
NC	4	Craven, Pamlico, Carteret	Scott Thomas	I	Rep	U
NC	5	Sampson, Duplin, Jones, Onslow	Ernest Lee	I	Rep	C
NC	5	Sampson, Duplin, Jones, Onslow	Kevin Kiernan	C	Rep	C
NC	6	Pender, New Hanover	*Benjamin David	I	Dem	U
NC	7	Halifax, Northampton, Hertford, Bertie	Kim Scott	O	Dem	C
NC	7	Halifax, Northampton, Hertford, Bertie	Jamal Summey	O	Dem	C
NC	8	Nash, Wilson, Edgecombe	*Robert Evans	I	Dem	C
NC	8	Nash, Wilson, Edgecombe	*Jeffrey Marsigli	C	Rep	C
NC	9	Wayne, Greene, Lenoir	Matthew Delbridge	I	Rep	U
NC	10	Wake	Nancy Freeman	I	Dem	C
NC	10	Wake	*Damon Chetson	C	Dem	C
NC	10	Wake	*Jeffrey Dobson	C	Rep	C
NC	11	Person, Granville, Vance, Franklin, Warren	Michael Waters	I	Rep	U
NC	13	Johnston	Susan Doyle	I	Rep	U
NC	14	Cumberland	William West Jr.	I	Dem	U
NC	15	Bladen, Columbus, Brunswick	Jonathan David	I	Rep	U
NC	16	Durham	*Satana Deberry	I	Dem	C
NC	16	Durham	Daniel Meier	C	Dem	C

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
NC	16	Durham	*Jonathan Wilson II	C	Dem	C
NC	17	Alamance	*Sean Boone	I	Rep	U
NC	18	Orange, Chatham	*Jeffrey Nieman	O	Dem	C
NC	18	Orange, Chatham	*Kayley Taber	O	Dem	C
NC	20	Robeson	Matthew Scott	I	Dem	U
NC	21	Anson, Richmond, Scotland	Reece Saunders Jr.	I	Dem	U
NC	22	Rockingham, Caswell	Jason Ramey	I	Rep	U
NC	23	Surry, Stokes	Timmy Watson	I	Rep	U
NC	24	Guilford	Avery Crump	I	Dem	C
NC	24	Guilford	*Brenton Boyce	C	Dem	C
NC	25	Cabarrus	Ashlie Shanley	O	Rep	U
NC	26	Mecklenburg	Spencer Merriweather III	I	Dem	C
NC	26	Mecklenburg	*Timothy Emry	C	Dem	C
NC	27	Rowan	Brandy Cook	I	Rep	C
NC	27	Rowan	Nathaniel Butler	C	Rep	C
NC	28	Stanly, Montgomery	Terry Clodfelter	I	Rep	U
NC	30	Union	Pat Robison III	I	Rep	U
NC	31	Forsyth	James O'Neill	I	Rep	C
NC	31	Forsyth	*Denise Hartsfield	C	Dem	C
NC	33	Davie, Davidson	Garry Frank	I	Rep	U
NC	34	Ashe, Alleghany, Wilkes, Yadkin	Thomas Horner	I	Rep	U
NC	35	Madison, Yancey, Mitchell, Avery, Watauga	Seth Banks	I	Rep	U
NC	36	Burke, Caldwell, Catawba	David Reilly	I	Rep	U
NC	38	Gaston	*Travis Page	I	Rep	U
NC	39	Cleveland, Lincoln	Michael Miller	I	Rep	U
NC	40	Buncombe	Todd Williams	I	Dem	C
NC	40	Buncombe	Courtney Booth	C	Dem	C
NC	40	Buncombe	Joesph Bowman	C	Dem	C
NC	40	Buncombe	±Douglas Edwards	C	Dem	C
NC	41	McDowell, Rutherford	Theodore Bell	I	Rep	C
NC	41	McDowell, Rutherford	Krinn Evans	C	Rep	C
NC	42	Transylvania, Henderson, Polk	*Raymond Murray Jr.	I	Rep	C
NC	42	Transylvania, Henderson, Polk	Mary Ann Hollocker	C	Rep	C
NC	43	Cherokee, Clay, Graham, Macon, Swain, Jackson, Haywood	*Ashley Welch	I	Rep	U

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
NA ¹⁰	NA	NA	*Anonymous 01	I	Dem	U
NA	NA	NA	*Anonymous 02	I	Rep	C
TN	1	Carter, Johnson, Unicoi, Washington	Steve Finney	O	Rep	U
TN	2	Sullivan	*Barry Staubus	I	Rep	U
TN	3	Greene, Hamblen, Hancock, Hawkins	Dan Armstrong	I	Rep	U
TN	4	Cocke, Grainger, Jefferson, Sevier	James Dunn	I	Rep	C
TN	4	Cocke, Grainger, Jefferson, Sevier	*Michael Shults	C	Rep	C
TN	5	Blount	Ryan Desmond	O	Rep	U
TN	6	Knox	Charme Allen	I	Rep	C
TN	6	Knox	*Jackson Fenner	C	Dem	C
TN	7	Anderson	Dave Clark	I	Ind	U
TN	8	Campbell, Claiborne, Fentress, Scott, Union	Jared Effler	I	Ind	U
TN	9	Loudon, Meigs, Morgan, Roane	*Russell Johnson	I	Ind	U
TN	10	Bradley, McMinn, Monroe, Polk	Stephen Crump	I	Rep	C
TN	10	Bradley, McMinn, Monroe, Polk	*Stephen Hatchett	C	Rep	C
TN	11	Hamilton	±Neal Pinkston	I	Rep	C
TN	11	Hamilton	John Brooks	C	Dem	C
TN	11	Hamilton	Coty Wamp	C	Rep	C
TN	12	Bledsoe, Franklin, Grundy, Marion, Rhea, Sequatchie	Mike Taylor	I	Ind	C
TN	12	Bledsoe, Franklin, Grundy, Marion, Rhea, Sequatchie	Courtney Lynch	C	Rep	C
TN	13	Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, White	Bryant Dunaway	I	Rep	U
TN	14	Coffee	Charles Northcott	I	Rep	C
TN	14	Coffee	Felicia Walkup	C	Rep	C
TN	15	Jackson, Macon, Smith, Trousdale, Wilson	Jason Lawson	I	Rep	U
TN	16	Cannon, Rutherford	Jennings Jones	I	Rep	U
TN	17	Bedford, Lincoln, Marshall, Moore	Robert Carter	I	Ind	U
TN	18	Sumner	Ray Whitley	I	Rep	U
TN	19	Montgomery, Robertson	Robert Nash	I	Rep	C
TN	19	Montgomery, Robertson	Steve Powers	C	Rep	C
TN	19	Montgomery, Robertson	Neil Stauffer	C	Rep	C
TN	20	Davidson	Glenn Funk	I	Dem	C

¹⁰ Two survey respondents identified themselves as anonymous but their identities could be reasonably determined based upon survey data.

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
TN	20	Davidson	Sara Myers	C	Dem	C
TN	20	Davidson	P. Danielle Nellis	C	Dem	C
TN	21	Williamson	±Kim Helper	I	Rep	U
TN	22	Giles, Lawrence, Maury, Wayne	Brent Cooper	I	Rep	U
TN	23	Cheatham, Dickson, Houston, Humphreys, Stewart	Ray Crouch	I	Rep	U
TN	24	Benton, Carroll, Decatur, Hardin, Henry	Matthew Stowe	I	Rep	C
TN	24	Benton, Carroll, Decatur, Hardin, Henry	Neil Thompson	C	Rep	C
TN	25	Fayette, Hardeman, Lauderdale, McNairy, Tipton	Mark Davidson	I	Rep	U
TN	26	Chester, Henderson, Madison	Jody Pickens	I	Rep	U
TN	27	Obion, Weakley	Colin Johnson	O	Ind	C
TN	27	Obion, Weakley	*Adam Nelson	O	Rep	C
TN	27	Obion, Weakley	*Robert Young	O	Rep	C
TN	28	Crockett, Gibson, Haywood	Frederick Agee	I	Rep	U
TN	29	Dyer, Lake	*Danny Goodman Jr.	I	Ind	C
TN	29	Dyer, Lake	Richard Schoepke	C	Ind	C
TN	30	Shelby	Amy Weirich	I	Rep	C
TN	30	Shelby	Linda Harris	C	Dem	C
TN	30	Shelby	*Steve Mulroy	C	Dem	C
TN	30	Shelby	*Janika White	C	Dem	C
TN	31	Van Buren, Warren	Lisa Zavogiannis	I	Ind	C
TN	31	Van Buren, Warren	Chris Stanford	C	Rep	C
TN	32	Hickman, Lewis, Perry	Hans Schwendimann	O	Rep	U
TX	268	Fort Bend	*Brian Middleton	I	Dem	U
TX	271	Jack, Wise	James Stainton	I	Rep	U
TX	452	Edwards, Kimble, Mason, McCulloch, Menard	Tonya Ahlschwede	I	Rep	U
TX	NA	Anderson	Allyson Mitchell	I	Rep	U
TX	NA	Austin	Travis Koehn	I	Rep	U
TX	NA	Bastrop	Bryan Goertz	I	Rep	U
TX	NA	Bexar	Joe Gonzales	I	Dem	C
TX	NA	Bexar	Meredith Chacon	C	Rep	C
TX	NA	Bexar	Marc Lahood	C	Rep	C
TX	NA	Bowie	Jerry Rochelle	I	Rep	U
TX	NA	Brazoria	Tom Selleck	I	Rep	U
TX	NA	Caldwell	Fred Weber	I	Dem	U
TX	NA	Calhoun	Sara Rodriguez	O	Rep	U
TX	NA	Cass	*Courtney Shelton	I	Rep	U

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
TX	NA	Collin	Greg Willis	I	Rep	U
TX	NA	Comal	Jennifer Tharp	I	Rep	U
TX	NA	Dallas	*John Creuzot	I	Dem	C
TX	NA	Dallas	Elizabeth Frizell	C	Dem	C
TX	NA	Dallas	Faith Johnson	C	Rep	C
TX	NA	Deaf Smith	Chris Strowd	I	Rep	U
TX	NA	Denton	Paul Johnson	I	Rep	U
TX	NA	Eastland	*Brad Stephenson	I	Rep	U
TX	NA	Galveston	Jack Roady	I	Rep	C
TX	NA	Galveston	Rachel Dragony	C	Dem	C
TX	NA	Gregg	John Moore	O	Rep	U
TX	NA	Harrison	Reid McCain	I	Rep	U
TX	NA	Hays	*Kelly Higgins	O	Dem	C
TX	NA	Hays	David Puryear	O	Rep	C
TX	NA	Hidalgo	Nereida Lopez-Singleterry	O	Dem	C
TX	NA	Hidalgo	Toribio Palacios	O	Dem	C
TX	NA	Hidalgo	Juan Tijerina	O	Rep	C
TX	NA	Jackson	Pam Guenther	I	Rep	U
TX	NA	Jasper	Anne Pickle	I	Rep	U
TX	NA	Jefferson	*Keith Giblin	O	Dem	U
TX	NA	Kaufman	Erleigh Wiley	I	Rep	C
TX	NA	Kaufman	Robert Farquharson	C	Rep	C
TX	NA	Kendall	Nicole Bishop	I	Rep	U
TX	NA	Lubbock	K. Sunshine Stanek	I	Rep	U
TX	NA	Madison	Brian Risinger	I	Rep	C
TX	NA	Madison	Courtney Cain	C	Rep	C
TX	NA	McLennan	Barry Johnson	I	Rep	C
TX	NA	McLennan	*Aubrey Robertson	C	Dem	C
TX	NA	McLennan	Josh Tetens	C	Rep	C
TX	NA	Navarro	*Will Thompson	I	Rep	U
TX	NA	Newton	Courtney Ponthier	I	Rep	U
TX	NA	Panola	Danny Davidson	I	Rep	C
TX	NA	Panola	*Tim Cariker	C	Rep	C
TX	NA	Panola	Patrice Savage	C	Rep	C
TX	NA	Polk	Tommy Coleman	O	Rep	C
TX	NA	Polk	Julie Hamrick	O	Rep	C
TX	NA	Polk	Shelly Sitton	O	Rep	C
TX	NA	Randall	Robert Love	I	Rep	U

State	District	Counties	Candidate	Incum., Chall., or Open Seat	Political Party	Con. or Uncon.
TX	NA	Rockwall	Kenda Culpepper	I	Rep	U
TX	NA	San Jacinto	Todd Dillon	O	Rep	U
TX	NA	Smith	*Jacob Putman	I	Rep	U
TX	NA	Tarrant	Tiffany Burks	O	Dem	C
TX	NA	Tarrant	Matt Krause	O	Rep	C
TX	NA	Tarrant	Lawrence Meyers	O	Dem	C
TX	NA	Tarrant	Albert Roberts	O	Dem	C
TX	NA	Tarrant	Phil Sorrells	O	Rep	C
TX	NA	Tarrant	*Mollee Westfall	O	Rep	C
TX	NA	Taylor	±James Hicks	I	Rep	U
TX	NA	Tyler	Lucas Babin	I	Rep	U
TX	NA	Upshur	Billy Byrd	I	Rep	U
TX	NA	Van Zandt	*Tonda Curry	I	Rep	U
TX	NA	Victoria	Constance Johnson	I	Rep	U
TX	NA	Walker	*Will Durham	I	Rep	U
TX	NA	Waller	Elton Mathis	I	Rep	U
TX	NA	Wichita	John Gillespie	I	Rep	U
TX	NA	Wood	Angela Albers	I	Rep	C
TX	NA	Wood	Jim Wheeler	C	Rep	C
TX	NA	Yoakum	Bill Helwig	I	Rep	U

Appendix B: Data Tables

The tables included in this appendix may not be fully accessible. To request this information in an alternative and/or accessible format, please contact depc@osu.edu.

Table B1. All surveyed candidates:

	Indiana	North Carolina	Tennessee	Texas	All
Total candidates	110	56	51	72	289 ¹¹
	38.1%	19.4%	17.6%	24.9%	100%
Incumbents	67.3% (74)	60.7% (34)	54.9% (28)	58.3% (42)	61.6% (178)
Contested	18.9% (14)	32.3% (11)	42.9% (12)	19.0% (8)	25.3% (45)
Uncontested	81.1% (60)	67.6% (23)	57.1% (16)	81.0% (34)	74.7% (133)
Non-incumbents	32.7% (36)	39.3% (22)	45.1% (23)	41.7% (30)	38.4% (111)
Contested	69.4% (25)	95.5% (21)	87.0% (20)	86.7% (26)	82.9% (92)
Uncontested	30.6% (11)	4.5% (1)	13.0% (3)	13.3% (4)	17.1% (19)

Table B2. Number/percentage of candidates responding to survey (47% of survey or higher):

	Indiana	North Carolina	Tennessee	Texas	All
Incumbents	20.3% (15)	25% (9)	10.7% (3)	19% (8)	19.4% (35)
Non-incumbents	15.4% (6)	40.9% (9)	30.4% (7)	16.7% (5)	23.7% (27)
Incumbents contested (#)	3	4	1	1	9
Incumbents non-contested (#)	13	5	2	7	27
Incumbents who won	14	8	3	8	33
Incumbents who lost	1	1	0	0	2
Non-incumbents contested	5	9	7	4	26
Non-incumbents non-contested	1	0	0	1	2
Non-incumbents who won	5	3	1	2	11
Non-incumbents who lost	1	6	6	3	16

¹¹ Three candidates in Indiana, Samantha Hurst, C. Michael Steiner, and Brad J. Voelz, entered their respective elections after our phase one data collection began and were not included in the results.

Table B3. Print media coverage and Facebook content:

	Incumbent	Non- incumbent	All
No news media coverage found; no Facebook account found	10.1% (18)	9.9% (11)	10% (29)
No news media coverage found; Facebook account found; no content on MPE	11.2% (20)	18.9% (21)	14.2% (41)
News media coverage found; no Facebook account found; no content on MPE	24.2% (43)	14.4% (16)	20.4% (59)
News media coverage found; Facebook account found; no content on MPE	48.3% (86)	39.6% (44)	45% (130)
Content on MPE found on Facebook only	0% (0)	2.7% (3)	1% (3)
Content on MPE found on news media only	3.9% (7)	11.7% (13)	6.9% (20)
Content on MPE found on news media and Facebook	2.2% (4)	2.7% (3)	2.4% (7)
Total	100% (178)	100% (111)	100% (289)

Table B4. Survey Question: In your opinion, is the area your office represents best described as urban, suburban, rural, or a mix?

	Incumbents	Non- Incumbents	Total
Urban	5.6% (2)	11.1% (3)	7.9% (5)
Suburban	0% (0)	0% (0)	0% (0)
Rural	50% (18)	29.6% (8)	41.3% (26)
Mix urban and suburban	0% (0)	22.2% (6)	9.5% (6)
Mix urban and rural	13.9% (5)	14.85 (4)	14.3% (9)
Mix suburban and rural	22.2% (8)	3.7% (1)	14.3% (9)
Mix urban, suburban and rural	8.3% (3)	18.5% (5)	12.7% (8)
Total	100% (36)	100% (27)	100% (63)
Row Percent	57.1%	42.9%	100%

Table B5. Survey Question: Please indicate below which of the following roles best describe you:

	Incumbents	Non- Incumbents	Total
Currently serving as the prosecutor	88.2% (15)	NA	57.7% (15)
Staff member of the prosecutor office	11.8% (2)	NA	7.7% (2)
Campaign staff member	0% (0)	0% (0)	0% (0)
I am/was the candidate for the prosecutor office	NA	100% (9)	34.6% (9)
Other	0% (0)	0% (0)	0% (0)
Total	100% (17)	100% (9)	100% (26)
Row Percent	65.4%	34.6%	100%

Table B6. Survey Question: Does your office have a formal policy/did your campaign adopt an official platform on charging adult personal possession marijuana cases?

	Incumbents	Non- Incumbents	Total
Yes	29.4% (5)	66.7% (6)	42.3% (11)
No	70.6% (12)	33.3% (3)	57.7% (15)
Total	100% (17)	100% (9)	100% (26)
Row Percent	65.4%	34.6%	100%

Table B7. Survey Question: Does your office/campaign have an informal policy/platform on charging adult personal possession marijuana cases?

	Incumbents	Non- Incumbents	All
Yes	50% (6)	66.7% (2)	53.3% (8)
No	50% (6)	33.3% (1)	46.7% (7)
Total	100% (12)	100% (3)	100% (15)
Row Percent	80%	20%	100%

Tables B8-B10. Survey Question A: Which of the following statements most accurately describes your office’s formal policy/your official platform for adult possession of small amounts of marijuana for personal use? Survey Question B: Which of the following statements most accurately describes your office's informal policy for adult possession of small amounts of marijuana for personal use?

	Incumbents		Total Incumbents	
	QA	QB	QA & QB	
No prosecution of any personal possession of marijuana cases.	4.2% (1)	0% (0)	3.3% (1)	
Diversion, rather than criminal charges, for any personal possession of marijuana.	4.2% (1)	0% (0)	3.3% (1)	
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	25% (6)	66.7% (4)	33.3% (10)	
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	12.5% (3)	0% (0)	10% (3)	
Other*	25% (6)	0% (0)	20% (6)	
Fully enforce personal possession of marijuana cases	4.2% (1)	0% (0)	3.3% (1)	
Personal possession cases are treated like all other cases and are considered on a case by case basis.	25% (6)	33.3% (2)	26.7% (8)	
	Total	100% (24)	100% (6)	100% (30)
	Row Percent	80%	20%	100%

*Textual “Other” responses from incumbents included:

“We adhere to G.S. 90-96”

“No prosecution for up to four ounces, first possession.”

“Charges are filed against first time offenders, but they are offered a diversion.”

“I don't think that it's appropriate for me as the DA to say I'm not going to prosecute a crime that has been set by law. If the law is on the books, it's not appropriate for me to not prosecute. We usually, but not always, do some sort of diversion or deferred prosecution, or what is called 90-96 ... that is the NC statutory provision for first time offenders, which covers more than marijuana.”

“Formal Criminal Charges on all offenders, but most are offered the opportunity for a diversion.”

	Non-incumbents		Total Non-incumbents
	QA	QB	QA & QB
No prosecution of any personal possession of marijuana cases.	20.8% (5)	0% (0)	19.2% (5)
Diversion, rather than criminal charges, for any personal possession of marijuana.	25% (6)	0% (0)	23.1% (6)
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	4.2% (1)	50% (1)	7.7% (2)
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	16.7% (4)	0% (0)	15.4% (4)
Other**	8.3% (2)	0% (0)	7.7% (2)
Fully enforce personal possession of marijuana cases	4.2% (1)	0% (0)	3.8% (1)
Personal possession cases are treated like all other cases and are considered on a case by case basis.	20.8% (5)	50% (1)	23.1% (6)
	Total	100% (24)	100% (26)
	Row Percent	92.3%	100%

**Textual "Other" responses from non-incumbents included:

"If prosecuted for misdemeanor possession, it would only be by citation and not by arrest and also be very low priority."

"Diversion for first time offenders, and possibly for non-first time offenders. Also would assign low priority, but still prosecute in some circumstances. Would also consider cite and release."

	Total Incumbents	Total Non-incumbents	All	
	QA & QB	QA & QB	QA & QB	
No prosecution of any personal possession of marijuana cases.	3.3% (1)	19.2% (5)	10.7% (6)	
Diversion, rather than criminal charges, for any personal possession of marijuana.	3.3% (1)	23.1% (6)	12.5% (7)	
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	33.3% (10)	7.7% (2)	21.4% (12)	
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	10% (3)	15.4% (4)	12.5% (7)	
Other	20% (6)	7.7% (2)	14.3% (8)	
Fully enforce personal possession of marijuana cases	3.3% (1)	3.8% (1)	3.6% (2)	
Personal possession cases are treated like all other cases and are considered on a case by case basis.	26.7% (8)	23.1% (6)	25% (14)	
	Total	100% (30)	100% (26)	100% (56)
	Row Percent	53.6%	46.4%	100%

Table B11. From Media Sources: Policy or platform on adult possession of small amounts of marijuana for personal use?¹²

	Incumbents	Non-incumbents	All
No prosecution of any personal possession of marijuana cases.	33.3% (3)	23.1% (3)	27.3% (6)
Diversion, rather than criminal charges, for any personal possession of marijuana.	0% (0)	15.4% (2)	9.1% (2)
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	0% (0)	0% (0)	0% (0)
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	22.2% (2)	23.1% (3)	22.7% (5)
Other	22.2% (2)	30.8% (4)	27.3% (6)
Fully enforce personal possession of marijuana cases	11.1% (1)	7.7% (1)	9.1% (2)
Personal possession cases are treated like all other cases and are considered on a case by case basis.	11.1% (1)	0% (0)	4.5% (1)
Total	100% (9)	100% (13)	100% (22)
Row Percent	40.9%	59%	100%

¹² The following incumbents were included in this group: Danny Davidson; Nancy Freeman; Glenn Funk; Joe Gonzales; Nicolas Hermann; Ryan Mears; Spencer Merriweather; Neal Pinkston; and Jack Rody. The following non-incumbents were included in this group: John Brooks; Tiffany Burkes; Meredith Chacon; Matt Krause; Marc LaHood; Daniel Meier; Diana Moers; Sara Myers; Danielle Nellis; Albert Roberts; Jan Schaefer; Phil Sorrells; and Coty Wamp.

Tables B12-B13.

Survey responses and media sources combined: policy or platform on adult possession of small amounts of marijuana for personal use.

	Incumbents	Non-incumbents	All
No prosecution of any personal possession of marijuana cases.	10.3% (4)	20.5% (8)	15.8% (12)
Diversion, rather than criminal charges, for any personal possession of marijuana.	2.6% (1)	20.5% (8)	11.5% (9)
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	25.6% (10)	5.1% (2)	15.8% (12)
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	12.8% (5)	17.9% (7)	15.8% (12)
Other	20.5% (8)	15.4% (6)	17.9% (14)
Fully enforce personal possession of marijuana cases	5.1% (2)	5.1% (2)	5.1% (4)
Personal possession cases are treated like all other cases and are considered on a case by case basis.	23.1% (9)	15.4% (6)	19.2% (15)
Total	100% (39)	100% (39)	100% (78)
Row Percent	50%	50%	100%

	Incumbents	Non-incumbents	All
Less than full or ordinary enforcement	51.3% (20)	64.1% (25)	57.7% (45)
	44.4%	55.6%	100%
Full or ordinary enforcement	28.2% (11)	20.5% (8)	24.4% (19)
	57.9%	42.1%	100%
Other	20.5% (8)	15.4% (6)	17.9% (14)
	57.1%	42.9%	100%
Total	100% (39)	100% (39)	100% (78)
Row Percent	50%	50%	100%

Table B14. Survey Question: Which of the following statements describes the motivation behind your office's policy of limited or no prosecution of marijuana possession cases? (choose all that apply)

	Incumbents	Non- Incumbents	All
Our campaign is concerned about racial inequality when it comes to the enforcement of marijuana possession offenses.	10% (2)	11.1% (3)	10.6% (5)
The voters in our jurisdiction have expressed opposition to prosecuting marijuana possession cases.	5% (1)	7.4% (2)	6.4% (3)
Our campaign does not feel that marijuana possession cases should be a priority for prosecution.	20% (4)	29.6% (8)	25.5% (12)
The hemp legalization has made it difficult to sufficiently differentiate between legal hemp and illegal cannabis. ¹³	30% (6)	29.6% (8)	29.8% (14)
The prosecutor office does not have sufficient resources to prosecute marijuana possession cases.	20% (4)	14.8% (4)	17% (8)
Other*	15% (3)	7.4% (2)	10.6% (5)
Total	100% (20)	100% (27)	100% (47)
Row Percent	42.6%	57.4%	100%

*Textual "Other" responses from incumbents included:

"We distinguish between those people who use marijuana in the privacy of their homes versus those who openly flaunt the law and do it on a repeat basis."

Textual "Other" responses from non-incumbents included:

"I would prosecute marijuana cases in some circumstances, though these cases would be low-priority unless the defendant had other, more serious charges. This is not because I oppose personal marijuana use by adults, but because it is still illegal in TN and, as a member of the state executive branch, a prosecutor's job is to enforce the law, not to implement policy based upon my subjective beliefs."

"The varied approach by individual states in the legalization of marijuana has created a lack of concern by marijuana users & others players in the court system to take the enforcement of statutes making marijuana illegal seriously. I would choose to approach the crime for first time offenders as an opportunity to educate and deter future use by incentives to find therapy as a more appropriate and long term solution to self-medicating to escape. Just because we have legalized alcohol as a similar mind-altering substance, it cannot be ignored that marijuana is a gateway drug to other illegal drugs and like alcohol is used to escape the reality of difficulties, unfortunately it is not as easily quantified or regulated. I am not opposed to medical marijuana however I do not have confidence that medical marijuana prescriptions are scrutinized by physicians to a

¹³ One response was added to this category and removed from the "Other" category as in the respondent selected "Other" and indicated in by text, "Lab issues distinguishing hemp and marijuana."

sufficient degree since I do not have experience in a state where med marijuana has been available for some length of time. I was a candidate for Prosecutor, but I have 28 years experience in prosecuting and I was a prior elected for 12 years so I have long term experience with watching low level offenders becoming hard core drug addicts or dealers of meth, psilocybin, cocaine, heroine who started as recreational THC users."

Table B15. Survey Question: Has your office publicly announced your policy on prosecuting adult possession of small amounts of marijuana for personal use/did your campaign publicly announce your official platform on charging adult personal possession marijuana cases?

	Incumbents	Non- Incumbents	All
Yes	19% (4)	52.4% (11)	35.7% (15)
No	81% (17)	47.6% (10)	64.3% (27)
Total	100% (21)	100% (21)	100% (42)
Row Percent	50%	50%	100%

Table B16. Survey Question: Why did your office/campaign decide to publicly announce your policy/platform on marijuana possession cases? (Choose all that apply.)

	Incumbents	Non- Incumbents	All
Our office/campaign announces all official platforms.	0% (0)	17.2% (5)	14.3% (5)
Our office/campaign believed this policy was sufficiently important to announce	33.3% (2)	24.1% (7)	25.7% (9)
Our office/campaign received an inquiry about our policy regarding marijuana possession cases.	33.3% (2)	20.7% (6)	22.9% (8)
Our office/campaign wanted to announce our platform to signal a support for decriminalization efforts.	0% (0)	20.7% (6)	17.1% (6)
Our office/campaign chose to announce our platform because the policy is popular with our voters.	0% (0)	13.8% (4)	11.4% (4)
Other	33.3% (2)	3.4% (1)	8.6% (3)
Total	100% (6)	100% (29)	100% (35)
Row Percent	17.1%	82.9%	100%

Table B17. Survey Question: Why did your office/campaign decide not to publicly announce your policy on marijuana possession cases? (Choose all that apply.)

	Incumbents	Non- Incumbents	All
Our office/campaign does not announce any of our policies/platforms.	23.5% (4)	14.3% (2)	19.4% (6)
Our office/campaign did not consider this policy/platform sufficiently important to announce. ¹⁴	17.6% (3)	50% (7)	32.3% (10)
No one asked about the policy/platform. ¹⁵	23.5% (4)	28.6% (4)	25.8% (8)
Our office/campaign does not want to announce a policy/platform that could give more information to potential law breakers.	5.9% (1)	0% (0)	3.2% (1)
Our office/campaign did not want to announce a policy/platform that is unpopular with our voters.	0% (0)	7.1% (1)	3.2% (1)
Other*	29.4% (5)	0% (0)	16.1% (5)
Total	100% (17)	100% (14)	100% (31)
Row Percent	54.8%	45.2%	100%

*Textual "Other" responses from incumbents included:

"I do not feel it necessary to announce that my office will enforce the laws of the State of Indiana as I have taken an oath to do so. I think the voters in my county just assume I will do what they elected me to do."

"Our office has announced that our focus is serious and violent offenses and that we will divert as many lower level cases from court as possible. Our office does not consider personal possession of most substances to be serious or violent."

"It's not really a policy per se. I give my prosecutors a lot of discretion, and so I don't have a policy about marijuana. My policy about prosecuting crimes is pretty much the same across the board: If you think you can prove it and you think it is appropriate for justice, then proceed. If you can't prove it, then don't proceed. If you think that something short of prosecution would best achieve justice, then use your discretion."

"We didn't publicly announce because there is too much room for misunderstanding."

"The purpose of the prosecutor is to seek the truth and do justice. The facts and circumstances of each case are different. Therefore, if you truly treat each case on an individual basis, this approach precludes broad pronouncements. Also, it would be pre-

¹⁴ One response was added to this category and removed from the "Other" category as the respondent selected "Other" and indicated in the text, *"It's not really a strong policy and it's just not important in this community."*

¹⁵ One response was added to this category and removed from the "Other" category as the respondent selected "Other" and indicated in the text, *"If local media called and asked, I would tell them about our policy."*

judging to say we are going to prosecute or not prosecute certain categories of cases for which there are still laws making this conduct illegal.”

Table B18. Survey Question (Incumbents Only): Please indicate below to what extent do you agree with the following statements regarding the relationship between the marijuana possession enforcement (MPE) and public safety:

	Strongly agree	Somewhat agree	Unsure	Somewhat disagree	Strongly disagree
MPE can make communities safer because marijuana users often commit other crimes	14.8% (4)	44.4% (12)	7.4% (2)	22.2% (6)	11.1% (3)
MPE can make communities safer because it disrupts drug trafficking, which can lead to violence and other public safety harms	18.5% (5)	44.4% (12)	7.4% (2)	14.8% (4)	14.8% (4)
MPE can make communities safer by allowing law enforcement to apprehend suspects involved in other crimes or while other crimes are being committed	38.5% (10)	46.2% (12)	7.7% (2)	3.8% (1)	7.7% (2)
MPE generally has little or no effect on public safety	3.7% (1)	18.5% (5)	7.4% (2)	37% (10)	33.3% (9)
MPE can harm public safety by diverting law enforcement and other resources away from efforts to combat serious crimes	3.7% (1)	25.9% (7)	0.0% (0)	44.4% (12)	25.9% (7)
MPE can harm public safety by damaging community trust in law enforcement and prosecutors	11.1% (3)	11.1% (3)	14.8% (4)	25.9% (7)	37% (10)
MPE can harm public safety by saddling more people with a criminal record that may impact their ability to remain law abiding	7.7% (2)	23.1% (6)	0.0% (0)	42.3% (11)	26.9% (7)

Table B19. Survey Question (Non-incumbents only): Please indicate below to what extent do you agree with the following statements regarding the relationship between the marijuana possession enforcement (MPE) and public safety:

	Strongly agree	Somewhat agree	Unsure	Somewhat disagree	Strongly disagree
MPE can make communities safer because marijuana users often commit other crimes	4.5% (1)	27.3% (6)	4.5% (1)	27.3% (6)	36.4% (8)
MPE can make communities safer because it disrupts drug trafficking, which can lead to violence and other public safety harms	13.6% (3)	36.4% (8)	9.1% (2)	22.7% (5)	18.2% (4)
MPE can make communities safer by allowing law enforcement to apprehend suspects involved in other crimes or while other crimes are being committed	0% (0)	45.5% (10)	9.1% (2)	27.3% (6)	18.2% (4)
MPE generally has little or no effect on public safety	31.8% (7)	27.3% (6)	4.5% (1)	22.7% (5)	13.6% (3)
MPE can harm public safety by diverting law enforcement and other resources away from efforts to combat serious crimes	36.4% (8)	36.4% (8)	4.5% (1)	18.2% (4)	4.5% (1)
MPE can harm public safety by damaging community trust in law enforcement and prosecutors	31.8% (7)	27.3% (6)	4.5% (1)	18.2% (4)	18.2% (4)
MPE can harm public safety by saddling more people with a criminal record that may impact their ability to remain law abiding	50% (11)	22.7% (5)	4.5% (1)	18.2% (4)	4.5% (1)

Table B20. Survey Question: Has your office/campaign made public statements in support of or opposition to state legislative efforts to decriminalize marijuana for adult personal use?

	Incumbents	Non- incumbents	All
Our office/campaign publicly supported decriminalization	8.7% (2)	30.4% (7)	19.6% (9)
Our office/campaign publicly opposed decriminalization	0% (0)	8.7% (2)	4.3% (2)
Our office did/campaign not take a position	91.3% (21)	60.9% (14)	76.1% (35)
Total	100% (23)	100% (23)	100% (46)
Row Percent	50%	50%	100%

Table B21. Survey Question: In your opinion, does the majority of voters in your district support or oppose the decriminalization of marijuana for personal use by adults?

	Incumbents	Non- incumbents	All
In my opinion, majority of our voters support decriminalization	9% (2)	59% (13)	34% (15)
In my opinion, majority of our voters oppose decriminalization	50% (11)	31.8% (7)	40.9% (18)
I do not know	40.9% (9)	9% (2)	25% (11)
Total	100% (22)	100% (22)	100% (44)
Row Percent	50%	50%	100%

Table B22. Survey responses and media sources (combined) indicating policy or platform (formal or informal) on adult possession of small amounts of marijuana for personal use by opinions on whether the majority of voters in your district support or opposed the decriminalization of marijuana for personal use by adults?

	In my opinion, majority of our voters support decriminalization	In my opinion, majority of our voters oppose decriminalization	I do not know	Total
Less than full or ordinary enforcement	86.7% (13)	33.3% (6)	57.1% (4)	
	56.50%	26.10%	17.40%	100% (23)
Full or ordinary enforcement	6.7% (1)	50% (9)	14.3% (1)	
	9.10%	81.80%	9.10%	100% (11)
Other	6.7% (1)	16.7% (3)	28.6% (2)	
	16.70%	50%	33.30%	100% (6)
Total	100% (15)	100% (18)	100% (7)	

Table B23. Survey Question: In your opinion, how important have local policies on marijuana possession enforcement been in the 2022 prosecutor election in your jurisdiction?

	Incumbents	Non- incumbents	All
Not at all important	59% (13)	4.8% (1)	32.6% (14)
Not very important	22.7% (5)	52.4% (11)	37.2% (16)
Neither important or unimportant	13.6% (3)	9.5% (2)	11.6% (5)
Somewhat important	4.5% (1)	28.6% (6)	16.3% (7)
Very important	0% (0)	4.8% (1)	2.3% (1)
Total	100% (22)	100% (21)	100% (43)
Row Percent	51.2%	48.8%	100%

Tables B24-B25. Survey responses and media sources (combined) indicating policy or platform (formal or informal) on adult possession of small amounts of marijuana for personal use by election winners and losers.¹⁶

	Incumbents		Non-incumbents		All	
	Won	Lost	Won	Lost	Won	Lost
No prosecution of any personal possession of marijuana cases.	10.3% (4)	0% (0)	5.1% (2)	15.4% (6)	7.7% (6)	7.7% (6)
	100%	0%	33.3%	66.7%	50%	50%
Diversion, rather than criminal charges, for any personal possession of marijuana.	2.6% (1)	0% (0)	10.3% (4)	10.3% (4)	6.4% (5)	5.1% (4)
	100%	0%	50%	50%	55.6%	44.4%
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	25.6% (10)	0% (0)	2.6% (1)	2.6% (1)	14.1% (11)	1.3% (1)
	100%	0%	50%	50%	91.7%	8.3%
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	10.3% (4)	2.6% (1)	7.7% (3)	10.3% (4)	9% (7)	6.4% (5)
	80%	20%	42.9%	57.1%	58.3%	41.7%
Other	17.9% (7)	2.6% (1)	5.1% (2)	10.3% (4)	11.5% (9)	6.4% (5)
	87.5%	12.5%	33.3%	66.7%	64.3%	35.7%
Fully enforce personal possession of marijuana cases	5.1% (2)	0% (0)	5.1% (2)	0% (0)	5.1% (4)	0% (0)
	100%	0%	100%	0%	100%	0%
Personal possession cases are treated like all other cases and are considered on a case by case basis	20.5% (8)	2.6% (1)	7.7% (3)	7.7% (3)	14.1% (11)	5.1% (4)
	88.9%	11.1%	50%	50%	73.3%	26.7%
Total	100% (36)	100% (3)	100% (17)	100% (22)	100% (53)	100% (25)
Row Percent	92.3%	7.7%	43.6%	56.4%	67.9%	32.1%

¹⁶ Percentages in the first row of each policy category are based on the total responses in their respective column. Percentages in the second row of each policy category are based on the total responses for each respondent type in each category.

	Incumbents		Non-incumbents		All	
	Won	Lost	Won	Lost	Won	Lost
Less than full or ordinary enforcement	52.8% (19)	33.3% (1)	58.8% (10)	68.2% (15)	54.7% (29)	64% (16)
	95%	5%	40%	60%	64.4%	35.6%
Full or ordinary enforcement	27.8% (10)	33.3% (1)	29.4% (5)	13.6% (3)	30.2% (16)	16% (4)
	90.9%	9.1%	62.5%	37.5%	80%	20%
Other	19.4% (7)	33.3% (1)	11.8% (2)	18.2% (4)	17% (9)	20% (5)
	87.5%	12.5%	33.3%	66.7%	64.3%	35.7%
Total	100% (36)	100% (3)	100% (17)	100% (22)	100% (53)	100% (25)
Row Percent	92.3%	7.7%	43.6%	56.4%	67.9%	32.1%

Tables B26-B28. Survey responses and media sources (combined) indicating policy or platform (formal or informal) on adult possession of small amounts of marijuana for personal use by state:¹⁷

	Indiana	North Carolina	Tennessee	Texas
No prosecution of any personal possession of marijuana cases.	4.8% (1)	20% (4)	25% (4)	14.3% (3)
Diversion, rather than criminal charges, for any personal possession of marijuana.	4.8% (1)	25% (5)	0% (0)	14.3% (3)
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	28.6% (6)	10% (2)	0% (0)	19% (4)
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	4.8% (1)	25% (5)	31.3% (5)	4.8% (1)
Other	19% (4)	10% (2)	12.5% (2)	28.6% (6)
Fully enforce personal possession of marijuana cases	4.8% (1)	5% (1)	0% (0)	9.5% (2)
Personal possession cases are treated like all other cases and are considered on a case by case basis	33.3% (7)	5% (1)	31.3% (5)	9.5% (2)
Total	100% (21)	100% (20)	100% (16)	100% (21)
Row Percent (out of 78)	26.9%	25.6%	20.5%	26.9%

¹⁷ In the second table, percentages in the first row of each policy category are based on the total responses in their respective column. Percentages in the second row of each policy category are based on the total number of responses in each policy category. In the third table, percentages in each row are based upon the total responses in their respective column.

	Indiana	North Carolina	Tennessee	Texas
Less than full or ordinary enforcement (42)	42.9% (9)	65% (13)	56.3% (9)	52.4% (11)
	21.4%	31%	21.4%	26.2%
Full or ordinary enforcement (19)	38.1% (8)	10% (2)	31.3% (5)	19% (4)
	42.1%	10.5%	26.3%	21.1%
Other (14)	19% (4)	10% (2)	12.5% (2)	28.6% (6)
	28.6%	14.3%	14.3%	42.9%
Total	100% (21)	100% (20)	100% (16)	100% (21)

	Indiana (21)		North Carolina (20)		Tennessee (16)		Texas (21)	
	Incum	Non	Incum	Non	Incum	Non	Incum	Non
No prosecution of any personal possession of marijuana cases.	7.7% (1)	0% (0)	10% (1)	30% (3)	20% (1)	27.3% (3)	9.1% (1)	20% (2)
Diversion, rather than criminal charges, for any personal possession of marijuana.	0% (0)	12.5% (1)	10% (1)	40% (4)	0% (0)	0% (0)	0% (0)	30% (3)
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	30.8% (4)	25% (2)	20% (2)	0% (0)	0% (0)	0% (0)	36.4% (4)	0% (0)
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	7.7% (1)	0% (0)	30% (3)	20% (2)	0% (0)	45.5% (5)	9.1% (1)	0% (0)
Other	23.1% (3)	12.5% (1)	20% (2)	0% (0)	20% (1)	9.1% (1)	18.2% (2)	40% (4)
Fully enforce personal possession of marijuana cases	0% (0)	12.5% (1)	10% (1)	0% (0)	0% (0)	0% (0)	9.1% (1)	10% (1)
Personal possession cases are treated like all other cases and are considered on a case by case basis	30.8% (4)	37.5% (3)	0% (0)	10% (1)	60% (3)	18.2% (2)	18.2% (2)	0% (0)
Total	100% (13)	100% (8)	100% (10)	100% (10)	100% (5)	100% (11)	100% (11)	100% (10)

Tables B29-B31. Survey responses and media sources (combined) indicating policy or platform (formal or informal) on adult possession of small amounts of marijuana for personal use by political party:¹⁸

	Republican	Democrat	Independent
No prosecution of any personal possession of marijuana cases.	0% (0)	40% (12)	0% (0)
Diversion, rather than criminal charges, for any personal possession of marijuana.	6.5% (3)	20% (6)	0% (0)
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	19.6% (9)	10% (3)	0% (0)
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	15.2% (7)	16.7% (5)	0% (0)
Other	26.1% (12)	6.7% (2)	0% (0)
Fully enforce personal possession of marijuana cases	6.5% (3)	3.3% (1)	0% (0)
Personal possession cases are treated like all other cases and are considered on a case by case basis	26.1% (12)	3.3% (1)	100% (2)
Total	100% (46)	100% (30)	100% (2)
Row Percent (out of 78)	59%	38.5%	2.6%

	Republican	Democrat	Independent
Less than full or ordinary enforcement (45)	41.3% (19)	86.7% (26)	0% (0)
	42.2%	57.8%	0%
Full or ordinary enforcement (19)	32.6% (15)	6.7% (2)	100% (2)
	78.9%	10.5%	10.5%
Other (14)	26.1% (12)	6.7% (2)	0% (0)
	85.7%	14.3%	0%
Total	100% (46)	100% (30)	100% (2)

¹⁸ In the second table, percentages in the first row of each policy category are based on the total responses in their respective column. Percentages in the second row of each policy category are based on the total number of responses in each policy category. In the third table, percentages in the first row are based upon the total responses in their respective column. Percentages in the second row of each policy category are based on the total number of responses by party by policy category.

	Republican		Democrat		Independent	
	Inc	Non	Inc	Non	Inc	Non
No prosecution of any personal possession of marijuana cases	0% (0)	0% (0)	36.4% (4)	42.1% (8)	0% (0)	0% (0)
	0%	0%	33.3%	66.7%	0%	0%
Diversion, rather than criminal charges, for any personal possession of marijuana	3.8% (1)	10% (2)	0% (0)	31.6% (6)	0% (0)	0% (0)
	33.3%	66.7%	0%	100%	0%	0%
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders	26.9% (7)	10% (2)	27.3% (3)	0% (0)	0% (0)	0% (0)
	77.8%	22.2%	100%	0%	0%	0%
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances	11.5% (3)	20% (4)	18.2% (2)	15.8% (3)	0% (0)	0% (0)
	42.9%	57.1%	40%	60%	0%	0%
Other	26.9% (7)	25% (5)	9.1% (1)	5.3% (1)	0% (0)	0% (0)
	58.3%	41.7%	50%	50%	0%	0%
Fully enforce personal possession of marijuana cases	3.8% (1)	10% (2)	9.1% (1)	0% (0)	0% (0)	0% (0)
	33.3%	66.7%	100%	0%	0%	0%
Personal possession cases are treated like all other cases and are considered on a case by case basis	26.9% (7)	25% (5)	0% (0)	5.3% (1)	0% (0)	100% (2)
	58.3%	41.7%	0%	100%	0%	100%
Total	100% (26)	100% (20)	100% (11)	100% (19)	0% (0)	100% (2)
	56.5%	43.5%	36.7%	63.3%	0%	100%

Tables B32-B33. Survey responses and media sources (combined) indicating policy or platform (formal or informal) on adult possession of small amounts of marijuana for personal use by county population:¹⁹

	< 30k	30-100k	100-250k	250k-1mil	>1mil	
No prosecution of any personal possession of marijuana cases.	0% (0)	0% (0)	5.3% (1)	35% (7)	28.6% (4)	
Diversion, rather than criminal charges, for any personal possession of marijuana.	9.1% (1)	0% (0)	15.8% (3)	15% (3)	14.3% (2)	
Diversion, rather than criminal charges, for personal possession of marijuana by first time offenders.	36.4% (4)	35.7% (5)	0% (0)	15% (3)	0% (0)	
Assign lower priority to personal possession of marijuana cases, but still prosecutes in some circumstances.	0% (0)	7.1% (1)	26.3% (5)	25% (5)	7.1% (1)	
Other	18.2% (2)	14.3% (2)	15.8% (3)	10% (2)	35.7% (5)	
Fully enforce personal possession of marijuana cases	9.1% (1)	7.1% (1)	0% (0)	0% (0)	14.3% (2)	
Personal possession cases are treated like all other cases and are considered on a case by case basis	27.3% (3)	35.7% (5)	36.8% (7)	0% (0)	0% (0)	
	Total	100% (11)	100% (14)	100% (19)	100% (20)	100% (14)
	Row Percent (out of 78)	14.1%	17.9%	24.4%	25.6%	17.9%

	< 30k	30-100k	100-250k	250k-1mil	>1mil	
Less than full or ordinary enforcement (45)	45.5% (5)	42.9% (6)	47.4% (9)	90% (18)	50% (7)	
	11.1%	13.3%	20%	40%	15.6%	
Full or ordinary enforcement (19)	36.4% (4)	42.9% (6)	36.8% (7)	0% (0)	14.3% (2)	
	21.1%	31.6%	36.8%	0%	10.5%	
Other (14)	18.2% (2)	14.3% (2)	15.8% (3)	10% (2)	35.7% (5)	
	14.3%	14.3%	21.4%	14.3%	35.7%	
	Total	100% (11)	100% (14)	100% (19)	100% (20)	100% (14)
	Row Percent (78)	14.1%	17.9%	24.4%	25.6%	17.9%

¹⁹ In the second table, percentages in the first row of each policy category are based on the total responses in their respective column. Percentages in the second row of each policy category are based on the total number of responses in each policy category.

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