

New Brach Eichler Poll: New Jersey Voters Want Gov. Murphy to Pardon Low-Level Marijuana Convictions

Roseland, NJ - October 20, 2020 – New Jersey voters are solidly behind legalizing recreational cannabis and overwhelmingly favor Gov. Phil Murphy pardoning anyone with low-level marijuana convictions on their record, according to a new poll conducted by the Cannabis Law Practice of the New Jersey law firm Brach Eichler LLC. With just two weeks to go before Election Day, New Jersey voters say they are being influenced by ads for and against the ballot initiative to legalize cannabis and more voters are supporting home rule to limit sales in some communities.

The newest Brach Eichler Cannabis Poll showed consistent and solid overall support for the Nov. 3 ballot question of whether recreational cannabis should be legal in New Jersey. Support was more than 2-1 in favor, with 65 percent supporting it, 29 percent opposing it and 6 percent unsure. That is statistically similar to the three previous Brach Eichler Cannabis Polls, in July, August and September.

Not only do New Jersey voters back legal cannabis, but they also feel past low-level marijuana crimes should be forgotten. The poll showed 68 percent favored Gov. Murphy issuing pardons, with 21 percent against and 11 percent unsure. The support for pardons was universal, with Democrats supporting it by a 74 to 16 percent margin; Independents by 71 to 20 percent; and Republicans by 57 to 29 percent. Additionally, for the first time, voters expressed support for expunging records of all levels of marijuana-related crimes. The new poll showed 51 percent in support, with 32 percent opposed and 16 percent unsure. Previous polls showed New Jersey voters evenly split on the issue.

The Brach Eichler Cannabis Poll questioned 500 registered New Jersey voters from October 5 to October 13, 2020, who said they were likely to vote this November. The margin of error is plus or minus 4.4 percentage points. Brach Eichler, a recognized thought leader in cannabis law, was one of the first New Jersey law firms to form a dedicated cannabis law practice committed to providing advice and counsel to businesses and individuals seeking to understand the complex laws surrounding cannabis.

“The Brach Eichler Cannabis Poll, which has consistently reported overwhelming support for legalizing cannabis, today again confirms that New Jersey voters support this long overdue change by a significant margin,” said **Charles X. Gormally**, Co-Chair of the **Cannabis Law Practice** at the firm.

“The poll also confirmed that New Jersey voters have a strong sense of righting previous wrongs,” said **John D. Fanburg**, Co-Chair of the Cannabis Law Practice at Brach Eichler. “Their support for pardons and simplified expungements show they approve of justice being done for those who have criminal records for the use or possession of marijuana, which will be legal.”

Gormally said there is great potential for cannabis industry in New Jersey. “After election day it is imperative that our legislature move to create the most efficient, safe and regulated marketplace to capture the tri-state cannabis business. This will ensure that consumers have the best options available and that New Jersey can reap the economic benefits of this new industry,” Gormally said.

Fanburg added, “Our legislature, despite their prior failure to garner a legislative mandate for legal cannabis, now has another chance to help New Jersey redress the devastation caused by failed prohibition while creating opportunity for minority group participation in this exciting new marketplace.”

While support was across party lines for pardons for low-level marijuana crimes, that was not the case for clean records for all levels of offenses. Democrats backed it 61 to 23 percent, with 16 percent unsure. Republicans were split, with 43 to 42 percent in favor and 14 were undecided. Independents supported it by 45 to 36 percent, but had a large number, 19 percent, unsure.

Advertisements, both pro and con, have been more visible to voters, although only one-third of voters say they have seen them. Of that group, 36 percent said the ads have made them view legalized cannabis more favorably, and only 10 percent said the ads turned them against legalization. Still, 54 percent said ads have had no effect on them.

“While we are seeing some ads regarding the referendum, there seem to be far fewer than for previous referenda,” said Fanburg. “We are also seeing increased awareness of the initiative in the past three weeks, meaning voters have been reading press reports or investigating the issue on their own and not relying on one-sided ads to educate themselves.”

One topic that has been controversial is whether municipalities should be able to invoke “home rule” and have the right to decide if cannabis businesses would be allowed in their towns. In previous polls, the opinion was split. The new poll, however, showed growing support for home rule, although not a majority – 47 percent were in favor and 39 percent opposed, with 14 percent unsure. Along party lines, Republicans (56 to 31 percent) and Independents (49 to 37) were mostly in favor of home rule, while Democrats were mostly against it (45 to 40).

“It is clear that home rule is a topic that needs to be more fully addressed,” said Gormally. “Cannabis businesses are going to need an immediate understanding of local politics and community issues before embarking on plans for certain parts of New Jersey.”

Politically, support for legal cannabis continued to cross party lines. The strongest support came from Democrats (75 to 20 percent in favor), followed by Independents (62 to 31 in favor) and Republicans (52 to 39 in favor).

Voters also indicated support for Gov. Murphy’s overall performance, with an approval rating of 68 percent to 32 percent. Democrats were in favor of Murphy by 90 to 10 percent; Independents 63 to 37 percent; and Republicans opposed his performance, by 58 to 42 percent.

In the presidential race, former Vice President Joe Biden increased his lead over President Donald Trump among New Jersey voters. The Democrat Biden was favored 56 percent to 34 percent over the Republican Trump, with 10 percent undecided or favoring another candidate. That was a shift from September, when the poll showed 52 percent for Biden and 38 percent backing Trump.

This was the fourth and final Brach Eichler Cannabis Poll. All were conducted by DKC Analytics.

Brach Eichler LLC is a leader in Cannabis Law representation. Please see our [Cannabis Resource Center](#) for more thought leadership around medical and recreational cannabis in New Jersey, including our podcast, Cannabis Realities; white papers; videos; blogs; and more.

About Brach Eichler LLC

Brach Eichler LLC is a full-service law firm based in Roseland, NJ. With over 80 attorneys, the firm is focused on the following practice areas: Healthcare Law; Real Estate; Litigation; Trusts and Estates; Business Transactions & Financial Services; Personal Injury; Criminal Defense and Government Investigations; Labor and Employment; Environmental and Land Use; Family Law Services; Patent, Intellectual Property & Information Technology; Real Estate Tax Appeals; Tax; and Cannabis Law. Brach Eichler attorneys have been recognized by clients and peers alike in The Best Lawyers in America®, Chambers USA, and New Jersey Super Lawyers.