

2023

TEXAS LEGISLATIVE ISSUES

Marijuana



Hobby School of Public Affairs
UNIVERSITY OF HOUSTON



Texas Legislative Issues 2023 Marijuana

The Hobby School of Public Affairs at the University of Houston conducted an online survey of Texans ages 18 and older to assess their preferences and opinions regarding legislation that will be considered by the Texas Legislature during the 2023 legislative session. The survey was fielded between January 9 and January 19, 2023, in English and Spanish, with 1,200 YouGov respondents, resulting in a confidence interval of +/-2.8%. The respondents were matched to a sampling frame on gender, age, race/ethnicity, and education and are representative of the population of Texas adults.

This is the fifth of seven reports. The first report examined the saving and spending preferences of Texans related to the state's current \$33 billion budget surplus, support for legislation to reimburse universities and colleges for tuition benefits provided and expand Medicaid's postpartum coverage, and support for a series of proposed sales tax exemption bills. The second report focused on support for gambling legislation presently under consideration in the Texas Legislature. The third report addressed support for two forms of proposed school choice legislation, vouchers and tax incentives for donations to support attendance at private schools. The fourth report analyzed support for a set of bills considered to be part of the broader "cultural war" currently taking place in Texas, covering issues such as the gender identity of children, instruction on sexuality in public schools, the Texas Constitution's definition of marriage, and Confederate Heroes Day. This report examines support for legislation regulating marijuana in Texas. Future reports will look at support for legislation regulating abortion, firearms, elections, immigration, and energy.

Executive Summary

82% of Texans support legislation that would make the use of marijuana legal for a wide range of medical purposes with a prescription, with 56% strongly in support of medical marijuana.

- 85% of Latino, 83% of Black and 80% of white Texans support this legislation. This includes 60% of Latinos and 55% of whites who strongly support it.
- 83% of women and 80% of men support this legislation.
- 93% of Democrats, 79% of Independents and 73% of Republicans support this legislation. This includes 71% of Democrats who strongly support it.

81% of Texans support legislation that would make the penalty for the possession of small amounts of marijuana a citation (similar to a traffic ticket), with 49% strongly in support of the decriminalization of marijuana.

- 84% of Latino, 79% of white and 78% of Black Texans support this legislation. This includes 53% of Latinos who strongly support it.

- 82% of men and 81% of women support this legislation.
- 88% of Democrats, 77% of Republicans and 73% of Independents support this legislation. This includes 59% of Democrats who strongly support it.

67% of Texans support legislation that would make the recreational use of marijuana for any purpose legal for those age 21 and older, with 47% strongly in support of legalization.

- 73% of Latino, 66% of Black and 62% of white Texans support this legislation. This includes 55% of Latinos who strongly support it.
- 67% of women and 66% of men support this legislation.
- 80% of Democrats, 66% of Independents and 55% of Republicans support this legislation. This includes 59% of Democrats who strongly support it.

When asked about preferences regarding the sale and use of marijuana in Texas, 54% of Texans opt for legislation under which marijuana would be legal for medical and recreational use and 28% of Texans opt for legislation under which marijuana would be legal for medical use only. Finally, 18% of Texans prefer the current legislative status quo under which marijuana use for either recreational or medical purposes is illegal in Texas.

- 61% of Black, 58% of Latino and 49% of white Texans favor legislation under which marijuana would be legal for both medical and recreational use.
- 56% of men and 51% of women favor legislation under which marijuana would be legal for both medical and recreational use.
- 63% of Democrats and 63% of Independents, but only 38% of Republicans, favor legislation under which marijuana would be legal for both medical and recreational use.
- While the legalization of marijuana for medical and recreational purposes is the preferred policy of the median Democrat and median Independent, the median Republican's preferred policy is the legalization of marijuana for medical uses only.

66% of Texans believe that the legalization of marijuana would be good for state and local government revenue, compared to 16% who believe it would be bad and 18% of the position that the legalization of marijuana in Texas would not have an effect on state and local government revenue.

- 74% of Latino, 62% of white and 61% of Black Texans believe that legalization would be good for government revenue.
- 69% of men and 62% of women believe that legalization would be good for government revenue.
- 72% of Democrats, 69% of Independents and 58% of Republicans believe that legalization would be good for government revenue.

40% of Texans believe that the legalization of marijuana in Texas would increase the use of marijuana by those under the age of 21, compared to 15% who believe it would decrease underage marijuana use, and 45% who believe that legalization would not have an effect on underage marijuana use.

- 44% of Latino, 39% of white and 36% of Black Texans believe legalization would lead to an increase in underage marijuana use.
- 43% of men and 37% of women believe legalization would lead to an increase in underage marijuana use.
- 50% of Republicans, 38% of Independents and 31% of Democrats believe legalization would lead to an increase in underage marijuana use.

30% of Texans believe that the legalization of marijuana would make people more likely to use other illegal drugs, 30% believe legalization would make people less likely to use other illegal drugs, and 40% of Texans do not believe that legalization would have any effect on the likelihood of people using other illegal drugs.

- 44% of Republicans believe legalization would increase the likelihood of people using other illegal drugs, compared to 27% of Independents and 20% of Democrats.
- 44% of Democrats believe legalization would have no effect on the likelihood of people using other illegal drugs, compared to 39% of Independents and 34% of Republicans.
- 36% of Democrats and 34% of Independents believe legalization would decrease the likelihood of people using other illegal drugs, compared to 22% of Republicans.

Survey Population Demographics

Whites account for 45% of this survey population of Texans 18 and older, Latinos 37%, Blacks 12%, and others 6%. Women account for 51% of the population and men for 49%. Regarding generations, 29% of the population belongs to the combined Silent Generation (born between 1928-1945) and Baby Boomer (1946-1964) cohort, 25% to Generation X (Gen-X, 1965-1980), 30% to the Millennial (1981-1996) generation and 16% to the Generation Z (Gen-Z, 1997-2014) cohort. The highest educational attainment of 40% of the population is a high school degree or less, while 29% have either a two-year degree or have attended some college, and 31% have a four-year college degree or post-graduate degree as their highest level of educational attainment. Almost one-half (46%) live in households with a household income that is less than \$50,000, 30% live in households with an income of between \$50,000 and \$99,999, and 24% live in households with a household income that is \$100,000 or more. One in four (25%) of these Texans is a born-again Christian while 75% are not. One in four (27%) of these Texans have a child under the age of 18 in their household while 73% do not. Two-fifths (39%) of the population identifies as Democrat, 36% as Republican, 20% as Independent and 5% are unsure about their partisan identification. Geographically, half (50%) of these Texans reside in one of the state's five populous urban counties (Bexar, Dallas, Harris, Tarrant, Travis) while 17% reside in the suburban counties surrounding these five populous urban counties (e.g., Collin, Denton, Fort Bend, Guadalupe, Montgomery, Williamson), 13% reside in counties which serve as regional hubs for the surrounding areas (e.g., Bell, Jefferson, Lubbock, McLennan, Nueces, Smith), 8% reside in populous border counties (Cameron, El Paso, Hidalgo, Webb), and 12% reside in the state's more sparsely populated rural counties.

Support For Three Proposed Marijuana Policies: Medical, Decriminalization, Legalization

The survey asked Texans about their opinions regarding legislation that would expand the legal use of medical marijuana in Texas, decriminalize the possession of marijuana in Texas, and legalize the use of marijuana for any purpose in Texas for those age 21 and older:

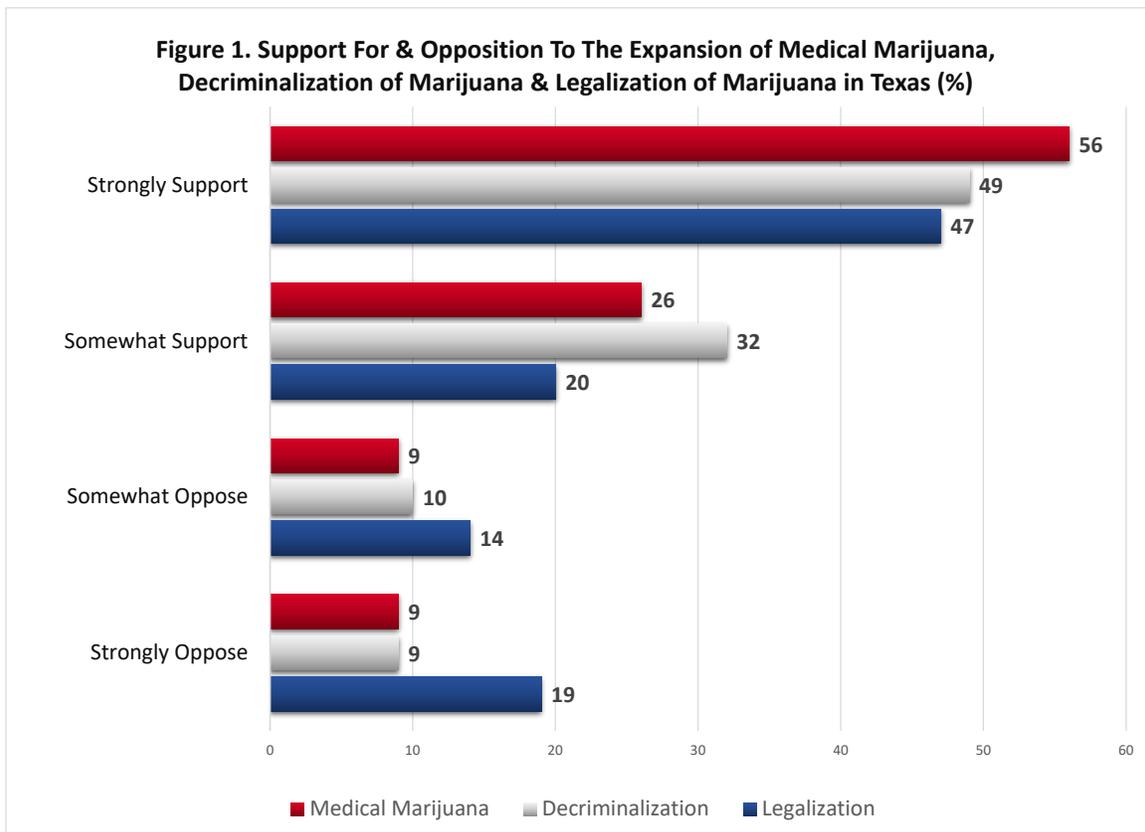
“The current maximum penalty in Texas for possession of small amounts of marijuana can include up to 180 days in jail and/or a fine of up to \$2,000. For a small number of patients Low THC oil preparations, but not marijuana or other cannabis-based products, are legal with a prescription. Do you support or oppose legislation in the state of Texas that would:

Make the use of marijuana legal for a wide range of medical purposes with a prescription.

Make the penalty for the possession of small amounts of marijuana a citation (similar to a traffic ticket) and a fine of \$250 (this would be in a context where the recreational use of marijuana is illegal).

Make the recreational use of marijuana for any purpose legal for those age 21 and older.”

Figure 1 provides the proportion of Texans who strongly support, somewhat support, somewhat oppose and strongly oppose each of the pieces of legislation. Respondents who answered “don’t know” are excluded from the analysis.



More than eight out of ten Texans (82%) support making the use of marijuana legal for a wide range of medical purposes with a prescription (i.e., medical marijuana), with 56% strongly supporting this legislation and 26% somewhat supporting it. Fewer than two out of ten (18%) Texans oppose this legislation, 9% strongly and 9% somewhat.

More than eight out of ten Texans (81%) support (within a context in which the recreational use of marijuana remains illegal) making a citation (similar to a traffic ticket) the penalty for the possession of small amounts of marijuana (i.e., decriminalization), with 49% strongly supporting this legislation and 32% somewhat supporting it. Fewer than two out of ten (19%) Texans oppose this legislation, 9% strongly and 10% somewhat.

Almost seven out of ten Texans (67%) support making the recreational use of marijuana for any purpose legal for those age 21 and older (i.e., legalization), with 47% strongly supporting legalization and 20% somewhat supporting it. Three out of ten (33%) Texans oppose legalization, 19% strongly and 14% somewhat.

Table 1 provides the proportion of Texans belonging to a wide range of socio-demographic sub-groups that support medical marijuana, the decriminalization of marijuana, and the legalization of marijuana in Texas.

Table 1: Support for Medical Marijuana, the Decriminalization of Marijuana & the Legalization of Marijuana Among Texas Demographic Sub-Groups (%)

Group	Sub-Group	Medical Marijuana	Decriminalization	Legalization
Overall	Overall	82 (56)	81 (49)	67 (47)
Ethnicity/Race	White	80 (55)	79 (45)	62 (42)
	Latino	85 (60)	84 (53)	73 (55)
	Black	83 (48)	78 (46)	66 (45)
Gender	Women	83 (55)	81 (47)	67 (46)
	Men	80 (57)	82 (51)	66 (48)
Generation	Silent/Boomers	81 (51)	82 (46)	69 (37)
	Generation X	82 (55)	81 (46)	74 (52)
	Millennials	82 (61)	79 (53)	71 (54)
	Generation Z	81 (55)	83 (50)	61 (43)
Partisan ID	Democrat	93 (71)	88 (59)	80 (59)
	Independent	79 (53)	73 (44)	66 (51)
	Republican	73 (42)	77 (39)	55 (32)
Religion	Born-Again Christian	74 (42)	62 (41)	52 (28)
	Not Born-Again Christian	85 (61)	82 (52)	71 (54)
Region	Urban Counties	83 (54)	82 (49)	65 (46)
	Suburban Counties	79 (53)	82 (42)	66 (41)
	Regional Hub Counties	87 (64)	82 (51)	70 (52)
	Border Counties	78 (63)	82 (57)	72 (58)
	Rural Counties	74 (50)	75 (50)	63 (46)
Children Under 18 in Home	Yes	82 (55)	81 (50)	67 (44)
	No	81 (56)	81 (48)	66 (48)
Household Income	Less than \$50,000	85 (59)	81 (52)	70 (51)
	\$50,000-\$99,000	81 (56)	82 (49)	68 (48)
	\$100,000 +	78 (51)	78 (44)	61 (39)
Educational Attainment	High School or Less	81 (57)	81 (51)	67 (49)
	Some College/2-Yr Degree	82 (57)	80 (47)	69 (54)
	4-Yr Degree/Postgrad	82 (54)	82 (47)	64 (39)

Proportion strongly in support in parentheses.

There are no salient ethnic/racial (with one minor exception), gender, generational, regional, child, educational, or income (with one minor exception) differences in support for medical marijuana, the decriminalization of marijuana, or the legalization of recreational marijuana.

There are however stark partisan and religious differences related to support for these three policies, with the important caveat that all three enjoy majority support among all partisan and religious groups, with the differences revolving around the extent of this support which ranges from a high of 93% to a low of 52%.

Significantly more Democrats support medical marijuana (93%), the decriminalization of marijuana (88%) and the legalization of marijuana (80%) than do Independents (79%, 73% and 66%, respectively)

and Republicans (73%, 77% and 55%, respectively). More than half of Democrats strongly support medical marijuana (71%), the decriminalization of marijuana (59%) and the legalization of marijuana (59%).

Significantly more non-born-again Christians than born-again Christians support medical marijuana (85% vs. 74%), the decriminalization of marijuana (82% vs. 62%) and the legalization of marijuana (71% vs. 52%). More than half of non-born-again Christians strongly support medical marijuana (61%), the decriminalization of marijuana (52%) and the legalization of marijuana (54%).

Preferred Marijuana Policy: Illegal, Medical Only, Legal for Medical & Recreational

The survey also asked the following related question: “Which comes closest to your view about the use of marijuana by adults in Texas?” The response options were: it should not be legal, it should be legal for medical use only, it should be legal for medical use and for recreational use, and don’t know. The don’t know responses are excluded from the analysis below.

Figure 2 provides the distribution of the preferences of Texans regarding the optimal policy regulating marijuana in Texas. An absolute majority of Texans (54%) prefer a policy under which marijuana is legal for medical and recreational use for everyone age 21 and over. Slightly more than one in four Texans (28%) prefer a policy under which marijuana is legal only for medical use, while nearly one in five (18%) prefer the current Texas policy of marijuana use not being legal.

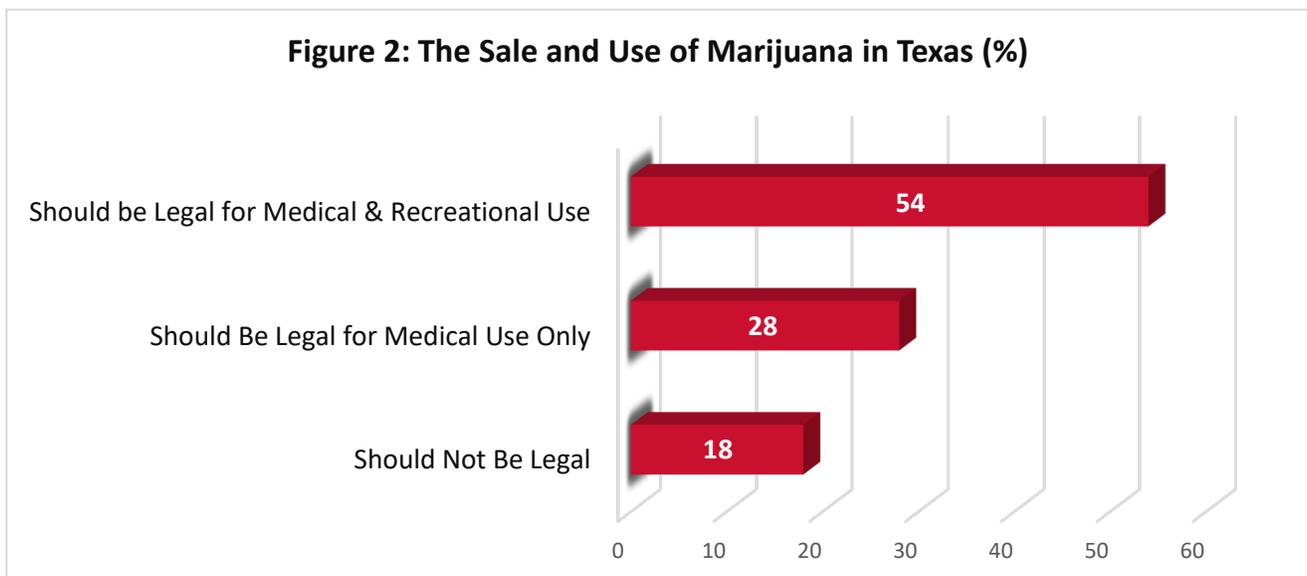


Table 2 provides the distribution of the optimal marijuana policy of Texans belonging to a wide range of socio-demographic sub-groups.

Table 2: Distribution of Opinion on the Use of Marijuana By Adults Among Texas Socio-Demographic Groups: Should Be _____ . (%)

Group	Sub-Group	Illegal	Legal for Medical Only	Legal for Medical + Recreational
Overall	Overall	18	28	54
Ethnicity/Race	White	22	29	49
	Latino	14	28	58
	Black	12	27	61
Gender	Women	16	33	51
	Men	20	24	56
Generation	Silent/Boomers	18	37	45
	Generation X	15	27	58
	Millennials	20	23	57
	Generation Z	16	27	57
Partisan ID	Democrat	13	24	63
	Independent	15	22	63
	Republican	24	38	38
Religion	Born-Again Christian	27	41	32
	Not Born-Again Christian	15	24	61
Region	Urban Counties	19	28	53
	Suburban Counties	12	32	56
	Regional Hub Counties	18	23	59
	Border Counties	18	31	51
	Rural Counties	18	32	50
Children Under 18 in Home	Yes	24	29	47
	No	15	29	56
Household Income	Less than \$50,000	14	29	57
	\$50,000-\$99,000	17	29	54
	\$100,000 +	26	28	46
Educational Attainment	High School or Less	17	28	55
	Some College/2-Yr Degree	14	25	61
	4-Yr Degree/Postgrad	21	32	47

As was the case in the previous section, the most salient cleavages in marijuana policy preference are related to the respondent’s partisanship and religion. Democrats (63%) and Independents (63%) are significantly more likely than Republicans (38%) to both favor the policy where marijuana is legal for both medical and recreational purposes, while the median Republican’s preferred policy is where marijuana is legal for medical purposes only (38%), with the remaining 24% of Republicans preferring complete prohibition.

The median Texas born-again Christian’s preferred policy is where marijuana is legal for medical uses only (41%), with 27% favoring complete prohibition and 32% full legalization. In contrast, more than three out of five (61%) non-born-again Christians prefer full legalization.

Ethnic/racial differences are relatively modest, with the exception of a notably greater proportion of Black Texans (61%) than white Texans (49%) favoring the option of marijuana being legal for medical and recreational uses.

Generational differences are also relatively modest, with the exception of members of the Silent/Baby Boomers cohort (45%) significantly less likely than members of Generation X (58%), Millennials (57%) and Generation Z (57%) to prefer the policy option of marijuana being legal for medical and recreational uses, and significantly more likely than Millennials (37% vs. 23%) to prefer the policy under which marijuana is legal in Texas only for medical purposes.

There do not exist any noteworthy differences in optimal marijuana policy preferences based on gender, region, educational attainment or children in the home.

The Impact of Legalizing Marijuana on State & Local Government Revenue

The survey asked the following question: Do you think the legalization of marijuana in Texas would be good for state and local government revenue, be bad for state and local government revenue, or not have much of an effect on local government revenue? “Don’t know” was also a response option, with “don’t know” responses excluded from the analysis below.

Figure 3 provides the distribution of the responses of Texans to this question. Two-thirds (66%) of Texans believe that the legalization of marijuana would be good for state and local government revenue, compared to a fifth (16%) who believe legalization would be bad for state and local government revenue. The remaining fifth (18%) do not think that the legalization of marijuana would have much of effect on government revenue.

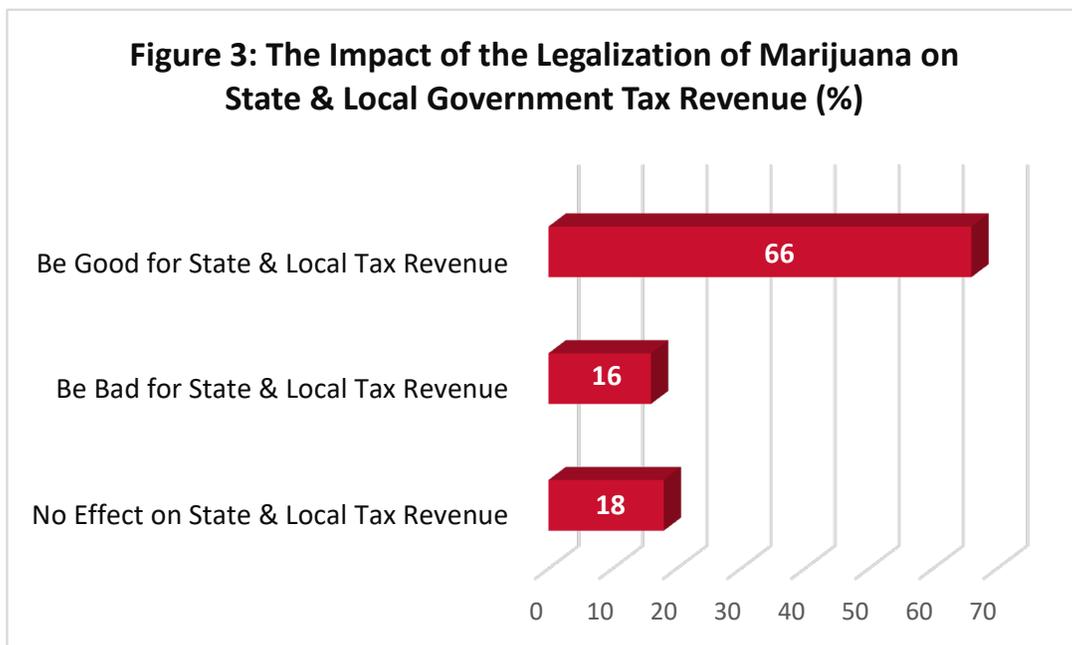


Table 3 provides the distribution of Texan opinions about the expected impact of the legalization of marijuana on state and local government revenue among a wide range of socio-demographic sub-groups.

Table 3. Proportion Who Believe the Legalization of Marijuana Would Have a Good, Bad or Null Effect on State & Local Government Revenue Among Texas Demographic Sub-Groups (%)

Group	Sub-Group	Good For State & Local Govt. Revenue	Bad for State & Local Govt. Revenue	No Effect on State & Local Govt. Revenue
Overall	Overall	66	16	18
Ethnicity/Race	White	62	19	19
	Latino	74	12	14
	Black	61	14	25
Gender	Women	62	16	22
	Men	69	17	14
Generation	Silent/Boomers	63	16	21
	Generation X	71	11	18
	Millennials	65	18	17
	Generation Z	65	19	16
Partisan ID	Democrat	72	13	15
	Independent	69	12	19
	Republican	58	22	20
Religion	Born-Again Christian	51	25	24
	Not Born-Again Christian	71	13	16
Region	Urban Counties	66	18	16
	Suburban Counties	61	12	27
	Regional Hub Counties	71	9	20
	Border Counties	74	13	13
	Rural Counties	62	20	18
Children Under 18 in Home	Yes	62	20	18
	No	67	15	18
Household Income	Less than \$50,000	69	13	18
	\$50,000-\$99,000	67	16	17
	\$100,000 +	58	21	21
Educational Attainment	High School or Less	69	16	15
	Some College/2-Yr Degree	72	14	14
	4-Yr Degree/Postgrad	57	19	24

An absolute majority of the members of all 27 sub-groups believe that the legalization of marijuana would be good for state and local government revenue, although the proportions range from a low of 51% to a high of 74%. Three significant differences are most worthy of note. First, Latino Texans (74%) are significantly more likely than white Texans (62%) and Black Texans (61%) to believe that the legalization of marijuana would be good for state and local government revenue. Second, Texas Democrats (72%) are significantly more likely than Texas Republicans (58%) to believe that the legalization of marijuana would be good for state and local government revenue. Third, non-born-again Christians (71%) are significantly more likely than born-again Christians (51%) to believe that the legalization of marijuana would be good for state and local government revenue.

The Impact of Legalizing Marijuana on the Use of Marijuana by Texans Under 21

The survey asked the following question: Do you think the legalization of marijuana in Texas would increase the use of marijuana by those under the age of 21, decrease the use of marijuana by those under the age of 21, or not have much of an effect on the use of marijuana by those under the age of 21? “Don’t know” was also a response option, with “don’t know” responses excluded from the analysis below.

Figure 4 provides distribution of the responses of Texans to this question. Two-fifths (40%) of Texans believe that the legalization of marijuana would increase the use of marijuana by those under the age of 21, compared to 15% who believe the legalization of marijuana would decrease the use of marijuana by those under the age of 21. Almost half (45%) of Texans do not believe that legalization would have much of an effect on under-age marijuana use.

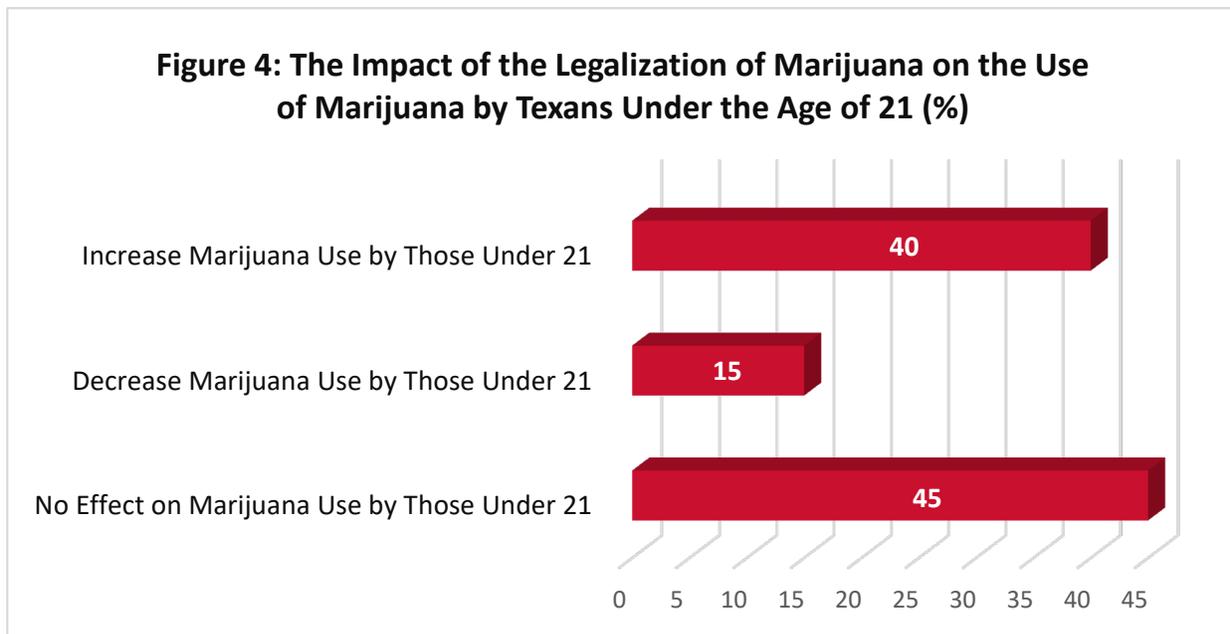


Table 4 provides the distribution of Texans’ opinions about the expected impact of the legalization of marijuana on the use of marijuana by those under 21 among a wide range of socio-demographic sub-groups. There do not exist any consistent noteworthy ethnic/racial, gender, regional, religious, household (income or child), or educational differences in the opinions of Texans regarding the impact of the legalization of marijuana on the use of marijuana by those under 21.

Table 4. Proportion Who Believe the Legalization of Marijuana Would Increase, Decrease or Have No Effect on the Use of Marijuana by Those Under 21 Among Texas Demographic Sub-Groups (%)

Group	Sub-Group	Increase Use by Those Under 21	Decrease Use by Those Under 21	No Effect on Use by Those Under 21
Overall	Overall	40	15	45
Ethnicity/Race	White	39	15	46
	Latino	44	13	43
	Black	36	19	45
Gender	Women	37	15	48
	Men	43	16	41
Generation	Silent/Boomers	48	5	47
	Generation X	35	13	52
	Millennials	38	25	37
	Generation Z	35	20	45
Partisan ID	Democrat	31	16	53
	Independent	38	16	46
	Republican	50	13	37
Religion	Born-Again Christian	46	21	33
	Not Born-Again Christian	37	13	50
Region	Urban Counties	38	18	44
	Suburban Counties	39	12	49
	Regional Hub Counties	39	13	48
	Border Counties	40	13	47
	Rural Counties	48	9	43
Children Under 18 in Home	Yes	39	26	35
	No	40	11	49
Household Income	Less than \$50,000	39	17	44
	\$50,000-\$99,000	38	13	49
	\$100,000 +	46	16	38
Educational Attainment	High School or Less	43	13	44
	Some College/2-Yr Degree	35	18	47
	4-Yr Degree/Postgrad	40	16	44

There are however noteworthy differences among Texans based on partisanship and generation. Republicans (50%) are significantly more likely than Independents (38%) and Democrats (31%) to believe that the legalization of marijuana will result in an increase in underage use of marijuana. Conversely, 53% of Democrats compared to 37% of Republicans believe the legalization of marijuana will not have an effect on underage marijuana use. Members of the Silent/Baby Boomer (48%) cohort are significantly more likely to believe that the legalization of marijuana will increase underage marijuana use than are the members of the other three respective generational cohorts (35%, 38%, 35%).

The impact of Legalizing Marijuana on the Likelihood of Using Other Illegal Drugs

The survey asked the following question: Do you think the legalization of marijuana in Texas would make people more likely to use other illegal drugs, make people less likely to use other illegal drugs, or not have much of an effect on the likelihood of people using other illegal drugs? “Don’t know” was also a response option, with “don’t know” responses excluded from the analysis below.

Figure 5 provides distribution of the responses of Texans to this question. An equal proportion of Texans (30%) believe that the legalization of marijuana would make people both more and less likely to use other illegal drugs, with 40% of the opinion that the legalization of marijuana would not have much of an effect on the likelihood of Texans using other illegal drugs.

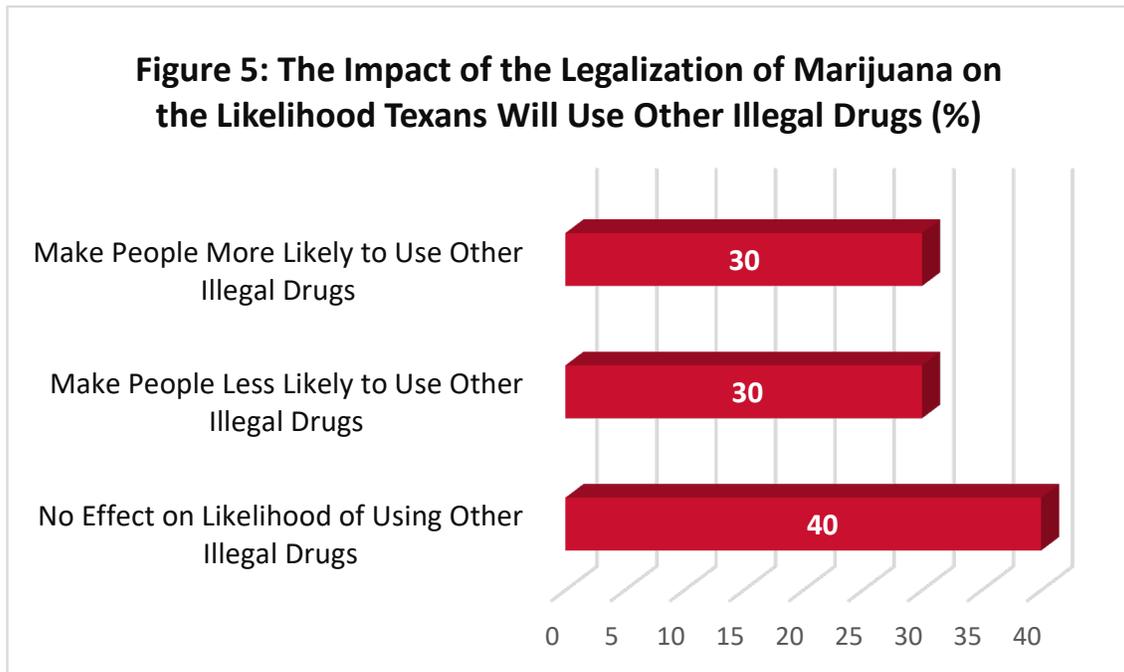


Table 5 provides the distribution of Texans’ opinions about the expected impact of the legalization of marijuana on the likelihood that people will use other illegal drugs. There are no consistent noteworthy ethnic/racial, gender, regional, religion, household income, or educational differences in the opinions of Texans regarding the impact of the legalization of marijuana on the likelihood of increased usage of other illegal drugs.

Table 5. Proportion Who Believe the Legalization of Marijuana Would Make People More Likely or Less Likely to Use Other Illegal Drugs (or Have No Effect) Among Texas Demographic Sub-Groups (%)

Group	Sub-Group	More Likely to Use Other Illegal Drugs	Less Likely to Use Other Illegal Drugs	No Effect on Use of Other Illegal Drugs
Overall	Overall	30	30	40
Ethnicity/Race	White	33	26	41
	Latino	29	33	38
	Black	31	28	41
Gender	Women	29	29	42
	Men	33	30	37
Generation	Silent/Boomers	37	20	43
	Generation X	26	24	50
	Millennials	28	44	28
	Generation Z	29	31	40
Partisan ID	Democrat	20	36	44
	Independent	27	34	39
	Republican	44	22	34
Religion	Born-Again Christian	44	25	31
	Not Born-Again Christian	26	31	43
Region	Urban Counties	31	31	38
	Suburban Counties	31	24	45
	Regional Hub Counties	29	31	40
	Border Counties	24	31	45
	Rural Counties	37	23	40
Children Under 18 in Home	Yes	31	37	32
	No	30	27	43
Household Income	Less than \$50,000	29	33	38
	\$50,000-\$99,000	32	26	42
	\$100,000 +	33	29	38
Educational Attainment	High School or Less	33	28	39
	Some College/2-Yr Degree	28	34	38
	4-Yr Degree/Postgrad	31	28	41

There are however a few significant generational, partisan and religious differences. First, Millennials (44%) are significantly more likely than members of Generation X (24%) or of the Silent Generation/Baby Boomer cohort (20%) to believe that the legalization of marijuana would make people less likely to use other illegal drugs. Second, Republicans (44%) are significantly more likely than Independents (27%) and Democrats (20%) to believe that the that the legalization of marijuana would make people more likely to use other illegal drugs. Third, born-again Christians (44%) are significantly more likely than non-born-again Christians (26%) to believe that the that the legalization of marijuana would make people more likely to use other illegal drugs.

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