

THE FIELD POLL

THE INDEPENDENT AND NON-PARTISAN SURVEY
OF PUBLIC OPINION ESTABLISHED IN 1947 AS
THE CALIFORNIA POLL BY MERVIN FIELD

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PROPOSITIONS 66 AND 64
VOTERS APPEAR DISPOSED TO PUT LIMITS
ON STATE'S "THREE STRIKES" LAW.
TORT REFORM PROPOSAL TRAILING.

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by Mark DiCamillo and Mervin Field

California voters appear to be quite one-sided in their support of Proposition 66, the initiative that would put limitations on the state's "three strikes" criminal sentencing law.

A *Field Poll* completed July 30 – August 8 found that about four in ten voters (38%) had heard of Prop. 66 and after all voters were read a summary of the description of Prop. 66 that will appear on the November ballot, the division of sentiment was 69% Yes, 19% No, and 12% no opinion.

The wording of the summary that was read to voters was as follows:

"Proposition 66 is the "Limitations on Three Strikes Law; Sex Crimes, Punishment" initiative. It limits the "Three Strikes" law to violent and/or serious felonies and permits limited re-sentencing under new definitions. It also increases punishment for specified sex crimes against children. Fiscal impact: Net savings of up to several hundred million dollars annually, primarily to the prison system and local jail and court-related costs of potentially more than 10 million dollars annually. If the election were being held today, would you vote YES or NO on Proposition 66?"

Support for the initiative is broad-based, with majorities of Democrats and Republicans, men and women, as well as conservatives and liberals currently on the Yes side.

Table 1
Voter preferences regarding Proposition 66, the
“Limitations on Three Strikes Law” Initiative
(among likely voters)

	<u>Yes</u>	<u>No</u>	<u>Undecided</u>
Total Statewide – August	69%	19	12
– May	76%	14	10
<u>Party (August)</u>			
Democrats	77%	14	9
Republicans	60%	28	12
Non-partisans/others	68%	15	17
<u>Gender (August)</u>			
Men	64%	24	12
Women	73%	15	12
<u>Political ideology (August)</u>			
Conservative	59%	29	12
Middle-of-the-road	70%	19	11
Liberal	80%	5	15

Note: Wording of the ballot summary in the May survey differed somewhat from the official ballot label summary which was read to voters in the August measure.

Voter misunderstanding?

After the initiative qualified for the ballot and *The Field Poll* released its first survey on the measure in early June, there were some speculation in the news media that voters might not have fully understood the intent of Prop. 66. In an attempt to determine if there was any misunderstanding about the initiative in the current survey, a follow up question was added.

The results indicate that the large majority of voters understands the initiative’s main intent. Three-fourths (74%) correctly say that it is their understanding that, if Prop. 66 were enacted, criminals whose third strike conviction is for a non-violent or less serious crime would not automatically get a long prison sentence. This compares to just one in six voters (16%) who mistakenly believe that under Prop. 66 criminals convicted of a third strike crime of any kind would still automatically get a long prison sentence.

Large majorities of both those intending to vote Yes and those intending to vote No appear to have an accurate understanding of the intent of Prop. 66.

Table 2
Which statement is closer to your understanding of what
Prop. 66 would do if it were to become law?
(among likely voters)

	<u>Total voters</u>	<u>Yes voters</u>	<u>No voters</u>	<u>Undecided voters*</u>
Criminals whose third strike conviction is for a non-violent or less serious crime would <u>not</u> automatically get a long prison sentence	74%	81%	68%	45%
Criminals convicted of a third strike crime of any kind would still automatically get a long prison sentence	16	15	20	20
Don't know	10	3	12	35

* Small sample base.

Governor and Attorney General opposition

Voters in this survey were then told that Governor Arnold Schwarzenegger and Attorney General Bill Lockyer were opposed to Prop. 66 and asked if their opposition would have any affect on their vote, and if so, in what direction. Almost four in five (78%) said that Schwarzenegger's and Lockyer's opposition would not affect their vote. Among the small group who say they would be affected, 10% said it would make them more likely to vote No, while 7% said it would make them more inclined to vote Yes.

Table 3
How does Prop. 66's opposition by Governor Arnold Schwarzenegger
and Attorney General Bill Lockyer affect your vote?
(among likely voters)

	<u>Total voters</u>	<u>Yes voters</u>	<u>No voters</u>	<u>Undecided voters*</u>
<u>Their opposition makes me more inclined to vote</u>				
Yes	7%	9%	3%	2%
No	10	6	24	4
Has no effect	78	79	72	80
No opinion	5	6	1	14

* Small sample base.

Prop. 64 tort reform measure

Another initiative on the November ballot, which only 8% of likely voters were aware of in the current survey, is Proposition 64, the “Limits on Private Enforcement of Unfair Business Competition Laws” initiative. When read a summary of its official ballot description, 41% of voters lined up on the No side, 21% were in favor, and 38% were undecided.

The wording of the ballot summary is:

“Proposition 64 is the “Limits on Private Enforcement of Unfair Business Competition Laws” initiative. It allows individual or class action unfair business lawsuits only if an actual loss is suffered and states that only government officials may enforce these laws on the public’s behalf. Unknown state and local fiscal impact depending on whether it increases or decreases the court work load and the extent to which diverted funds are replaced. If the election were being held today, would you vote YES or NO on Proposition 64?”

Table 4
Voter preferences regarding Prop. 64, the Limits on Private Enforcement of Unfair Business Competition Laws Initiative (among likely voters)

	<u>No</u>	<u>Yes</u>	<u>Undecided</u>
Total Statewide	41%	21	38
<u>Party</u>			
Democrats	39%	24	37
Republicans	40%	25	35
Non-partisans/others	46%	10	44

Information About the Survey

Sample Details

The findings in this report are based on interviews conducted among a random sample of 500 Californians likely to vote in the November general election. Interviews were conducted by telephone in English and Spanish July 30 – August 8, 2004. Sampling was carried out using random digit dial methodology which gives all voters, including those whose phone number is listed and unlisted, an equal chance of being contacted. Up to five attempts were made to reach a randomly selected voter at each number dialed. After the completion of interviewing the larger registered voter sample was weighted to *Field Poll* estimates of the state's total registered voter population.

According to statistical theory, the overall results in this report have a sampling error of +/- 4.5 percentage points at the 95% confidence level. These are other possible sources of error in any survey in addition to sampling variability. Different results could occur because of differences in question wording, sequencing or through omissions or errors in sampling, interviewing or data processing. Extensive efforts were made to minimize such potential errors.

Questions Asked

Have you seen, read or heard anything about Proposition 66, having to do with placing limits on the state's Three Strikes criminal sentencing law?

Proposition 66 is the "Limitations on Three Strikes Law; Sex Crimes, Punishment" initiative. It limits the "Three Strikes" law to violent and/or serious felonies and permits limited re-sentencing under new definitions. It also increases punishment for specified sex crimes against children. Fiscal impact: Net savings of up to several hundred million dollars annually, primarily to the prison system and local jail and court-related costs of potentially more than 10 million dollars annually. If the election were being held today, would you vote YES or NO on Proposition 66?

Which of the following two statements is closer to your understanding of what Proposition 66 would do if it were to become law: (SEE RELEASE FOR CATEGORIES READ)

Governor Arnold Schwarzenegger and Attorney General Bill Lockyer are opposed to Prop. 66. Does their opposition make you more inclined to vote YES, more inclined to vote NO, or does it have no effect on how you will vote on Prop. 66?

Have you seen, read or heard anything about Proposition 64, having to do with placing limits on the enforcement of unfair business competition laws?

Proposition 64 is the "Limits on Private Enforcement of Unfair Business Competition Laws" initiative. It allows individual or class action unfair business lawsuits only if an actual loss is suffered and states that only government officials may enforce these laws on the public's behalf. Unknown state and local fiscal impact depending on whether it increases or decreases the court work load and the extent to which diverted funds are replaced. If the election were being held today, would you vote YES or NO on Proposition 64?