

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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EMINENT DOMAIN INITIATIVES: VOTER SENTIMENT FAVORING PASSAGE OF PROP. 99 BUT NOT PROP. 98.

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By Mark DiCamillo and Mervin Field

In next week's June 3 statewide primary election, voters will be asked to sort out two competing initiatives, Propositions 98 and 99. Both measures deal with rules relating to the use of eminent domain, in which government has the right to take over private property for other broader public purposes.

In a survey completed this week, *The Field Poll* finds that likely voters in the upcoming primary appear ready to reject Prop. 98 but approve Prop. 99.

A relatively large proportion of likely voters (75%) reports having seen, read or heard something about the two ballot propositions.

When asked how they would vote on each initiative, opponents outnumber supporters 43% to 33% with regard to Prop. 98. However, a sizeable 24% are undecided. On the other hand, 48% of those polled intend to vote Yes on Prop. 99, while just 30% say they will vote No. Another 22% are undecided.

Table 1
Voter preferences regarding Propositions 98 and 99,
the Eminent Domain Initiatives
(among likely voters in the June primary)

	Prop. 98	Prop. 99
<u>Intending to vote...</u>		
Yes	33%	48%
No	43	30
Undecided	24	22

Sizeable subgroup differences on Prop. 98, but not Prop. 99

There are large partisan and ideological differences in voter sentiment regarding Prop. 98, but not Prop. 99. For example, on Prop. 98 Democrats are opposed two to one (52% to 26%), while Republicans are supportive 47% to 31%. However, when it comes to Prop. 99, pluralities of both Democrats and Republicans are on the Yes side.

Similarly, there is a wide gap in voting preferences on Prop. 98 between conservatives and liberals, with conservatives in support and liberals opposed. However, pluralities of voters in both groups voice support for Prop. 99.

Homeowners oppose Prop. 98 by seven percentage points, while renters are opposed by a larger 19-point margin. The differences between homeowners and renters are not as large regarding Prop. 99, with pluralities of each group lining up on the Yes side.

Women likely to vote in the primary are very much against Prop. 98 and strongly favoring Prop. 99. By contrast, men are evenly divided on Prop. 98, but are supportive of Prop. 99.

Those who have already voted by mail or intend to use this method report being against Prop. 98 by 16 points, but favor Prop. 99 by 21 points. Precinct voters are divided on Prop. 98, but are supportive of Prop. 99 by 15 points.

Table 2
Voter preferences regarding Propositions 98 and 99, by subgroups
(among likely voters in the June primary)

	Prop. 98			Prop. 99		
	Yes	No	Undec.	Yes	No	Undec.
Total statewide	33%	43	24	48%	30	22
<u>Party registration</u>						
Democrats	26%	52	22	49%	29	22
Republican	47%	31	22	44%	36	20
Non-partisan/other	24%	45	31	53%	21	26
<u>Gender</u>						
Male	41%	41	18	48%	37	15
Female	26%	44	30	48%	24	28
<u>Political ideology</u>						
Conservative	46%	31	23	42%	38	20
Middle-of-the-road	30%	42	28	46%	28	26
Liberal	23%	58	19	58%	24	18
<u>Tenure</u>						
Homeowner	35%	42	23	52%	29	19
Renter	28%	47	25	47%	31	22
<u>Voting method</u>						
Precinct	35%	39	26	46%	31	23
Mail	31%	47	22	50%	29	21
<u>Prior awareness of initiatives</u>						
Yes, aware	34%	45	21	51%	30	19
No, not aware	32%	37	31	40%	31	29

Consequences of each initiative's passage

While both initiatives would place constraints on the ability of state and local government to take over property from private owners, there are differences in the latitude that government would have under each initiative. In addition, Prop. 98 also calls for phasing out existing rent control laws in California. If both initiatives were to pass, the one which gets the most votes would become law.

There has been considerable campaigning on both sides on these measures. Local governments and environmental groups are generally backing Prop. 99 and are opposed to Prop. 98. Those favoring Prop. 98 and opposing Prop. 99 are anti-tax groups, apartment owners and some farm groups.

Voters narrowly rejected a previous attempt at reforming the state's eminent domain laws in the November 2006 election by a 52% to 48% margin.

Information About The Survey

Sample Details

The findings in this report are based on a random sample survey of 660 voters considered likely to vote in the June California primary election. Interviewing was conducted by telephone in English and Spanish May 17-26, 2008. Up to six attempts were made to reach and interview each randomly selected voter on different days and times of day during the interviewing period.

The sample was developed from telephone listings of individual voters selected at random from a statewide list of registered voters in California. Once a voter's name and telephone number has been selected, interviews are attempted only with the specified voter. Interviews were conducted on either a voter's landline or cell phone, depending on the source of the telephone listing from the voter file. After the completion of interviewing, the results were weighted slightly to re-align the overall sample to characteristics of the state's registered voter population.

Sampling error estimates applicable to any probability-based survey depends on sample size. The maximum sampling error for results based on the overall sample of 660 likely voters is +/- 4.1 percentage points at the 95% confidence level. The maximum sampling error is based on percentages in the middle of the sampling distribution (percentages around 50%). Percentages at either end of the distribution (percentages around 10% or around 90%) have a smaller margin of error.

The maximum sampling error will be larger for analyses based on subgroups of the overall sample. While there are other potential sources of error in surveys besides sampling error, the overall design and execution of the survey minimized the potential for these other sources of error.

Questions Asked

Have you seen, read or heard anything about two ballot measures, Propositions 98 and 99, having to do with eminent domain laws that define when government has the right to take over private property for public purposes?

Proposition 98 is the "Eminent Domain, Limits on Government Authority Initiative." It bars state and local governments from taking or damaging private property for private uses and prohibits rent control and similar measures. It also eliminates deference to government in property rights cases and changes condemnation rules. Fiscal Impact: Increased costs to many governments due to the measure's restrictions, although the net statewide fiscal effect will probably not be significant. If the election were being held today, would you vote Yes or No on Proposition 98?

Proposition 99 is the "Eminent Domain, Limits on Government Acquisition of Owner-Occupied Residence Initiative." It bars use of eminent domain to acquire an owner-occupied residence for conveyance to a private person or business entity. It creates exceptions for public works, public health and safety, and crime prevention. Fiscal Impact: No significant fiscal impact on state or local governments. If the election were being held today, would you vote Yes or No on Proposition 99?