

# 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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Release #2141

Release Date: **Wednesday, October 13, 2004**

**LARGE MAJORITY CONTINUES TO FAVOR PROP. 66, TO LIMIT “THREE STRIKES” LAW. PLURALITY INTENDS TO VOTE NO ON PROP 64, TORT REFORM, ALTHOUGH MANY REMAIN UNDECIDED.**

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by Mark DiCamillo and Mervin Field

Voters continue to express strong support for Proposition 66, the initiative that would put limitations on the state’s “three strikes” criminal sentencing law. Almost two-thirds (65%) say they are disposed to vote “yes” on the initiative, while just 18% are intending to vote “no.” This nearly four-to-one level of support is close to what has been found in two previous *Field Poll* surveys.

Proposition 64, the tort reform initiative, has still not attracted much voter attention, with just 20% saying they were aware of it. When a summary of the official ballot is read, “no” voters outnumber “yes” voters by a 38% to 26% margin, although a huge 36% are undecided.

### **Prop. 66 (Limiting “Three Strikes” Law)**

In three statewide surveys conducted since May voters have indicated strong support for Prop 66. Large majorities of Democrats, Republicans and non-partisans, as well as voters with different ideological leanings, say they will vote “yes.”

**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 – Early October	65%	18	17
– August	69%	19	12
– May	76%	14	10
<u>Party</u>			
Democrats	72%	10	18
Republicans	58%	25	17
Non-partisans/others	61%	21	18
<u>Political ideology</u>			
Conservative	58%	23	19
Middle-of-the-road	67%	17	16
Liberal	73%	9	18

*Subgroup percentages shown are from the early October survey.*

*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 early October and August measures.*

### **Voter misunderstanding?**

After Prop. 66 qualified for the ballot and *The Field Poll* released its first opinion measures on the initiative in early June, there was some speculation in the news media that voters might not have full understanding of the intent of Prop.66. In an attempt to determine if there was any misunderstanding about the initiative, follow-up questions were asked in each of *The Field Poll’s* last two surveys.

The results indicate that the large majority of voters understands the initiative’s main intent. In the current survey 69% correctly say they believe that Prop. 66 would mean that criminals whose third strike conviction is for a non-violent or less serious crime would not automatically receive a long prison sentence. On the other hand, about one in five (19%) voters mistakenly believe that criminals convicted of a third strike crime of any kind would automatically still get a long prison sentence under Prop. 66.

Greater than three in four “yes” voters (78%) have a correct understanding of Prop. 66’s intent. Somewhat smaller proportions of “no” and undecided voters reports a clear understanding of its intent. However, very small proportions mistakenly believe criminals convicted of a third strike of any kind would still automatically receive a long prison sentence.

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

	<b>Total Voters</b>		<b>Early October</b>		
	<b>Early Oct.</b>	<b>August</b>	<b>Yes voters</b>	<b>No voters</b>	<b>Undecided voters*</b>
Criminals whose third strike conviction is for a non-violent or less serious crime would <u>not</u> automatically get a long prison sentence	69%	74%	78%	63%	43%
Criminals convicted of a third strike crime of any kind would still automatically get a long prison sentence	19	16	18	28	11
Don't know	12	10	4	9	46

\*Small sample base.

**Impact of opposition by the Governor, Attorney General, and District Attorneys Association**

In a follow-up question, voters were told that Governor Arnold Schwarzenegger, Attorney General Bill Lockyer, as well as the California District Attorney's Association, were opposed to Prop. 66, and asked if this opposition would have any effect on their vote.

In response, about seven in ten voters (69%) say the opposition of these officials would have no effect on how they will vote. One in four voters (25%) say it would have an impact, with 15% indicating that it would make them more likely to vote "no," while 10% say this would incline them to vote "yes."

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

	<b>Total voters</b>	<b>Yes voters</b>	<b>No voters</b>	<b>Undecided voters*</b>
<u>Their opposition makes me more inclined to vote...</u>				
Yes	10%	9%	12%	8%
No	15	13	25	13
Has no effect	69	73	60	62
No opinion	6	5	3	17

\*Small sample base.

**Impact of major newspapers’ support of Prop 66.**

Voters were also told that many of the state’s leading newspapers had published editorials advocating a “yes” vote on Prop. 66 and asked if this would have any effect on their vote.

In this instance three-fourths of voters (74%) report that the major newspapers’ endorsement of Prop. 66 would not influence their voting decision. Among voters who would be affected about as many (12%) said it would incline them to vote “yes” than vote “no” (11%).

<b>Table 4</b>				
<b>How does Prop. 66’s support by many of the state’s leading newspapers affect your vote? (among likely voters)</b>				
	<b><u>Total voters</u></b>	<b><u>Yes voters</u></b>	<b><u>No voters</u></b>	<b><u>Undecided voters</u></b> *
<u>Their support makes me more inclined to vote...</u>				
Yes	12%	15%	6%	6%
No	11	7	27	10
Has no effect	74	76	66	77
No opinion	3	2	1	7

\* Small sample base.

**Prop. 64 (Tort Reform)**

Another ballot initiative, Prop. 64, continues to generate very low levels of voter interest (20%). When all voters are read a summary of its official ballot description, 38% say they intend to vote “no,” 26% vote “yes,” although a huge 36% are undecided. This 12-point “no” side lead is down from a 20-point lead found in August.

Republicans and non-partisans are almost evenly divided on the measure. However, Democrats are on the “no” side by a greater than two to one margin, 45% to 20%.

<b>Table 5</b>				
<b>Voter preferences regarding Prop. 64, the Limits on Private Enforcement of Unfair Business Competition Laws Initiative (among likely voters)</b>				
		<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Undecided</u></b>
Total	– Late September	26%	38	36
	– August	21%	41	38
<u>Party</u>				
	Democrats	20%	45	36
	Republicans	31%	35	34
	Non-partisans/others	32%	29	39

## **Information About the Survey**

### **Sample Details**

The findings in this report are based on interviews conducted among random samples of Californians likely to vote in the November general election. Interviews were conducted by telephone in English and Spanish in two waves. Wave 1 interviewing was conducted September 24-29, 2004 among 549 likely voters, while Wave 2 interviewing was conducted September 30 – October 3, 2004 among 586 likely voters. 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 four attempts were made to reach a randomly selected voter at each number dialed. After the completion of interviewing each sample was weighted to *Field Poll* estimates of the state's total registered voter population.

According to statistical theory, the overall results have a sampling error of +/- 4.2 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**

#### **Wave 1 interviewing period**

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?

#### **Wave 2 interviewing period**

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)

Republican Governor Arnold Schwarzenegger, Democratic Attorney General Bill Lockyer and the California District Attorneys Association are advocating a NO vote on 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?

Many of the state's leading newspapers, including the Los Angeles Times, the San Francisco Chronicle the Sacramento Bee the San Jose Mercury News and the San Diego Union Tribune have published editorials advocating a Yes vote on Proposition 66. Does their support make you more inclined to vote yes, more inclined to vote no, or does it have not effect on how you will vote on Prop. 66?