

# 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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**LATE-BREAKING SURGE OF NO VOTES ON PROP. 66 (THREE STRIKES LIMITS) PUTS OUTCOME IN DOUBT. DECLINING SUPPORT FOR PROP. 62 (OPEN PRIMARY). HEAVY NO VOTE ON TWO INDIAN GAMBLING MEASURES.**

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by Mark DiCamillo and Mervin Field

There is evidence of a late-breaking tide of “No” votes regarding Proposition 66, the initiative that would put limits on California’s “three strikes” criminal sentencing law.

Just a few weeks ago in an early October survey before any TV advertising had started, *The Field Poll* found that 65% of this state’s voters were disposed to vote Yes on the controversial measure and just 18% were on the No side.

However, in a new survey completed over a seven day period between Oct. 21-27, the size of the No vote has almost doubled to 33%, while the Yes vote has dropped to 55%.

Further, there is evidence that recent No side campaigning, which features Governor Arnold Schwarzenegger and law enforcement officials, is taking hold in the minds of voters. The current survey finds a big difference in the voting preferences of voters aware of the initiative during the final three days of the survey vs. those interviewed in the survey’s first four days.

Voters reached during the early part of interviewing (Oct. 21-24) who had heard about Prop. 66 supported the initiative 58% to 34%. However, among a comparable group of voters contacted Monday through Wednesday, opinions were completely different – 47% opposing the measure and 46% in favor. Overall, the survey found that three-fourths of likely voters had seen or heard something about Prop 66.

There are reports that there has been a big last-minute influx of campaign money to oppose Prop. 66 in recent days. Media reports also indicate that the Yes side on Prop. 66 appears ready to step up their advertising in support of the measure. These late-breaking developments put in doubt the outcome of Prop. 66, which earlier this month appeared to have a clear road to passage.

**Table 1**  
**Trend of voter preferences regarding Proposition 66,**  
**the “Limitations on Three Strikes Law” initiative**  
**(among likely voters)**

|                       | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|-----------------------|------------|-----------|------------------|
| October 25-27*        | 46%        | 47        | 7                |
| October 21-24*        | 58%        | 34        | 8                |
| October 21-27 (total) | 55%        | 33        | 12               |
| Early October         | 65%        | 18        | 17               |
| August                | 69%        | 19        | 12               |
| May                   | 76%        | 14        | 10               |

*Note: Wording of the ballot summary in the May survey differed somewhat from the official ballot label summary that was read to voters in subsequent measures.*

*\* Among voters who reported having heard of the proposition.*

**Propositions 62 and 60 (Primary Election Rules)**

Voter support for Proposition 62, the so-called open primary initiative, has declined. The current poll finds the measure favored by just 40%, down from 50% in May. At present, 38% oppose the initiative and 22% are undecided.

Another ballot measure, Prop. 60, which is intended to maintain the state’s current primary election rules, continues to be favored 42% to 28%, although 30% are undecided.

**Table 2**  
**Voter preferences regarding Proposition 62,**  
**the Elections, Primaries initiative**  
**(among likely voters)**

|                           | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|---------------------------|------------|-----------|------------------|
| Late October              | 40%        | 38        | 22               |
| Early October             | 44%        | 31        | 25               |
| August                    | 44%        | 31        | 25               |
| May                       | 50%        | 37        | 13               |
| <u>Party registration</u> |            |           |                  |
| Democrats                 | 42%        | 37        | 21               |
| Republicans               | 36%        | 45        | 19               |
| Non-partisans/others      | 41%        | 28        | 31               |
| <u>Prior awareness</u>    |            |           |                  |
| Yes, have heard           | 40%        | 46        | 14               |
| No, have not              | 40%        | 28        | 32               |

*Note: Subgroup findings are from the late October survey.*

**Table 3**  
**Voter preferences regarding Proposition 60, the Election Rights of Political Parties Legislative Constitutional Amendment (among likely voters)**

|                           | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|---------------------------|------------|-----------|------------------|
| Late October              | 42%        | 28        | 30               |
| Early October             | 34%        | 16        | 50               |
| August                    | 39%        | 15        | 46               |
| <u>Party registration</u> |            |           |                  |
| Democrats                 | 47%        | 26        | 27               |
| Republicans               | 42%        | 28        | 30               |
| Non-partisans/others      | 34%        | 30        | 36               |
| <u>Prior awareness</u>    |            |           |                  |
| Yes, have heard           | 46%        | 36        | 18               |
| No, have not              | 38%        | 17        | 45               |

*Note: Subgroup findings are from the late October survey.*

**Propositions 68 and 70 (Casino Gambling)**

Voters appear to be lining up in very large numbers in opposition to two measures dealing with casino gambling. The No vote on Prop. 68 is 72%, while 64% are opposed to Prop. 70.

**Table 4**  
**Voter preferences regarding Prop. 68, the Non-Tribal, Commercial Gambling Expansion, Tribal Gaming Compact Amendments initiative (among likely voters)**

|                           | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|---------------------------|------------|-----------|------------------|
| Late October              | 17%        | 72        | 11               |
| Early October             | 20%        | 59        | 21               |
| August                    | 30%        | 48        | 22               |
| <u>Party registration</u> |            |           |                  |
| Democrats                 | 21%        | 70        | 9                |
| Republicans               | 11%        | 79        | 10               |
| Non-partisans/others      | 20%        | 65        | 15               |

*Note: Subgroup findings are from the late October survey.*

**Table 5**  
**Voter preferences regarding Prop. 70, the Tribal Gaming Compact, Exclusive Gaming Rights initiative (among likely voters)**

|                           | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|---------------------------|------------|-----------|------------------|
| Late October              | 22%        | 64        | 14               |
| Early October             | 32%        | 43        | 25               |
| August                    | 33%        | 40        | 27               |
| <u>Party registration</u> |            |           |                  |
| Democrats                 | 30%        | 59        | 11               |
| Republicans               | 17%        | 71        | 12               |
| Non-partisans/others      | 16%        | 64        | 20               |

*Note: Subgroup findings are from the late October survey.*

**Proposition 64 (Tort Reform)**

The current poll finds a closer division of voter preferences regarding Proposition 64, which would limit the state’s unfair business competition laws and make it more difficult to file class-action lawsuits. In late September the No side was prevailing by twelve points – 38% to 26%. Now, the difference is just five points, 37% No and 32% Yes. However, a large 31% of likely voters remain undecided.

Four in ten voters (40%) reported having heard of Prop. 64 prior to being read its official ballot description. These voters report being more disposed to voting Yes than voters unaware of the initiative.

**Table 6**  
**Voter preferences regarding Prop. 64, the Limits on Private Enforcement of Unfair Business Competition Laws Initiative (among likely voters)**

|                        | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|------------------------|------------|-----------|------------------|
| Late October           | 32%        | 37        | 31               |
| Late September         | 26%        | 38        | 36               |
| August                 | 21%        | 41        | 38               |
| <u>Party</u>           |            |           |                  |
| Democrats              | 27%        | 37        | 36               |
| Republicans            | 33%        | 40        | 27               |
| Non-partisans/others   | 44%        | 31        | 25               |
| <u>Prior awareness</u> |            |           |                  |
| Yes, have heard        | 49%        | 37        | 14               |
| No, have not           | 21%        | 37        | 42               |

*Note: Subgroup findings are from the late October survey.*

**Information About The Survey**

**Sample Details**

The findings in this report are based on interviews conducted among a random sample of 1,086 Californians likely to vote in the November general election. Interviews were conducted by telephone in English and Spanish October 21-27, 2004. Sampling was carried out using a random digit dial methodology, which gives all voters, including those whose phone number is listed or unlisted, an equal chance of being contacted. Up to six attempts were made to reach a randomly selected voter at each number dialed. After the completion of interviewing, the overall registered voter sample was weighted to *Field Poll* estimates of the state’s total registered voter population. In order to cover a broad range of issues and still minimize vote fatigue, interviewing for the ballot propositions was divided into two approximately equal-sized subsamples of 534 and 552 voters each.

According to statistical theory, the overall results for each proposition have a sampling error of +/- 4.3 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**

Two initiatives on the election ballot, Propositions 60 and 62, have to do with how primary elections are conducted in California. Have you seen, read or heard anything about these initiatives?

Proposition 60 is the “Election Rights of Political Parties” legislative constitutional amendment. It requires that the general election ballot include the candidate receiving the most votes from among candidates who ran in each party’s primary election. If the election were being held today, would you vote YES or No on Proposition 60?

Proposition 62 is the “Election, Primaries” initiative constitutional amendment. It requires primary elections where voters may vote for any state or federal candidate regardless of the party registration of the voter or the candidate. The two primary election candidates receiving the most votes for an office, whether they are candidates with the same or different parties, would be listed on the general election ballot. It exempts presidential nominations. If the election were being held today, would you vote yes or no on Proposition 62?

Two initiatives on the election ballot, Propositions 68 and 70, have to do with Indian gaming and gambling expansion. Have you seen, read or heard anything about these initiatives?

Proposition 68 is the “Non-Tribal Commercial Gambling Expansion, Tribal Gaming Compact Amendments” initiative. It authorizes tribal compact amendments. Unless they are accepted by the tribes, it authorizes casino gaming for sixteen non-tribal establishments, with a percentage of the gaming revenues to fund government services. Fiscal impact: Increased gambling revenues, potentially over 1 billion dollars annually, primarily to local governments for additional specified services. Depending on the outcome of tribal negotiations, potential loss of state revenue totaling hundreds of millions of dollars annually. If the election were being held today, would you vote yes or no on Proposition 68?

Proposition 70 is the “Tribal Gaming Compact, Exclusive Gaming Rights” initiative. Upon the tribes request, the Governor must execute a 99-year compact. The tribes contribute a percentage of their net gaming income to state funds, in exchange for exclusive tribal casino gaming . Fiscal impact: Unknown effect on payments to the state from Indian tribes. Potential increase or decrease could be in the tens of millions to over a hundred million dollars annually. If the election were being held today, would you vote yes or no on Proposition 70?

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?

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 workload 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?