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Voters Divided on Referendum to Overturn California's New Bail Reform Legislation, with Many Undecided

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California voters in the November 2020 election will be asked to vote on a referendum relating to the new state law, Senate Bill 10, that does away with the posting of bail by criminal defendants and leaves decisions about their release primarily to local judges.

When Californians considered likely to vote in next year's general election are read a summary of the referendum's major elements and asked how they would vote if the election were today, they are closely divided, with a large proportion undecided. Statewide, 39% of voters are inclined to vote YES to keep the new reforms that do away with the bail payment system, while 32% of voters say they would vote NO to overturn the law and reinstate the bail payment system. However, about three in ten likely voters (29%) are undecided.

Early voter reactions to the referendum are highly partisan and vary considerably based on a voter's self-described political ideology. Registered Democrats and liberal voters by wide margins are lining up on the YES side to keep the new reforms in place. On the other hand, Republicans and political conservatives, in large measure, are intending to vote NO to overturn the law and reinstate the bail payment system.

There are also differences in initial voter views about the referendum by age and the race/ethnicity of voters, with younger voters and the state's African American and Asian American segments more likely than others to be on the YES side, in favor of keeping the bail payment reforms.

These findings come from a *Berkeley IGS Poll* conducted online among a statewide random sample of 3,945 likely voters in English and Spanish September 13 - 18.

Voters divided on referendum to overturn state's new bail reform law

In its latest survey, the *Berkeley IGS Poll* summarized the major elements of a referendum that will appear on the state’s November 2020 election ballot aimed at overturning the new state law that reforms the state’s bail payment system. Specifically, voters were asked to offer their opinions in reaction to the following description:

“In the November general election Californians may be asked to vote on a referendum relating to a newly enacted state law that does away with the posting of bail by criminal defendants, leaving decisions about the release of defendants largely to local judges. Defendants charged with violent crimes would still be held without bail. Supporters of the referendum say that posting bail is unfair to poor and indigent defendants who are less able to pay to stay out of jail while awaiting trial. Opponents say the bail system provides more protections to the public and creates greater motivation for defendants released on bail to appear in court. A YES on the referendum would keep the new law, while a NO vote would overturn it and reinstate the bail payment system. If you were voting today would you vote YES or NO on this referendum?”

Results from the survey show that at this early stage voter opinions about the referendum are about divided. Statewide, 39% are inclined to vote YES to keep the new law and do away with the bail payment system, while 32% intend to vote NO to overturn the law and reinstate the bail payment system. A relatively large proportion of voters, however, about three in ten (29%), are undecided.

Table 1
Initial voter reactions to the 2020 referendum to overturn the new
state law that does away with the bail payment system
(among likely voters in the November 2020 election)

	Total likely voters %
Would vote to YES to keep the new law that does away with the bail payment system	39
Would vote to NO to overturn the law and reinstate the bail payment system	32
Undecided	29

Reactions to the referendum across subgroups of the likely voter population

Initial reactions of likely voters toward the referendum are highly partisan. By a nearly three-to-one margin (50% to 18%) Democrats are lining up on the YES side to keep the newly enacted bail reform law to abolish the bail payment system. By contrast, Republicans intend to vote NO nearly four to one (64% to 16%) to overturn the law and reinstate bail. The opinions of the state's large and growing population of No Party Preference voters are more in line with the overall electorate, with 41% inclined to vote YES, 28% are intending to vote NO, and 31% are undecided.

Early reactions are also strongly tied to a voter's self-described political ideology. Large proportions of liberals are on the YES side to keep the newly enacted reforms, while large majorities of conservatives intend to vote NO to overturn the law and reinstate bail.

There are also significant differences about the referendum by the age and race/ethnicity of voters. Voters under age 40 intend to vote YES by a greater than two-to-one margin to keep the new law and abolish the bail payment system, while seniors age 65 are more inclined to vote NO and reinstate the bail payment system. By a two-to-one margin African American and Asian American voters are also intending to vote YES, while white non-Hispanics are more closely divided.

When opinions are examined across the state's major regions, voters in the nine-county San Francisco Bay Area are the segment most inclined to be voting YES to keep the recently enacted bail reform law.

Table 2
Voter reactions to the 2020 referendum to overturn the new bail reform law
across subgroups of the likely voter population

	Would vote to YES to keep the new law doing <u>away with bail</u> %	Would vote NO to overturn the law and reinstate <u>bail payment</u> %	<u>Undecided</u> %
Total likely voters	39	32	29
Party registration			
Democrats	50	18	32
Republicans	16	64	20
No party preference/other	41	28	31
Political ideology			
Very conservative	13	65	22
Somewhat conservative	16	60	24
Moderate	33	34	33
Somewhat liberal	50	16	34
Very liberal	67	9	24
Region			
Los Angeles County	38	30	32
San Diego/Orange counties	37	36	27
Other Southern California	36	35	29
Central Valley	36	39	25
San Francisco Bay Area	46	25	29
Other Northern California	36	30	34
Gender			
Male	41	35	24
Female	37	31	32
Age			
18-29	45	21	34
30-39	49	21	30
40-49	37	32	31
50-64	38	37	25
65 or older	32	40	28
Race/ethnicity			
White non-Hispanic	39	34	27
Latino	39	30	31
Asian American	40	24	36
African American	47	24	29

Question Asked

In the November general election Californians may be asked to vote on a referendum relating to a newly enacted state law that does away with the posting of bail by criminal defendants, leaving decisions about the release of defendants largely to local judges. Defendants charged with violent crimes would still be held without bail. Supporters of the referendum say that posting bail is unfair to poor and indigent defendants who are less able to pay to stay out of jail while awaiting trial. Opponents say the bail system provides more protections to the public and creates greater motivation for defendants released on bail to appear in court. A YES on the referendum would keep the new law, while a NO vote would overturn it and reinstate the bail payment system. If you were voting today would you vote YES or NO on this referendum?

About the Survey

The findings in this report are based on a *Berkeley IGS Poll* completed by the Institute of Governmental Studies (IGS) at the University of California, Berkeley. The poll was administered online in English and Spanish September 13-18, 2019 among 3,945 voters considered likely to voter in the state's November 2020 general election.

The survey was administered by distributing email invitations to stratified random samples of the state's registered voters. Once the questionnaire and email invitations had been finalized, they were translated into the Spanish and reviewed for cultural appropriateness. Each email invited voters to participate in a non-partisan survey conducted by IGS and provided a link to the IGS website where the survey was housed. Reminder emails were distributed to non-responding voters over the data collection period. An opt out link was provided at the bottom of each invitation for voters not wishing to participate or not wanting to receive future emails from IGS about the survey.

Samples of registered voters with email addresses were provided to IGS by Political Data, Inc., a leading supplier of registered voter listings. Voters' email addresses were derived from information contained on the state's official voter registration rolls. The overall sample of registered voters with email addresses was stratified in an attempt to obtain a proper balance of survey respondents across major segments of the registered voter population by age, gender and race/ethnicity.

To protect the anonymity of survey respondents, voters' email addresses and all other personally identifiable information were purged from the data file and replaced with a unique and anonymous identification number during data processing. At the conclusion of the data processing phase, post-stratification weights were applied to align the sample to population characteristics of the state's registered voter population. Likely voters were identified based on a voter's stated intention to vote in next year's general election and factoring in their history of voting in past elections.

The sampling error associated with the survey results are difficult to calculate precisely due to the effects of sample stratification and post-stratification weighting. Nevertheless, it is likely that the results from the sample of likely voters in the 2020 general election is +/- 2 percentage points.

Detailed tabulations reporting the results to each question in this report can be found at the *Berkeley IGS Poll* website at <https://igs.berkeley.edu/igs-poll/berkeley-igs-poll>.

About the Institute of Governmental Studies

The Institute of Governmental Studies (IGS) is an interdisciplinary organized research unit that pursues a vigorous program of research, education, publication and public service. A component of the University of California (UC) system's flagship Berkeley campus, IGS is the oldest organized research unit in the UC system and the oldest public policy research center in the state. The co-directors of the Institute of Governmental Studies are Professor Eric Schickler and Associate Professor Cristina Mora.

IGS conducts periodic surveys of public opinion in California on matters of politics and public policy through its *Berkeley IGS Poll*. The poll, which is disseminated widely, seeks to provide a broad measure of contemporary public opinion, and to generate data for subsequent scholarly analysis. The director of the *Berkeley IGS Poll* is Mark DiCamillo. For a complete listing of stories issued by the *Berkeley IGS Poll* go to <https://igs.berkeley.edu/igs-poll/berkeley-igs-poll>.