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Plurality of Voters Support Constitutional Amendment to Repeal the State's Death Penalty, Although Many are Undecided.

By Mark DiCamillo, Director, *Berkeley IGS Poll*
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Next year California voters may be asked to again weigh in on whether the state should repeal its long-standing death penalty law. Californians narrowly defeated a similar constitutional amendment, Proposition 62, by a 53% to 47% margin just four and one-half years ago in the November 2016 election.

According to press reports the state legislature is considering placing another constitutional amendment about the death penalty before voters in the 2022 statewide elections. In its latest statewide survey, the *Berkeley IGS Poll* asked registered voters how they would vote such an amendment if the election were held today. The results indicate that 44% of voters say they would vote Yes to repeal the state's death penalty law, 35% would vote No to keep the law in force, while a relatively large proportion, 21%, are undecided.

Opinions about capital punishment have long divided voters sharply along partisan and ideological lines, with liberals and registered Democrats overwhelmingly in support of its repeal, and large majorities of Republicans and conservatives opposed.

Current support for repeal is strongest among the state's Black voters, residents of the San Francisco Bay Area and Los Angeles County, and voters age 18-29. Women are also more inclined to favor the death penalty's repeal than men. By contrast, pluralities of voters in the Central Valley, Inland Empire or Orange County are lining up against its repeal.

IGS Co-Director Eric Schickler noted, "The split on the death penalty mirrors the larger partisan and ideological divisions in the state, but with so many voters undecided, the outcome of a proposition vote remains unpredictable at this early stage."

The poll also finds that voter opinions of Governor Gavin Newsom's 2019 executive order imposing a moratorium on all executions while he was governor mirror their voting preferences on the constitutional amendment to repeal the death penalty, with 48% supporting Newsom's action, 33% opposed and 19% having no opinion.

Plurality supports proposed constitutional amendment to repeal the state's death penalty law

The latest *Berkeley IGS Poll* completed in early May asked registered voters how they would vote on a proposed constitutional amendment that would repeal the state's death penalty law. The results indicate that a plurality of voters (44%) say they would vote Yes in favor of its repeal, while 35% would vote No. However, a relatively large proportion of voters, 21%, say they are undecided.

Registered Democrats back its repeal 63% to 19%, while Republicans oppose doing so 68% to 12%, while views of the state's No Party Preference registrants closely approximate those of the overall electorate.

Support for the death penalty's repeal is nearly universal among voters who describe themselves as strongly liberal in politics, with 83% in favor and just 7% opposed. By contrast, about two-thirds of the state's conservatives are opposed. Voters who describe themselves as moderate in politics, and who comprise about a third of the electorate, hold mixed views, with slightly more against its repeal (37%) than in favor (33%), and another 30% undecided.

Segments of the voting population displaying high levels of support for repealing the death penalty include Blacks (54%), voters living in the nine-county San Francisco Bay Area (54%) or Los Angeles County (49%), and younger voters age 18-29 (49%). Women are also more inclined to favor the death penalty's repeal than men.

On the other hand, pluralities of voters living in the Central Valley, Inland Empire or Orange County are initially lining up against its repeal, and San Diego County voters are about evenly divided.

Table 1
If a constitutional amendment to repeal the death penalty were placed
on the 2022 statewide ballot, how would you vote?
(among California registered voters)

	Yes, to repeal %	No, to keep %	Undecided %
Total registered voters	44	35	21
<u>Party registration</u>			
Democrats	63	19	18
Republicans	12	68	20
No Party Preference	43	31	26
Minor parties	29	41	30
<u>Political ideology</u>			
Strongly conservative	12	69	19
Somewhat conservative	19	62	19
Moderate	33	37	30
Somewhat liberal	64	17	19
Strongly liberal	83	7	10
<u>Region</u>			
Los Angeles County	49	28	23
San Diego County	41	42	17
Orange County	36	44	20
Inland Empire	34	43	23
Central Coast	41	31	28
Central Valley	35	44	21
San Francisco Bay Area	54	27	19
North Coast/Sierras	44	34	22
<u>Gender</u>			
Male	41	40	19
Female	46	31	23
<u>Age</u>			
18-29	49	29	22
30-39	45	31	24
40-49	39	37	24
50-64	42	39	19
65 or older	44	38	18
<u>Race/ethnicity</u>			
White	46	37	17
Latino	41	32	27
Asian/Pacific Islander	38	34	28
Black	54	22	24

Views of Governor Newsom’s 2019 executive order placing a moratorium on all executions in California mirror voting preferences about the constitutional amendment

In March 2019, shortly after his election as governor, Newsom signed an executive order placing a moratorium on the implementation of the death penalty while he was in office, saying the system was “unfair, unjust and unequal,” and citing its heavy cost, both in financial and moral terms.

When voters in the current survey were asked their views of Newsom’s executive order, opinions mirror those of the constitutional amendment to repeal the death penalty, with 48% supporting Newsom’s executive order, 33% opposed and 19% having no opinion.

Subgroup distributions are also similar to voting preferences on the proposed constitutional amendment. Democrats support Newsom’s action 70% to 14%, Republicans oppose it 71% to 13%, while greater than eight in ten strong liberals endorse Newsom’s order and two in three conservatives oppose it.

However, political moderates and voters living in the Central Valley, Inland Empire or Orange County offer a somewhat more divided assessment of Newsom imposing a moratorium on executions in California than their views on the outright repeal of the death penalty law.

Table 2
Voter opinions of Governor Newsom’s 2019 executive order placing a moratorium
on all executions in California for the remainder of his term in office
(among California registered voters)

	Support %	Oppose %	No opinion %
Total registered voters	48	33	19
<u>Party registration</u>			
Democrats	70	14	16
Republicans	13	71	16
No Party Preference	46	31	23
Minor parties	36	42	22
<u>Political ideology</u>			
Strongly conservative	15	70	15
Somewhat conservative	21	62	17
Moderate	40	36	24
Somewhat liberal	72	13	15
Strongly liberal	84	4	12
<u>Region</u>			
Los Angeles County	53	25	22
San Diego County	47	36	17
Orange County	40	41	19
Inland Empire	38	42	20
Central Coast	48	34	18
Central Valley	41	42	17
San Francisco Bay Area	59	27	14
North Coast/Sierras	45	47	8
<u>Gender</u>			
Male	45	38	17
Female	51	29	20
<u>Age</u>			
18-29	43	23	34
30-39	50	27	23
40-49	47	36	17
50-64	48	39	13
65 or older	52	39	9
<u>Race/ethnicity</u>			
White	50	38	12
Latino	48	26	26
Asian/Pacific Islander	42	28	30
Black	58	21	21

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. Funding for the poll was provided in part by the *Los Angeles Times*. Results are based on the responses of 5,036 California registered voters. The survey was administered online in English and Spanish April 29 - May 5, 2021 by distributing email invitations to random samples of voters. Each email invited voters to participate in a non-partisan survey conducted by the University and provided a link to the IGS website where the survey was housed. Reminder emails were distributed to non-responding voters and an opt out link was provided for voters not wishing to participate.

Samples of registered voters with email addresses were provided to IGS by Political Data, Inc., a leading supplier of registered voter lists in California and were derived from information contained on the state's official voter registration rolls. Prior to the distribution of emails, the overall sample was stratified by age and gender to achieve a proper balance of survey respondents across major segments of the registered voter population.

To protect the anonymity of survey respondents, voters' email addresses and all other personally identifiable information derived from the original voter listing were purged from the data file and replaced with a unique and anonymous identification number during data processing. Post-stratification weights were also applied to align the sample of registered voters responding to the survey to population characteristics of the state's registered voters.

The sampling error associated with the survey results are difficult to calculate precisely due to the effects of sample stratification and the post-stratification weighting. Nevertheless, it is likely that findings based on the sample of registered voters are subject to a sampling error of approximately +/- 2.5 percentage points at the 95% confidence level.

Question wording

About two years ago Governor Newsom issued an executive order placing a moratorium on all executions in California for the remainder of his term in office. Do you support or oppose the Governor taking this action?

The legislature is considering placing a constitutional amendment on the 2022 statewide election ballot asking voters to formally abolish the death penalty as a punishment for certain crimes in California. If you were voting today, how would you vote on the constitutional amendment to abolish the death penalty in California?

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 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. IGS's co-directors 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 copy of the detailed tabulations to this report or a listing of all past poll reports issued by the *Berkeley IGS Poll*, please visit the poll's website at <https://www.igs.berkeley.edu/research/berkeley-igs-poll>.