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Californians' backing of Prop. 36 remains solid

But many voters support rehabilitation and treatment for first-time offenders among other options as the best way to improve the criminal justice system moving forward.

by Mark DiCamillo, Director, *Berkeley IGS Poll*

With one month remaining before the state's November 5 general election, a *Berkeley IGS Poll* completed earlier this week finds that Californians' support for Proposition 36, the initiative to increase criminal penalties for repeat offenses involving retail theft and possession of fentanyl, remains strong. The poll finds 60% of likely voters favoring the initiative, while 21% are opposed. Another 19% are undecided. Support is broad-based, with large majorities or pluralities across nearly all major demographic subgroups backing the initiative.

When asked to select their main reason for backing the initiative, 61% of Yes voters endorse the statement, "those convicted of repeatedly breaking the law should receive harsher punishments." By contrast, a 54% majority of No voters say their main reason for opposing the initiative is because "it focuses too much on punishment and not enough on rehabilitation."

Despite Californians' strong support for Proposition 36, about half of the voting public (47%) say they would give priority to expanding rehabilitation and treatment for first time offenders among other options as the best way to improve the criminal justice system going forward. This equals the number of voters who attach a higher priority to enforcing stricter penalties on lawbreakers (47%).

Likely voters are similarly divided when asked how they think Prop. 36 will affect homelessness and the number of people addicted to drugs. Statewide, 42% feel Prop. 36 won't reduce homelessness or the number of people addicted to drugs, but nearly as many (39%) believe it would.

Voters were also asked for their voting preferences on two other ballot measures included on the state's November general election ballot. The poll finds that voter support for Proposition 32, to increase the state's minimum wage, has dipped below the 50% threshold needed for passage, with just 46% now intending to vote Yes. This represents a six-point decline in Yes side support from an early August *Berkeley IGS Poll*.

There is also only lukewarm voter backing of Proposition 33, to expand local government's authority to enact rent control laws. With just one month remaining before Election Day, just 37% of likely voters are now intending to vote Yes, down from 40% in early August.

IGS C-Director, G. Cristina Mora, notes that "the poll results for Prop. 36 complicate the perception that California voters have stepped away from the punitive policies of the turn of the century, and

suggest that several communities, especially Latinos, have more nuanced views on drug crime and punishment today.”

Broad-based voter support for Proposition 36

Support for Proposition 36 is extremely broad-based, with large majorities or pluralities intending to vote Yes across nearly all major demographic subgroups of the electorate. Republicans and conservative voters offer nearly universal support for the initiative. Political moderates and independent voters registered as No Party Preference are also backing the initiative by wide margins. Even a plurality of the state’s Democrats favors the ballot measure 47% to 28%, despite the fact that most of the state’s Democratic political leadership, including Governor Gavin Newsom, stand opposed to it.

The initiative is also backed by majorities of men and women, whites and Asian American voters, and is polling especially strong among Latino voters. While voters across all age groups favor the initiative, support is greatest among older voters. The only major demographic subgroups opposed to the initiative are Black voters and strong liberals.

Table 1
Likely voter views of Proposition 36 to allow felony charges and increased sentences for drug and theft crimes

	Voting Yes %	Voting No %	Undecided %
Likely voters - Late September	60	21	19
Early August	56	23	21
<u>Party registration</u>			
Democrats	47	28	25
Republicans	83	6	11
No party preference/other	58	22	20
<u>Political ideology</u>			
Strongly conservative	90	4	6
Somewhat conservative	77	8	15
Moderate	68	15	17
Somewhat liberal	46	22	32
Strongly liberal	27	52	21
<u>Gender</u>			
Female	56	21	23
Male	65	20	15
<u>Age</u>			
18-29	42	37	21
30-39	54	25	21
40-49	56	28	16
50-64	66	13	21
65 or older	66	15	19
<u>Race/ethnicity</u>			
White non-Hispanic	58	21	21
Latino	73	13	14
Asian/Pacific Islander	53	26	21
Black/African American	37	46	17

* small sample size

The main reasons voters say they are supporting or opposing Proposition 36

When voters intending to vote Yes on Proposition 36 are asked their main reason for backing the initiative, by far the most frequently chosen reply is that “those convicted of repeatedly breaking the law should receive harsher punishments,” cited by 61%. This compares to 21% who chose the reason that “more people who break the law should be prosecuted” and 16% who say it is because they feel “it will reduce future crimes.”

Table 2a

Which best describes the main reason you are intending to vote Yes on Proposition 36 (among voters intending to vote Yes)

	<u>%</u>
Those convicted of repeatedly breaking the law should receive harsher punishments	61
More people who break the law should be prosecuted	21
It will reduce future crimes	16
Other/not specified	2

The main reason given by No voters for opposing Proposition 36 relates to the view that “it focuses too much on punishment and not enough on rehabilitation,” cited by 54%. Other reasons include: “it would cause greater harm to the state’s racial and ethnic populations” (16%), “it would cause greater harm to low-income people” (11%) and “recent criminal justice reforms already address the issues Proposition 36 seeks to change” (6%).

Table 2b

Which describes the main reason you are intending to vote No on Proposition 36 (among voters intending to vote No)

	<u>%</u>
It focuses too much on punishment and not enough on rehabilitation	54
It would cause greater harm to the state’s racial and ethnic populations	16
It would cause greater harm to low-income people	11
Recent criminal justice reforms already address the issues Proposition 36 seeks to change	6
Other/not specified	13

Californians are divided when asked about the best way for the state to improve its criminal justice system going forward

Despite their strong support for Prop. 36, California voters are evenly divided when asked whether it’s more important to enforce stricter laws on people who break the law or expand rehabilitation and treatment for first time offenders among other options as the best way to improve the criminal justice system going forward. The survey finds an equal number of voters (47%) supporting each approach.

Among supporters of Prop. 36 two in three (67%) attach a higher priority for the state to enforce stricter penalties on lawbreakers, although a significant proportion (31%) believe it’s more important to expand rehabilitation and treatment for first time offenders or prefer other options.

By contrast, No voters on Prop. 36 are nearly unanimous in believing it's more important for the state to expand rehabilitation and treatment for first time offenders or explore other alternatives as the best way to improve the criminal justice system, with 86% saying this.

Significantly, the opinions of undecided voters on Prop. 36 are more closely aligned with those of No voters about this, with twice as many attaching greater importance to expanding rehabilitation and treatment or exploring other alternatives (52%) than those who feel the state should enforce stricter penalties on lawbreakers (26%) to improve the state's criminal justice system.

Table 3
Which statement best describes your opinion of the most important aspect of the criminal justice system that needs improving. (among likely voters in California)

	Total likely voters %	Yes voters %	No voters %	Undecided voters %
<u>Enforce stricter penalties on people who break the law (net)</u>	47	<u>67</u>	<u>12</u>	<u>26</u>
<i>"People who repeatedly break the law should get longer prison sentences"</i>	27	39	7	14
<i>"More people who break the law should be prosecuted"</i>	20	28	5	12
<u>Expand rehabilitation and treatment for first time offenders or explore other alternatives (net)</u>	47	<u>31</u>	<u>86</u>	<u>52</u>
<i>"We need to expand efforts to provide first time offenders with rehabilitation and treatment"</i>	39	26	70	46
Other alternatives	8	5	16	6
Don't know	6	2	2	22

Voters are also divided when asked about the likely impact that Prop. 36 will have on homelessness and the number of people addicted to drugs

Likely voters are similarly divided when asked how they think Prop. 36 will affect homelessness and the number of people addicted to drugs. Statewide, 42% of voters are skeptical that it will help and feel Prop. 36 won't reduce homelessness or drug addiction. But nearly as many (39%) believe its passage will help these problems. Another 19% have no opinion.

Six in ten Yes voters (60%) believe Prop. 36 will either help reduce homelessness or reduce the number of people addicted to drugs, while 27% do not. By contrast, No voters on Prop. 36 are nearly unanimous in voicing skepticism about this, with 88% maintaining that it will not reduce homelessness or drug addiction in the state.

Undecided voters on Prop. 36 once again hold views more similar to No voters about this, with 40% saying they are skeptical that it will reduce homelessness or drug addiction, while just 14% believe it will. But nearly half of undecided voters (46%) offer no opinion about this.

Table 4
Which of the following best describes how you think Proposition 36
would affect homelessness and drug crimes in California?
(among likely voters in California)

	Total likely voters %	Yes voters %	No voters %	Undecided voters %
<u>It will help reduce homelessness or drug addiction (net)</u>	39	<u>60</u>	<u>5</u>	<u>14</u>
<i>“It will help reduce homelessness and addiction by getting drug users off the streets”</i>	29	45	3	8
<i>“It will help reduce the number of people addicted to drugs but won’t impact homelessness”</i>	10	15	2	6
<u>It won’t reduce homelessness or drug addiction (net)</u>	42	<u>27</u>	<u>88</u>	<u>40</u>
<i>“It won’t reduce drug addiction; it will just criminalize people with substance abuse problems”</i>	25	10	67	29
<i>“It won’t affect homelessness; people are on the street because there’s not enough affordable housing”</i>	17	17	21	11
No opinion	19	13	7	46

Backing for Proposition 32, to increase the state’s minimum wage, dips below 50%

The latest poll also finds that support for Proposition 32, the statewide ballot initiative to increase the state minimum wage, has declined over the past two months. Yes side support now stands at 46%, down from 52% in August, and is now below the 50% threshold needed for passage.

When comparing the margins of Yes-to-No support from the early August poll to the latest poll, large declines are noted among two segments that are generally considered to be key swing voter blocs – the state’s independent No Party Preference voters and political moderates. While both groups backed Proposition 32 in early August by margins of 19 and 17 points, respectively, the latest poll finds both voting blocs to now be evenly divided on the initiative.

Support for increasing the minimum wage is greatest among Democrats, liberals, voters 30-39, Black and Latino voters, those whose annual household income is less than \$40,000, and voters living in Los Angeles County or the San Francisco Bay Area.

Table 5
Voter preferences on Proposition 32, to increase the
minimum wage -- late September vs. early August

	<u>Late September</u>			<u>Early August</u>		
	Voting Yes %	Voting No %	Unde- cided %	Voting Yes %	Voting No %	Unde- cided %
Total	46	36	18	52	34	14
<u>Party registration</u>						
Democrats	69	12	19	74	13	13
Republicans	13	72	15	17	71	12
No party pref./other	39	40	21	51	32	17
<u>Political ideology</u>						
Strongly conservative	16	74	10	18	75	7
Somewhat conservative	17	69	14	22	63	15
Moderate	40	39	21	49	32	19
Somewhat liberal	65	13	22	72	13	15
Strongly liberal	83	3	14	87	7	6
<u>Region</u>						
Los Angeles County	50	32	18	53	29	18
San Diego County	39	39	22	50	40	10
Orange County	37	49	14	43	40	17
Inland Empire	44	39	17	49	36	15
Central Coast	41	37	22	53	37	10
Central Valley	39	42	19	49	40	11
San Francisco Bay Area	56	26	18	60	28	12
North Coast/Sierras*	49	37	14	57	24	19
<u>Gender</u>						
Female	47	31	22	56	29	15
Male	44	41	15	48	39	13
<u>Age</u>						
18-29	48	33	19	60	27	13
30-39	56	27	17	58	30	12
40-49	49	34	17	45	40	15
50-64	39	39	22	55	32	13
65 or older	44	40	16	47	37	16
<u>Race/ethnicity</u>						
White	42	41	17	49	38	13
Latino	53	29	18	56	31	13
Asian/Pacific Islander	46	31	23	51	32	17
Black	62	20	18	77	14	9
<u>Annual household income</u>						
Less than \$40,000	56	25	19	66	18	16
\$40,000-\$99,999	49	32	19	56	31	13
\$100,000 or more	40	43	17	46	42	12

* small sample size

Tepid support for Proposition 33, to expand local government’s authority to enact rent control laws, although many are undecided

Fewer than four in ten likely voters (37%) currently back Proposition 33, the initiative to give local authorities more power to enact rent control ordinances. This represents a slight decline from early August, when 40% were backing the initiative. Another 36% of voters say they intend to vote No, up two points from August, but a large proportion (27%) are undecided.

The initiative divides the voting public along a wide range of demographic variables. For example, while renters, Democrats, liberals, voters under age 50, women, and voters of color are generally supportive, the initiative faces significant opposition from homeowners, Republicans, conservatives, men, whites, and older voters. In addition, political moderates and No Party Preference voters are trending to the No side, with more now opposing Prop. 33 than did so in August.

	Voting Yes	Voting No	Undecided
	%	%	%
Likely voters - Late September	37	36	27
Early August	40	34	26
<u>Tenure</u>			
Homeowner	28	44	28
Renter/other	48	26	26
<u>Party registration</u>			
Democrats	50	21	29
Republicans	20	59	21
No party preference/other	32	38	30
<u>Political ideology</u>			
Strongly conservative	24	67	9
Somewhat conservative	24	50	26
Moderate	31	42	27
Somewhat liberal	44	23	33
Strongly liberal	64	9	27
<u>Gender</u>			
Female	38	29	33
Male	36	44	20
<u>Age</u>			
18-29	42	31	27
30-39	48	25	27
40-49	40	33	27
50-64	33	41	26
65 or older	32	41	27
<u>Race/ethnicity</u>			
White non-Hispanic	30	42	28
Latino	44	31	25
Asian/Pacific Islander	48	24	28
Black/African American	58	26	16

* small sample size

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 25 - October 1, 2024, among 3,045 Californians considered likely to vote in the 2024 November general election.

The poll was conducted by distributing email invitations to stratified random samples of the state's registered 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 receive further email invitations.

Samples of California registered voters with email addresses were derived from information contained on the official voter registration rolls and provided to IGS by Political Data, Inc., a leading supplier of registered voter lists.

To protect the anonymity of 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. In addition, after the completion of data collection, post-stratification weights were applied to the survey data file to align the sample of registered voters to population characteristics of the registered voters statewide and within major regions of the state.

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

Question wording

PROPOSITION 32. RAISES MINIMUM WAGE. INITIATIVE STATUTE. Raises minimum wage as follows: For employers with 26 or more employees, to \$17 immediately, \$18 on January 1, 2025. For employers with 25 or fewer employees, to \$17 on January 1, 2025, \$18 on January 1, 2026. **Fiscal Impact:** State and local government costs could increase or decrease by up to hundreds of millions of dollars annually. State and local revenues likely would decrease by no more than a few hundred million dollars annually. **Supporters:** None submitted. **Opponents:** California Chamber of Commerce; California Restaurant Association; California Grocers Association. If the election were held today, how would you vote on Proposition 32?

PROPOSITION 33. EXPANDS LOCAL GOVERNMENTS' AUTHORITY TO ENACT RENT CONTROL ON RESIDENTIAL PROPERTY. INITIATIVE STATUTE. Repeals Costa-Hawkins Rental Housing Act of 1995, which currently prohibits local ordinances limiting initial residential rental rates for new tenants or rent increases for existing tenants in certain residential properties. **Fiscal Impact:** Reduction in local property tax revenues of at least tens of millions of dollars annually due to likely expansion of rent control in some communities. **Supporters:** CA Nurses Assoc.; CA Alliance for Retired Americans; Mental Health Advocacy; Coalition for Economic Survival; Tenants Together. **Opponents:** California Council for Affordable Housing; Women Veterans Alliance; California Chamber of Commerce. If the election were held today, how would you vote on Proposition 33?

PROPOSITION 36. ALLOWS FELONY CHARGES AND INCREASES SENTENCES FOR CERTAIN DRUG AND THEFT CRIMES. INITIATIVE STATUTE. Allows felony charges for possessing certain drugs and for thefts under \$950, if defendant has two prior drug or theft convictions.

Fiscal Impact: State criminal justice costs likely ranging from several tens of millions of dollars to the low hundreds of millions of dollars annually. Local criminal justice costs likely in the tens of millions of dollars annually. **Supporters:** Crime Victims United of California; California District Attorneys Association; Family Business Association of California. **Opponents:** Diana Becton, District Attorney Contra Costa County; Crime Survivors for Safety and Justice. If the election were held today, how would you vote on Proposition 36?

(IF VOTING YES) Which of the following best describes the main reason why you are intending to vote YES on Proposition 36: **(ORDERING RANDOMIZED)** (1) More people who break the law should be prosecuted; (2) Those convicted of repeatedly breaking the law should receive harsher punishments; (3). It will reduce future crimes; (4) Other reasons.

(IF VOTING NO) Which of the following best describes the main reason why you are intending to vote NO on Proposition 36: **(ORDERING RANDOMIZED)** (1) It would cause greater harm to the state's racial and ethnic populations; (2) It would cause greater harm to low-income people; (3) It focuses too much on punishment and not enough on rehabilitation; (4) Recent criminal justice reforms already address the issues Proposition 36 seeks to change; (5) Other reasons.

California's nonpartisan legislative analyst predicts that Proposition 36 will lead to more people going to jail, prison and mandatory drug treatment for theft and drug crimes. Which of the following best describes how you think this would affect homelessness and drug addiction in California: **(ORDERING RANDOMIZED)** (1) It will help reduce homelessness and addiction by getting drug users off the streets, (2) It won't affect homelessness, people are on the street because there's not enough affordable housing, (3) It will help reduce the number of people addicted to drugs but won't impact homelessness, (4) It won't reduce drug addiction, it will just criminalize people with substance abuse problems?

Which of the following best describes your opinion of the most important aspect of the criminal justice system that needs improving: **(ORDERING RANDOMIZED)** (1) More people who break the law should be prosecuted, (2) People who repeatedly break the law should get longer prison sentences, (3) We need to expand efforts to provide first time offenders with rehabilitation and treatment, (4) Something else?

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 G. Cristina Mora.

IGS conducted periodic surveys of California public opinion in California on matters of politics and public policy through its *Berkeley IGS Poll*. The poll seeks to provide broad measures of contemporary public opinion and generate data for scholarly analysis. Veteran pollster Mark DiCamillo serves as director of the *Berkeley IGS Poll*. For a complete listing of reports issued by the poll, please visit <https://www.igs.berkeley.edu/research/berkeley-igs-poll>.