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Title

Death penalty repeal (Prop. 62) holds narrow lead, but is receiving less than 50% support. Most voters aren't sure about Prop. 66, a competing initiative to speed implementation of death sentences.

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**DEATH PENALTY REPEAL (PROP. 62)
HOLDS NARROW LEAD, BUT IS
RECEIVING LESS THAN 50% SUPPORT.
MOST VOTERS AREN'T SURE ABOUT
PROP. 66, A COMPETING INITIATIVE TO
SPEED IMPLEMENTATION OF DEATH
SENTENCES.**

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By Mark DiCamillo, Director, *The Field Poll*

Proposition 62, the initiative to repeal the death penalty in California and replace it with life in prison without the possibility of parole, is narrowly supported by likely voters. The latest *Field-IGS Poll* finds 48% of likely voters saying they intend to vote Yes when presented with the official ballot summary that voters will see when voting on Prop. 62 in the November election. This compares to 37% who intend to vote No, while 15% are undecided.

In addition to Prop. 62, Californians will also be asked to vote on a competing death penalty initiative, Proposition 66, which calls for changing procedures governing challenges to the death penalty and is intended to speed its implementation. When presented with its official ballot summary, many voters are unsure how they'll vote on Prop. 66. While 35% say they are inclined to vote Yes and 23% would vote No, a plurality (42%) are undecided.

The poll also updated a *Field Poll* time series first posed in 2009 asking voters which penalty they preferred for someone convicted of first degree murder. The findings indicate that 55% of Californians now favor life in prison without the possibility of parole, while 45% prefer the death penalty. This represents a continuing shift in voter support in favor of life in prison over the death penalty. In 2009, a plurality preferred the death penalty.

However, history suggests that when voter support for a controversial ballot initiative like repealing the death penalty remains below 50%, its passage is uncertain, even when leading in the polls. A good example of this was seen four years ago when California voters were last asked to repeal the death penalty through another statewide ballot measure, Proposition 34. In that year *The Field Poll's* final survey, completed one week before the November election, showed Prop. 34 clinging to a narrow 45% to 38% lead. However, on Election Day the Yes side failed to get above the needed 50% threshold and Prop. 34 was defeated 52% to 48%.

Death penalty repeal initiative (Prop. 62) narrowly favored; Plurality undecided about competing initiative to speed the death penalty's implementation

Likely voters in this survey were presented with both Prop. 62's and Prop. 66's official "ballot labels," which are the summaries describing each initiative that voters will see when voting in the November general election, and asked how they would vote if the election were held today. The results indicate that slightly less than half (48%) are now intending to vote Yes on Prop. 62 to repeal the death penalty, 37% are on the No side and 15% are undecided.

When asked about Prop. 66, the initiative to change death penalty procedures to speed its implementation, a plurality of voters (42%) are undecided. Of those offering an opinion, 35% are on the Yes side and 23% are intending to vote No.

The following table displays the official ballot labels of each initiative and how likely voters in the *Field/IGS Poll* responded when asked how they would vote if the election were held today.

Table 1	
Likely voter preferences regarding two competing death penalty initiatives on the general election ballot after being presented with their official ballot labels	
PROPOSITION 62: DEATH PENALTY. INITIATIVE STATUTE. Repeals death penalty and replaces it with life imprisonment without possibility of parole. Applies retroactively to existing death sentences. Increases the portion of life inmates' wages that may be applied to victim restitution. Fiscal Impact: Net ongoing reduction in state and county criminal justice costs of around \$150 million annually within a few years, although the impact could vary by tens of millions of dollars depending on various factors.	
	<u>September 2016</u>
<u>Vote intentions on Prop. 62</u>	
Yes	48%
No	37
Undecided	15
PROPOSITION 66: DEATH PENALTY. PROCEDURES, INITIATIVE STATUTE. Changes procedures governing state court challenges to death sentences. Designates superior court for initial petitions and limits successive petitions. Requires appointed attorneys who take noncapital appeals to accept death penalty appeals. Exempts prison officials from existing regulation process for developing execution methods. Fiscal Impact: Unknown ongoing impact on state court cases for processing legal challenges to death sentences. Potential prison savings in the tens of millions of dollars annually.	
	<u>September 2016</u>
<u>Vote intentions on Prop. 66</u>	
Yes	35%
No	23
Undecided	42

Subgroup battle lines much better defined in relation to Prop. 62 than Prop. 66

When voting preferences on the two competing death penalty initiatives are examined across major subgroups of the likely voter population, Prop. 62's battle lines are much more clearly defined at this stage than those relating to Prop. 66.

The voting blocs most supportive of Prop. 62 to repeal the death penalty are Democrats, liberals, voters in the San Francisco Bay Area, millennials, college graduates, and those expressing no religious preference. The voter subgroups lining up against Prop. 62 include Republicans, conservatives, those living in the state's inland counties, Protestants, and voters with lower levels of formal education.

There is far less variation in voting preferences on Prop. 66 to change death penalty procedures to speed its implementation. Pluralities or near pluralities across most voter subgroups remain undecided. In addition, the Yes side appears to hold narrow leads over the No side among most segments offering an opinion, even those supporting the death penalty's repeal.

Table 2						
California voter preferences regarding Propositions 62 and 66 across subgroups of the likely voter population						
	Prop. 62: Death Penalty Repeal			Prop. 66: Death Penalty Procedures		
	Yes	No	Undecided	Yes	No	Undecided
Total likely voters	48%	37	15	35%	23	42
<u>Party registration</u>						
Democrat	63%	23	14	33%	22	45
Republican	21%	64	15	42%	20	38
No party preference/other	53%	33	14	32%	28	40
<u>Political ideology</u>						
Conservative	22%	67	11	45%	23	32
Moderate	43%	39	18	38%	21	41
Liberal	71%	15	14	26%	26	48
<u>Area</u>						
Coastal counties	53%	33	14	34%	23	43
Inland counties	37%	46	17	38%	24	38
<u>Region</u>						
Los Angeles County	53%	34	13	34%	26	40
South Coast	45%	39	16	34%	22	44
Other Southern CA	38%	44	18	36%	19	45
Central Valley	38%	46	16	37%	29	34
San Francisco Bay Area	60%	29	11	37%	20	43
Other Northern CA*	43%	39	18	31%	24	45
<u>Gender</u>						
Male	47%	43	10	37%	29	34
Female	49%	32	19	33%	18	49
<u>Age</u>						
18-29	55%	24	21	40%	19	41
30-39	54%	27	19	26%	28	46
40-49	52%	36	12	25%	31	44
50-64	43%	46	11	37%	26	37
65 or older	46%	39	15	40%	17	43
<u>Race/ethnicity</u>						
White non-Hispanic	51%	36	13	35%	24	41
Latino	42%	43	15	35%	23	42
African American*	35%	33	32	39%	13	48
Asian American/Other*	49%	40	11	33%	25	42
<u>Education</u>						
High school graduate or less	39%	46	15	39%	21	40
Some college/trade school	39%	42	19	30%	22	48
College graduate	56%	33	11	33%	26	41
Post-graduate work	58%	31	11	42%	23	35
<u>Religion</u>						
Protestant	37%	48	15	41%	21	38
Catholic	45%	38	17	37%	27	36
Other religions	44%	32	24	26%	22	52
No preference	59%	31	10	33%	23	44

* Small sample base.

Field Poll time series shows more Californians now prefer life in prison without parole to the death penalty as a penalty for first-degree murder

The poll also updated a *Field Poll* time series question that asks voters which penalty they favored for someone convicted of first degree murder – the death penalty or life in prison without the possibility of parole. The results reveal a growing preference for life in prison without parole over the death penalty among voters over the past seven years.

When this question was first asked in March 2009 more voters favored the death penalty than life in prison without parole. However, by 2011 voter sentiment had shifted, with a plurality of voters favoring life in prison without the possibility of parole as a punishment for first degree murder. The current poll finds that those supporting life in prison without parole has grown further, with 55% favoring this punishment, and 45% preferring the death penalty.

Table 3			
Trend of California voter preferences regarding which penalty they would prefer for someone convicted of first-degree murder			
	September 2016	July 2011	March 2009
Life in prison without parole	55%	48%	37%
Death penalty	45	40	44
No opinion	*	12	19

* Less than 1/2 of 1%.

Note: Prior measures based on total registered voters, while the current measure is based on likely voters in the November 2016 general election.

Many voters appear to be unclear about the intent of Prop. 66

When comparing voter preferences on Props. 62 and 66 to their preferred punishment for those convicted of first-degree murder, the poll indicates that many voters appear to be unclear about the intent of Prop. 66.

For example, among voters who support the death penalty as a penalty for first degree murder, just 38% are currently lining up on the Yes side on Prop. 66, while 24% say they'll vote No and 38% are undecided. Confusion is also evident among voters who prefer life in prison without the possibility of parole as a punishment for first-degree murder. These voters are about evenly divided when asked about Prop. 66, with 23% intending to vote Yes on Prop. 66, 27% on the No side, and 50% undecided.

Voter intentions regarding Prop. 62 to repeal the death penalty are much better aligned to voter preferences about the penalty for first-degree murder. Voters favoring life in prison as a punishment for first-degree murder are overwhelming on the Yes side when it comes to Prop. 62, while those favoring the death penalty for first-degree murderers are overwhelmingly on the No side.

Table 4			
Likely voter support for Propositions 62 and 66 among voters supporting either life in prison or the death penalty as a punishment for first degree murder			
	Total likely voters	Preferred punishment for first degree murder	
		Life in prison w/o parole	Death penalty
Proposition 62 (Death Penalty Repeal)			
<u>Current vote intention</u>			
Yes	48%	79%	13%
No	37	6	75
Undecided	15	15	12
Proposition 66 (Death Penalty Procedures)			
<u>Current vote intention</u>			
Yes	35%	23%	38%
No	23	27	24
Undecided	42	50	38

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Information About the Survey

Methodological Details

The findings in this report come from a survey of California voters conducted jointly by *The Field Poll* and the Institute of Governmental Studies at the University of California, Berkeley. The survey was completed online by YouGov September 7-13, 2016 in English and Spanish. The findings in this report are based on among 942 registered voters considered likely to vote in the November 2016 general election. In order to cover a broad range of issues and still minimize possible respondent fatigue, some of the questions included in this report are based on a random subsample of voters statewide.

YouGov administered the survey among a sample of the California registered voters who were included as part of its online panel of over 1.5 million U.S. residents. Eligible panel members were asked to participate in the poll through an invitation email containing a link to the survey. YouGov selected voters using a proprietary sampling technology frame that establishes interlocking targets, so that the characteristics of the voters selected approximate the demographic and regional profile of the overall California registered voter population. To help ensure diversity among poll respondents, YouGov recruits its panelists using a variety of methods, including web-based advertising and email campaigns, partner-sponsored solicitations, and telephone-to-web recruitment or mail-to-web recruitment. Difficult-to-reach populations are supplemented through more specialized recruitment efforts, including telephone and mail surveys.

The Field Poll and the Institute of Governmental Studies were jointly responsible for developing all questions included in the survey. After survey administration, YouGov forwarded its data file to *The Field Poll* for processing. *The Field Poll* then took the lead in developing and applying post-stratification weights to more precisely align the sample to *Field Poll* estimates of the demographic characteristics of the California registered voter population both overall and by region. The Field Poll was also responsible for determining which voters in the survey were considered most likely to vote in this year's election.

The Field Poll was established in 1947 as *The California Poll* by Mervin Field. The Poll has operated continuously since then as an independent, non-partisan survey of California public opinion. *The Field Poll* receives financial support from leading California newspapers and television stations, which purchase the rights of first release to *Field Poll* reports in their primary viewer or readership markets. The Poll also receives funding from the University of California and California State University systems, who receive the data files from each *Field Poll* survey shortly after its completion for teaching and secondary research purposes, as well as from foundations, non-profit organizations, and others as part of the Poll's policy research sponsor program.

Question Asked

Proposition 62: DEATH PENALTY. INITIATIVE STATUTE. Repeals death penalty and replaces it with life imprisonment without possibility of parole. Applies retroactively to existing death sentences. Increases the portion of life inmates' wages that may be applied to victim restitution. Fiscal Impact: Net ongoing reduction in state and county criminal justice costs of around \$150 million annually within a few years, although the impact could vary by tens of millions of dollars depending on various factors. If the election were being held today, how would you vote on Proposition 62? YES; NO; UNDECIDED

Proposition 66: DEATH PENALTY. PROCEDURES, INITIATIVE STATUTE. Changes procedures governing state court challenges to death sentences. Designates superior court for initial petitions and limits successive petitions. Requires appointed attorneys who take noncapital appeals to accept death penalty appeals. Exempts prison officials from existing regulation process for developing execution methods. Fiscal Impact: Unknown ongoing impact on state court cases for processing legal challenges to death sentences. Potential prison savings in the tens of millions of dollars annually. If the election were being held today, how would you vote on Proposition 66? YES; NO; UNDECIDED

Which penalty do you prefer for someone convicted of first-degree murder?

DEATH PENALTY; LIFE IN PRISON WITHOUT PAROLE (ASKED OF A RANDOM SUBSAMPLE OF 459 LIKELY VOTERS)

Note about Sampling Error Estimates

Polls conducted online using an opt-in panel do not easily lend themselves to the calculation of sampling error estimates as are traditionally reported for random sample telephone surveys.