FOR IMMEDIATE RELEASE November 2, 2005 STUDY #523

# LOS ANGELES TIMES POLL ALERT

## California Voters Support Parental Notification, Disagree with Pharmaceutical Companies on Prescription Drug Discounts, and Oppose Electricity Regulations

There are eight initiatives on the November 8th special election ballot, the four that Governor Schwarzenegger has identified as critical to his desire to reform the state government (Propositions 74 to 77), and four others that have been overshadowed by the advertising blitz.

These second four include the very low visibility Proposition 80 which would extend application of regulations to retail electrical providers. Proposition 80 was virtually unknown to voters at first, but failed after they were read the ballot description. Slightly more visible are two similar but competitive prescription drug discount programs backed by consumer's groups on one hand (Proposition 79) and pharmaceutical companies on the other (Proposition 78.) Voters are tending against both, with the vote on Proposition 78 within the margin of error, and Proposition 79 failing by seventeen points. In all three cases, many remain undecided. The highest profile proposition in this bunch is Proposition 73, an initiative that would allow legal recourse against physicians who provide abortions to minors without prior parental consent and which has the financial backing of affluent anti-abortion activists on one side, and Planned Parenthood on the other.

The survey's sample was split and the respondents were asked either about Propositions 73 and 80, or about propositions 78 and 79. Respondents in each case were read the title of an initiative, asked if they had heard about it, and if they had, how they were inclined to vote at that time. Next they were read the ballot description for the initiative and asked to say how they would vote, having heard more.

### Proposition 73: The "Waiting Period and Parental Notification Before Termination of Minor's Pregnancy Initiative Constitutional Amendment"

*Amends the California constitution by defining and prohibiting abortion for unemancipated minors until 48 hours after a physician notifies the minor's parent and/or legal guardian, except in a medical emergency or with a parental waiver. It mandates reporting requirements and authorizes monetary damages against physicians for violations. The fiscal impact is that there are potential unknown net state costs of several million dollars annually for health and social services programs, the courts, and state administration.*

The initiative would require physicians to notify a minor girl's parents before performing an abortion. The only exception would be in the case of a medical emergency or if a girl were able to present a compelling case before a judge. Supporters say that it protects the rights of parents to be aware of important medical decisions in their children's lives, and will reduce the teen abortion rate. Those opposed say some girls may resort to illegal means to get abortions rather than confront their parents in cases where communication is difficult or absent. A previous parental consent law was passed and signed into law in the late 1980s in California, but was never enforced and ultimately overturned as unconstitutional.

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This is arguably the most emotional issue on the ballot, and so it is not too surprising that just over two-thirds of likely voters in the current survey were aware of the initiative when read only the title. With no other information, voters supported it in small numbers and within the margin - 34% to 30% with 36% not sure. Overall, after being read the ballot description, the measure is winning at this time, slightly outside the margin of error, by 51% to 39% with 10% not sure.

The initiative shakes the state's voters apart more along ideological and religious, rather than partisan fault lines, not surprising for a subject so deeply tied to religious and moral beliefs. Catholics are no more likely than other Christians to support the measure, but members of all faiths who attend church at least monthly were driving the measure's win. That group voted in favor by 34 points (63% to 29%) while the measure lost within the margin of error among those who attend church less often or never (42% to 46%.) More than three-quarters of those who think that abortion should be illegal always or in most cases supported the measure and 16% opposed it, while those who believe that abortion should be legal in most or all cases voted against it 56% to 32%.

Women were split on this initiative 45% support to 48% oppose, while men supported it by a large margin - 59% to 27%.

Three quarters of liberal likely voters in the survey opposed the measure, while eight in 10 conservatives supported it. Moderates could go either way, with support in that group inside the margin of error at 43% to 39%, while 18% remained undecided. Liberal Democrats opposed it overwhelmingly by 82% to 9%, moderate Democrats joined moderate Republicans in supporting it by ten points - 50% to 40%, while conservative Republicans were firmly opposed 87% to 10%.

**Propositions 78 & 79: The "Discounts on Prescription Drugs Initiative Statute" and The "Prescription Drug Discounts State Negotiated Rebates Initiative Statute"**

Prop 78: *Establishes a discount drug program for certain low-and-moderate income Californians. It authorizes the Department of Health Services to contract with participating pharmacies for discounts and with participating drug manufacturers for rebates. The fiscal impact will be state costs for administration and outreach in the millions to low tens of millions of dollars annually, and costs for advance funding of rebates. There are unknown potentially significant savings for state and county health programs.*

Prop 79: *Provides drug discounts to Californians with qualifying incomes. It is funded by state- negotiated drug manufacturer rebates and prohibits Medi-Cal contracts with manufacturers not providing Medicaid "best price". The fiscal impact is that state costs for administration and outreach will be in the low tens of millions of dollars annually. Another fiscal impact will be state costs for advance funding for rebates and unknown potentially significant net costs or savings for Medi-Cal, along with savings for state and county health programs.*

The affordability of prescription drugs is an issue addressed by both Proposition 78, which was drafted by the pharmaceutical companies, and Proposition 79, which was drafted by consumer groups who wanted a counter to Proposition 78. Both initiatives purport to provide affordable drugs to low income and elderly residents of the state.

In each case, about half of likely voters had not heard enough about the initiative in question to have an opinion. Unaided, voters were inclined to vote against the measures—by 33% to 17% in the case of Proposition 78 and by 31% to 22% in the case of Proposition 79.

After being read the ballot descriptions for Proposition 78, voters opposed it, within the margin of error, by 43% to 38% while 19% remained undecided. Previously undecided voters were inclined to support the initiative by a margin of two to one after hearing the description, although nearly as many remained undecided as decided to support it. Voters were somewhat more decisive about Proposition 79 once they'd heard the description, voting against it 47% to 30% with 23% remaining undecided. Those who were

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undecided before hearing the description of Proposition 79 split nearly evenly for and against afterward, with a 43% plurality remaining undecided.

Overall, after hearing descriptions of both initiatives, 13% remained undecided on both, while 16% voted yes on both and nearly three in 10 voted no on both. Another nearly three in 10 had made up their minds to vote for one but not the other.

Knowledge of who is backing each of the propositions could make a difference to the way voters mark their ballots, the survey found. When told that Proposition 78 is supported by many pharmaceutical drug companies, nearly four in 10 said it made no difference to their vote one way or another, but the rest were about five times as likely to vote against it because of that news. When told that Proposition 79 is supported by health advocates, seniors' groups and labor unions, a plurality said it made no difference to their vote, but among those whose votes were affected, twice as many voters said that information inclined them toward the initiative as against it.

There is not overwhelming partisan support or opposition for either of the discount drug propositions. Generally speaking, Democrats and independents were more likely to be against Proposition 78 than Republicans, who were split. Proposition 79 inspires a little more partisan passion – Republicans were twice as likely to vote against it as for it, while Democrats were split.

**Proposition 80: The "Electric Service Providers Regulation Initiative Statute"**
*Subjects electric service providers to regulation by the California Public Utilities Commission. It restricts electricity customers' ability to switch from private utilities to other providers. It also requires all retail electric sellers to increase their renewable energy resource procurement by 2010. The fiscal impact on the state is potential annual administrative costs ranging from negligible to $4 million, paid by fees. There is unknown net impact on state and local costs and revenues from uncertain impact on electricity rates.*

This proposition would extend the same government regulations to electricity retailers that now apply only to investor-owned utilities such as Southern California Edison. Proponents claim the initiative would lower rates, require electricity providers to meet consumer demand, and stabilize rates. The opposition says that this sort of decision should not be made by voters, and that the initiative if passed will limit competition, restrict the development of alternative power sources, and provide an unfriendly climate for investment.

Close to three-quarters of likely voters had not heard enough about the initiative to have an opinion when read only the ballot title, while 11% said they would vote for it and 16% were opposed. After hearing the description, undecided voters opposed the measure by more than two to one, leading to an overall vote against this initiative among all likely voters of 48% to 25% for it while 27% remained undecided. Democrats (50% to 26%) and Republicans (56% to 20%) were opposed, although possibly for different reasons.

***Analysis by Jill Darling Richardson***

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# Results from the Times Poll
# California Poll: Special Election
# (Propositions 73, 78, 79 and 80)
# October 26-31, 2005

## Guide to Column Headings

| | |
|---|---|
| LV | All likely voters |
| Dem | Democratic likely voters |
| Rep | Republican likely voters |
| Lib | Liberal likely voters |
| Mod | Moderate likely voters |
| Con | Conservative likely voters |
| Men | Male likely voters |
| Wom | Female likely voters |

(SPLIT SAMPLE: ASKED OF VOTERS WITH TELEPHONE NUMBERS ENDING IN 0, 2, 4, 6, 8)
(ORDER OF NEXT FOUR QUESTIONS IS ROTATED IN SETS OF TWO)
Q27. Have you heard, read or seen anything about Proposition 73, which is called the "Waiting Period and Parental Notification Before Termination of Minor's Pregnancy Initiative Constitutional Amendment? (IF YES) From what you know, if the November 2005 special election were being held today, would you be inclined to vote for or against this initiative or don't you know enough about it yet to say? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **34** | **22** | **56** | **14** | **24** | **58** | **43** | **26** |
| Vote against | **30** | **42** | **16** | **60** | **26** | **13** | **21** | **37** |
| Don’t know | **36** | **36** | **28** | **26** | **50** | **29** | **36** | **37** |

Q28. The description on the ballot for Proposition 73 says it amends the California constitution by defining and prohibiting abortion for unemancipated minors until 48 hours after a physician notifies the minor's parent and/or legal guardian, except in a medical emergency or with a parental waiver. It mandates reporting requirements and authorizes monetary damages against physicians for violations. The fiscal impact is that there are potential unknown net state costs of several million dollars annually for health and social services programs, the courts, and state administration. Having heard more, if the November 2005 special election were being held today, would you vote for or against this initiative? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **51** | **32** | **74** | **18** | **43** | **81** | **59** | **45** |
| Vote against | **39** | **58** | **20** | **75** | **39** | **16** | **27** | **48** |
| Don’t know | **10** | **10** | **6** | **7** | **18** | **3** | **14** | **7** |

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Q29. Have you heard, read or seen anything about Proposition 80, which is called "Electric Service Providers Regulation Initiative Statute"? (IF YES) From what you know, if the November 2005 special election were being held today, would you be inclined to vote for or against this initiative or don't you know enough about it yet to say? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **11** | **13** | **9** | **12** | **5** | **16** | **9** | **13** |
| Vote against | **16** | **14** | **21** | **16** | **17** | **16** | **21** | **12** |
| Don't know | **73** | **73** | **70** | **72** | **78** | **68** | **70** | **75** |

Q30. The ballot states that Proposition 80 subjects electric service providers to regulation by the California Public Utilities Commission. It restricts electricity customers' ability to switch from private utilities to other providers. It also requires all retail electric sellers to increase their renewable energy resource procurement by 2010. The fiscal impact on the state is potential annual administrative costs ranging from negligible to $4 million, paid by fees. There is unknown net impact on state and local costs and revenues from uncertain impact on electricity rates. Having heard more, if the November 2005 special election were being held today, would you vote for or against this initiative? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **25** | **26** | **20** | **27** | **19** | **29** | **25** | **24** |
| Vote against | **48** | **50** | **56** | **42** | **52** | **47** | **44** | **51** |
| Don't know | **27** | **24** | **24** | **31** | **29** | **24** | **31** | **25** |

(SPLIT SAMPLE: ASKED OF VOTERS WITH TELEPHONE NUMBERS ENDING IN 1,3,5,7,9)
(ORDER OF NEXT FOUR QUESTIONS IS ROTATED IN SETS OF TWO)
Q31. Have you heard, read or seen anything about Proposition 78, which is called the "Discounts on Prescription Drugs Initiative Statute"? (IF YES) From what you know, if the November 2005 special election were being held today, would you be inclined to vote for or against this initiative or don't you know enough about it yet to say? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **17** | **11** | **22** | **14** | **10** | **24** | **13** | **21** |
| Vote against | **33** | **35** | **27** | **37** | **34** | **30** | **34** | **32** |
| Don't know | **50** | **54** | **51** | **49** | **56** | **46** | **53** | **47** |

Q32. The ballot description for Proposition 78 says it establishes a discount drug program for certain low-and-moderate income Californians. It authorizes the Department of Health Services to contract with participating pharmacies for discounts and with participating drug manufacturers for rebates. The fiscal impact will be state costs for administration and outreach in the millions to low tens of millions of dollars annually, and costs for advance funding of rebates. There are unknown potentially significant savings for state and county health programs. Having heard more, if the November 2005 special election were being held today, would you vote for or against this initiative? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **38** | **37** | **42** | **39** | **32** | **43** | **36** | **41** |
| Vote against | **43** | **45** | **38** | **44** | **47** | **38** | **45** | **40** |
| Don't know | **19** | **18** | **20** | **17** | **21** | **19** | **19** | **19** |

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Q33. Have you heard, read or seen anything about Proposition 79, which is called the "Prescription Drug Discounts State Negotiated Rebates Initiative Statute"? (IF YES) From what you know, if the November 2005 special election were being held today, would you be inclined to vote for or against this initiative or don't you know enough about it yet to say? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **22** | **21** | **17** | **31** | **10** | **21** | **15** | **27** |
| Vote against | **31** | **29** | **35** | **28** | **33** | **33** | **28** | **34** |
| Don't know | **47** | **50** | **48** | **41** | **57** | **46** | **57** | **39** |

Q34. The ballot description for Proposition 79 says that it provides drug discounts to Californians with qualifying incomes. It is funded by state-negotiated drug manufacturer rebates and prohibits Medi-Cal contracts with manufacturers not providing Medicaid "best price". The fiscal impact is that state costs for administration and outreach will be in the low tens of millions of dollars annually. Another fiscal impact will be state costs for advance funding for rebates and unknown potentially significant net costs or savings for Medi-Cal, along with savings for state and county health programs. Having heard more, if the November 2005 special election were being held today, would you vote for or against this initiative? (INCLUDES LEANERS)

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Vote for | **30** | **41** | **23** | **38** | **25** | **28** | **28** | **33** |
| Vote against | **47** | **39** | **53** | **40** | **46** | **53** | **46** | **47** |
| Don't know | **23** | **20** | **24** | **22** | **29** | **19** | **26** | **20** |

(ORDER OF NEXT TWO QUESTIONS IS ROTATED)
Q35. As you may know, Proposition 78 is supported by many of the major pharmaceutical drug companies. Does that information make you more likely to vote for Proposition 78, or more likely to vote against it, or doesn't that make any difference in how you will vote?

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| More likely to vote for | **9** | **9** | **7** | **12** | **7** | **8** | **7** | **10** |
| More likely to vote against | **44** | **58** | **31** | **56** | **45** | **33** | **40** | **47** |
| No difference | **38** | **25** | **52** | **27** | **37** | **49** | **43** | **35** |
| Don't know | **9** | **8** | **10** | **5** | **11** | **10** | **10** | **8** |

Q36. As you may know, Proposition 79 is supported by many consumer health advocates, seniors' groups and labor unions. Does that information make you more likely to vote for Proposition 79, or more likely to vote against it, or doesn't that make any difference in how you will vote?

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| More likely to vote for | **36** | **45** | **26** | **49** | **32** | **28** | **31** | **41** |
| Less likely to vote against | **16** | **10** | **22** | **10** | **19** | **19** | **17** | **15** |
| No difference | **40** | **37** | **44** | **36** | **38** | **46** | **44** | **37** |
| Don't know | **8** | **8** | **8** | **5** | **11** | **7** | **8** | **7** |

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Q51. Which comes closest to your view on abortion: Abortion should always be legal, or should be legal most of the time, or should be made illegal except in cases of rape, incest and to save the mother's life, or abortion should be made illegal without any exceptions?

| | LV | Dem | Rep | Lib | Mod | Con | Men | Wom |
|---|---|---|---|---|---|---|---|---|
| Legal (Net) | **58** | **68** | **40** | **87** | **65** | **32** | **60** | **56** |
| Always legal | **39** | **50** | **24** | **64** | **42** | **18** | **39** | **39** |
| Legal most of the time | **19** | **18** | **16** | **23** | **23** | **13** | **21** | **17** |
| Illegal (Net) | **39** | **31** | **55** | **11** | **30** | **66** | **36** | **42** |
| Illegal with exceptions | **33** | **28** | **44** | **10** | **27** | **53** | **30** | **35** |
| Always illegal | **6** | **3** | **11** | **1** | **3** | **13** | **6** | **7** |
| Don't know | **3** | **1** | **5** | **2** | **5** | **2** | **4** | **2** |

## How the Poll Was Conducted

The Times Poll contacted 1,778 adults in the state of California by telephone October 26 through October 31, 2005. Among them were 940 were deemed likely to vote in the November 8th special statewide election. A split sample was used, so that 481 likely voters were asked about Propositions 78 and 79, while 459 likely voters were asked about Propositions 73 and 80. Likely voters were determined by a screening process which included questions on intention to vote, certainty of vote, interest in the campaign, absentee voting and past voting history. Telephone numbers were chosen from a list of all exchanges in the state, and random digit dialing techniques allowed listed and unlisted numbers to be contacted. Multiple attempts were made to contact each number. Adults in the entire sample were weighted slightly to conform with their respective census proportions by sex, ethnicity, age, education, region, and party registration figures from the Secretary of State. The margin of sampling error for each split sample is plus or minus five percentage points. For certain subgroups, the error margin may be somewhat higher. Poll results may also be affected by factors such as question wording and the order in which questions are presented. Interviews in all samples were conducted in both English and Spanish.

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