



LEGISLATIVE REPORT #265

Support For Proposition 46 Drops | Field Poll finds support slipping for Props. 45, 46 by [Victoria Colliver](#)

September 11, 2014: Support is slipping among likely voters for a California initiative on the fall ballot that would give the state insurance commissioner the power to approve or reject health insurance rate changes, according to a Field Poll released Thursday.

The rate-regulation initiative, Proposition 45, is still leading with 41 percent of voters surveyed indicating their support, 26 percent opposing it and 33 percent undecided. The latest results contrast with a Field Poll conducted in June and July that found 69 percent in favor of it, 16 percent against it and 15 percent undecided.

The same poll also found fewer registered voters seem likely to vote in favor of another health-related measure, Proposition 46, which would raise the state's limit on medical-malpractice awards and require random drug testing for doctors.

For Prop. 46, just 34 percent of voters responding in Thursday's poll said they were likely to vote for the measure on Nov. 4, while 37 percent opposed it and 29 percent remained undecided. The earlier poll found support at 58 percent, with 30 percent likely to vote no and 12 percent undecided.

The latest poll, which surveyed 467 registered voters from Aug. 14 to Aug. 28, had a margin of error of plus or minus 4.8 percent. The earlier poll included more than 1,500 registered voters and was part of a larger survey about health care reform.

"This current poll is relatively big news on Prop. 46. I don't think its chances of passage are all that great," said Mark DiCamillo, director of the Field Poll.

DiCamillo said it's hard to predict what will happen with Prop. 45, but he noted that both measures have unusually high percentages of voters who have not yet made a decision. "They want more information before they can offer an opinion," he said.

Prop. 45's leading supporters, including the state's insurance commissioner, Dave Jones, and the advocacy group Consumer Watchdog, have been largely outspent by the major health insurers and other companies. According to campaign reporting figures, the backers have raised just \$450,000 as of Sept. 9 while opponents have spent \$24 million to kill it.

Even bigger money is being spent to defeat Prop. 46, which is also being pushed by Consumer Watchdog along with the group's allies, including plaintiffs' attorneys.

Prop. 46's detractors, physicians and medical malpractice companies, have contributed \$59 million to persuade voters to reject the measure while its supporters have spent a comparatively paltry \$4.5 million. Prop. 46 calls for drug testing of doctors and would increase pain and suffering damages in medical malpractice lawsuits to \$1.1 million from the current cap of \$250,000, which was set in 1975.

Consumer Watchdog's president, Jamie Court, said the public hasn't had the chance to hear their arguments for the measures.

"When the public learns that five big health insurance companies are spending tens of millions of dollars against Prop. 45 to keep charging customers more, they are going to keep swinging to the yes vote," Court said. He said Prop. 46 is also being drowned out by the naysayers.

Court, who criticized the poll for its small survey of voters, said the measures' backers may not have the opposition's cash but will continue to get the word out. "There's clearly a big undecided vote that will be helpful," he said.

Robin Swanson, campaign spokeswoman for the No on Prop. 45 campaign, a coalition representing doctors, hospitals and health care providers, said more information will turn voters against Prop. 45.

"The more voters learn about the deceptive agenda behind Prop. 45, the less they like it," she said.

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