The bottom line is the results are extremely encouraging and indicate we should have James Harrison and his team begin drafting a measure to strengthen privacy rights in California.

In fact, it is rare to see a measure that garners support at this level across all groups. At 96 percent, the initial support for the measure is incredibly popular. When voters learn more about the measure, support dips slightly but continues to be very popular at 93%. Furthermore, there is a consistency to the findings as overwhelming numbers of likely California voters sided with the pro-privacy rights side over and over again in the survey.

While that is extraordinarily good news, it should be taken in the context that online privacy is not a top issue for voters compared to ***the cost of health care*** (87% extremely or very concerned) and ***wasteful government spending*** (81% extremely or very concerned) which, given the events of the past week and months in DC should not come as a total surprise. Ranking fifth in our list of twelve was ***protecting your personal information obtained by online businesses*** (75% extremely or very concerned) while ***your personal information being stolen*** was the next highest related concern at 8th and ***online privacy*** and ***identity theft*** (70% each) tied for 10th out of 12.

The thematic either/or statements also proved encouraging as voters consistently chose the pro-privacy rights statement by wide margins.

* Voters sided the strongest with the statement, ***businesses should have to get my explicit permission before they sell my personal information*** at a rate of 89 percent on the other hand, it’s counterpart that stated that ***it is ok for businesses to sell my personal information without notifying me as long as it is disclosed in the privacy policy***, was only preferred by 10 percent of voters.
* Voters sided with the arguments that ***something needs to be done to better protect my personal information*** and ***businesses can comply with tougher privacy laws with little impact on their bottom line or services they provide*** over their counterparts at a rate of 82 percent to 12 and 9 Percent respectively.
* Voters were supportive but at slightly less overwhelming margins of it being ***possible to have tougher online privacy laws with little impact on our online user experience*** which was preferred by 73 percent over its opposing idea that ***stricter privacy laws could make our online experience and online services more difficult to use and less convenient*** (20%%) and the sense that voters do not have control over their data (64%) compared to 30 percent who feel they do have ***control over which businesses collect and use my personal information***.

When it comes to the best testing potential elements for the measure, several stood out as very well-liked by all voters:

* *Require a business to ask you for permission before they can sell your personal information* (95% total support, **82%** strong support).
* *Give you the right to know what personal information a business has* ***collected*** *about you* (96% total support, **81%**) over the similar message that used the term ***purchased*** (96% total support, **76%** strong support).**(B/C)**
* *Allow you to find out who bought your* ***personal online information*** (96% total support, **73%** strong support) was preferred compared to the message that only referenced your ***personal information***. **(F/G)**
* Allow you to inform a business to stop ***selling*** your personal information at any time (96% total support, **82%** strong support) which was more intensely supported over the similar message that used the phrase ***selling or sharing*** your personal information (95% total support, **79%** strong support). **(D/E)**
* *Require a business to delete all of your personal information the business has collected about you when you close your account* (95% total support, **79%** strong support).
* *Require a separate screen or window that clearly asks for your permission to sell your personal information* (94% total support, **74%** strong support).

Among those voters who shifted their support throughout the survey, the best testing elements were:

* Give you the right to know what personal information a business has purchased about you (90% total support).
* Allow you to find out who bought your personal online information (89% total support).
* Make identify theft a felony (85% total support).

Most of the attacks we tested in the survey largely fell flat, though a few messages rose to the top of voters’ concerns including it being ***impossible*** (42% total doubts, 15% very serious doubts)to implement the measure, the cost to ***taxpayers*** (42% total doubts, 17% very serious doubts) and the measure could potentially allow people to cover up their ***crimes*** (41% total doubts, 18% very serious doubts).

Among those voters who shifted their vote in the survey, some opposition messages did resonate more significantly. The potential of frivolous lawsuits brought forth by ***attorneys*** (50% total doubts) looking to make a quick buck, they were also concerned that this measure would cost ***taxpayers*** (45% total doubts) billions and that the proposal could hurt ***small business*** (43% total doubts).

In contrast, the positive messages were well received. The idea of having an ***expectation of privacy*** (87% total convincing, 60% very convincing) similar to the privacy people have with our banks and health care providers and having ***control*** (85% total convincing, 56% very convincing) over our information. The same messages were convincing among those voters who shifted their support in the survey (***expectation of privacy*** – 65% total convincing and ***control*** – 59% total convincing).

We look forward to discussing the results with you soon.

Overall, these results point to a real opportunity for passing a potential measure if we are able to get optimal language from the AG for moving forward. The **Proponents** measure language is significantly stronger and has a greater chance of passage than the **AG** language we tested, especially after a positive and negative back and forth in a simulated campaign scenario.

Initially, the **AG** Title & Summary hovers around the two-thirds mark with 64% (w/o leaners) of voters in support of the measure. Conversely, the **Proponents** Title & Summary measure carries significantly greater support (81% Yes w/o leaners) and does a net 31 points better than the AG measure. Additionally, the intensity of support between the AG measure (38% definitely yes) falls well below intensity level in the Proponents measure (51% definitely yes) that crests a majority among voters.

After voters hear messages against the measure, support drops somewhat and below a majority (47% yes) for the AG Title & Summary measure, while nearly two-thirds of voters (64% yes) continue to support the Proponents Title & Summary measure. And after brief positive communications about the measure, we are able to get back above two-thirds in the Proponents measure (69% yes) while the AG measure remains below two-thirds (58% yes).

Safe to say language matters here and  the Q14 proposal elements battery helps to make this clear when you compare the split B proponents language to the split A language aligning more with the AG version of the measure. A couple examples of this can be seen in the elements that represent the first two clauses of each version of the measure that we lay out as a comparative example below:

* **Q14A** - *Allows consumers to stop businesses from selling or sharing consumers’ personal information for commercial purposes* (87% total support, 63% strong support)
  + **Q14B** - *Imposes obligation on businesses to inform consumers about collection and commercial uses of consumer data*. (73% total support, 43% strong support)
* **Q14C** - *Requires businesses to notify consumers that they sell or share consumers’ personal information for commercial purposes* (87% total support, 64% strong support).
  + **Q14D** - *Requires businesses to provide names and contact information of each recipient of consumer data and specify categories of data each received* (62% total support, 24% strong support)

We should also note a difference in the conceptual test we conducted in our May survey research where we found overwhelming 96% total support (76% strong support) among voters compared to this current test that clearly reflects more legitimate ballot measure legalese and also includes a fiscal impact statement. As you can see, that has an effect on the measure, though we are still in good standing here for moving forward depending on the language we receive from the AG for the measure. If it aligns more with our Proponents language tested in this survey, then we undoubtedly have a better chance of passage.

In terms of messengers, there is no clear key messenger that we can really recommend at this time, except that we should note the relative popularity of “The Better Business Bureau” (64% total trust) and the “ACLU” (52% total trust). All other messenger organizations fall below a majority.

We should have crosstabs ready tomorrow, but let us know if you have any questions in the meantime and if and when you would like to get on a call to discuss.