



PUBLIC OPINION
STRATEGIES

MEMORANDUM

TO: INTERESTED PARTIES
FROM: PATRICK LANNE / PUBLIC OPINION STRATEGIES
RE: RECENT SURVEY FINDINGS
DATE: DECEMBER 11, 2007

As you know, Public Opinion Strategies recently completed a survey of 600 likely voters in Missouri on behalf of Justice at Stake, Missouri Institute for Justice, and Missourians for Fair and Impartial Courts. The survey was completed December 4-6, 2007 and has a margin of error of plus/minus 4%.

KEY FINDINGS

- ▶ ***There is wide support for the current judicial selection process.***
After hearing a brief description* of the current selection process, Missouri voters express overwhelming support for the current judicial selection process, 71% support - 25% opposed. Strong support for the current process cuts across every major sub-group in the poll including 74% of Republicans, 70% of Independents and 69% of Democrats.

** First, under the current system, a nonpartisan panel of citizens and attorneys selected by the Governor, the state bar association and the Supreme Court evaluate and recommend potential judges to the governor. The governor then chooses a new judge from the recommended list. After a short initial term, the public then votes on whether the judge should keep the seat or be removed from office. If a judge is rejected by the voters, the selection process starts again. Based on this statement, do you support or oppose this existing system?*

- ▶ ***Concurrently, major reform proposals are strongly opposed.***
With widespread support for the current selection process, it is not surprising to find a strong majority of Missouri voters opposed to the major reforms being considered by some groups. The following table shows public attitudes toward a few major reform proposals.

Oppose	Favor	Proposal
75%	20%	Abolishing the commission which recommends judges and allowing the governor to choose his/her own judicial nominee.
60%	33%	Ending judicial retention elections, and allowing the legislature to vote on keeping or rejecting judges instead.
58%	37%	Replacing the current evaluation process with a new system where judges are chosen by the governor and confirmed by the state Senate.

- ▶ ***Judicial selection is NOT a legislative priority for voters.***
While some interest groups have made changing the state's judicial selection process their top priority, Missouri voters tell us they care more about other issues. Only 5% of Missouri voters believe "the way state judges are selected" is the top OR second highest priority for the Governor and state legislature to focus on. By comparison nearly half (47%) rate health care as a top priority, followed by public education (37%) and taxes and government spending (37%).

- ▶ ***Voters prefer a judiciary independent of political leaders.***
There is no question, Missourians value an independent state judiciary. We asked voters the following question:

Please tell me which statement you agree with more:

Missouri judges should be accountable to elected officials like the Governor and the legislature to ensure judges are responsive to the needs of the public...or...

Missouri judges should be independent of elected officials like the Governor and the legislature to ensure judges make decisions based only on the law and the Constitution.

By better than a three-to-one margin (73%-22%), voters preferred judges to be independent of elected officials. These feelings cut across every demographic group including Republicans (76%-18%), Independents (75%-22%), and Democrats (70%-22%).

The Bottom Line

With wide, bi-partisan support for the current judicial selection process, strong opposition to the major proposed reforms, and voters focused on issues like health care, education and taxes and government spending, the message from Missouri voters is simple: the judicial selection process is NOT broken, so don't fix it.

**Missouri Statewide
Interview Schedule**

December 4-6, 2007
Project: #07771

N=600 Likely Voters
Margin of Error = \pm 4.0%

- C. Thinking ahead to the November 2008 election for President, U.S. Congress and other state and local offices... How likely is it that you will vote in that election...would you say it is...

94% VERY LIKELY
6% SOMEWHAT LIKELY

1. Generally speaking, would you say that things in Missouri are going in the right direction, or have they pretty seriously gotten off on the wrong track?

51% RIGHT DIRECTION
39% WRONG TRACK

9% DON'T KNOW
1% REFUSED

2. Which ONE of the following issues should be the top priority of the Governor and the state legislature? Next choice? (**RECORD FIRST CHOICE, SECOND CHOICE.**)

<u>1st</u>	<u>Comb.</u>	
30%	47%	Health care
18%	37%	Taxes and government spending
17%	37%	Public education
14%	26%	Illegal immigration
10%	24%	Crime and drugs
6%	16%	Roads and bridges
2%	5%	The way state judges are selected
1%	2%	NONE OF THE ABOVE
2%	2%	DON'T KNOW
*	*	REFUSED

Now, I would like to read you the names of some different people and organizations you might hear or read about on the news. For each one, please tell me whether you have a favorable or unfavorable impression of that person or organization. If I name something you don't know too much about, just tell me and we'll go on to the next one.

	TOTAL FAV	TOTAL UNFAV	VERY FAV	SMWT FAV	SMWT UNFAV	VERY UNFAV	NO OPIN	NVR HRD	REF
3. The Supreme Court of United States	61%	24%	21%	41%	15%	9%	12%	1%	1%
4. US Congress	40%	48%	10%	30%	24%	24%	10%	1%	1%
5. Missouri Governor Matt Blunt	52%	40%	21%	31%	16%	24%	6%	*	1%
6. The Missouri legislature	49%	26%	8%	41%	18%	9%	20%	3%	2%
7. Missouri courts	48%	21%	12%	37%	12%	8%	26%	3%	2%

8. First, how much would you say you know about what courts and judges do in Missouri?

60% **TOTAL GREAT DEAL/SOME**
 12% A GREAT DEAL
 48% SOME
 31% LITTLE
 8% NOTHING AT ALL
39% **TOTAL LITTLE/NOTHING**

1% DON'T KNOW
 - REFUSED

9. Which ONE of the following is the most important quality for Missouri's court system to be?

- 31% Fair and impartial
 - 24% Guardians of constitutional rights
 - 20% Accountable for their decisions
 - 14% Independent from partisan politics
 - 7% Responsive to society's concerns

 - 3% DON'T KNOW
 - 1% REFUSED
-

10. Please tell me which statement you agree with more:

60% The Missouri State Supreme Court makes decisions based on the state's laws and constitution.

...OR...

29% The Missouri State Supreme Court makes decisions based on the judges' political beliefs and ideology.

- * NEITHER
 - 10% DON'T KNOW
 - 1% REFUSED
-

11. In deciding who should become a judge in Missouri, which of the following should be more important:

91% A judicial candidate's qualifications and experience

...OR...

6% A judicial candidate's political ideology

- * NEITHER
 - 2% DON'T KNOW
 - * REFUSED
-

12. Please tell me which statement you agree with more:

22% Missouri judges should be accountable to elected officials like the Governor and the legislature to ensure judges are responsive to the needs of the public.

...OR...

73% Missouri judges should be independent of elected officials like the Governor and the legislature to ensure judges make decisions based only on the law and the Constitution.

1% NEITHER

3% DON'T KNOW

* REFUSED

Next, I'm going to read you some ways that judges are now held accountable for their court decisions. For each one, please tell me if you think that one is a very effective, somewhat effective, not very effective or not at all effective as a way to hold judges accountable. The first/next one is...

	TOTAL EFF	TOTAL NOT EFF	VERY EFF	SMWT EFF	NOT VERY EFF	NOT AT ALL EFF	DK	REF
13. Judges must publish explanations of their court decisions	83%	14%	44%	38%	10%	4%	3%	1%
14. A judge's decision can be appealed to a higher court	92%	6%	54%	37%	4%	2%	2%	*
15. Voters having the final say on whether a judge stays in office or is removed	80%	19%	50%	30%	13%	6%	2%	—

16. Now, I have a few questions about how some Missouri's judges are selected. First, under the current system, a nonpartisan panel of citizens and attorneys selected by the Governor, the state bar association and the Supreme Court evaluate and recommend potential judges to the governor. The governor then chooses a new judge from the recommended list.

After a short initial term, the public then votes on whether the judge should keep the seat or be removed from office. If a judge is rejected by the voters, the selection process starts again.

Based on this statement, do you support or oppose this existing system?

71% TOTAL SUPPORT
 29% STRONGLY SUPPORT
 42% SOMEWHAT SUPPORT
 12% SOMEWHAT OPPOSE
 14% STRONGLY OPPOSE
26% TOTAL OPPOSE

 3% DON'T KNOW
 1% REFUSED

Next, I'm going to read you a few proposals which may be considered by the legislature to change how some Missouri judges are selected. For each one, please tell me whether you would favor or oppose each proposal.

	TOTAL FAVOR	TOTAL OPPOSE	STRG FAVOR	SMWT FAVOR	SMWT OPPOSE	STRG OPPOSE	DK	REF
17. Ending judicial retention elections, and allowing the legislature to vote on keeping or rejecting judges instead.	33%	60%	8%	25%	23%	37%	6%	*
18. Replacing the current evaluation process with a new system where judges are chosen by the governor and confirmed by the state Senate.	37%	58%	10%	27%	18%	41%	4%	*
19. Abolishing the commission which recommends judges and allowing the governor to choose his/her own judicial nominee.	20%	75%	7%	13%	16%	59%	4%	*

Now, I have just a few questions for statistical purposes only...

20. First, in what year were you born?

2% 18 - 24
8% 25 - 34
16% 35 - 44
25% 45 - 54
20% 55 - 64
29% 65 AND ABOVE

* REFUSED

21. And, in politics today, do you consider yourself to be...

a Republican,
a Democrat,
...or something else?

(IF REPUBLICAN OR DEMOCRAT, ASK:) Would you call yourself a STRONG (Republican/Democrat) or a NOT-SO-STRONG (Republican/Democrat)?

(IF SOMETHING ELSE, ASK:) Do you think of yourself as closer to the ...

the Republican party
...or...
the Democratic party

22% STRONG REPUBLICAN
9% NOT-SO-STRONG REPUBLICAN

6% LEAN REPUBLICAN
21% SOMETHING ELSE/INDEPENDENT/UNDECLARED
9% LEAN DEMOCRATIC

6% NOT-SO-STRONG DEMOCRAT
26% STRONG DEMOCRAT

2% REFUSED

36% TOTAL REPUBLICAN
41% TOTAL DEMOCRAT

22. Generally speaking, do you consider yourself to be conservative, moderate or liberal on most issues?

26% VERY CONSERVATIVE
21% SOMEWHAT CONSERVATIVE

34% MODERATE

16% LIBERAL

2% DON'T KNOW
* REFUSED

47% TOTAL CONSERVATIVE
51% TOTAL MODERATE/LIBERAL

23. And how often would you say that you attend religious services...

14% MORE THAN ONCE A WEEK
33% WEEKLY
5% ALMOST EVERY WEEK
11% ONCE OR TWICE A MONTH
22% A FEW TIMES A YEAR
13% NEVER

1% REFUSED

47% FREQUENTLY
16% OCCASIONALLY
35% RARELY

24. Other than being an American, what is your main ethnic or racial heritage?

10% AFRICAN AMERICAN OR BLACK
84% WHITE
* HISPANIC AMERICAN
3% NATIVE AMERICAN
1% OTHER

1% REFUSED

25. Gender. Are you married, widowed, separated, divorced or have you never been married?

36%	MALE/MARRIED
3%	MALE/WIDOWED
1%	MALE/SEPARATED
2%	MALE/DIVORCED
6%	MALE/NEVER BEEN MARRIED
*	MALE/REFUSED
29%	FEMALE/MARRIED
10%	FEMALE/WIDOWED
1%	FEMALE/SEPARATED
7%	FEMALE/DIVORCED
5%	FEMALE/NEVER BEEN MARRIED
*	FEMALE/REFUSED
48%	TOTAL MALE
52%	TOTAL FEMALE
