

Topline Data
Statewide Survey of 500 High-Propensity Voters in Missouri

prepared for
The Federalist Society
by the polling company™, inc.

September 2007

Field Dates: August 29-September 4, 2007
Margin of Error: ±4.38%

- A. Are you 18 years of age or older and currently registered to vote here in Missouri, registered in a different state, or not registered at all?

100% REGISTERED IN MISSOURI

- B. Thinking for a moment about past elections that you have been eligible to vote or participate in, would you say that you have voted in... (READ CHOICES)

67% ALL OR ALMOST ALL ELECTIONS

24% MOST ELECTIONS

7% ABOUT HALF OF ALL ELECTIONS

2% ONLY LOCAL ELECTIONS BUT NOT CONGRESSIONAL AND
PRESIDENTIAL ELECTIONS

1% I HAVE NEVER VOTED IN AN ELECTION (IF "NEVER VOTED" ASKED,
"IS THE REASON YOU HAVE NEVER VOTED IN AN ELECTION DUE TO
THE FACT THAT YOU WERE NOT OLD ENOUGH TO VOTE IN A PRIOR
ELECTION?" IF "YES," CONTINUED.)

1. Which of the following do you think best describes how Judges are **first** chosen to serve on the Missouri Supreme Court? [READ AND ROTATED]

47% JUDGES ARE APPOINTED BY THE GOVERNOR OF MISSOURI
AND CONFIRMED BY THE LEGISLATURE

39% JUDGES ARE NOMINATED BY A JUDICIAL COMMISSION AND
APPOINTED BY THE GOVERNOR

1% OTHER (VOLUNTEERED)

12% DO NOT KNOW (VOLUNTEERED)

* REFUSED (VOLUNTEERED)

MISSOURI SUPREME COURT APPOINTMENT & MAKE-UP OF THE AJC

As you may know, there are seven Judges on the Missouri Supreme Court who are appointed by a process known as the “Missouri Plan.” Under this plan, the Appellate Judicial Commission selects all the judicial nominees for the Supreme Court. The Commission is a seven-member group comprised of the Chief Justice of the Missouri Supreme Court, three members of the general public selected by a past or the present Governor, and three lawyers selected by the Missouri Bar, an association of lawyers in Missouri. Each member of the Commission serves a six-year term. The Commission selects three applicants from which the Governor must choose when there is an opening on the Supreme Court.

- 2. Were you aware that the Missouri Bar, the statewide association of lawyers, selects three out of the seven people that serve on the Appellate Judicial Commission which selects all of the Missouri Supreme Court nominees?

15% YES
83% NO

2% DON’T KNOW (VOLUNTEERED)
- REFUSED (VOLUNTEERED)

- 3. I am now going to read you the opinions of two people regarding this process. Please tell me which one comes closest to your view. (ROTATED)

Person 1 says it is proper for the Chief Justice of the Missouri Supreme Court to be one of the people picking the other judges on the Supreme Court because the Chief Justice knows what it takes to be a good judge based on years of experience and the new judge will be independent once seated on the Court and will not be pressured to rule the same way as the Chief Justice in future cases.

Person 2 says that it is improper for the Chief Justice of the Missouri Supreme Court to be one of the people picking the other judges on the Supreme Court because the Chief Justice will be the new judge’s colleague and that might cause or appear to cause the new judge to feel pressure to vote the same way as the Chief Justice in future cases.

(AND WOULD THAT BE STRONGLY OR SOMEWHAT AGREE WITH PERSON 1/2?)

41% TOTAL PERSON 1 (NET)
18% STRONGLY AGREE PERSON 1
23% SOMEWHAT AGREE PERSON 1

54% TOTAL PERSON 2 (NET)
27% SOMEWHAT AGREE PERSON 2
27% STRONGLY AGREE PERSON 2

4% DON’T KNOW (VOLUNTEERED)
- REFUSED (VOLUNTEERED)

4. A number of states have adopted the same process of selecting judicial nominees as Missouri; however, most of them have a judicial nominating commission that includes more input from the Governor, state legislature, citizens, and other interested parties and less input from lawyers and state bar associations. Do you support or oppose changing the way Missouri selects the members of its Commission as other states have? And would that be strongly or somewhat support/oppose change?

65% TOTAL SUPPORT (NET)

25% STRONGLY SUPPORT
40% SOMEWHAT SUPPORT

25% TOTAL OPPOSE (NET)

17% SOMEWHAT OPPOSE
8% STRONGLY OPPOSE

5% NEED MORE INFORMATION/ NO BASIS TO JUDGE
(VOLUNTEERED)

6% DON'T KNOW/UNSURE (VOLUNTEERED)
* REFUSED (VOLUNTEERED)

5. As you may know, the Missouri Appellate Judicial Commission is currently considering nominees for a position on the Missouri Supreme Court. There were 30 applicants. The governor and public were only told the names of the three finalists and were not provided any details about the other 27 candidates or what was discussed in the interviews with the three finalists. Based on what I just told you, who should have access to the interview information: (READ AND ROTATED)

72% EVERYONE, INCLUDING THE GOVERNOR AND THE PUBLIC
14% NO ONE EXCEPT THE APPELLATE JUDICIAL COMMISSION, WHICH
CONDUCTS THE INTERVIEWS
11% THE GOVERNOR, BUT NOT THE PUBLIC

2% DO NOT KNOW (VOLUNTEERED)
- REFUSED (VOLUNTEERED)

6. Please tell me which of the following opinions comes closest to your view. (ROTATED)

PERSON 1: It is appropriate for the judicial commission to meet in secret because the interviews of judicial candidates are like traditional job interviews and everything that is discussed behind closed doors should remain confidential.

PERSON 2: It is not appropriate for the judicial commission to meet in secret because it is in the peoples' interest to know what these potential judges said in their interviews and have that information made publicly available.

(AND WOULD THAT BE STRONGLY OR SOMEWHAT AGREE WITH PERSON 1/2?)

29% TOTAL PERSON 1 (NET)

15% STRONGLY AGREE PERSON 1
14% SOMEWHAT AGREE PERSON 1

70% TOTAL PERSON 2 (NET)

17% SOMEWHAT AGREE PERSON 2
53% STRONGLY AGREE PERSON 2

2% DON'T KNOW (VOLUNTEERED)
* REFUSED (VOLUNTEERED)

7. As you may know, the State of Missouri has a "Sunshine Law," which states: QUOTE: "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610.200 shall be liberally construed and their exceptions strictly construed to promote this public policy." ENDQUOTE. Do you think that (ROTATED) the interviews of judicial candidates should be open to the public and be bound by the Sunshine Law OR should the interviews of judicial candidates remain closed to the public and not be bound by the Sunshine Law?

80% OPEN TO THE PUBLIC AND BE BOUND BY THE SUNSHINE LAW
17% REMAIN CLOSED TO THE PUBLIC AND NOT BE BOUND BY THE SUNSHINE LAW

3% DO NOT KNOW (VOLUNTEERED)
* REFUSED (VOLUNTEERED)

8. If the Governor of Missouri does not think any of the three applicants that the commission selects are qualified, do you think that (ROTATED) he should be able to decline those options and ask for new nominees OR should he be required to select from the three names provided?

60% HE SHOULD DECLINE THOSE OPTIONS AND ASK FOR NEW NOMINEES
33% HE SHOULD FOLLOW THE COMMISSION'S RECOMMENDATIONS AND BE REQUIRED TO SELECT FROM THE THREE NAMES PROVIDED

6% DO NOT KNOW (VOLUNTEERED)
1% REFUSED (VOLUNTEERED)

DEMOGRAPHICS

And now some questions for statistical purposes...

9. Which of the following categories best describes your age? (IF RESPONDENT SAYS DON'T KNOW OR REFUSES TO ANSWER SAY, "I only need a range, not a specific age.")

10%	18-24
15%	25-34
17%	35-44
22%	45-54
18%	55-64
18%	65+
-	REFUSED (VOLUNTEERED)

10. Would you describe your racial or ethnic background as...(READ LIST)?

80%	WHITE/CAUCASIAN
12%	BLACK/AFRICAN-AMERICAN
3%	HISPANIC/LATINO
1%	ASIAN
-	MIDDLE EASTERN
3%	OTHER (VOLUNTEERED)
1%	REFUSED (VOLUNTEERED)
-	DON'T KNOW (VOLUNTEERED)

11. In politics today, do you consider yourself to be a (ROTATED) Republican, Independent, or Democrat? (If Republican or Democrat, ask: "Are you a strong (Republican/Democrat) or a not-so-strong (Republican/Democrat)?" (If Independent ask: "Which way do you lean towards, the Democratic or the Republican party?")

<u>35%</u>	<u>TOTAL REPUBLICAN (NET)</u>
16%	STRONG REPUBLICAN
12%	NOT-SO-STRONG REPUBLICAN
7%	INDEPENDENT LEANING REPUBLICAN

15% INDEPENDENT

<u>45%</u>	<u>TOTAL DEMOCRAT (NET)</u>
9%	INDEPENDENT LEANING DEMOCRAT
12%	NOT-SO-STRONG DEMOCRAT
24%	STRONG DEMOCRAT
2%	OTHER (VOLUNTEERED)
2%	DON'T KNOW/REFUSED (VOLUNTEERED)

12. Thinking for a moment about your political views...Do you consider yourself to be...?

47% TOTAL CONSERVATIVE (NET)

18% VERY CONSERVATIVE

29% SOMEWHAT CONSERVATIVE

24% MODERATE

25% TOTAL LIBERAL (NET)

17% SOMEWHAT LIBERAL

8% VERY LIBERAL

1% LIBERTARIAN

3% DON'T KNOW/REFUSED (VOLUNTEERED)

13. Gender

47% MALE

53% FEMALE

14. Region¹

19% OZARK

24% KANSAS CITY AREA

12% CENTRAL MISSOURI

24% ST. LOUIS AREA

21% EASTERN MISSOURI

¹ **Ozark:** Barry, Barton, Bates, Benton, Camden, Cedar, Christian, Dade, Dallas, Dent, Douglas, Greene, Henry, Hickory, Howell, Jasper, Maclede, Lawrence, McDonald, Newton, Oregon, Ozark, Phelps, Pulaski, Shannon, St. Clair, Stone, Taney, Texas, Vernon, Webster, Wright; **Kansas City Area:** Andrew, Atchison, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, Daviess, De Kalb, Gentry, Grundy, Harrison, Holt, Jackson, Johnson, Lafayette, Livingston, Mercer, Nodaway, Platte, Ray, Worth; **Central:** Adair, Audrain, Boone, Callaway, Chariton, Clark, Cole, Cooper, Gasconade, Howard, Knox, Lewis, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Morgan, Osage, Pettis, Putnam, Ralls, Randolph, Saline, Schuyler, Scotland, Shelby, Sullivan; **St. Louis/Eastern:** Bollinger, Butler, Cape, Girardeau, Carter, Crawford, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, Montgomery, New Madrid, Pemiscot, Perry, Pike, Reynolds, Ripley, Scott, St. Charles, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Stoddard, Warren, Washington, Wayne