



Understanding Views of the Wisconsin Supreme Court.

Insights from a Statewide Survey
Conducted for Badger State Research

January 23, 2023



The goal.

Understand Wisconsin's views toward the Wisconsin Supreme Court and the upcoming Supreme Court election

Methods.

Statewide survey of n = 1,000 registered voters
Conducted December 22 – January 8, 2023
Using YouGov's panel
Informed by qualitative research

Mobilization and swing audiences.

	Mobilization	Swing
Definition	<p>Not yet certain to vote in election and:</p> <ul style="list-style-type: none">• ID as a Democrat; or• Want a progressive Wisconsin Court; or• Would vote for a progressive candidate; or• Voted for Barnes for Senate	<p>If election held today, would:</p> <ul style="list-style-type: none">• Probably vote for more progressive candidate• Probably vote for more conservative candidate
Disproportionately	<ul style="list-style-type: none">• Women 18 to 44• Voters of color	<ul style="list-style-type: none">• Women, especially 18 to 44

Key questions.

- What issues are most important to voters?
- What other motivations are at play?
- What do people want in a state Supreme Court Justice?
- How important is the crime narrative and how does it relate to what voters want in a Supreme Court Justice?



Summary.

1. Your core mobilization audiences are women ages 18 to 44 and voters of color.
2. Majorities of your mobilization and persuasion targets are either neutral toward the Court or do not know enough about the Court to have an opinion.
3. Abortion is the #1 mobilizing issue among the base and mobilization audiences. It is among the top for swing voters and among many for voters of color.
4. A package of several issues, including racial justice issues, may be most persuasive among voters of color.
5. Health care is a #2 issue among mobilization and persuasion segments.
6. Democratic men are a core base – they are the most knowledgeable, the most negative toward the Court, and the most likely to vote. Their top issue is gerrymandering / voting rights.
7. Voters want a candidate who cares about “the people” and will serve the people. Top concerns about a candidate is one who favors special interests over the people.
8. The most important concept in the crime narrative is (clear): “The candidate cares about equal justice under the law, no matter who someone is or how much money they make.”
9. A strong response to cash bail is: “Public safety, not wealth, should determine who stays in jail.”

Detailed insights.

Current mindset.

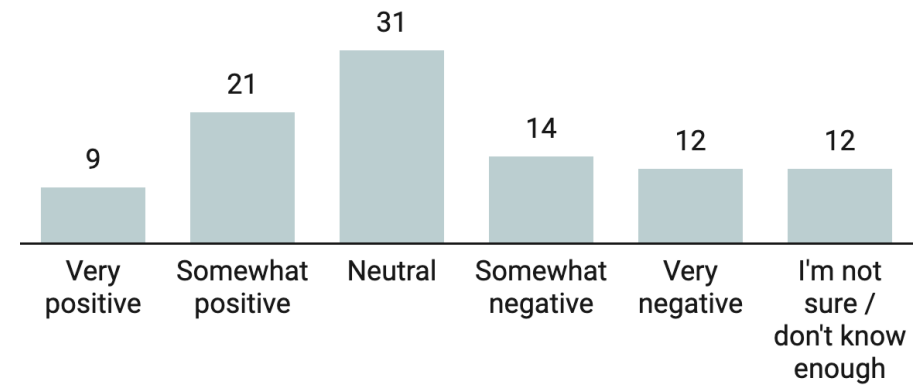
Overall, views toward the Court are mixed.

About the same proportion of respondents feels positive as feels negative, with (43%) having neutral or no impressions.

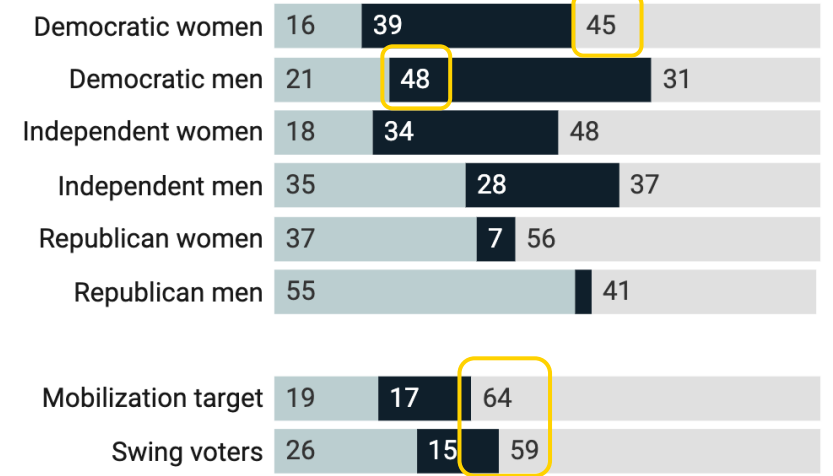
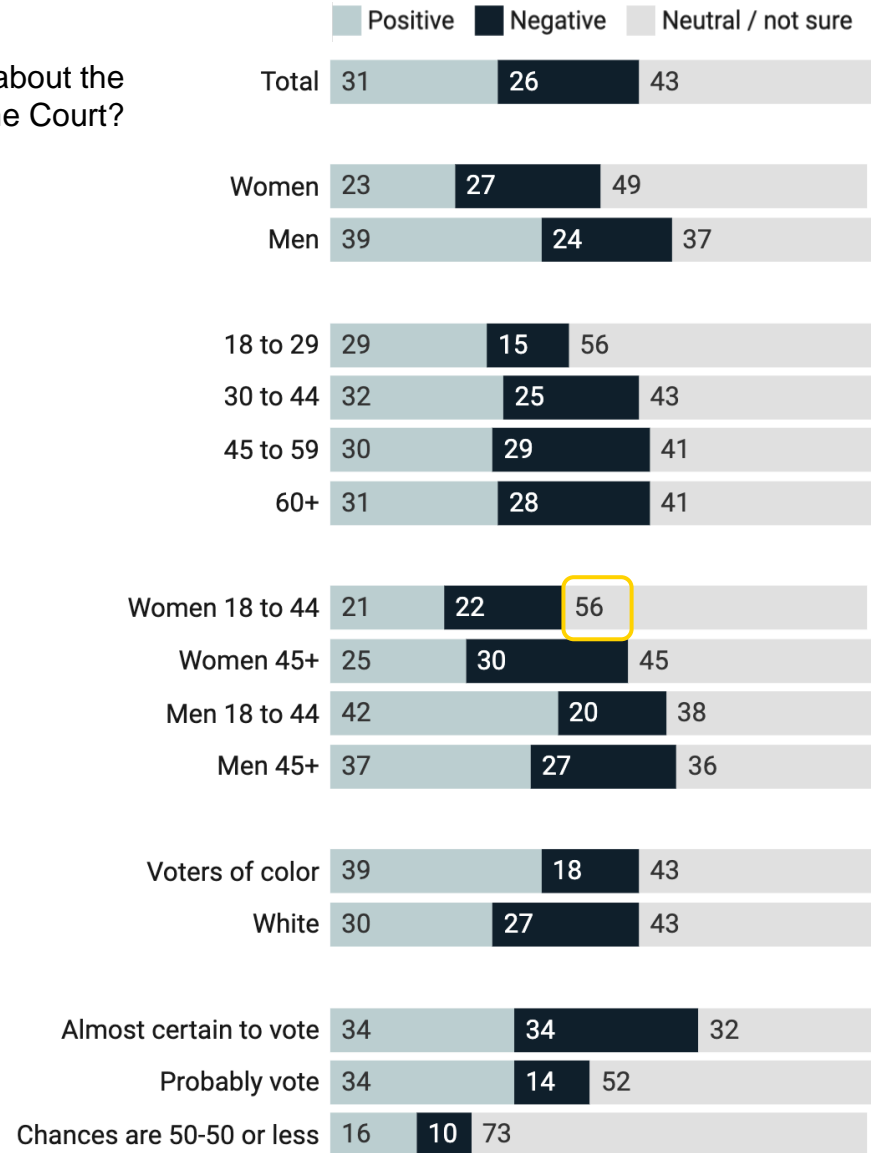
Democratic men are most likely to feel negatively; Republican men are most likely to feel positively.

18- to 29-year-olds are most likely to lack an opinion.

Overall, how are you feeling about the Wisconsin Supreme Court?



Overall, how are you feeling about the Wisconsin Supreme Court?

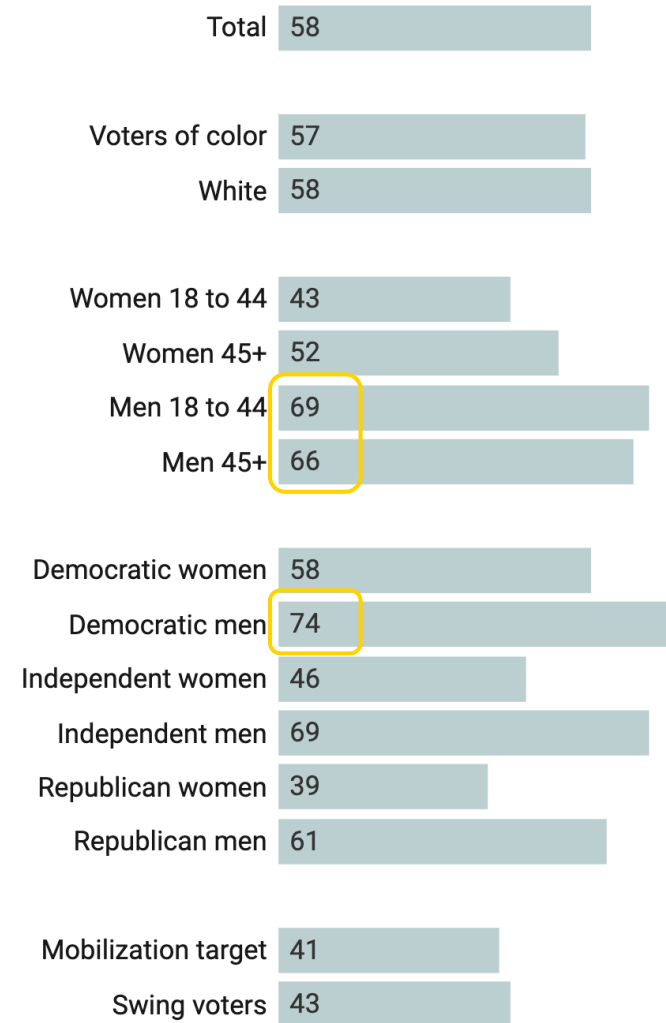


Nearly six in ten respondents know the Court leans conservative.

Thirty-one percent are unsure of the balance and (12%) think the Court leans liberal / progressive.

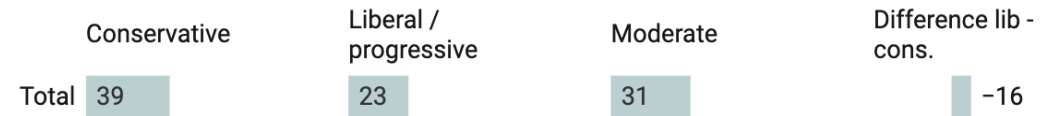
Men are more knowledgeable than women. Democratic men in the sample are most aware.

Percent knows the Court leans conservative

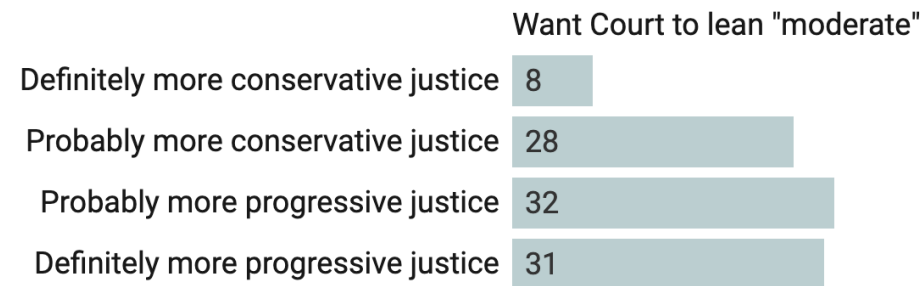


When asked how they'd want the Court to lean, most say either conservative (39%) or moderate (31%).

How would you want the Wisconsin Supreme Court to lean?

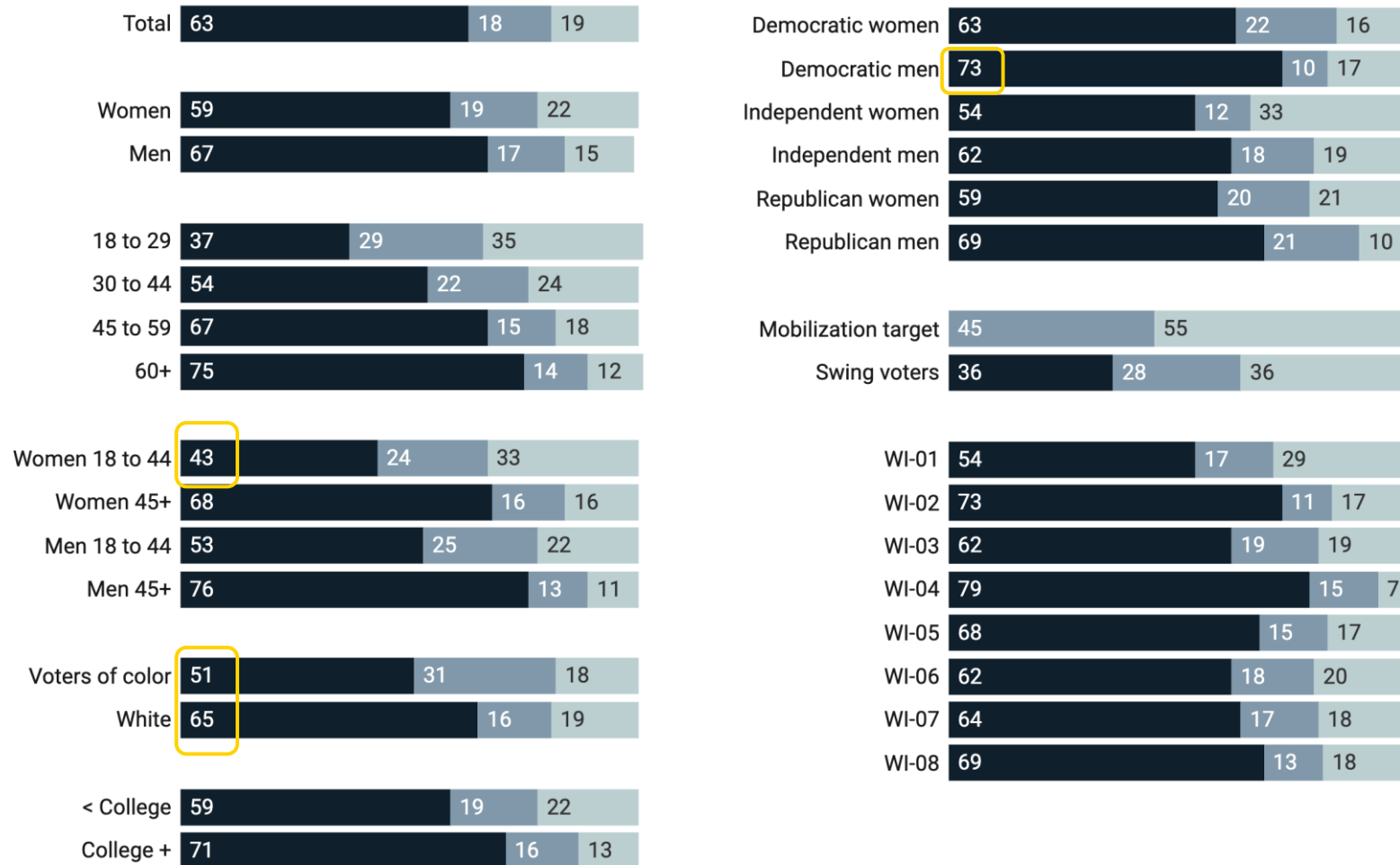


If the election for Wisconsin Supreme Court Justice were held today, would you vote for a [ROTATE: more conservative or / more progressive / liberal] justice?

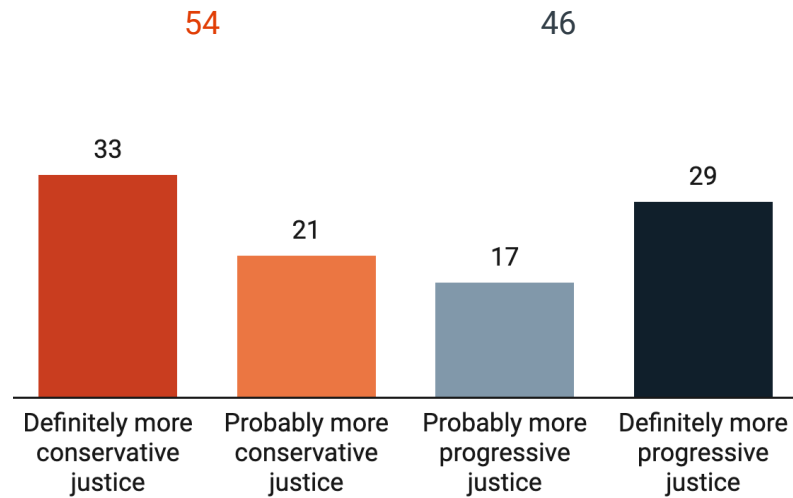


As you may know, there will be an election for a seat on the Wisconsin Supreme Court this coming April. How likely are you to vote in this election for state Supreme Court?

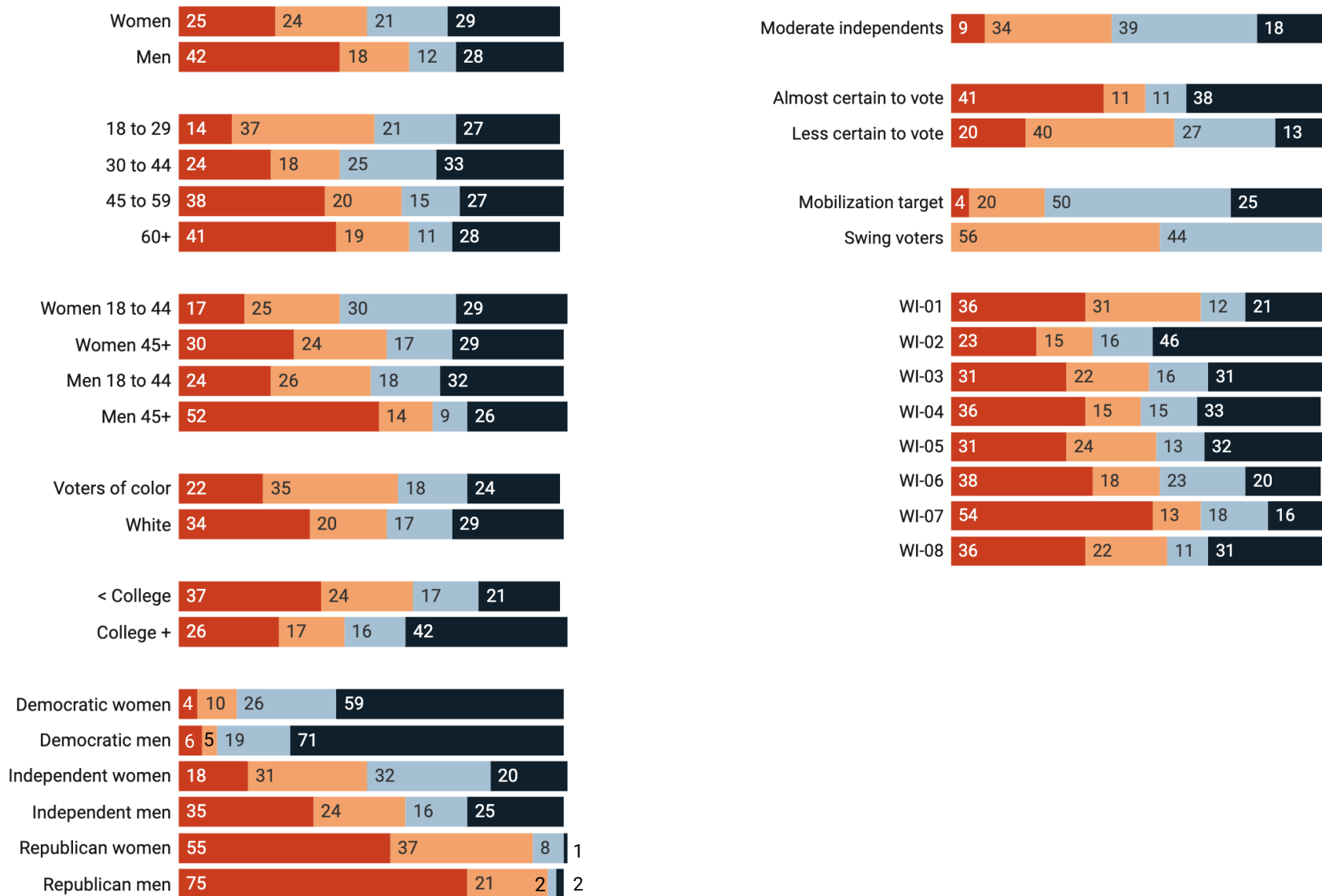
■ Almost certain to vote ■ Probably vote ■ Less likely to vote



While justices are officially non-partisan, they do tend to lean either conservative or progressive / liberal. If the election for Wisconsin Supreme Court Justice were held today, would you vote for a [ROTATE: more conservative or / more progressive / liberal] justice?



Def. conservative Probably conservative Probably progressive Def. progressive



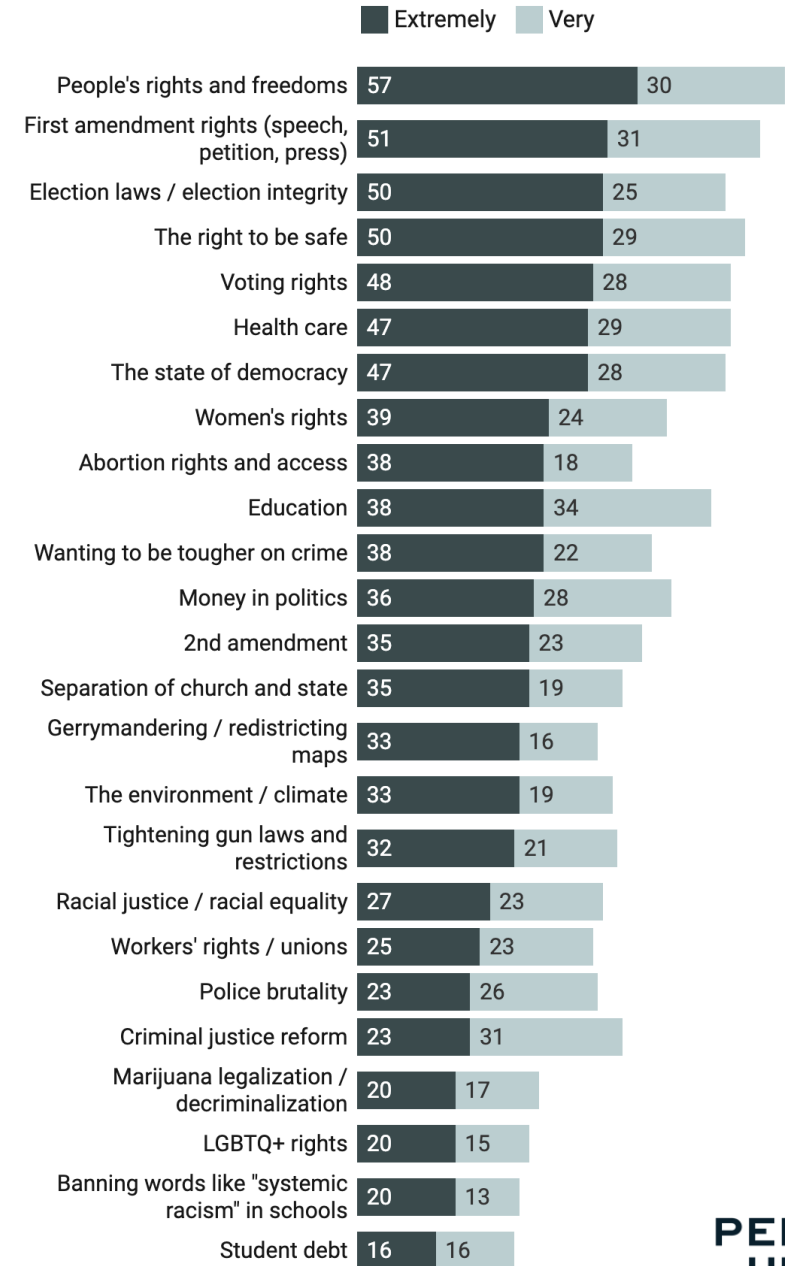


Motivations.

When you think about getting out to vote in the election for Wisconsin Supreme Court Justice, how important is this issue to you?

We explored 25 different issues that voters relate to the Supreme Court.

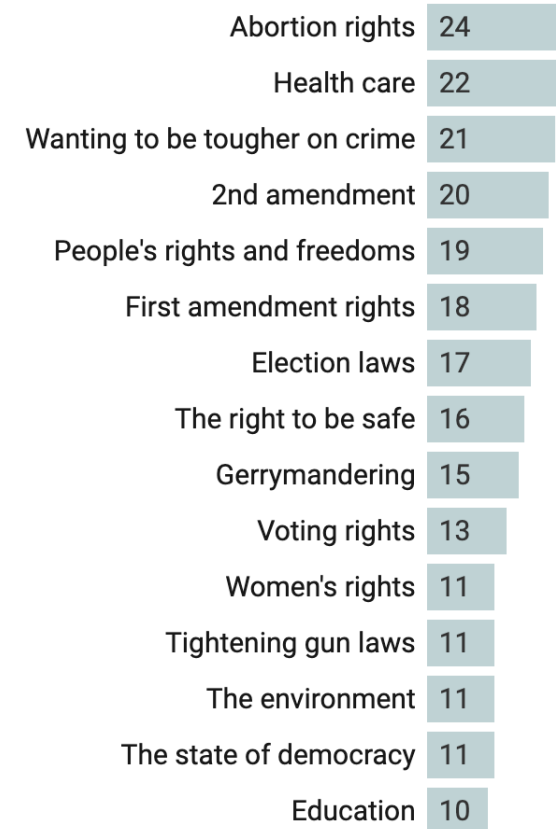
Here are the overall results.



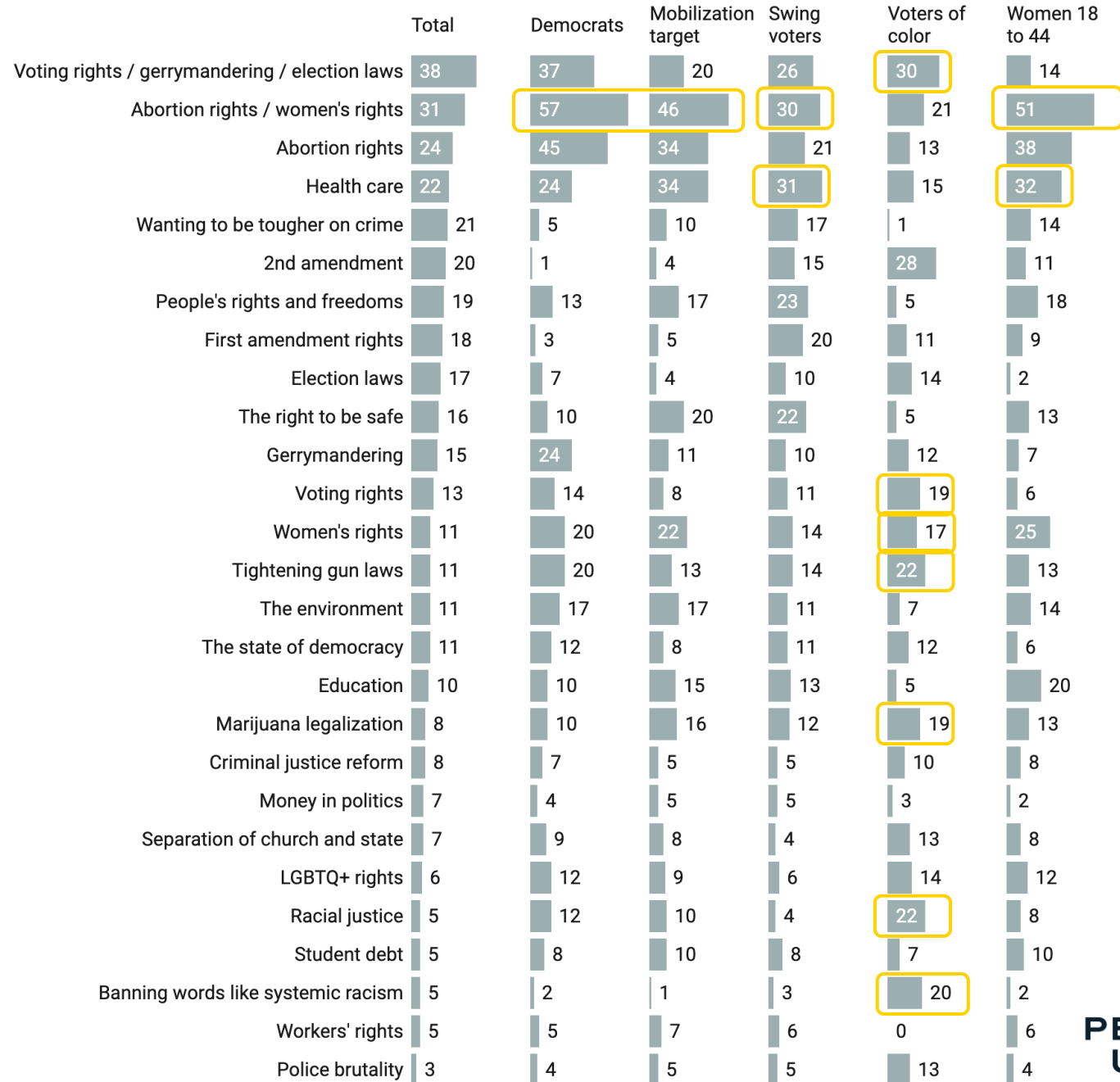
Abortion tops the list when asked to choose the most important.

Abortion is top among key audiences as well.

Choose the top 3 that would most motivate you to get out and vote in the April election for Wisconsin Supreme Court:



% Chose as one of top 3

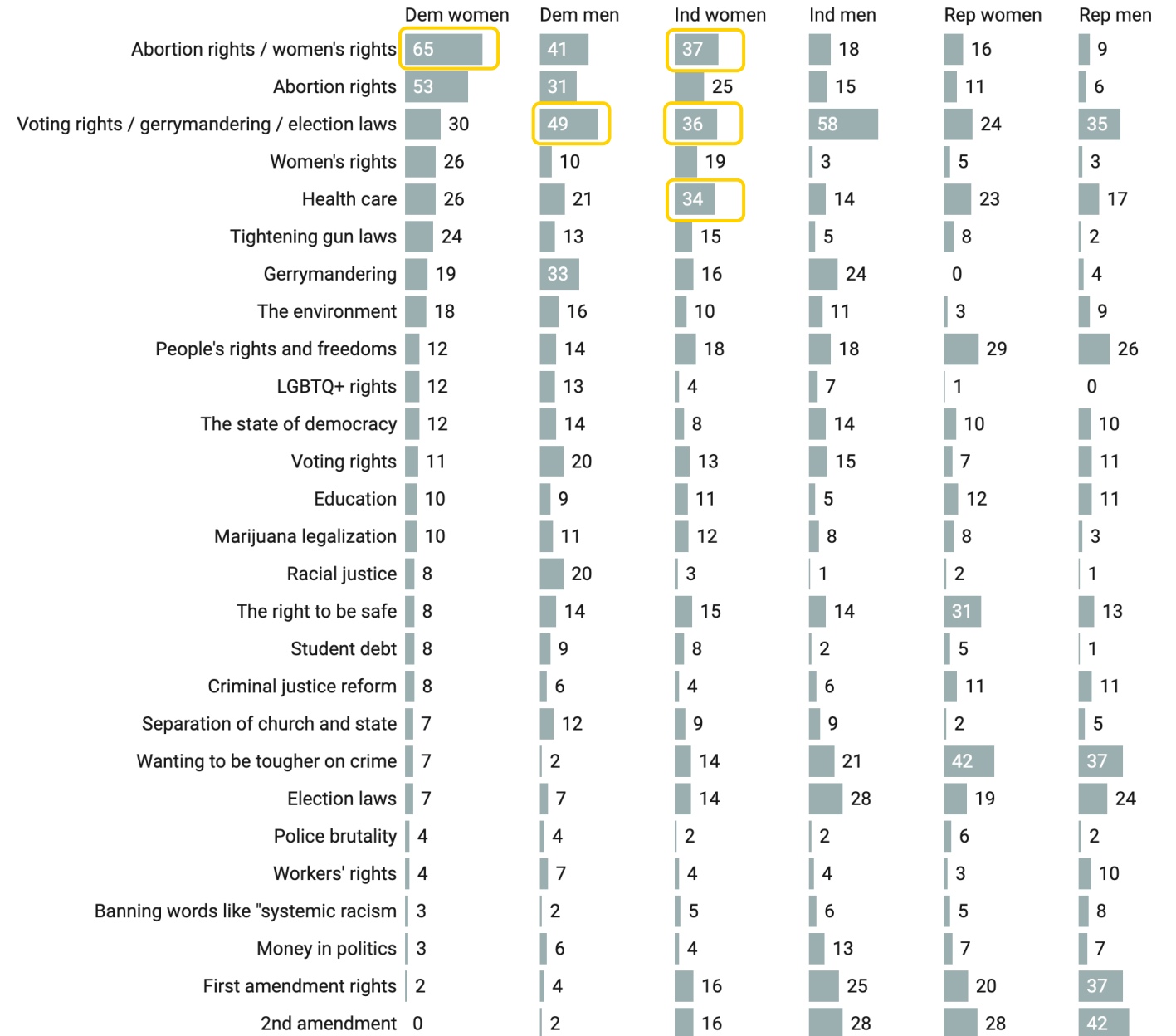


Health care is also near the top for mobilization, swing, and women voters 18 to 44.

Voters of color are likely to choose several issues.

% Chose as one of top 3


Abortion is top for Democratic women; voting / elections are top among Democratic men.



% Chose as one of top 3

	Women 18 to 44	Women 45+	Men 18 to 44	Men 45+	< College	College +
Abortion rights / women's rights	51	36	24	18	29	36
Abortion rights	38	28	20	14	21	30
Health care	32	24	18	16	25	17
Women's rights	25	13	4	5	11	11
Education	20	6	11	6	10	9
People's rights and freedoms	18	20	24	17	21	17
Voting rights / gerrymandering / election laws	14	39	38	54	31	52
The environment	14	9	16	9	10	14
Wanting to be tougher on crime	14	24	11	29	24	17
Tightening gun laws	13	18	5	6	11	12
Marijuana legalization	13	8	8	6	9	7
The right to be safe	13	20	20	10	18	12
LGBTQ+ rights	12	3	9	4	7	5
2nd amendment	11	15	12	35	23	13
Student debt	10	5	8	1	4	7
First amendment rights	9	13	25	24	18	17
Racial justice	8	3	7	4	5	5
Criminal justice reform	8	8	5	9	8	7
Separation of church and state	8	5	8	9	6	8
Gerrymandering	7	15	17	20	10	25
Voting rights	6	13	18	13	10	18
The state of democracy	6	13	12	13	10	13
Workers' rights	6	2	14	3	5	5
Police brutality	4	4	4	2	4	2
Election laws	2	19	9	29	16	19
Money in politics	2	6	7	11	7	7
Banning words like systemic racism	2	6	8	4	6	3

Election related issues are top among older women, younger men, and college-educated respondents.



We explored the impact of educating voters about the balance of the Court.

In the qualitative research, this information made some people feel “excited” to vote.

The quantitative data confirm this, particularly among women.

PRESENTED TO RESPONDENTS:

Here's more info about the upcoming election.

There are 7 seats on the Wisconsin Supreme Court.

One seat has become open. The April election is for that seat.

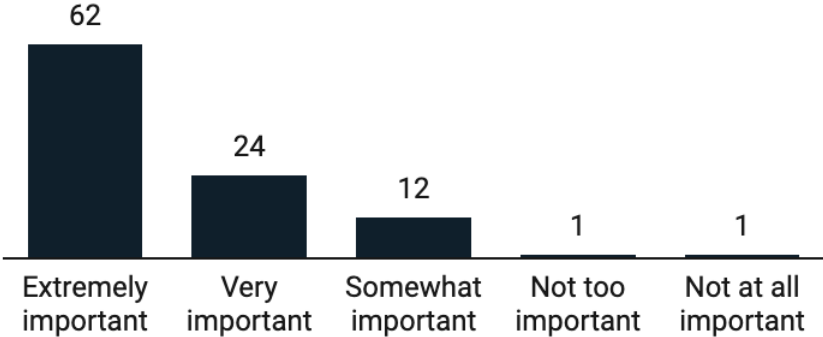
The current justices are evenly split 3-3 between leaning progressive and conservative.

In April, voters will decide whether the court becomes majority leaning progressive or conservative. The new justice will serve a 10-year term.



Overall, most survey respondents say this information is “extremely” important to their thinking about voting in the election.

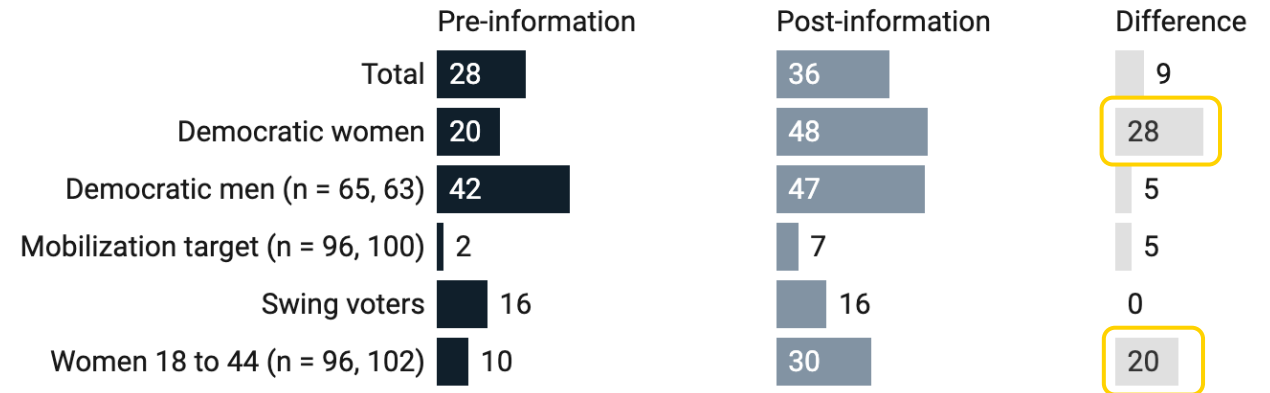
How important is this information when you think about getting out to vote in the April election for Wisconsin Supreme Court Justice?



How excited, if at all, do you feel about voting in the April election for Wisconsin Supreme Court Justice?
Split sampled

% Extremely excited

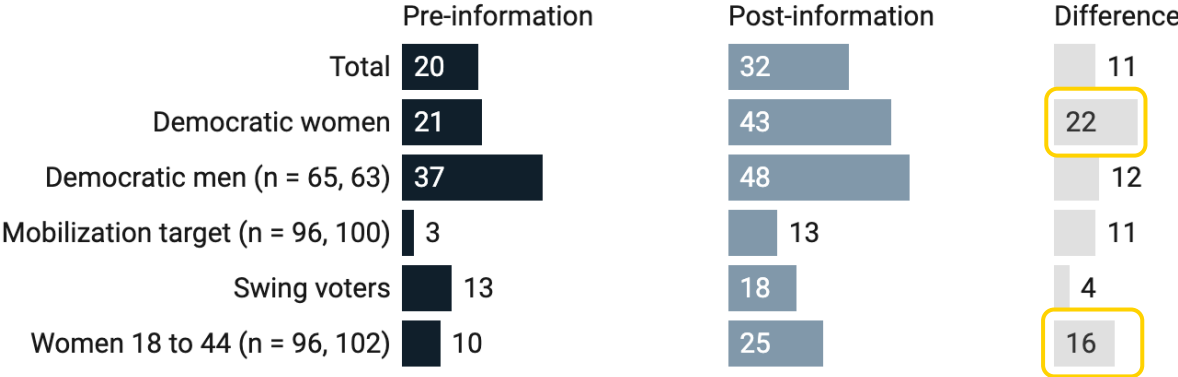
Data suggest that the info increases excitement among Democratic women and women of reproductive age.




If you voted in the April election, do you think your vote would make a difference?

% Definitely

The info about the balance of the Court may also increase perceived efficacy among these audiences.





Toward the end of the survey, we examined several types of motivations in the same series.

We wanted to explore relative strength of each. Here's what we found.

TOP MOTIVATIONS INCLUDE:

- Court will rule on 1849 abortion law
- Election will determine balance of the Court
- Candidate will serve the people, not special interests
- Children and grandchildren's future
- Court is last resort in protecting rights and freedoms
- Court will rule on voting rights and elections
- Chance to exercise my right (voters of color)
- Fear more than excitement

For you personally, how motivating are each of these for you personally to get out and vote in the April election for Wisconsin Supreme Court?

Percent “extremely motivating”

	Total	Democrats	Mobilization target	Swing voters	Voters of color	Women 18 to 44
The election will decide whether the court becomes a majority leaning progressive or conservative	58	64	31	33	49	43
Feeling worried that the balance of the Supreme Court can shift away from my values	52	60	28	31	53	49
The court will rule on cases about voting rights and elections	51	57	25	32	53	40
The state Supreme Court is often the last resort in protecting our constitutional rights and freedoms	51	59	31	36	51	49
Hearing that the candidate cares about serving the people, not special interests	50	56	35	37	46	43
Learning that it's going to be a close election	48	57	25	28	42	41
The future for my children and grandchildren	47	48	32	36	51	44
The court will rule on an abortion ban that's been in place since 1849	47	68	38	33	43	53
The state Supreme Court is often the most important protector of our constitutional rights and freedoms	47	47	27	34	46	35
Feeling excited that the balance of the Supreme Court can shift more in line with my values	45	45	12	23	34	31
It's a chance to exercise my right	45	48	19	35	56	38
Learning how the candidates stand on issues I care about	44	49	21	30	44	37
My family might be affected by the outcome of this election	42	48	24	30	45	40
I feel it's my civic duty	41	47	15	28	44	32
It gives me a voice in the future	40	44	19	29	43	36
The justice will have a 10-year term on the court	32	39	13	20	25	28
Feeling confident in what I know about each candidate	29	33	14	23	42	26
Talking with like-minded friends or family members about the election	19	25	9	10	22	21

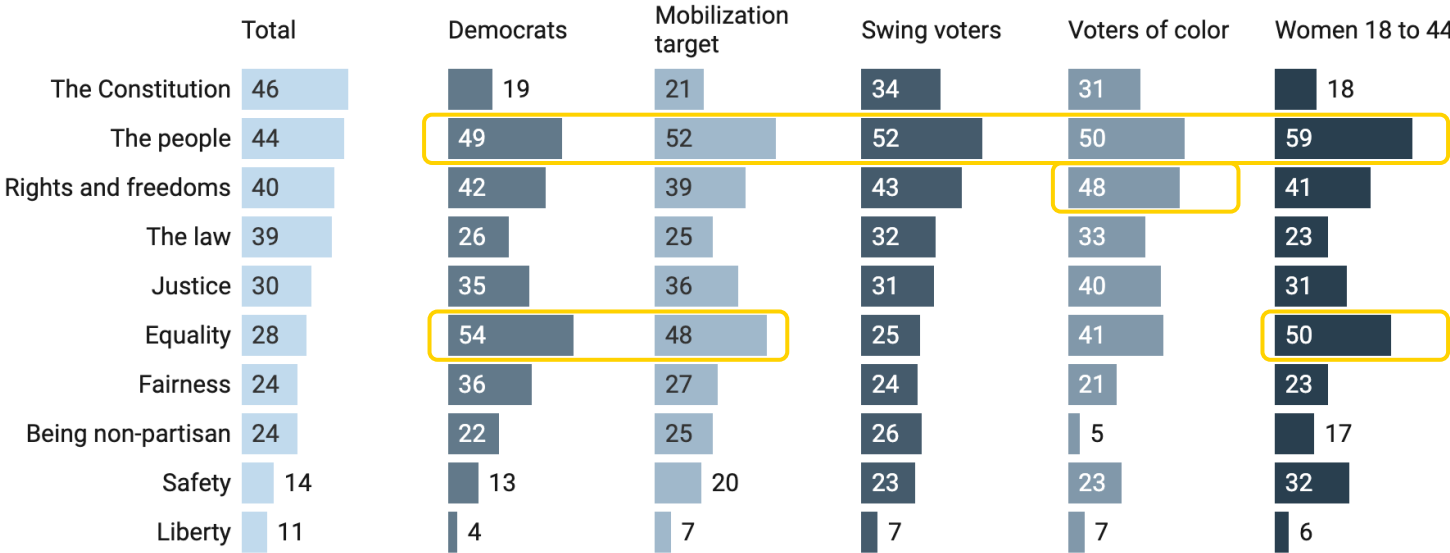
**What voters want – and
don't want – in a state
Supreme Court Justice.**

Finish this sentence: I want a state Supreme Court Justice who cares about _____, _____, and _____. Choose the 3 that are most important to you:

RANDOMIZE

Voters want a justice who cares about the people.

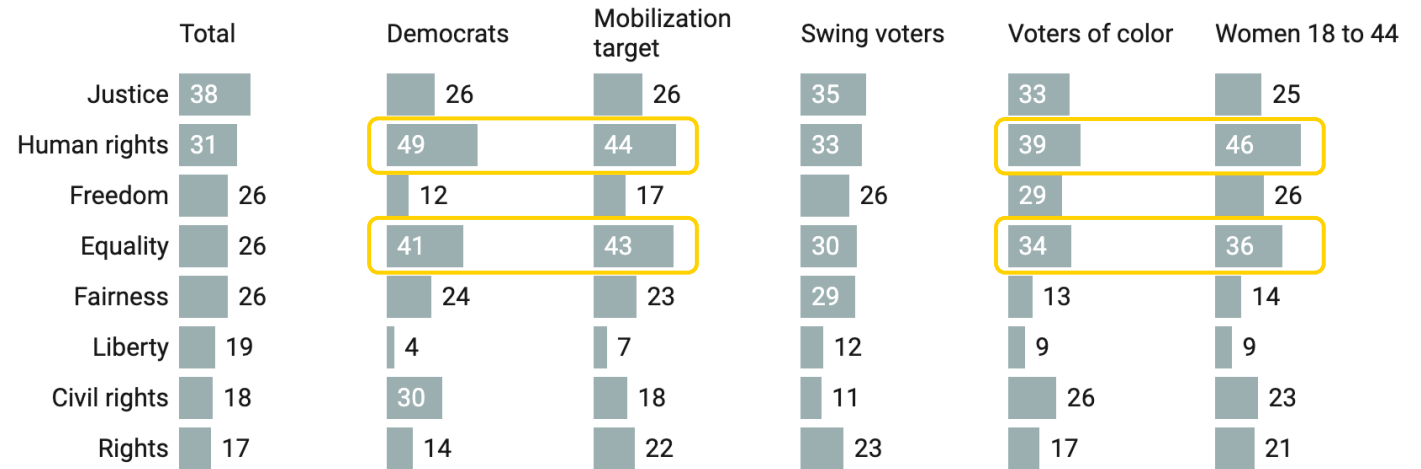
Other traits vary by audience.



We were curious about core values related to the Court.

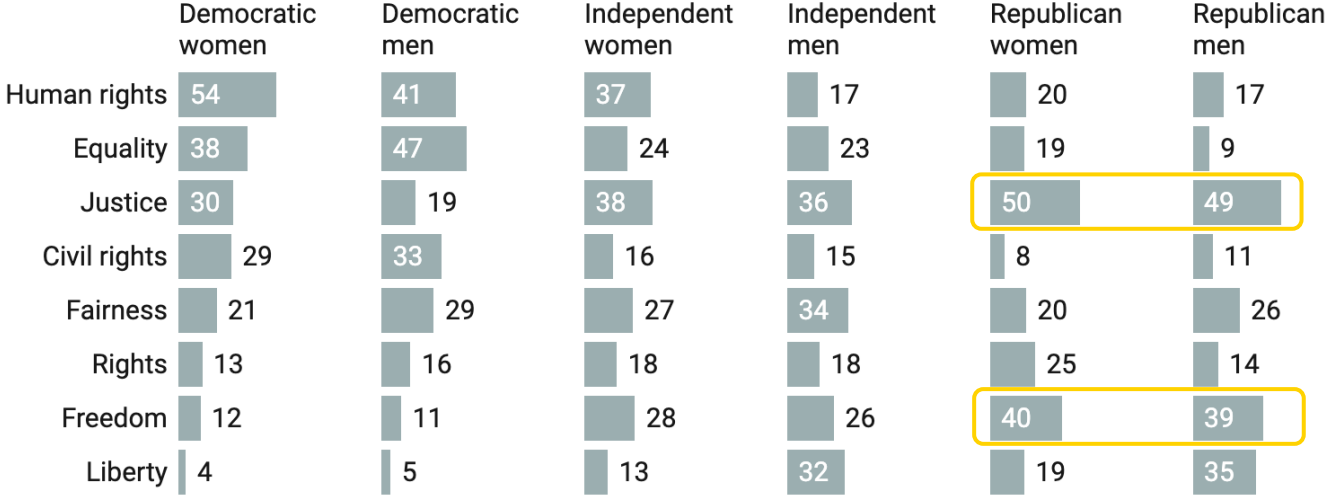
Human rights and equality are top among key audiences.

Here's a slightly different list. Finish this sentence: I want a state Supreme Court Justice who cares about _____ and _____ for all Wisconsinites: Choose 2.



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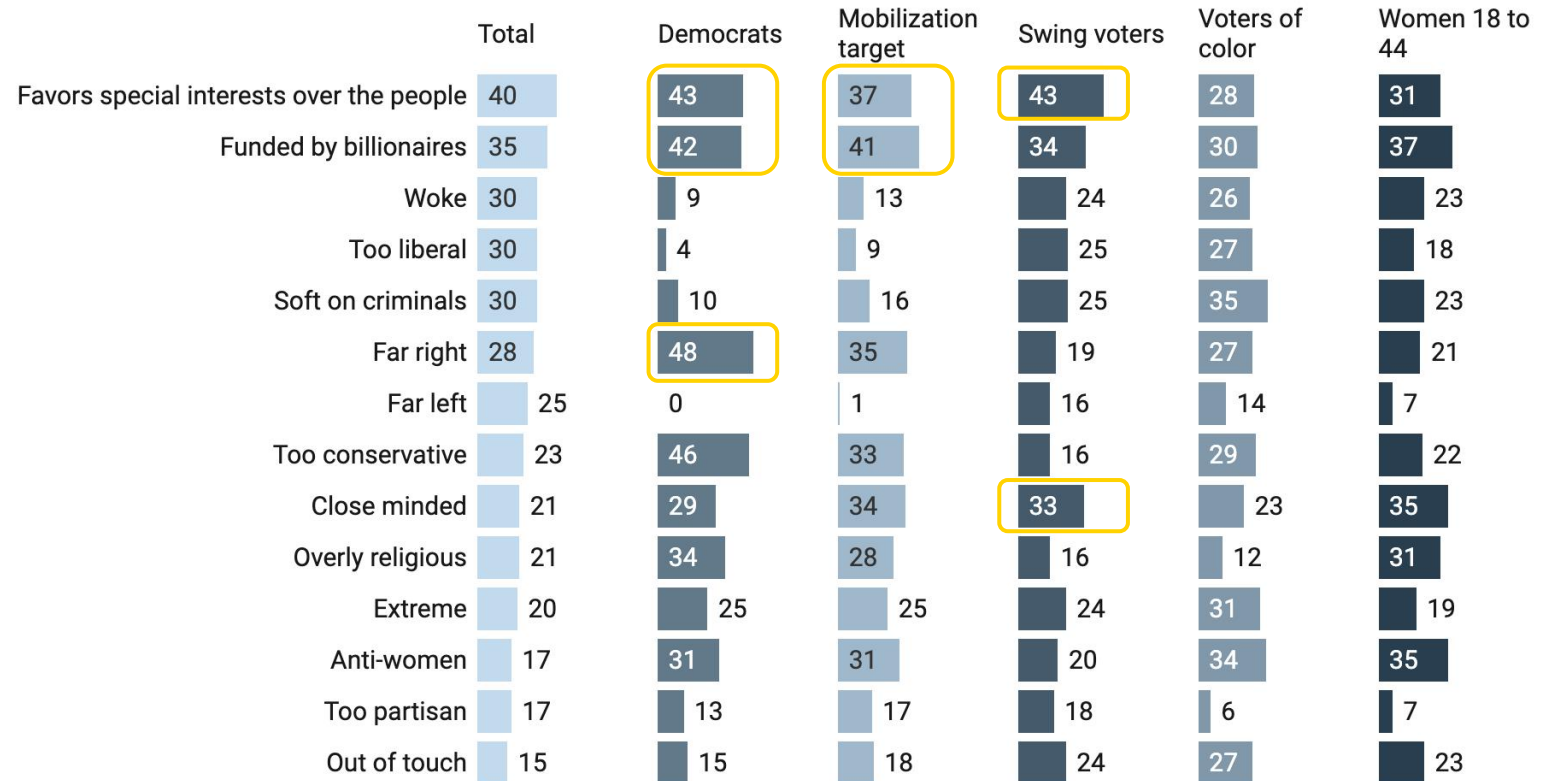
Justice and freedom are top for Republican voters.



Finish this sentence. I'd be most concerned about a state Supreme Court Justice who is: _____, _____, or _____ . Choose 3.

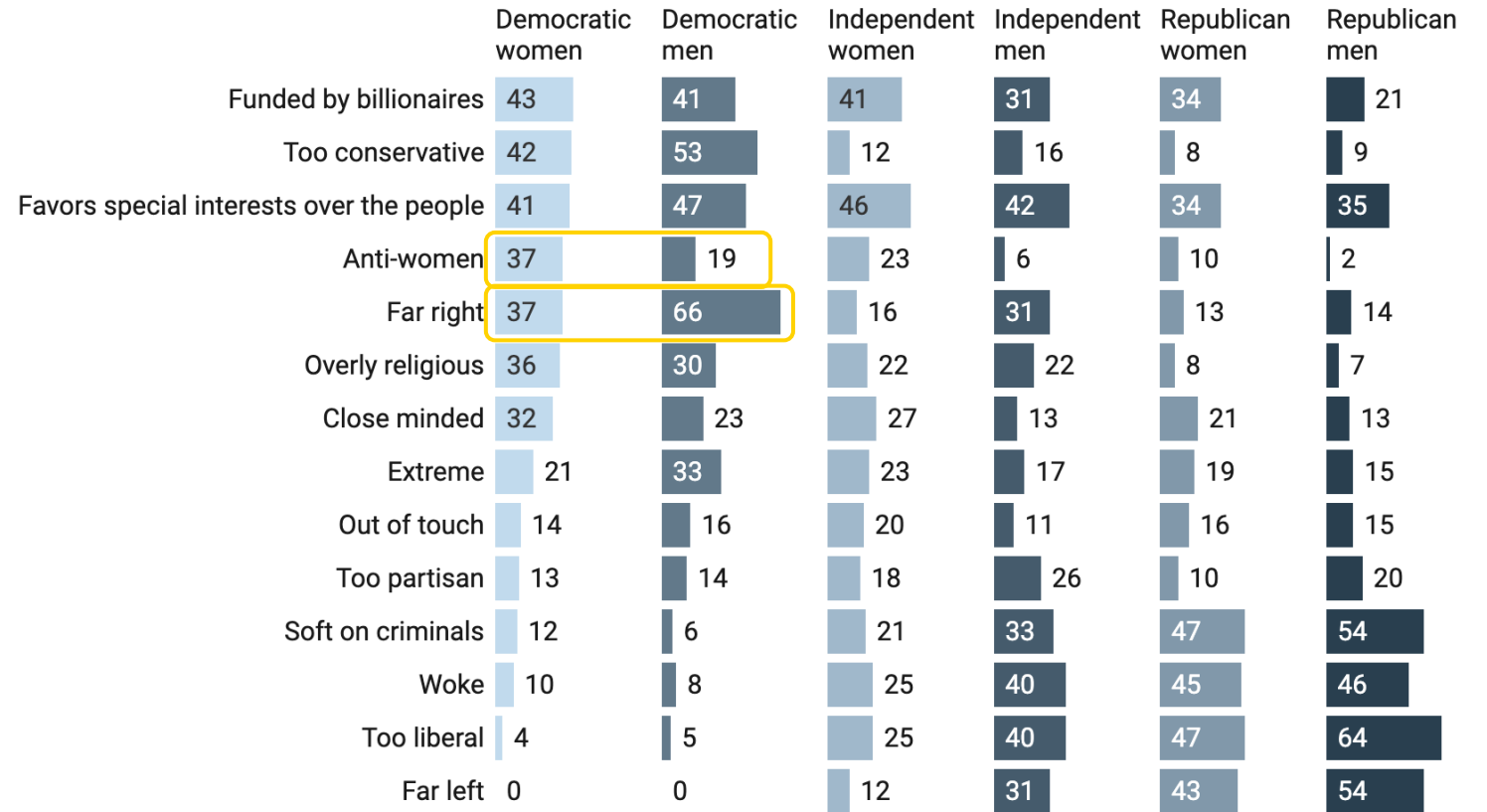
Top concerns about a candidate.

A top concern across key audiences is that a state Supreme Court Justice may favor special interests over the people.



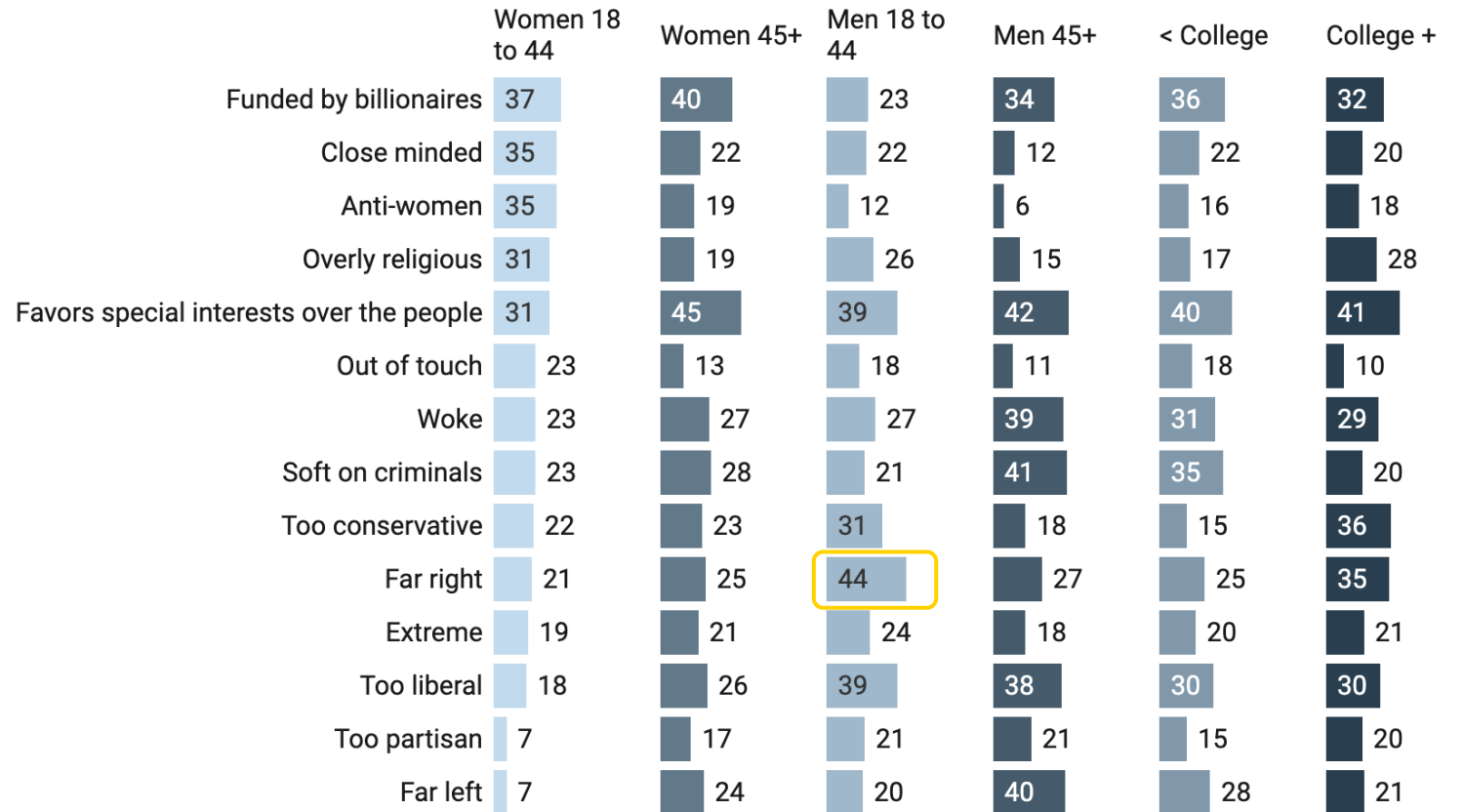
Finish this sentence. I'd be most concerned about a state Supreme Court Justice who is: _____, _____, or _____ . Choose 3.

There's a gender gap among the base – Democratic men are most concerned about a “far right” candidate.



Finish this sentence. I'd be most concerned about a state Supreme Court Justice who is: _____, _____, or _____ . Choose 3.

Young men are also worried about a justice who is “far right.”



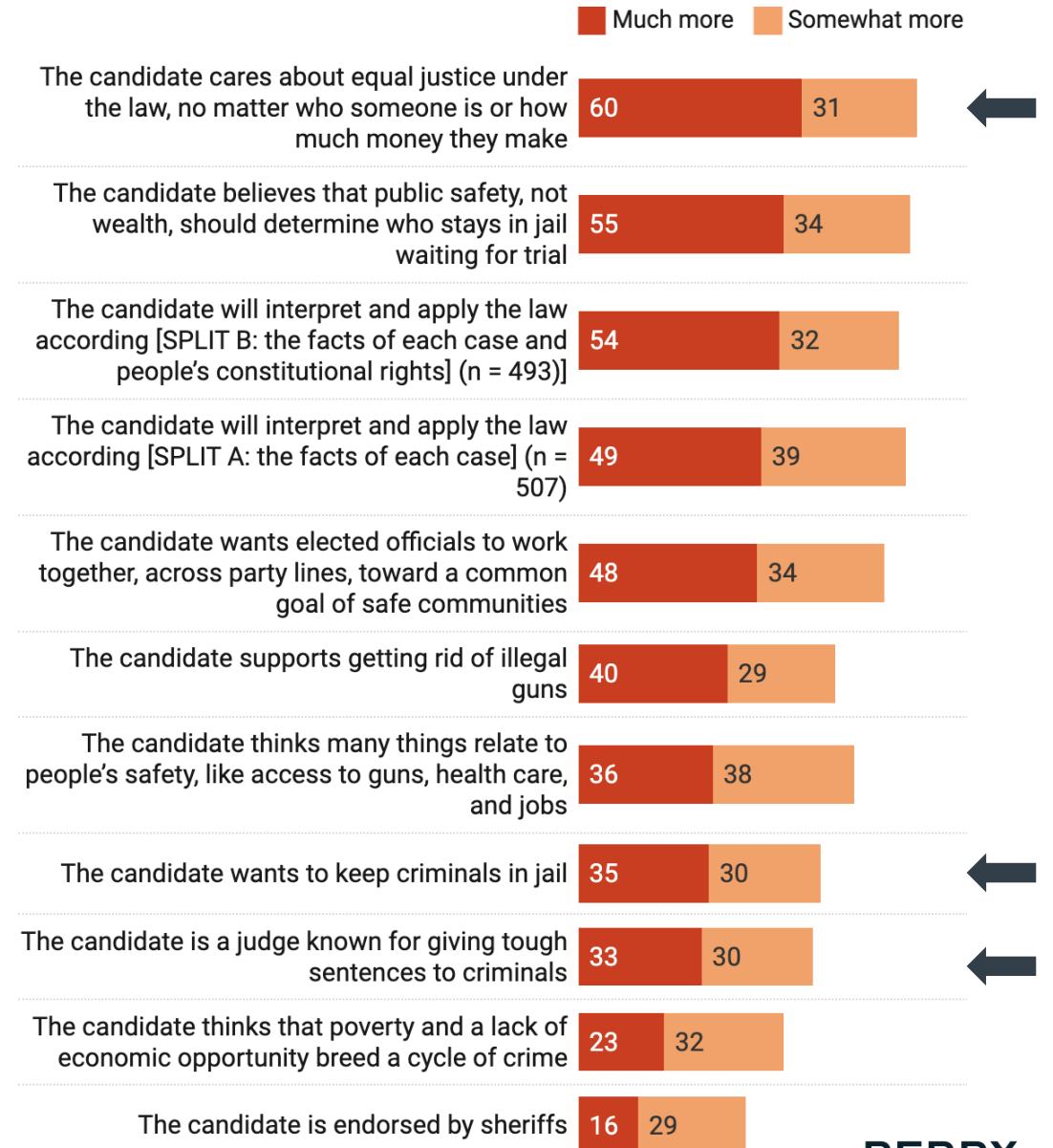
Crime narratives.

You might hear Wisconsin Supreme Court Justice candidates talk about their views on crime. Would hearing this make you more or less likely to vote for the candidate?

RANDOMIZE

“Equal justice under the law” is a powerful concept in the crime narrative.

This is a top concept across key audiences (see next page.)



% Much more likely to vote for a candidate who:

	Democrats	Mobilization target	Swing voters	Voters of color	Women 18 to 44
Cares about equal justice under the law, no matter who someone is or how much money they make	61	40	47	53	49
Supports getting rid of illegal guns	57	29	36	40	40
Wants elected officials to work together, across party lines, toward a common goal of safe communities	56	43	52	54	50
Believes that public safety, not wealth, should determine who stays in jail waiting for trial	54	38	42	52	46
Thinks many things relate to people's safety, like access to guns, health care, and jobs	49	31	32	37	39
Will interpret and apply the law according to §crime_79_pipe	49	34	41	53	35
Thinks that poverty and a lack of economic opportunity breed a cycle of crime	35	17	15	35	22
Is a judge known for giving tough sentences to criminals	15	14	24	31	23
Wants to keep criminals in jail	12	15	29	28	22
Endorsed by sheriffs	8	11	11	29	10

Considerations for communications.

Overall.

OVERALL	
Educate what's at stake	<ul style="list-style-type: none">• Most broad-based message: Court will rule on abortion ban / 1849 law• Election will determine the balance of the Court• Court will rule on gerrymandering and voting rights• Court is last resort in protecting rights and freedom
What voters want in a candidate	<ul style="list-style-type: none">• A justice who cares about the people
What they don't want	<ul style="list-style-type: none">• A justice who favors special interests over the people (e.g., funded by billionaires)
Top values related to the Court	<ul style="list-style-type: none">• Human rights• Equality
Test health care as motivation	<ul style="list-style-type: none">• Health care is a top issue among some key groups – consider testing ways to show the impact of the Court on people's costs / access to health care



Cont.

OVERALL	
Top message in crime narrative	<ul style="list-style-type: none">• The candidate cares about equal justice under the law, no matter who someone is or how much money they make• The candidate will interpret and apply the law according to the facts of each case and people's constitutional rights
Responding to cash bail / criminals going free	<ul style="list-style-type: none">• Public safety, not wealth, should determine who stays in jail waiting for trial• Candidate cares about equal justice under the law, no matter who someone is or how much money they make
Key demographics	<ul style="list-style-type: none">• Democratic men (base)• Women 18 to 44, voters of color, Democratic women (mobilization)• Women, including 18 to 44 (persuasion)
Social influence	<ul style="list-style-type: none">• Consider activating Democratic men to get the women (and adult kids) in their lives to vote



**Consider these top
motivations by audience.**

BASE / DEMOCRATIC MEN

- Election will determine balance of the Court
- Court will rule on voting rights and gerrymandering
- Court will rule on abortion / 1849 law
- Issues (in order): Gerrymandering, abortion, voting rights, racial justice, health care
- Court is often last resort in protecting rights and freedoms
- “Far right” candidate

DEMOCRATIC WOMEN

- Court will rule on abortion / 1849 law
- Election will determine balance of the Court
- Issues (in order): Abortion, health care, gerrymandering, women’s rights, tightening gun laws
- Candidate cares about serving the people not special interests
- Court is often last resort in protecting rights and freedoms
- Court will rule on voting rights and gerrymandering
- Learning about candidates

MOBILIZATION

- Court will rule on abortion / 1849 law
- Candidate cares about serving the people, not special interests
- Court is often last resort in protecting rights and freedoms
- Election will determine balance of the Court
- The future for my children and grandchildren
- Issues (in order): Abortion, health care

VOTERS OF COLOR

- Election is a chance to exercise my right
- Court will rule on voting rights and gerrymandering
- Court is often last resort in protecting rights and freedoms
- The future for my children and grandchildren
- Candidate cares about serving the people, not special interests
- My family may be affected by outcome
- Issues: Voting rights / elections / gerrymandering, racial justice, gun laws, women's rights, marijuana legalization, banning words like "systemic racism"
- Learning the election will be close



WOMEN 18 TO 44

- Court will rule on abortion / 1849 law
- Election will determine balance of the Court
- Court is often last resort in protecting rights and freedoms
- Learning the election will be close
- Candidate cares about serving the people, not special interests
- Issues (in order): Abortion, health care, women's rights, education

SWING VOTERS

- Court will rule on abortion / 1849 law
- Candidate cares about serving the people, not special interests
- Court is often last resort in protecting rights and freedoms
- Future for children and grandchildren
- Chance to exercise my right
- Issues: Health care, abortion