

**Topline Data**  
**Survey of 600 Registered Voters in Kansas**

*prepared for*

**The Federalist Society**

*by the polling company™, inc.*

**November 2007**

Fielding Dates: November 1-5, 2007

Margin of Error =  $\pm 4\%$

***Introduction***

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

100% YES

- 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

18% MOST ELECTIONS

5% ABOUT HALF OF ALL ELECTIONS

4% LESS THAN HALF OF ALL ELECTIONS

1% ONLY LOCAL ELECTIONS BUT NOT CONGRESSIONAL AND  
PRESIDENTIAL ELECTIONS

3% ONLY PRESIDENTIAL AND CONGRESSIONAL ELECTIONS, BUT NOT  
LOCAL ELECTIONS

3% I HAVE NEVER VOTED IN AN ELECTION

## **IMPRESSION OF KANSAS COURTS**

1. How familiar would you say you are with the Kansas State Supreme Court and its rulings and decisions? Are you... (READ AND ROTATED TOP TO BOTTOM AND BOTTOM TO TOP)

**40% TOTAL FAMILIAR (NET)**

- 7% VERY FAMILIAR  
33% SOMEWHAT FAMILIAR

**60% TOTAL NOT FAMILIAR (NET)**

- 34% JUST A LITTLE BIT FAMILIAR  
26% NOT AT ALL FAMILIAR

- \* DO NOT KNOW (VOLUNTEERED)  
- REFUSED (VOLUNTEERED)

2. Which of the following do you think best describes how Justices are **first** chosen to serve on the Kansas Supreme Court? (READ AND ROTATED)

- 37% JUSTICES ARE APPOINTED BY THE GOVERNOR OF KANSAS AND CONFIRMED BY THE LEGISLATURE  
29% JUSTICES ARE ELECTED BY THE VOTERS OF KANSAS  
24% JUSTICES ARE NOMINATED BY A JUDICIAL COMMISSION AND APPOINTED BY THE GOVERNOR

- 10% DO NOT KNOW (VOLUNTEERED)  
\* REFUSED (VOLUNTEERED)

3. Who do you think **should** have the greatest input on who is selected to serve as a Justice on the Kansas State Supreme Court? (READ AND ROTATED, ACCEPTED ONLY ONE RESPONSE)

- 55% KANSAS VOTERS  
15% KANSAS STATE LEGISLATURE  
15% KANSAS GOVERNOR  
11% KANSAS STATE BAR LAWYERS

- \* OTHER (VOLUNTEERED)  
2% ALL OF THE ABOVE (VOLUNTEERED)  
\* NONE OF THE ABOVE (VOLUNTEERED)  
2% DO NOT KNOW (VOLUNTEERED)  
- REFUSED (VOLUNTEERED)

**KANSAS SUPREME COURT APPOINTMENT**

As you may know, there are seven Justices on the Kansas Supreme Court who are appointed by a process known as “merit selection.” Under this plan, the Supreme Court Nominating Commission selects all the judicial nominees for the Kansas Supreme Court. The Commission is a nine-member group that includes five lawyers selected by the Kansas Bar – made up of all the lawyers in Kansas. It also includes four non-lawyers appointed by a past or present Governor. The Commission sends the names of three nominees to the Governor for each Supreme Court vacancy from which the Governor must choose. The Governor interviews the candidates and must appoint one of them.

- 4. Were you aware that the Kansas Bar, lawyers in Kansas, selects five out of the nine people that serve on the judicial nominating commission which selects all of the Kansas Supreme Court nominees?

14% YES  
85% NO  
  
\* DON'T KNOW (VOLUNTEERED)  
- REFUSED (VOLUNTEERED)

- 5. I am 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: It is best that the deciding majority, meaning at least five of the nine members, of the nominating commission consist of people not accountable to the voters of Kansas because we want the judicial selection process to be insulated from the political process.

PERSON 2: It is best that the deciding majority, meaning at least five of the nine members, of the nominating commission be appointed by elected political officials because we want the judicial selection process to be accountable to the people of Kansas.

**35% TOTAL AGREE PERSON 1 (NET)**  
15% STRONGLY AGREE PERSON 1  
20% SOMEWHAT AGREE PERSON 1  
  
**58% TOTAL AGREE PERSON 2 (NET)**  
32% SOMEWHAT AGREE PERSON 2  
26% STRONGLY AGREE PERSON 2  
  
7% DON'T KNOW (VOLUNTEERED)  
\* REFUSED (VOLUNTEERED)

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

- 64% SHOULD DECLINE THOSE OPTIONS AND ASK FOR NEW NOMINEES
- 31% SHOULD FOLLOW THE COMMISSION'S RECOMMENDATIONS AND BE REQUIRED TO SELECT FROM THE THREE NAMES PROVIDED
  
- 4% DO NOT KNOW (VOLUNTEERED)
- \* REFUSED (VOLUNTEERED)

7. A number of states have adopted the same process of selecting judicial nominees as Kansas; 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 Kansas selects the members of its Commission as other states have?

**63% TOTAL SUPPORT (NET)**

- 26% STRONGLY SUPPORT
- 37% SOMEWHAT SUPPORT

**26% TOTAL OPPOSE (NET)**

- 15% SOMEWHAT OPPOSE
- 9% STRONGLY OPPOSE
  
- 4% NEED MORE INFORMATION/ NO BASIS TO JUDGE (VOLUNTEERED)
- 7% DON'T KNOW/UNSURE (VOLUNTEERED)
- 1% REFUSED (VOLUNTEERED)

**DEMOGRAPHICS**

8. Which of the following categories best describes your age?

- 8% 18-24
- 13% 25-34
- 21% 35-44
- 22% 45-54
- 14% 55-64
- 22% 65+
  
- 1% REFUSED (VOLUNTEERED)

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

87% WHITE/CAUCASIAN  
6% BLACK/AFRICAN-AMERICAN  
4% HISPANIC/LATINO  
\* ASIAN  
1% NATIVE AMERICAN  
  
1% OTHER (VOLUNTEERED)  
- DON'T KNOW (VOLUNTEERED)  
1% REFUSED (VOLUNTEERED)

10. In politics today, do you consider yourself to be a (ROTATED) Republican, Independent, or Democrat?

**46% TOTAL REPUBLICAN (NET)**  
25% STRONG REPUBLICAN  
16% NOT-SO-STRONG REPUBLICAN  
5% INDEPENDENT LEANING REPUBLICAN

**17% INDEPENDENT**

**32% TOTAL DEMOCRAT (NET)**  
6% INDEPENDENT LEANING DEMOCRAT  
8% NOT-SO-STRONG DEMOCRAT  
18% STRONG DEMOCRAT  
  
1% OTHER (VOLUNTEERED)  
4% DON'T KNOW/REFUSED (VOLUNTEERED)

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

**50% TOTAL CONSERVATIVE (NET)**  
21% VERY CONSERVATIVE  
29% SOMEWHAT CONSERVATIVE

**25% MODERATE**

**18% TOTAL LIBERAL (NET)**  
14% SOMEWHAT LIBERAL  
4% VERY LIBERAL  
  
3% LIBERTARIAN  
4% DON'T KNOW/REFUSED (VOLUNTEERED)

12. Gender

48% MALE  
52% FEMALE

### 13. Region<sup>1</sup>

|     |               |
|-----|---------------|
| 13% | WEST          |
| 14% | NORTH CENTRAL |
| 26% | SOUTH CENTRAL |
| 11% | SOUTHEAST     |
| 36% | NORTHEAST     |

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<sup>1</sup> West: Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Lane, Logan, Meade, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Rawlins, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stanton, Stevens, Thomas, Trego, Wallace, and Wichita Counties

North Central: Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Jewell, Lincoln, Lyon, McPherson, Marion, Marshall, Mitchell, Nemaha, Ottawa, Pottawatomie, Republic, Rice, Riley, Saline, Wabaunsee, and Washington Counties

South Central: Barber, Butler, Cowley, Harper, Harvey, Kingman, Morris, Pratt, Reno, Sedgwick, Stafford, and Sumner Counties

Southeast: Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Crawford, Elk, Franklin, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Osage, Wilson, and Woodson Counties

Northeast: Atchison, Brown, Doniphan, Douglas, Jackson, Jefferson, Johnson, Leavenworth, Shawnee, and Wyandotte Counties