

Topline Data
Statewide Survey of 500 Likely Voters in Georgia

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

October 2006

Field Dates: October 11-13, 2006

Margin of Error: ± 4.38%

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

100% YES

- B. Thinking ahead to the November 2006 Election for U.S. Senate, U.S. Congress, and other state and local races, would you say that you will: (READ CHOICES)

85% DEFINITELY VOTE

15% PROBABLY VOTE

IMPRESSION OF GEORGIA COURTS

1. Could you tell me what one or two things spring to mind when you think about the Georgia State Supreme Court? Can you think of any specific decisions they have issued? (PROBE: "What else comes to mind when I say "Georgia State Supreme Court?") (OPEN ENDED)

7% ISSUES/ CASES (NET)

2% VOTER ID
1% ABORTION
1% GAY MARRIAGE
1% IMMIGRATION
1% SEX OFFENDERS
1% EMINENT DOMAIN/ PROPERTY RIGHTS
* CIVIL RIGHTS
* SCHOOL BOOKS
* DEADBEAT PARENTS
* EDUCATION
* ENVIRONMENT
* FLAG
* FARMERS
* FAMILY
* GUNS/ RIGHT TO BEAR ARMS
* HOMELAND SECURITY
* IRAQ/ WAR
* MEDICAL INSURANCE
* SCHOOL PRAYER
* TEN COMMANDMENTS
* SOCIAL SERVICES

6% NEGATIVE CHARACTERIZATIONS (NET)

2% NEEDS REFORM
2% NEGATIVE (NON-SPECIFIC)
1% SOFT ON CRIME
1% WEAK/ LENIENT SENTENCING
* BACKWARD
* CONTROVERSY
* DISHONEST
* DISTRUST
* FAVORITISM
* HYPOCRITICAL
* INCUMBENT
* MISGUIDED
* POLITICAL
* SELF-PROMOTION
* SLOW/ INACTIVE
* INFLUENCED BY BUSINESS
* NOT FOLLOWING CONSTITUTION
* REWRITING LAW
* REVERSES LOWER COURT
* SYSTEM FAILED
* TRYING TO RUN OUR LIVES
* WASTE OF TAXPAYER MONEY

5% POSITIVE CHARACTERIZATIONS (NET) **2% COURT STRUCTURE/ MAKE-UP (NET)**

2% FAIR/ GOOD
1% DISTINGUISHED
1% INTEGRITY
1% POSITIVE (NON-SPECIFIC)
* EXPERIENCE/ LONGEVITY
* REASONABLE
* RESPECT
* STABILITY
* TRUST

1% JUDGES
1% LAW
* CHIEF JUDGE
* CONSTITUTION
* DECIDE CASES ON APPEAL
* GOVERNOR
* JUDGMENTS
* CAMPAIGN
* JUDICIAL POWER
* NO APPEAL
* PROSECUTION
* HOWARD MELTON
* ELECTED

2% IDEOLOGY (NET)

1% CONSERVATIVE
1% LIBERAL

71% DO NOT KNOW/ NO ANSWER

2. How much trust and confidence do you have in the Georgia State Supreme Court to make fair decisions? (READ AND ROTATED, TOP TO BOTTOM AND BOTTOM TO TOP)

68% TOTAL TRUST (NET)

20% A GREAT DEAL
48% SOME

24% TOTAL LACK OF TRUST (NET)

17% JUST A LITTLE BIT
7% NONE AT ALL
8% DO NOT KNOW (VOLUNTEERED)
1% REFUSED (VOLUNTEERED)

KNOWLEDGE OF THE GEORGIA SUPREME COURT

3. To the best of your knowledge, how many Justices serve on the Georgia Supreme Court at any given time? [OPEN ENDED]

27% TOTAL LESS THAN 7 (NET)

1% 1
2% 2
4% 3
4% 4
10% 5
6% 6

17% 7¹

25% TOTAL MORE THAN 7 (NET)

4% 8
9% 9
3% 10
5% 12
2% 13
* 14
* 15
2% MORE THAN 15

29% HARD DO NOT KNOW²

2% REFUSED

4. Which of the following best describes how Justices are chosen to serve on the Georgia Supreme Court? (READ AND ROTATED)

42% JUSTICES ARE APPOINTED BY THE GOVERNOR OF GEORGIA
41% JUSTICES ARE ELECTED BY THE VOTERS IN GEORGIA

4% BOTH (VOLUNTEERED)
* NEITHER (VOLUNTEERED)
12% DO NOT KNOW (VOLUNTEERED)
* REFUSED (VOLUNTEERED)

¹ The correct answer is 7.

² Respondents who initially said “I don’t know” were encouraged to take a guess. Those who again said they were unsure were recorded as “hard” do not knows.

As you may know, there are seven Justices on the Georgia Supreme Court. They are elected by Georgia voters in non-partisan elections (meaning the Justices do not identify as Republican or Democrat) for staggered six year terms. After serving for six years, the Justices must either run for reelection or retire. If there is a vacancy in between elections, the Governor of Georgia appoints a Justice to serve out the rest of that term. Four Georgia Supreme Court Justices are up for re-election this November. Three of them are running unopposed and one has a challenger.

5. Can you name any of the Justices currently sitting on the State Supreme Court of Georgia or any of the people who are running for that office this year? [OPEN ENDED]]

7% LEAH WARD SEARS
3% CAROL W. HUNSTEIN
1% ROBERT BENHAM
1% P. HARRIS HINES
1% HAROLD D. MELTON
1% MIKE WIGGINS
* GEORGE H. CARLEY
* HUGH P. THOMPSON
* GEORGE CORBETT
* THURMAN BAKER

85% NO/ NONE/ DO NOT KNOW
3% REFUSED

GEORGIA SUPREME COURT ELECTIONS

6. Which of the following will be MOST important to you in deciding how to vote for Georgia State Supreme Court in November? (READ AND ROTATED. ACCEPTED ONE RESPONSE.)

45% CANDIDATE WHO WILL INTERPRET THE LAW AS IT IS WRITTEN
24% CANDIDATE WHO SHARES MY MORAL AND POLITICAL VALUES
10% CANDIDATE'S PAST RULINGS AND LEGAL DECISIONS
8% CANDIDATE WHO HAS PREVIOUSLY SERVED AS A JUDGE
4% CANDIDATE WHO WILL TAKE INTO ACCOUNT HIS OR HER PERSONAL VIEWS AND EXPERIENCES
3% CANDIDATE WHO IS ENDORSED BY THE GEORGIA STATE BAR ASSOCIATION (AN ASSOCIATION OF LAWYERS)

* OTHER (VOLUNTEERED)
4% DO NOT KNOW (VOLUNTEERED)
1% REFUSED (VOLUNTEERED)

7. As I mentioned previously, judicial elections here in Georgia are non-partisan, meaning candidates do not identify themselves as Republican or Democrat and generally do not talk about their political views. Do you think that judicial elections in Georgia should be non-partisan or do you believe people running for Supreme Court in Georgia should reveal whether they are Republicans and Democrats and their views on particular issues?

- 53% NON-PARTISAN
- 41% REVEAL POLITICAL PARTY
- 4% DON'T KNOW (VOLUNTEERED)
- 2% REFUSED (VOLUNTEERED)

8. I am now going to read you the opinions on two people. Please tell me which one comes closest to your view. (ROTATED)

PERSON 1: Supreme Court Justices should be elected by voters because elections hold Justices accountable for their decisions and rulings.

PERSON 2: Supreme Court Justices should not be elected by voters because elections put pressure on Justices to make certain decisions and rulings based on public opinion.

74% TOTAL AGREE PERSON 1 (NET)

- 54% STRONGLY AGREE PERSON 1
- 20% SOMEWHAT AGREE PERSON 1

20% TOTAL AGREE PERSON 2 (NET)

- 11% SOMEWHAT AGREE PERSON 2
- 9% STRONGLY AGREE PERSON 2
- 4% DON'T KNOW (VOLUNTEERED)
- 1% REFUSED (VOLUNTEERED)

FINAL SAY ON GEORGIA LAWS

9. Who do you think should have the final say on laws passed here in Georgia? (ROTATED. ACCEPT ONLY ONE RESPONSE)

- 48% STATE VOTERS
- 25% STATE SUPREME COURT
- 14% STATE LEGISLATORS
- 8% STATE GOVERNOR
- * OTHER (VOLUNTEERED)
- 2% ALL OF THE ABOVE (VOLUNTEERED)
- * NONE OF THE ABOVE (VOLUNTEERED)
- 1% DO NOT KNOW (VOLUNTEERED)
- 1% REFUSED (VOLUNTEERED)

ROLE OF PERSONAL VIEWPOINTS

10. I am again going to read you the opinions on two people. Please tell me which one comes closest to your view.

PERSON 1: Judges should interpret and apply the law as it is written and not take into account their own viewpoints and experiences.

PERSON 2: Judges should go beyond interpreting and applying the law and take into account their own viewpoints and experiences.

81% TOTAL AGREE PERSON 1 (NET)

65% STRONGLY AGREE PERSON 1

16% SOMEWHAT AGREE PERSON 1

15% TOTAL AGREE PERSON 2 (NET)

9% SOMEWHAT AGREE PERSON 2

6% STRONGLY AGREE PERSON 2

3% DON'T KNOW (VOLUNTEERED)

1% REFUSED (VOLUNTEERED)

JUDICIAL ACTIVISM/ RESTRAINT³

11. How familiar are you with the concept of “judicial activism”? Would you say you are...
[READ AND ROTATED TOP TO BOTTOM AND BOTTOM TO TOP]

34% TOTAL FAMILIAR (NET)

12% VERY FAMILIAR

22% SOMEWHAT FAMILIAR

60% TOTAL UNFAMILIAR (NET)

17% JUST A LITTLE BIT FAMILIAR

43% NOT AT ALL FAMILIAR

6% DO NOT KNOW (VOLUNTEERED)

* REFUSED (VOLUNTEERED)

³ Question sets 11-13 and 14-16 were rotated so that some voters were asked about “judicial activism” first and others were asked about “judicial restraint” first.

“Judicial activism” is the term used to describe when a judge bases a decision on his or her own personal views instead of the law like the State Constitution or statute.

12. How much do you think the Justices on the Georgia State Supreme Court engage in judicial activism? (READ AND ROTATED TOP TO BOTTOM AND BOTTOM TO TOP)

48% TOTAL ENGAGE IN JUDICIAL ACTIVISM (NET)

14% A GREAT DEAL

34% SOMEWHAT

25% TOTAL DON'T ENGAGE IN JUDICIAL ACTIVISM (NET)

19% JUST A LITTLE BIT

6% NOT AT ALL

26% DO NOT KNOW (VOLUNTEERED)

1% REFUSED (VOLUNTEERED)

13. Do you think judicial activism is a (ROTATED) mostly positive or mostly negative thing for the Georgia State Supreme Court?

62% MOSTLY NEGATIVE

24% MOSTLY POSITIVE

13% DO NOT KNOW (VOLUNTEERED)

1% REFUSED (VOLUNTEERED)

14. How familiar are you with the concept of “judicial restraint”? Would you say you are... [READ AND ROTATED TOP TO BOTTOM AND BOTTOM TO TOP]

30% TOTAL FAMILIAR (NET)

6% VERY FAMILIAR

24% SOMEWHAT FAMILIAR

65% TOTAL UNFAMILIAR (NET)

24% JUST A LITTLE BIT FAMILIAR

41% NOT AT ALL FAMILIAR

5% DO NOT KNOW (VOLUNTEERED)

- REFUSED (VOLUNTEERED)

“Judicial restraint” is the term used to describe a limited exercise of power by court justices and a strict interpretation of the law based on the constitution. Those who practice judicial restraint are sometimes referred to as “strict constructionists.”

15. How much do you think the Justices on the Georgia State Supreme Court exercise judicial restraint? (READ AND ROTATED TOP TO BOTTOM AND BOTTOM TO TOP)

51% TOTAL EXERCISE JUDICIAL RESTRAINT (NET)

12% A GREAT DEAL
39% SOMEWHAT

20% TOTAL DON'T EXERCISE JUDICIAL RESTRAINT (NET)

16% JUST A LITTLE BIT
4% NOT AT ALL

28% DO NOT KNOW (VOLUNTEERED)
1% REFUSED (VOLUNTEERED)

16. Do you think judicial restraint is a (ROTATED) mostly positive or mostly negative thing for the Georgia State Supreme Court?

66% MOSTLY POSITIVE
17% MOSTLY NEGATIVE

15% DO NOT KNOW (VOLUNTEERED)
1% REFUSED (VOLUNTEERED)

17. Based on the definitions I gave you, would you rather the Georgia Supreme Court practice (ROTATED) judicial activism or judicial restraint?

68% JUDICIAL RESTRAINT
16% JUDICIAL ACTIVISM

5% BOTH (VOLUNTEERED)
1% NEITHER (VOLUNTEERED)
8% DO NOT KNOW (VOLUNTEERED)
1% REFUSED (VOLUNTEERED)

MESSAGE TESTING

SPLIT SAMPLE QUESTION 18

18. A. Some people have said Georgia’s Supreme Court Justices are acting like “legislators in robes,” meaning they are essentially rewriting laws and writing new ones rather than interpreting existing laws. Do you agree or disagree with that statement? [N=242]

49% TOTAL AGREE (NET)

- 25% STRONGLY AGREE
- 24% SOMEWHAT AGREE

26% TOTAL DISAGREE (NET)

- 16% SOMEWHAT DISAGREE
- 10% STRONGLY DISAGREE

- 24% DON’T KNOW (VOLUNTEERED)
- 2% REFUSED (VOLUNTEERED)

18. B. Some people have said Georgia’s Supreme Court Justices are acting like “super legislators,” meaning they are essentially rewriting laws and writing new ones rather than interpreting existing laws. Do you agree or disagree with that statement? [N=258]

42% TOTAL AGREE (NET)

- 21% STRONGLY AGREE
- 21% SOMEWHAT AGREE

27% TOTAL DISAGREE (NET)

- 15% SOMEWHAT DISAGREE
- 12% STRONGLY DISAGREE

- 30% DON’T KNOW (VOLUNTEERED)
- 2% REFUSED (VOLUNTEERED)

19. Some people have said that Supreme Court Justices in Georgia should not be elected by voters because it puts political pressure on justices to rule a certain way in order to sway voters. Do you (ROTATED) agree or disagree with this statement?

41% TOTAL AGREE (NET)

- 21% STRONGLY AGREE
- 20% SOMEWHAT AGREE

51% TOTAL DISAGREE (NET)

- 19% SOMEWHAT DISAGREE
- 32% STRONGLY DISAGREE

- 7% DON’T KNOW (VOLUNTEERED)
- 1% REFUSED (VOLUNTEERED)

GEORGIA SUPREME COURT DECISIONS

I am now going to read you some of the rulings made by the Supreme Court in Georgia. For each one, please tell me if you agree or disagree with the ruling of the Court. (ROTATED 20-22)

20. In *Dawson vs. State*, the Supreme Court in Georgia outlawed use of the electric chair and held that death by electrocution violated Georgia's law against cruel and unusual punishment.

42% TOTAL AGREE (NET)

29% STRONGLY AGREE
13% SOMEWHAT AGREE

50% TOTAL DISAGREE (NET)

14% SOMEWHAT DISAGREE
36% STRONGLY DISAGREE

6% DON'T KNOW (VOLUNTEERED)
2% REFUSED (VOLUNTEERED)

21. In *Jones vs. Nordic Track*, the Supreme Court in Georgia ruled that a product manufacturer could be sued and held liable (or at fault) for injury to a consumer even though the consumer was not actually using the product at the time of injury, but rather walked into it while crossing the room.

14% TOTAL AGREE (NET)

6% STRONGLY AGREE
8% SOMEWHAT AGREE

78% TOTAL DISAGREE (NET)

18% SOMEWHAT DISAGREE
60% STRONGLY DISAGREE

6% DON'T KNOW (VOLUNTEERED)
2% REFUSED (VOLUNTEERED)

22. In *Green vs. State*, the Supreme Court in Georgia overturned a defendant's own guilty plea because the state did not use the exact correct language when that defendant gave up his right to a jury trial – even though he was generally advised of his rights.

27% TOTAL AGREE (NET)

13% STRONGLY AGREE
14% SOMEWHAT AGREE

65% TOTAL DISAGREE (NET)

18% SOMEWHAT DISAGREE
47% STRONGLY DISAGREE

6% DON'T KNOW (VOLUNTEERED)
2% REFUSED (VOLUNTEERED)

DEMOGRAPHICS

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

9%	18-24
20%	25-34
14%	35-44
26%	45-54
17%	55-64
11%	65+
3%	REFUSED (VOLUNTEERED)

24. Would you describe your racial or ethnic background as...?

65%	WHITE/CAUCASIAN
25%	BLACK/AFRICAN-AMERICAN
5%	HISPANIC/LATINO
1%	ASIAN
*	MIDDLE EASTERN
*	NATIVE AMERICAN
1%	OTHER (VOLUNTEERED)
1%	DON'T KNOW (VOLUNTEERED)
2%	REFUSED (VOLUNTEERED)

25. 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?")

43%	<u>TOTAL REPUBLICAN (NET)</u>
25%	STRONG REPUBLICAN
10%	NOT-SO-STRONG REPUBLICAN
8%	INDEPENDENT LEANING REPUBLICAN

21% **INDEPENDENT**

29%	<u>TOTAL DEMOCRAT (NET)</u>
5%	INDEPENDENT LEANING DEMOCRAT
6%	NOT-SO-STRONG DEMOCRAT
18%	STRONG DEMOCRAT
1%	OTHER VOLUNTEERED)
6%	DON'T KNOW/REFUSED (VOLUNTEERED)

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

50% TOTAL CONSERVATIVE (NET)

26% VERY CONSERVATIVE
24% SOMEWHAT CONSERVATIVE

24% MODERATE

17% TOTAL LIBERAL (NET)

11% SOMEWHAT LIBERAL
6% VERY LIBERAL

3% LIBERTARIAN

6% DON'T KNOW/REFUSED (VOLUNTEERED)

27. And regarding your family's annual income...Please tell me which of the following categories best describes your family's annual income. I don't need a specific amount, a broad range will be fine.

7% BELOW \$20,000
3% \$20,000 TO \$24,999
6% \$25,000 TO \$29,999
11% \$30,000 TO \$39,999
9% \$40,000 TO \$49,999
8% \$50,000 TO \$59,999
6% \$60,000 TO \$69,999
6% \$70,000 TO \$79,999
5% \$80,000 TO \$89,999
19% \$90,000 AND ABOVE

20% REFUSED ((VOLUNTEERED))

28. Are you...? (READ CATEGORIES)

13% CATHOLIC
64% PROTESTANT
2% JEWISH
3% AGNOSTIC/ATHEIST
* MUSLIM
* MORMON

3% OTHER (VOLUNTEERED)
7% NONE/UNAFFILIATED (VOLUNTEERED)
8% REFUSED (VOLUNTEERED)

29. How often do you attend religious services?

2%	EVERY DAY
15%	A FEW TIMES PER WEEK
30%	ONCE A WEEK
17%	A FEW TIMES PER MONTH
11%	A FEW TIMES PER YEAR
18%	SELDOM/NEVER
7%	DON'T KNOW/REFUSED (VOLUNTEERED)

30. Gender

46%	MALE
54%	FEMALE

31. Region

8%	ATLANTA PROPER
50%	ATLANTA METRO
20%	NORTH
10%	CENTRAL
12%	WEST