



From: Tom Jensen, Director of Public Policy Polling

To: Interested Parties

Subject: Toomey, Portman Hurt By Supreme Court Stance

Date: 2-22-16

New Public Policy Polling surveys of Pennsylvania and Ohio find that both Pat Toomey and Rob Portman are suffering from very weak approval numbers as they seek reelection to the Senate. Furthermore voters in their states, by wide margins, want the vacancy on the Supreme Court to be filled this year. Their opposition to even considering a replacement for Antonin Scalia has the strong potential to put them in even worse standing with voters than they are already.

Key findings from the survey include:

-Only 29% of voters approve of the job Toomey is doing to 40% who disapprove, and just 30% approve of the job Portman is doing to 39% who disapprove. They're both very much in the danger zone for reelection based on those low approval numbers. One thing complicating their path to reelection is how bad the overall brand of Senate Republicans is. Mitch McConnell has a 13/56 approval rating in Pennsylvania, and a 14/57 one in Ohio. His extreme unpopularity is going to be a weight on his party's incumbents running across the country.

-Strong majorities of voters- 58/35 in Ohio and 57/40 in Pennsylvania- think that the vacant seat on the Supreme Court should be filled this year. What's particularly noteworthy about those numbers- and concerning for Portman and Toomey- is how emphatic the support for approving a replacement is among independent voters. In Ohio they think a new Justice should be named this year 70/24 and in Pennsylvania it's 60/37. Those independent voters are going to make the difference in these tight Senate races, and they have no tolerance for obstructionism on the vacancy.



-Voters are particularly angry about Senators taking the stance that they're not going to approve anyone before even knowing who President Obama decides to put forward. By a 76/20 spread in Pennsylvania and a 74/18 one in Ohio, voters think the Senate should wait to see who is nominated to the Court before deciding whether or not to confirm that person. Toomey and Portman are out of line even with their own party base on that one- Republicans in Pennsylvania think 67/27 and in Ohio think 63/32 that the Senate should at least give President Obama's choice a chance before deciding whether or not to confirm them.

-This is an issue that really does have the potential to make Portman's and Toomey's lives even harder this fall if they don't change their tune. In both states the numbers are identical- 52% of voters say they'll be less likely to vote for either Portman or Toomey this fall if they refuse to confirm a replacement for Justice Scalia no matter who it is, compared to only 25% who say taking that stance makes them more likely to vote for them. In both cases the numbers reinforce how perilous it is with independents for Portman and Toomey to take the position that they're not confirming someone no matter what- in Ohio 59% of them say that makes them less likely to vote for Portman to just 15% more likely, and for Toomey it's 55% of independents less likely to vote for him based on that stance to only 24% more inclined to support him.

The outlook in these states is pretty clear- voters want a replacement for Justice Scalia to be named this year, and they especially overwhelmingly want Republicans in the Senate to give President Obama's selection a chance. Rob Portman and Pat Toomey are already in trouble for reelection and this is an issue where their approach has real potential to put them in even deeper trouble as they seek reelection as unpopular incumbents.

Public Policy Polling interviewed 859 registered voters in Pennsylvania with a margin of error of +/-3.3% and 612 registered voters in Ohio with a margin of error of +/-4.0% from February 19th to 21st. This research was conducted on behalf of Americans United for Change.



Ohio Survey Results

Q1 Do you approve or disapprove of Senator Rob Portman's job performance?

Approve 30%
Disapprove..... 39%
Not sure 31%

Q2 Do you approve or disapprove of Senator Mitch McConnell's job performance?

Approve 14%
Disapprove..... 57%
Not sure 30%

Q3 Do you think the vacant seat on the Supreme Court caused by the death of Antonin Scalia should be filled this year, or do you think the seat should be left empty for the next year?

The vacant seat on the Supreme Court should be filled this year 58%
The vacant seat on the Supreme Court should be left empty for the next year 35%
Not sure 7%

Q4 Do you think the Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person, or should it refuse to confirm a nominee to fill the seat no matter who it is?

The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person 74%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is 18%
Not sure 8%

Q5 If Rob Portman refused to confirm a replacement for Justice Scalia this year no matter who it was, would that make you more or less likely to vote for him this fall, or would it not make a difference?

More likely..... 25%
Less likely 52%
Wouldn't make a difference..... 19%
Not sure 4%

Q6 If the Senate refuses to confirm a replacement for Justice Scalia it could result in a lot of 4-4 votes this year on major issues. Who would you blame more for this gridlock: Mitch McConnell, Rob Portman, and the other Republicans in the Senate, or President Obama?

Blame Mitch McConnell, Rob Portman, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme Court..... 52%
Blame President Obama more for this gridlock on key issues at the Supreme Court.. 39%
Not sure..... 10%

Q7 In 1988 President Reagan nominated Anthony Kennedy to a vacant seat on the Supreme Court and the Senate confirmed his nomination even though it was Reagan's last year in office. Do you think the Senate should abide by this precedent when it comes to filling Justice Scalia's seat, or not?

The Senate should abide by this precedent.... 56%
The Senate should not abide by this precedent..... 27%
Not sure 17%

Q8 If you are a woman, press 1. If a man, press 2.

Woman 53%
Man..... 47%



Q9 If you are a Democrat, press 1. If a Republican, press 2. If an independent, press 3.

Democrat 43%
Republican..... 36%
Independent..... 21%

Q10 If you are white, press 1. If African American, press 2. If other, press 3.

White 80%
African American..... 12%
Other..... 9%

Q11 If you are 18 to 45 years old, press 1. If 46 to 65, press 2. If older than 65, press 3

18 to 45..... 36%
46 to 65..... 44%
Older than 65..... 20%



	Base	Gender	
		Woman	Man
Portman Approval			
Approve	30%	28%	33%
Disapprove	39%	37%	41%
Not sure	31%	36%	26%

	Base	Gender	
		Woman	Man
McConnell Approval			
Approve	14%	13%	14%
Disapprove	57%	53%	60%
Not sure	30%	34%	25%

	Base	Gender	
		Woman	Man
Scalia Seat Filled This Year or Next			
The vacant seat on the Supreme Court should be filled this year	58%	60%	56%
The vacant seat on the Supreme Court should be left empty for the next year	35%	31%	40%
Not sure	7%	10%	4%

	Base	Gender	
		Woman	Man
Senate Wait for Nominee Yes/No			
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	74%	72%	76%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	18%	15%	20%
Not sure	8%	12%	3%

	Base	Gender	
		Woman	Man
Portman Refuse Confirmation More/Less Likely			
More likely	25%	23%	27%
Less likely	52%	54%	49%
Wouldn't make a difference	19%	19%	19%
Not sure	4%	5%	4%





	Base	Gender	
		Woman	Man
Who To Blame for Gridlock			
Blame Mitch McConnell, Rob Portman, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	52%	57%	46%
Blame President Obama more for this gridlock on key issues at the Supreme Court	39%	34%	44%
Not sure	10%	9%	10%

	Base	Gender	
		Woman	Man
Senate Follow Kennedy Precedent Yes/No			
The Senate should abide by this precedent	56%	59%	53%
The Senate should not abide by this precedent	27%	21%	34%
Not sure	17%	20%	13%

	Base	Party		
		Democrat	Republican	Independent
Portman Approval				
Approve	30%	9%	56%	27%
Disapprove	39%	52%	22%	40%
Not sure	31%	38%	22%	33%

	Base	Party		
		Democrat	Republican	Independent
McConnell Approval				
Approve	14%	8%	23%	9%
Disapprove	57%	63%	43%	68%
Not sure	30%	29%	34%	23%

	Base	Party		
		Democrat	Republican	Independent
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	58%	79%	26%	70%
The vacant seat on the Supreme Court should be left empty for the next year	35%	12%	68%	24%
Not sure	7%	9%	6%	6%

	Base	Party		
		Democrat	Republican	Independent
Senate Wait for Nominee Yes/No				
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	74%	78%	63%	85%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	18%	11%	32%	8%
Not sure	8%	11%	5%	7%





	Base	Party		
		Democrat	Republican	Independent
Portman Refuse Confirmation More/Less Likely				
More likely	25%	21%	36%	15%
Less likely	52%	69%	26%	59%
Wouldn't make a difference	19%	8%	30%	22%
Not sure	4%	2%	7%	4%

	Base	Party		
		Democrat	Republican	Independent
Who To Blame for Gridlock				
Blame Mitch McConnell, Rob Portman, and the other Republicans in the Senate more for this gridlock on key issues at the Suprem...	52%	75%	20%	57%
Blame President Obama more for this gridlock on key issues at the Supreme Court	39%	17%	68%	35%
Not sure	10%	8%	12%	8%

	Base	Party		
		Democrat	Republican	Independent
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	56%	77%	25%	67%
The Senate should not abide by this precedent	27%	12%	51%	19%
Not sure	17%	12%	24%	15%

	Base	Race		
		White	African American	Other
Portman Approval				
Approve	30%	33%	9%	31%
Disapprove	39%	37%	53%	38%
Not sure	31%	30%	38%	31%

	Base	Race		
		White	African American	Other
McConnell Approval				
Approve	14%	14%	9%	13%
Disapprove	57%	56%	59%	59%
Not sure	30%	29%	32%	28%

	Base	Race		
		White	African American	Other
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	58%	59%	55%	56%
The vacant seat on the Supreme Court should be left empty for the next year	35%	35%	30%	41%
Not sure	7%	6%	15%	3%





	Base	Race		
		White	African American	Other
Senate Wait for Nominee Yes/No				
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	74%	77%	58%	65%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	18%	17%	19%	21%
Not sure	8%	5%	22%	14%

	Base	Race		
		White	African American	Other
Portman Refuse Confirmation More/Less Likely				
More likely	25%	23%	26%	41%
Less likely	52%	52%	67%	30%
Wouldn't make a difference	19%	20%	5%	26%
Not sure	4%	5%	2%	3%

	Base	Race		
		White	African American	Other
Who To Blame for Gridlock				
Blame Mitch McConnell, Rob Portman, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	52%	51%	61%	44%
Blame President Obama more for this gridlock on key issues at the Supreme Court	39%	40%	20%	52%
Not sure	10%	9%	19%	4%

	Base	Race		
		White	African American	Other
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	56%	57%	55%	54%
The Senate should not abide by this precedent	27%	26%	26%	38%
Not sure	17%	17%	20%	8%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Portman Approval				
Approve	30%	28%	28%	37%
Disapprove	39%	40%	42%	29%
Not sure	31%	32%	29%	34%

	Base	Age		
		18 to 45	46 to 65	Older than 65
McConnell Approval				
Approve	14%	12%	14%	17%
Disapprove	57%	56%	59%	53%
Not sure	30%	32%	27%	30%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	58%	58%	62%	50%
The vacant seat on the Supreme Court should be left empty for the next year	35%	31%	34%	46%
Not sure	7%	12%	4%	4%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Senate Wait for Nominee Yes/No				
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	74%	72%	78%	69%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	18%	21%	16%	17%
Not sure	8%	7%	6%	15%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Portman Refuse Confirmation More/Less Likely				
More likely	25%	30%	21%	24%
Less likely	52%	50%	55%	47%
Wouldn't make a difference	19%	21%	17%	21%
Not sure	4%	-	7%	8%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Who To Blame for Gridlock				
Blame Mitch McConnell, Rob Portman, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	52%	46%	56%	50%
Blame President Obama more for this gridlock on key issues at the Supreme Court	39%	44%	35%	40%
Not sure	10%	10%	9%	10%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	56%	57%	58%	49%
The Senate should not abide by this precedent	27%	29%	25%	30%
Not sure	17%	14%	17%	21%





Pennsylvania Survey Results

Q1 Do you approve or disapprove of Senator Pat Toomey's job performance?

Approve 29%
Disapprove..... 40%
Not sure 31%

Q2 Do you approve or disapprove of Senator Mitch McConnell's job performance?

Approve 13%
Disapprove..... 56%
Not sure 31%

Q3 Do you think the vacant seat on the Supreme Court caused by the death of Antonin Scalia should be filled this year, or do you think the seat should be left empty for the next year?

The vacant seat on the Supreme Court should be filled this year 57%
The vacant seat on the Supreme Court should be left empty for the next year 40%
Not sure 3%

Q4 Do you think the Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person, or should it refuse to confirm a nominee to fill the seat no matter who it is?

The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person 76%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is 20%
Not sure 5%

Q5 If Pat Toomey refused to confirm a replacement for Justice Scalia this year no matter who it was, would that make you more or less likely to vote for him this fall, or would it not make a difference?

More likely..... 25%
Less likely 52%
Wouldn't make a difference..... 20%
Not sure 3%

Q6 If the Senate refuses to confirm a replacement for Justice Scalia it could result in a lot of 4-4 votes this year on major issues. Who would you blame more for this gridlock: Mitch McConnell, Pat Toomey, and the other Republicans in the Senate, or President Obama?

Blame Mitch McConnell, Pat Toomey, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme Court..... 51%
Blame President Obama more for this gridlock on key issues at the Supreme Court.. 40%
Not sure..... 9%

Q7 In 1988 President Reagan nominated Anthony Kennedy to a vacant seat on the Supreme Court and the Senate confirmed his nomination even though it was Reagan's last year in office. Do you think the Senate should abide by this precedent when it comes to filling Justice Scalia's seat, or not?

The Senate should abide by this precedent.... 53%
The Senate should not abide by this precedent..... 30%
Not sure 17%

Q8 If you are a woman, press 1. If a man, press 2.

Woman 53%
Man..... 47%





Q9 If you are a Democrat, press 1. If a Republican, press 2. If an independent, press 3.

Democrat 44%
Republican..... 41%
Independent..... 15%

Q10 If you are white, press 1. If African American, press 2. If other, press 3.

White 83%
African American..... 10%
Other..... 6%

Q11 If you are 18 to 45 years old, press 1. If 46 to 65, press 2. If older than 65, press 3.

18 to 45..... 35%
46 to 65..... 45%
Older than 65..... 20%





	Base	Gender	
		Woman	Man
Toomey Approval			
Approve	29%	28%	29%
Disapprove	40%	34%	48%
Not sure	31%	38%	23%

	Base	Gender	
		Woman	Man
McConnell Approval			
Approve	13%	10%	16%
Disapprove	56%	52%	61%
Not sure	31%	38%	24%

	Base	Gender	
		Woman	Man
Scalia Seat Filled This Year or Next			
The vacant seat on the Supreme Court should be filled this year	57%	61%	53%
The vacant seat on the Supreme Court should be left empty for the next year	40%	36%	44%
Not sure	3%	3%	2%

	Base	Gender	
		Woman	Man
Senate Wait for Nominee Yes/No			
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	76%	77%	75%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	20%	18%	21%
Not sure	5%	5%	4%

	Base	Gender	
		Woman	Man
Toomey Refuse Confirmation More/Less Likely			
More likely	25%	22%	27%
Less likely	52%	54%	51%
Wouldn't make a difference	20%	19%	20%
Not sure	3%	5%	2%





	Base	Gender	
		Woman	Man
Who To Blame for Gridlock			
Blame Mitch McConnell, Pat Toomey, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme Court	51%	53%	48%
Blame President Obama more for this gridlock on key issues at the Supreme Court	40%	36%	45%
Not sure	9%	11%	7%

	Base	Gender	
		Woman	Man
Senate Follow Kennedy Precedent Yes/No			
The Senate should abide by this precedent	53%	53%	53%
The Senate should not abide by this precedent	30%	27%	33%
Not sure	17%	20%	14%

	Base	Party		
		Democrat	Republican	Independent
Toomey Approval				
Approve	29%	14%	43%	32%
Disapprove	40%	49%	30%	42%
Not sure	31%	36%	27%	26%

	Base	Party		
		Democrat	Republican	Independent
McConnell Approval				
Approve	13%	8%	16%	16%
Disapprove	56%	58%	52%	62%
Not sure	31%	33%	33%	22%

	Base	Party		
		Democrat	Republican	Independent
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	57%	79%	33%	60%
The vacant seat on the Supreme Court should be left empty for the next year	40%	19%	63%	37%
Not sure	3%	2%	4%	3%

	Base	Party		
		Democrat	Republican	Independent
Senate Wait for Nominee Yes/No				
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	76%	85%	67%	74%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	20%	11%	27%	25%
Not sure	5%	5%	5%	1%





	Base	Party		
		Democrat	Republican	Independent
Toomey Refuse Confirmation More/Less Likely				
More likely	25%	18%	32%	24%
Less likely	52%	65%	38%	55%
Wouldn't make a difference	20%	13%	26%	20%
Not sure	3%	3%	4%	1%

	Base	Party		
		Democrat	Republican	Independent
Who To Blame for Gridlock				
Blame Mitch McConnell, Pat Toomey, and the other Republicans in the Senate more for this gridlock on key issues at the Suprem...	51%	76%	24%	52%
Blame President Obama more for this gridlock on key issues at the Supreme Court	40%	20%	64%	37%
Not sure	9%	5%	12%	11%

	Base	Party		
		Democrat	Republican	Independent
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	53%	71%	33%	60%
The Senate should not abide by this precedent	30%	15%	45%	30%
Not sure	17%	15%	22%	10%

	Base	Race		
		White	African American	Other
Toomey Approval				
Approve	29%	28%	27%	35%
Disapprove	40%	42%	29%	34%
Not sure	31%	29%	44%	32%

	Base	Race		
		White	African American	Other
McConnell Approval				
Approve	13%	13%	6%	22%
Disapprove	56%	57%	59%	43%
Not sure	31%	30%	35%	35%

	Base	Race		
		White	African American	Other
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	57%	58%	51%	61%
The vacant seat on the Supreme Court should be left empty for the next year	40%	40%	45%	34%
Not sure	3%	3%	4%	5%





	Base	Race		
		White	African American	Other
Senate Wait for Nominee Yes/No				
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	76%	76%	76%	71%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	20%	20%	21%	19%
Not sure	5%	4%	3%	10%

	Base	Race		
		White	African American	Other
Toomey Refuse Confirmation More/Less Likely				
More likely	25%	23%	40%	25%
Less likely	52%	54%	45%	47%
Wouldn't make a difference	20%	20%	15%	22%
Not sure	3%	3%	-	6%

	Base	Race		
		White	African American	Other
Who To Blame for Gridlock				
Blame Mitch McConnell, Pat Toomey, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	51%	51%	54%	46%
Blame President Obama more for this gridlock on key issues at the Supreme Court	40%	40%	40%	42%
Not sure	9%	9%	6%	11%

	Base	Race		
		White	African American	Other
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	53%	55%	44%	48%
The Senate should not abide by this precedent	30%	29%	35%	26%
Not sure	17%	16%	21%	26%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Toomey Approval				
Approve	29%	23%	30%	35%
Disapprove	40%	42%	42%	34%
Not sure	31%	35%	28%	31%

	Base	Age		
		18 to 45	46 to 65	Older than 65
McConnell Approval				
Approve	13%	9%	12%	18%
Disapprove	56%	57%	58%	50%
Not sure	31%	34%	29%	32%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	57%	61%	58%	49%
The vacant seat on the Supreme Court should be left empty for the next year	40%	38%	38%	46%
Not sure	3%	1%	3%	5%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Senate Wait for Nominee Yes/No				
The Senate should wait to see who is nominated to the Supreme Court before deciding whether to confirm that person	76%	80%	77%	67%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	20%	18%	19%	24%
Not sure	5%	3%	4%	9%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Toomey Refuse Confirmation More/Less Likely				
More likely	25%	24%	23%	30%
Less likely	52%	55%	53%	48%
Wouldn't make a difference	20%	17%	22%	19%
Not sure	3%	5%	2%	4%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Who To Blame for Gridlock				
Blame Mitch McConnell, Pat Toomey, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	51%	53%	51%	46%
Blame President Obama more for this gridlock on key issues at the Supreme Court	40%	39%	40%	44%
Not sure	9%	8%	9%	10%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	53%	58%	53%	47%
The Senate should not abide by this precedent	30%	24%	31%	37%
Not sure	17%	18%	16%	16%

