



From: Tom Jensen, Director of Public Policy Polling

To: Interested Parties

Subject: Kelly Ayotte, Ron Johnson Hurt Reelection Prospects with Supreme Court Stance

Date: 2-24-16

Earlier this week Public Policy Polling surveys found that Pat Toomey and Rob Portman were endangering their reelection chances with their opposition to even considering a replacement for Antonin Scalia on the Supreme Court. Now you can add Kelly Ayotte and Ron Johnson to that list. New polls in New Hampshire and Wisconsin find strong support for filling the seat this year, and that Ayotte and Johnson's already dodgy reelection prospects could become even more perilous because of their opposition.

Key findings from the survey include:

-Johnson and Ayotte are already both in trouble this fall because of their weak approval numbers. Johnson has just a 33% approval rating, with 50% of voters disapproving of him. Ayotte isn't doing much better, with 42% of voters giving her good marks and 48% bad ones. Johnson and Ayotte also have to deal with the overall damaging brand of Senate Republicans as they seek second terms- Mitch McConnell is a remarkably unpopular figure with a 14/58 approval spread in both Wisconsin and New Hampshire.

-Strong majorities of voters in both states think that the vacant seat on the Supreme Court should be filled this year. It's a 62/35 spread in favor of doing so in Wisconsin, and 59/36 in New Hampshire. One thing that really stands out in both states is what a strong mandate there is from independents for filling the seat- it's 67/30 in Wisconsin and 60/33 in New Hampshire. Those are the voters who will end up determining whether Johnson and Ayotte get reelected this fall, and they disagree with them on this issue.





-Voters in the two states are particularly concerned about the prospect of the Senate refusing to consider a nominee without even knowing who it is. 78% in New Hampshire and 76% in Wisconsin think the Senate should at least see who gets put forward before making a decision on whether they should be confirmed, and that even includes 66% of Republicans in each state who think President Obama should be able to put someone forward for serious consideration.

-This is an issue that has the potential to hurt Johnson and Ayotte at the polls in races where they're already struggling. 53% of voters in Wisconsin say they're less likely to vote for Johnson because of his refusal to consider a nominee, compared to just 26% who say that stance makes them more likely to vote for Johnson. It's a similar story with Ayotte- 51% are less likely to vote for her because of this, to only 26% who say they're more likely to vote for her. This issue is particularly damaging for both of them with independents- 57% in New Hampshire and 56% in Wisconsin say obstructionism on this issue makes them less likely to vote to reelect their Republican Senator this fall.

The GOP is already holding on by a string when it comes to their control of the Senate this year, given the number of seats they have to defend in states won by President Obama and the increasing likelihood of the party putting forth an incredibly unpopular Presidential candidate in Donald Trump. What our polling has shown in these 4 key Senate battlegrounds of Ohio, Pennsylvania, New Hampshire, and Wisconsin is that voters already dislike their incumbent Senators and their leader in Mitch McConnell. And their unpopular choice to refuse to consider a Supreme Court nominee by President Obama- who won all four of these states in both 2008 and 2012- is just making their prospects for the fall even more dodgy.

Public Policy Polling interviewed 1,000 registered voters in Wisconsin with a margin of error of +/-3.1% and 624 registered voters in New Hampshire with a margin of error of +/-3.9% on February 22nd and 23rd. This research was conducted on behalf of Americans United for Change.





New Hampshire Survey Results

Q1 Do you approve or disapprove of Senator Kelly Ayotte's job performance?

Approve 42%
Disapprove..... 48%
Not sure 11%

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

Approve 14%
Disapprove..... 58%
Not sure 28%

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 59%
The vacant seat on the Supreme Court should be left empty for the next year 36%
Not sure 5%

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 78%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is 17%
Not sure 5%

Q5 If Kelly Ayotte 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 her this fall, or would it not make a difference?

More likely..... 26%
Less likely 51%
Wouldn't make a difference..... 21%
Not sure 2%

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, Kelly Ayotte, and the other Republicans in the Senate, or President Obama?

Blame Mitch McConnell, Kelly Ayotte, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme Court. 53%
Blame President Obama more for this gridlock on key issues at the Supreme Court. 36%
Not sure 11%

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... 58%
The Senate should not abide by this precedent..... 29%
Not sure 13%

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 30%
Republican..... 28%
Independent..... 42%

Q10 If you are white, press 1. If other, press 2.

White 95%
Other..... 5%

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
Ayotte Approval			
Approve	42%	42%	41%
Disapprove	48%	45%	51%
Not sure	11%	13%	8%

	Base	Gender	
		Woman	Man
McConnell Approval			
Approve	14%	12%	16%
Disapprove	58%	52%	64%
Not sure	28%	35%	20%

	Base	Gender	
		Woman	Man
Scalia Seat Filled This Year or Next			
The vacant seat on the Supreme Court should be filled this year	59%	63%	55%
The vacant seat on the Supreme Court should be left empty for the next year	36%	31%	41%
Not sure	5%	6%	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	78%	80%	76%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	17%	14%	20%
Not sure	5%	6%	4%

	Base	Gender	
		Woman	Man
Ayotte Refuse Confirmation More/Less Likely			
More likely	26%	22%	30%
Less likely	51%	51%	50%
Wouldn't make a difference	21%	24%	19%
Not sure	2%	3%	2%





	Base	Gender	
		Woman	Man
Who To Blame for Gridlock			
Blame Mitch McConnell, Kelly Ayotte, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	53%	53%	53%
Blame President Obama more for this gridlock on key issues at the Supreme Court	36%	31%	40%
Not sure	11%	16%	6%

	Base	Gender	
		Woman	Man
Senate Follow Kennedy Precedent Yes/No			
The Senate should abide by this precedent	58%	61%	56%
The Senate should not abide by this precedent	29%	23%	37%
Not sure	13%	17%	8%

	Base	Party		
		Democrat	Republican	Independent
Ayotte Approval				
Approve	42%	20%	68%	40%
Disapprove	48%	67%	26%	49%
Not sure	11%	13%	7%	12%

	Base	Party		
		Democrat	Republican	Independent
McConnell Approval				
Approve	14%	10%	25%	11%
Disapprove	58%	69%	46%	58%
Not sure	28%	22%	30%	32%

	Base	Party		
		Democrat	Republican	Independent
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	59%	84%	31%	60%
The vacant seat on the Supreme Court should be left empty for the next year	36%	13%	65%	33%
Not sure	5%	3%	4%	7%

	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	78%	83%	66%	83%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	17%	9%	31%	14%
Not sure	5%	8%	3%	4%





	Base	Party		
		Democrat	Republican	Independent
Ayotte Refuse Confirmation More/Less Likely				
More likely	26%	18%	46%	18%
Less likely	51%	66%	23%	57%
Wouldn't make a difference	21%	14%	28%	22%
Not sure	2%	2%	3%	2%

	Base	Party		
		Democrat	Republican	Independent
Who To Blame for Gridlock				
Blame Mitch McConnell, Kelly Ayotte, and the other Republicans in the Senate more for this gridlock on key issues at the Suprem...	53%	79%	19%	56%
Blame President Obama more for this gridlock on key issues at the Supreme Court	36%	13%	67%	31%
Not sure	11%	8%	13%	13%

	Base	Party		
		Democrat	Republican	Independent
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	58%	80%	36%	58%
The Senate should not abide by this precedent	29%	12%	50%	28%
Not sure	13%	8%	14%	15%

	Base	Race	
		White	Other
Ayotte Approval			
Approve	42%	41%	45%
Disapprove	48%	48%	52%
Not sure	11%	11%	3%

	Base	Race	
		White	Other
McConnell Approval			
Approve	14%	14%	12%
Disapprove	58%	57%	63%
Not sure	28%	28%	26%

	Base	Race	
		White	Other
Scalia Seat Filled This Year or Next			
The vacant seat on the Supreme Court should be filled this year	59%	60%	50%
The vacant seat on the Supreme Court should be left empty for the next year	36%	35%	45%
Not sure	5%	5%	5%





	Base	Race	
		White	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	78%	79%	75%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	17%	17%	21%
Not sure	5%	5%	4%

	Base	Race	
		White	Other
Ayotte Refuse Confirmation More/Less Likely			
More likely	26%	26%	28%
Less likely	51%	51%	46%
Wouldn't make a difference	21%	21%	25%
Not sure	2%	3%	1%

	Base	Race	
		White	Other
Who To Blame for Gridlock			
Blame Mitch McConnell, Kelly Ayotte, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	53%	54%	38%
Blame President Obama more for this gridlock on key issues at the Supreme Court	36%	35%	46%
Not sure	11%	11%	16%

	Base	Race	
		White	Other
Senate Follow Kennedy Precedent Yes/No			
The Senate should abide by this precedent	58%	59%	47%
The Senate should not abide by this precedent	29%	29%	39%
Not sure	13%	12%	14%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Ayotte Approval				
Approve	42%	44%	35%	51%
Disapprove	48%	43%	56%	37%
Not sure	11%	13%	9%	12%

	Base	Age		
		18 to 45	46 to 65	Older than 65
McConnell Approval				
Approve	14%	20%	10%	14%
Disapprove	58%	55%	62%	53%
Not sure	28%	25%	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	59%	61%	61%	53%
The vacant seat on the Supreme Court should be left empty for the next year	36%	31%	36%	43%
Not sure	5%	8%	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	78%	77%	80%	76%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	17%	15%	18%	17%
Not sure	5%	8%	1%	7%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Ayotte Refuse Confirmation More/Less Likely				
More likely	26%	26%	24%	30%
Less likely	51%	48%	56%	42%
Wouldn't make a difference	21%	25%	17%	23%
Not sure	2%	-	3%	5%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Who To Blame for Gridlock				
Blame Mitch McConnell, Kelly Ayotte, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	53%	51%	57%	48%
Blame President Obama more for this gridlock on key issues at the Supreme Court	36%	35%	32%	44%
Not sure	11%	14%	11%	9%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	58%	61%	59%	54%
The Senate should not abide by this precedent	29%	22%	32%	34%
Not sure	13%	17%	9%	12%





Wisconsin Survey Results

Q1 Do you approve or disapprove of Senator Ron Johnson's job performance?

Approve 33%
Disapprove..... 50%
Not sure 17%

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

Approve 14%
Disapprove..... 58%
Not sure 28%

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 62%
The vacant seat on the Supreme Court should be left empty for the next year 35%
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 15%
Not sure 9%

Q5 If Ron Johnson 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..... 26%
Less likely 53%
Wouldn't make a difference..... 20%
Not sure 2%

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, Ron Johnson, and the other Republicans in the Senate, or President Obama?

Blame Mitch McConnell, Ron Johnson, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme Court..... 60%
Blame President Obama more for this gridlock on key issues at the Supreme Court.. 32%
Not sure..... 8%

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.... 60%
The Senate should not abide by this precedent..... 29%
Not sure 11%

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 31%
Republican..... 28%
Independent..... 41%

Q10 If you are white, press 1. If other, press 2.

White 87%
Other..... 13%

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..... 38%
46 to 65..... 42%
Older than 65..... 20%





	Base	Gender	
		Woman	Man
Johnson Approval			
Approve	33%	32%	35%
Disapprove	50%	47%	53%
Not sure	17%	22%	13%

	Base	Gender	
		Woman	Man
McConnell Approval			
Approve	14%	11%	18%
Disapprove	58%	55%	61%
Not sure	28%	34%	21%

	Base	Gender	
		Woman	Man
Scalia Seat Filled This Year or Next			
The vacant seat on the Supreme Court should be filled this year	62%	65%	59%
The vacant seat on the Supreme Court should be left empty for the next year	35%	34%	36%
Not sure	3%	2%	5%

	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%	78%	74%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	15%	13%	18%
Not sure	9%	9%	8%

	Base	Gender	
		Woman	Man
Johnson Refuse Confirmation More/Less Likely			
More likely	26%	23%	28%
Less likely	53%	56%	49%
Wouldn't make a difference	20%	19%	22%
Not sure	2%	2%	1%





	Base	Gender	
		Woman	Man
Who To Blame for Gridlock			
Blame Mitch McConnell, Ron Johnson, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	60%	61%	58%
Blame President Obama more for this gridlock on key issues at the Supreme Court	32%	29%	35%
Not sure	8%	9%	7%

	Base	Gender	
		Woman	Man
Senate Follow Kennedy Precedent Yes/No			
The Senate should abide by this precedent	60%	63%	57%
The Senate should not abide by this precedent	29%	27%	30%
Not sure	11%	10%	13%

	Base	Party		
		Democrat	Republican	Independent
Johnson Approval				
Approve	33%	16%	60%	27%
Disapprove	50%	68%	21%	55%
Not sure	17%	16%	19%	18%

	Base	Party		
		Democrat	Republican	Independent
McConnell Approval				
Approve	14%	9%	29%	9%
Disapprove	58%	73%	39%	60%
Not sure	28%	19%	32%	31%

	Base	Party		
		Democrat	Republican	Independent
Scalia Seat Filled This Year or Next				
The vacant seat on the Supreme Court should be filled this year	62%	88%	27%	67%
The vacant seat on the Supreme Court should be left empty for the next year	35%	10%	67%	30%
Not sure	3%	2%	5%	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%	81%	66%	79%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	15%	11%	26%	11%
Not sure	9%	7%	9%	10%





	Base	Party		
		Democrat	Republican	Independent
Johnson Refuse Confirmation More/Less Likely				
More likely	26%	18%	42%	20%
Less likely	53%	71%	26%	56%
Wouldn't make a difference	20%	9%	29%	22%
Not sure	2%	2%	3%	1%

	Base	Party		
		Democrat	Republican	Independent
Who To Blame for Gridlock				
Blame Mitch McConnell, Ron Johnson, and the other Republicans in the Senate more for this gridlock on key issues at the Suprem...	60%	87%	22%	66%
Blame President Obama more for this gridlock on key issues at the Supreme Court	32%	11%	65%	24%
Not sure	8%	1%	13%	10%

	Base	Party		
		Democrat	Republican	Independent
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	60%	79%	32%	65%
The Senate should not abide by this precedent	29%	15%	47%	27%
Not sure	11%	6%	21%	8%

	Base	Race	
		White	Other
Johnson Approval			
Approve	33%	33%	36%
Disapprove	50%	50%	46%
Not sure	17%	17%	18%

	Base	Race	
		White	Other
McConnell Approval			
Approve	14%	14%	19%
Disapprove	58%	57%	64%
Not sure	28%	29%	17%

	Base	Race	
		White	Other
Scalia Seat Filled This Year or Next			
The vacant seat on the Supreme Court should be filled this year	62%	63%	56%
The vacant seat on the Supreme Court should be left empty for the next year	35%	34%	39%
Not sure	3%	3%	6%





	Base	Race	
		White	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%	78%	65%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	15%	14%	25%
Not sure	9%	9%	10%

	Base	Race	
		White	Other
Johnson Refuse Confirmation More/Less Likely			
More likely	26%	24%	34%
Less likely	53%	53%	51%
Wouldn't make a difference	20%	21%	13%
Not sure	2%	2%	2%

	Base	Race	
		White	Other
Who To Blame for Gridlock			
Blame Mitch McConnell, Ron Johnson, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	60%	60%	56%
Blame President Obama more for this gridlock on key issues at the Supreme Court	32%	31%	35%
Not sure	8%	8%	9%

	Base	Race	
		White	Other
Senate Follow Kennedy Precedent Yes/No			
The Senate should abide by this precedent	60%	61%	51%
The Senate should not abide by this precedent	29%	27%	38%
Not sure	11%	11%	11%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Johnson Approval				
Approve	33%	32%	31%	39%
Disapprove	50%	46%	54%	46%
Not sure	17%	21%	15%	15%

	Base	Age		
		18 to 45	46 to 65	Older than 65
McConnell Approval				
Approve	14%	17%	12%	14%
Disapprove	58%	60%	57%	56%
Not sure	28%	23%	31%	29%

	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	62%	61%	65%	58%
The vacant seat on the Supreme Court should be left empty for the next year	35%	34%	32%	40%
Not sure	3%	4%	3%	2%

	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%	73%	80%	73%
The Senate should refuse to confirm a nominee to fill the seat no matter who it is	15%	17%	13%	17%
Not sure	9%	10%	7%	10%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Johnson Refuse Confirmation More/Less Likely				
More likely	26%	31%	19%	28%
Less likely	53%	53%	55%	47%
Wouldn't make a difference	20%	16%	24%	21%
Not sure	2%	-	2%	4%





	Base	Age		
		18 to 45	46 to 65	Older than 65
Who To Blame for Gridlock				
Blame Mitch McConnell, Ron Johnson, and the other Republicans in the Senate more for this gridlock on key issues at the Supreme...	60%	63%	59%	56%
Blame President Obama more for this gridlock on key issues at the Supreme Court	32%	31%	30%	37%
Not sure	8%	6%	10%	7%

	Base	Age		
		18 to 45	46 to 65	Older than 65
Senate Follow Kennedy Precedent Yes/No				
The Senate should abide by this precedent	60%	62%	62%	53%
The Senate should not abide by this precedent	29%	33%	25%	28%
Not sure	11%	5%	13%	19%

