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Pro-Equality Justices Have Path to Retention Statewide Survey Results

To: Interested Parties

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Justice Not Politics

The four Iowa Supreme Court Justices up for a retention vote in the 2012 election have a path to successful retention. Unlike 2010, when voters removed the justices who voted in favor of the Varnum decision, a plurality of voters now say they would retain the judges. This shift reflects changing sentiment in the state -- now 48 percent say they support the Varnum decision and marriage equality, up from 37 percent in 2009. Moreover, there is little anger at the Supreme Court; indeed, the Court garners net positive ratings (41 percent favorable, 18 percent unfavorable) and a plurality approve of its job performance. Finally, an overwhelming majority believe that the court should be insulated from political pressure as it upholds the Iowa Constitution and should base its decisions on an impartial review of the facts.

The following memo is based on a statewide survey of 600 likely 2012 voters conducted from August 22 to 26, 2012. It carries a margin of error of +/- 4 points.

Key Findings

- **Voters Express Positive Feelings About the Iowa Supreme Court.** By 23 points, voters offer a favorable assessment of the Court (41 percent favorable, 18 percent unfavorable) and a positive review of its job performance (44 percent excellent or good). Specific justices are less well known.
- **Massive Shift in Views about Marriage Equality.** In 2009, One Iowa conducted a poll immediately after the Varnum decision; 37 percent said they agreed with the decision while 58 disagreed. Currently, 48 percent agree with the decision and just 43 percent disagree. This shift crosses partisan lines with 16 point movement among Democrats, 9 point movement among Republicans and 52 point movement among Independent voters.

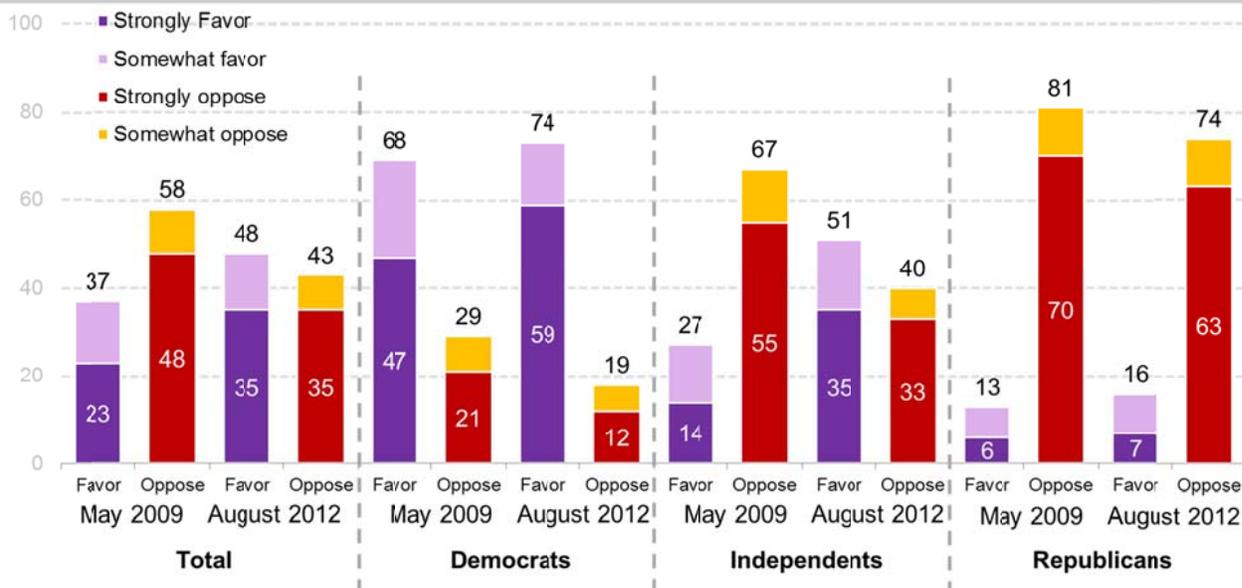
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Figure 1: Shift in Support for Varnum Decision by Party

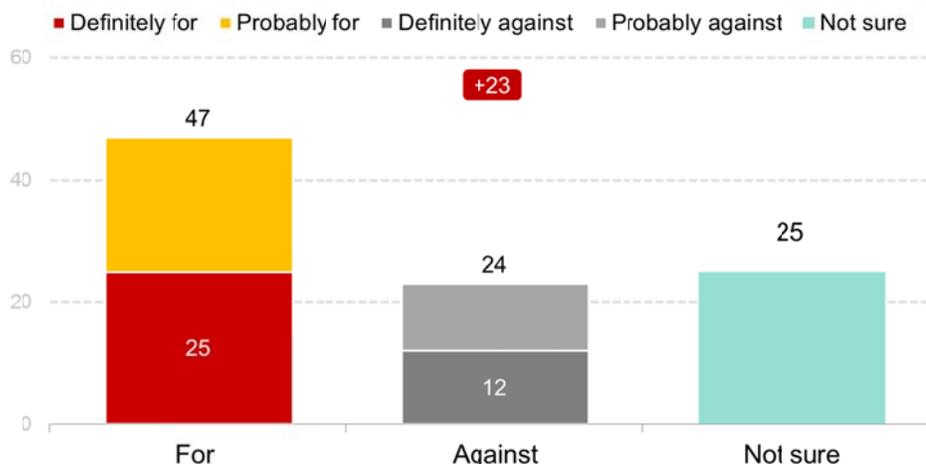
As you may have heard, in 2009 the Iowa Supreme Court ruled the state's ban on same-sex marriage was unconstitutional and made same-sex marriage legal in Iowa. Do you favor or oppose this decision making same-sex marriage legal in Iowa?



- A Plurality Would Retain the Justices on the Supreme Court.** Almost half -- 47 percent would retain all four justices up in the retention vote this year. Only 24 percent oppose with 25 percent not sure. In fact, awareness of the retention election is quite low. Only 32 percent know that the Supreme Court Justices will be on the ballot this fall, more think they will not (46 percent). Among the most informed voters, 57 percent would retain the justices.

Figure 2: Judicial Retention Vote

As you may know, in Iowa, Supreme Court Justices are on the ballot in the first election after being appointed and every eight years after that. Do you plan to vote for or against retaining the Iowa Supreme Court Justices who are on the ballot in this election?



- **Opponents of Retention Not Popular.** Bob Vander Plaats, the leader of the organization The Family Leader and the effort to remove the Supreme Court Justices has not fared well since the 2009 decision. Currently 36 percent express unfavorable views towards him, 19 percent are positive. His negative ratings are up 20 points since 2009.
- **Voters do not Oppose Accountability, but Support Freedom from Political Pressure.** The voters are split on the purpose of retention elections driven by one specific vote; 45 percent say that these elections are an opportunity to hold justices accountable even for one vote while 47 percent say they should be evaluated on their total job performance. At the same time, 71 percent say that justices should be different from politicians -- free from political pressure and public opinion -- to make their decisions based on facts and the rule of law.

Conclusion

The electorate is in a very different place in 2012 than it was in 2010. A plurality favors the Varnum decision and would retain the four justices on the ballot in November. Among the most informed voters, support for marriage equality and retention is even higher. It is probable that the Republican wave and asymmetrical spending by the opponents of marriage equality created an unusually hostile electorate in 2010. The environment is quite different today; the Iowa Supreme Court Justices are poised for a victory in November.