

**COMMISSION TO PROMOTE PUBLIC CONFIDENCE
IN JUDICIAL ELECTIONS**

Appendix B

**Public Opinion and Judicial Elections: A Survey of New York State
Registered Voters**

**Conducted by the Marist College Institute for Public Opinion for the
Commission to Promote Public Confidence in Judicial Elections: December 2003**

**Commission to Promote Public
Confidence in Judicial Elections**

**Public Opinion and
Judicial Elections**

A Survey of New York State Registered Voters

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December 2003

Public Opinion and Judicial Elections

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Public Opinion and Judicial Elections

I. Executive Summary

Section 1: Perceptions of judges in New York State

- New York State registered voters divide over how well they think the elected judges throughout the state are doing their jobs.
 - Forty-five percent of registered voters rate the job elected judges throughout the state are doing as excellent or good, while 48% rate the job performance of elected judges as just fair or poor.
- Registered voters feel that the most important responsibilities of New York State judges are making impartial decisions, protecting individuals' rights, and providing equal justice for the rich and poor.

Section 2: Perceptions of fairness

- Most registered voters generally agree that both New York State judges as a whole and their local county judges are fair and impartial. There is a racial divide.
- Justice is not blind, according to New York State voters. Many registered voters believe that people who are financially well-off receive better treatment from judges in the state while the poor, non-English speaking people, African-Americans, and Latinos are not treated as well.
- Most registered voters believe that the political process influences the decisions made by judges.
 - Seventy-nine percent of registered voters believe that having to run for re-election has at least some influence on the decisions judges make, and 78% believe that political parties have a great deal or some influence.

Section 3: Perceptions of the judicial campaign process

- Fundraising for judicial elections and the perceived influence it has on the decisions made by judges are sources of concern to registered voters in New York State.
 - Eighty-three percent of registered voters in the state indicate that having to raise money for election campaigns has at least some influence on the decisions made by judges.
- Registered voters overwhelmingly agree that judges should not be permitted to hear cases involving campaign contributors.
- Political party leaders top the list of those who registered voters believe have at least some influence over who becomes a judge.
- About half of registered voters believe that a judge will be fair and impartial on a case involving an issue that they had taken a stand on during their election campaign.

Executive Summary

Section 4: Independence of Judges

- ❑ Nine out of ten registered voters believe that it is important for a judge to be independent from political party leaders and campaign contributors.
- ❑ 68% of registered voters in New York State believe the justice system would be improved if judicial candidates would agree not to raise money and limit spending to publicly financed funds.
- ❑ 65% of registered voters believe disclosing campaign contributions to the public immediately would have a positive effect on judicial elections.
- ❑ Registered voters divide over whether judges should be identified with a political party on the ballot, or not.

Section 5: Voters and Judicial Elections

- ❑ A majority of New York State registered voters, 58%, indicate that the main reason they would not vote in a judicial election is that they do not know enough about the candidates.
- ❑ New York State registered voters generally are not familiar with how judges throughout the state obtain their posts.
- ❑ The most common sources of information about judicial elections are newspapers and magazines, television, word of mouth, radio, and direct mail.
- ❑ Voter guides, despite limited availability throughout the state, are used by nearly half of registered voters as a source of information about judicial elections. Most registered voters think voter guides would be a useful way to learn more about judicial candidates and campaigns.

Section 6: How the Survey was Conducted

- ❑ This survey was sponsored by the Commission to Promote Public Confidence in Judicial Elections and conducted by the Marist Institute for Public Opinion.
- ❑ 1,003 New York State registered voters were interviewed by telephone in proportion to the voter registration in the state from October 8th through October 20th, 2003.
- ❑ The sampling error for the survey results is $\pm 3\%$. The error margin increases for cross-tabulations.

Section 1

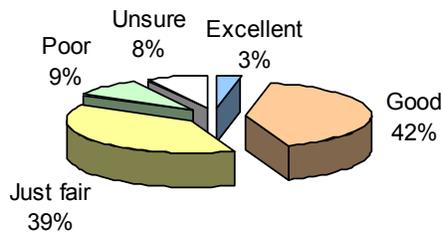
Perceptions of Judges in New York State

A. Registered voters rate elected judges in New York State

New York State registered voters divide over how well they think elected judges throughout the state are doing their jobs. Those surveyed were asked to rate the job performance of elected judges in New York State using a scale ranging from excellent to poor.

Forty-five percent of registered voters rate the job elected judges throughout the state are doing as excellent or good, while 48% rate the job performance of elected judges as just fair or poor.

Rate job of elected judges in NYS



Overall, would you say the elected judges in New York State are doing an excellent, good, just fair, or poor job?

Registered voters who live in the suburbs and upstate New York are more likely than registered voters in New York City to rate the job being done by judges positively. Forty-eight percent of suburban and 54% of upstate registered voters rate the job being done by judges as excellent or good. These results compare with 30% of registered voters in New York City who rate elected judges positively.

Elected judges in New York State receive low ratings from African-American and Latino voters. Only 29% of African-American voters and 33% of Latino voters rate judges who are elected in the state positively. Nearly half of white voters, 49%, rate the job being done by judges as excellent or good.

Section 1: Perceptions of Judges in New York State

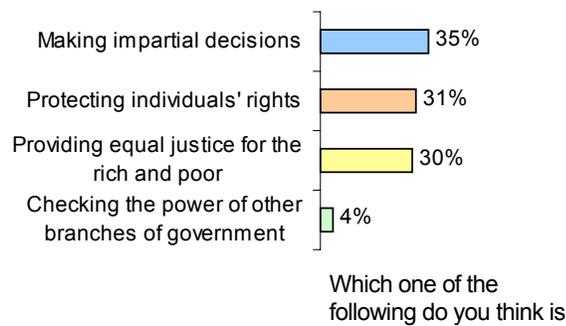
		Upstate	NYC	Suburbs	White	African-American	Latino
		%	%	%	%	%	%
Rate job of elected judges in New York State	Excellent/good	54	30	48	49	29	33
	Excellent	3	2	4	3	4	2
	Good	51	28	44	46	25	31
	Just fair/poor	42	58	44	43	65	58
	Just fair	33	47	36	36	52	42
	Poor	9	11	8	7	13	16
	Unsure	5	12	8	8	7	9

Perceptions of New York State judges' primary responsibility

Registered voters feel that the most important responsibilities of New York State judges are making impartial decisions, protecting individuals' rights, and providing equal justice for the rich and poor.

About one-third of registered voters deem one of these three responsibilities to be most important, including 35% who cite making impartial decisions, 31% who choose protecting individuals' rights, and 30% who mention providing equal justice for the rich and poor. 4% of registered voters indicate that checking the power of other branches of government is the most important responsibility of judges.

Most important responsibility of judges



Race, education, and income are all related to what New York State voters think is the most important responsibility of judges. Providing equal justice for the rich and the poor is most important to African-Americans, 44%, those without a college degree, 36%, and those who earn less than \$50,000 a year, 37%. In contrast, making impartial decisions is the most important responsibility of judges for those who are white, 39%, college graduates, 45%, and earn more than \$50,000 a year, 41%.

Section 1: Perceptions of Judges in New York State

		White	African-American	Not college graduate	College graduate	Income < \$50,000	Income \$50,000 or more
		%	%	%	%	%	%
Most important responsibility of judges	Providing equal justice for the rich and poor	28	44	36	23	37	25
	Protecting individuals' rights	30	37	33	28	30	30
	Making impartial decisions	39	13	28	45	29	41
	Checking the power of other branches of government	4	5	4	4	4	4

Section 2

II. Perceptions of Fairness

A. How fair and impartial are New York State judges?

Many registered voters in New York State believe making impartial decisions is an important responsibility of a judge. In order to assess voters' perceptions of how well judges are meeting this responsibility, they were asked how much they agree or disagree that judges are, in fact, fair and impartial.

Most registered voters generally agree that both New York State judges as a whole and their local county judges are fair and impartial. Seventy-one percent of registered voters throughout the state agree that New York State judges as a whole are fair and impartial, and 70% agree that their county judges are fair and impartial.

		NYS Registered Voters	
		Judges as a Whole	County Judges
		%	%
Judges are fair and impartial	<u>Strongly Agree/agree</u>	71	70
	Strongly agree	8	9
	Agree	63	61
	<u>Disagree/strongly disagree</u>	22	22
	Disagree	18	17
	Strongly disagree	4	5
	Unsure	7	8

Would you say that you strongly agree, agree, disagree, or strongly disagree that judges as a whole/judges in your county are fair and impartial?

However, there is a racial divide. African-American voters, in particular, are less likely than others in the state to agree that judges are fair and impartial. About half of African-American voters, 51%, agree that New York State judges as a whole are fair and impartial and 43% disagree. When asked to consider judges at the county level, 43% of African-American voters believe county judges to be fair and impartial and 48% believe they are not.

Although the difference is not as dramatic, about six in ten Latino voters believe that both New York State judges as a whole, 60%, and county judges, 61%, are fair and impartial. This compares with 76% of white voters who agree that judges throughout the state are fair and impartial and 75% who hold this view of judges in their county.

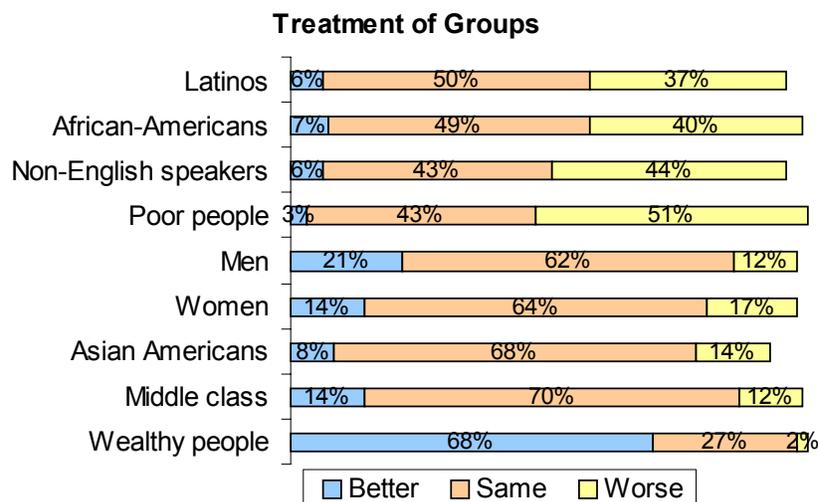
Section 2: Perceptions of Fairness

		White		African-American		Latino	
		Judges as a Whole	County Judges	Judges as a Whole	County Judges	Judges as a Whole	County Judges
		%	%	%	%	%	%
Judges are fair and impartial	<u>Strongly agree/agree</u>	<u>76</u>	<u>75</u>	<u>51</u>	<u>43</u>	<u>60</u>	<u>61</u>
	Strongly agree	8	10	7	7	7	7
	Agree	68	65	44	36	53	54
	<u>Disagree/strongly disagree</u>	<u>17</u>	<u>18</u>	<u>43</u>	<u>48</u>	<u>35</u>	<u>34</u>
	Disagree	14	14	29	33	30	28
	Strongly disagree	3	4	14	15	5	6
	Unsure	7	7	5	9	5	6

B. Is justice blind?

Judges are expected to look beyond a person's race, ethnicity, gender, and income in making their decisions. But do registered voters throughout New York State believe all groups receive equal treatment? Registered voters believe that the wealthy receive better treatment by judges in the state while the poor, non-English speakers, African-Americans, and Latinos are not treated as well.

Justice is not blind, according to registered voters in New York State. Registered voters believe that not all groups receive the same treatment. The one group that the majority of voters thinks receives better treatment than other groups is the wealthy, 68%. Groups whom many registered voters think are not treated as well as other groups include poor people, 51% think that the poor are not treated as well as other groups, non-English speaking people, 44%, African-Americans, 40%, and Latinos, 37%. Registered voters think that Asian Americans, 68%, and the middle class, 70%, are generally treated about the same as anyone else. In addition, most registered voters believe there is little difference in how judges treat men and women.



(Rotated) Some people say that judges in New York State generally favor certain groups over others, while others say (rotated) that judges in New York State generally treat everyone equally. Please tell me whether you think that each of the following groups receives better treatment, the same treatment, or worse treatment than other groups from judges in New York State? (Respondents who are unsure are not included in the above chart)

Section 2: Perceptions of Fairness

Many registered voters throughout New York State feel that people who are poor receive worse treatment from judges than other groups. Those individuals who earn less than \$50,000 a year are more likely to think so than those earning \$50,000 or more annually. Nearly six in ten registered voters who earn less than \$50,000 a year believe that people who are poor are not treated as well as other people while 47% of registered voters earning more than \$50,000 a year share this opinion.

African-American and Latino voters are also more likely to believe that judges in New York State do not treat people with low incomes as well as those with higher incomes. Eighty-one percent of African-American voters and 67% of Latino voters believe that poor people are not treated as well by judges in the state compared with 46% of white voters who feel this way.

		Income < \$50,000	Income \$50,000 or more	White	African- American	Latino
		%	%	%	%	%
Treatment of people who are poor	Better	2	2	3	0	1
	Same	36	46	47	17	31
	Worse	59	47	46	81	67

On the other hand, registered voters believe people who are well off financially receive better treatment from judges in New York State than do other people. African-American voters and Latino voters especially feel this way. Eighty-six percent of African-Americans and 90% of Latinos believe that the wealthy receive better treatment from judges in the state.

		White	African- American	Latino
		%	%	%
Treatment of the wealthy	Better	63	86	90
	Same	31	10	9
	Worse	2	1	1

African-American and Latino voters are also more likely than white voters to feel that non-English speaking people are not treated as well as other groups by judges in New York State. Six in ten African-Americans and seven in ten Latino voters believe that non-English speaking people receive worse treatment than other groups compared with 39% of white voters who share this view.

Younger voters are also more likely than older voters to believe that non-English speaking people are not treated as well by judges. Six in ten registered voters between 18 and 30 years of age believe that non-English speaking people are treated worse than other people, significantly higher than registered voters aged 31 to 44, 46%, 45 to 60, 42%, and over 60, 35%.

Section 2: Perceptions of Fairness

		White	African-American	Latino	30 or less	31 to 44	45 to 60	Over 60
		%	%	%	%	%	%	%
Treatment of non English speakers	Better	6	6	2	4	5	6	9
	Same	47	26	27	32	45	44	48
	Worse	39	60	70	60	46	42	35

Although many registered voters throughout New York State feel that African-Americans and Latinos are not treated as well as other people by judges in the state, African-American and Latino voters are more likely to have this view. Nearly eight in ten African-American voters, 79%, and more than six in ten Latino voters, 62%, believe that African-Americans receive worse treatment than other groups from judges in the state. And more than half of African-American voters, 58%, and Latino voters, 56%, express the belief that Latinos receive worse treatment from New York State judges than do other people. Only about one-third of white voters share this opinion.

		White		African-American		Latinos	
		African-American	Latino	African-American	Latino	African-American	Latino
		%	%	%	%	%	%
Treatment of groups	Better	7	6	1	5	4	3
	Same	55	53	15	30	33	40
	Worse	33	33	79	58	62	56

C. What factors influence judges' decisions?

Although registered voters place a high value on judges' responsibility to make impartial decisions, most voters believe that a variety of factors do influence the decisions judges make.

Most registered voters believe that the political process influences the decisions made by judges. Seventy-nine percent of registered voters believe that having to run for re-election has at least some influence on the decisions judges make, and 78% of registered voters believe that political parties have a great deal or some influence. In each instance, more than one-third of registered voters in the state, 35%, believe that each of these two factors has a great deal of influence on the decisions judges make.

Many registered voters cite other factors of influence, as well. About seven in ten, 69%, believe that people a judge knows personally influence a judge's decisions. Sixty-six percent believe that media coverage has a great deal or some influence, and 64% believe that public opinion on an issue has at least some influence on the decisions made by judges.

Section 2: Perceptions of Fairness

		NYS Registered Voters				
		Having to run for re-election	Political parties	People judges personally know	Media coverage	Public opinion on an issue
		%	%	%	%	%
Factors that influence judges' decisions	<u>A great deal/some</u>	<u>79</u>	<u>78</u>	<u>69</u>	<u>66</u>	<u>64</u>
	A great deal	35	35	28	27	13
	Some	44	43	41	39	51
	<u>Just a little/not at all</u>	<u>22</u>	<u>22</u>	<u>31</u>	<u>34</u>	<u>36</u>
	Just a little	14	15	21	21	23
	Not at all	8	7	10	13	13

Do you think that (insert item-rotated) influences the decisions of judges in New York State a great deal, some, just a little, or not at all?

Section 3

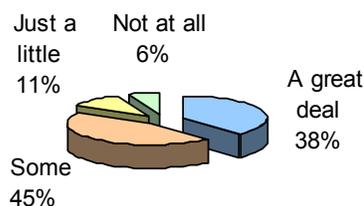
III. Perceptions of the Judicial Campaign Process

A. Public opinion on the influence of campaign contributions

Fundraising for judicial elections and the perceived influence it has on the decisions made by judges are sources of concern for registered voters in New York State.

Eighty-three percent of registered voters in the state indicate that having to raise money for election campaigns has at least some influence on the decisions made by judges. Nearly four in ten voters, 38%, believe campaign fundraising has a great deal of influence on the decisions judges in New York State make.

Influence of having to raise money for election campaigns



Some judges in New York State are elected and therefore have to raise money for their election campaigns. How much influence do you think campaign contributions made to judges have on their decisions: a great deal, some, just a little, or not at all?

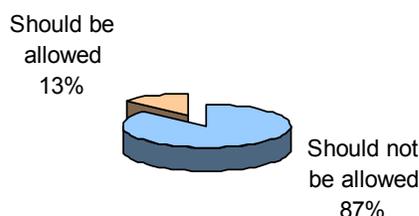
B. Should judges hear cases involving campaign contributors?

Given that most New York State registered voters believe that campaign contributions have at least some influence on the decisions made by judges, it is no surprise that voters also overwhelmingly agree that judges should not be permitted to hear cases involving campaign contributors.

Eighty-seven percent of registered voters throughout the state think that judges should not be allowed to hear cases when their campaign contributors are involved. A small minority, 13%, disagrees and thinks that judges should be allowed to hear cases when contributors to their election campaigns are involved in a case.

Section 3: Perceptions of the Judicial Campaign Process

Judges allowed to hear cases when campaign contributors involved



C. Public opinion on the factors that influence who becomes a judge

Registered voters believe that many groups have a role in who becomes a judge. Political party leaders top the list of those who registered voters believe have at least some influence over who becomes a judge. Eighty-six percent of registered voters believe that political party leaders have a great deal or some influence over who becomes a judge including 48% of registered voters who believe political party leaders have a great deal of influence.

Seventy-eight percent of registered voters believe that campaign contributors have at least some influence over who becomes a judge followed by 75% who believe that special interest groups have a great deal or some influence, and 74% who believe that voters have at least some influence over who becomes a judge.

		NYS Registered Voters			
		Political party leaders	Campaign contributors	Special interest groups	Voters
		%	%	%	%
Groups who have influence over who becomes a judge	<u>A great deal/some</u>	<u>86</u>	<u>78</u>	<u>75</u>	<u>74</u>
	A great deal	48	39	31	36
	Some	38	39	44	38
	<u>Just a little/not at all</u>	<u>15</u>	<u>22</u>	<u>25</u>	<u>26</u>
	Just a little	12	15	18	18
	Not at all	3	7	7	8

Registered voters in New York City are less likely than their upstate and suburban counterparts to believe that voters maintain a great deal of influence over who becomes a judge. Twenty-eight percent of registered voters in New York City indicate that voters have a great deal of influence over who becomes a judge, compared to 38% of suburban and 40% of upstate voters.

Section 3: Perceptions of the Judicial Campaign Process

		Upstate	NYC	Suburbs
		%	%	%
Influence of voters on who becomes a judge	<u>Great deal/some</u>	<u>76</u>	<u>68</u>	<u>77</u>
	Great deal	40	28	38
	Some	36	40	39
	<u>Just a little/not at all</u>	<u>24</u>	<u>32</u>	<u>22</u>
	Just a little	18	20	15
	Not at all	6	12	7

Registered voters in New York City and the suburbs are more likely than upstate voters to believe that campaign contributors have a great deal of influence over who becomes a judge. Forty-four percent of New York City voters and 43% of suburban voters believe that campaign contributors have a great deal of influence over who becomes a judge. This compares with 33% of upstate voters who share this view.

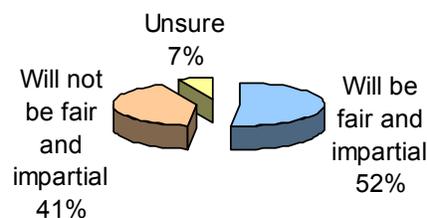
		Upstate	NYC	Suburbs
		%	%	%
Influence of campaign contributors on who becomes a judge	<u>Great deal/some</u>	<u>76</u>	<u>82</u>	<u>78</u>
	Great deal	33	44	43
	Some	43	38	35
	<u>Just a little/not at all</u>	<u>24</u>	<u>19</u>	<u>21</u>
	Just a little	16	14	15
	Not at all	8	5	6

D. Taking a stand on the issues during judicial campaigns

In the course of campaigning for election, some judicial candidates will take positions on issues. But when a judge takes a stand on an issue, do voters believe that the judge will be fair and impartial if a case involving that issue comes before him or her?

Fifty-two percent of registered voters think that a judge can be fair and impartial in a case involving an issue the judge has taken a stand on during a campaign. However, 41% of registered voters think a judge will not be fair and impartial in this situation.

Campaign issue effect on judicial fairness



If a person running for judge takes a position on an issue during an election campaign, do you think that person will be fair and impartial or will not be fair and impartial as a judge if a case involving that issue comes before them?

Section 3: Perceptions of the Judicial Campaign Process

While a majority of upstate voters believe that a judge will be fair and impartial on an issue even if the judge has taken a stand on that issue, their suburban and New York City counterparts are divided on the question. Forty-nine percent of suburban voters think that a judge will be fair and impartial on issues that the judge has taken a stand on during an election, and forty-two percent think that the judge will not be fair and impartial. New York City voters divide evenly. Forty-six percent think that the judge will be fair and impartial, and 46% think that the judge will not be fair and impartial.

		Upstate	NYC	Suburbs
		%	%	%
Campaign issue effect on judicial fairness	Will be fair and impartial	58	46	49
	Will not be fair and impartial	36	46	42
	Unsure	6	8	9

Section 4

IV. Independence of Judges

A. How important is it to voters for judges to be independent?

As noted earlier, most registered voters in New York State believe that political party leaders and campaign contributors have at least some influence over who becomes a judge. Nine out of ten registered voters believe that it is important for a judge to be independent from political party leaders and campaign contributors including a majority of voters who believe it is very important for judges to be independent from each of these groups.

		NYS Registered Voters	
		Political party leaders	Campaign contributors
		%	%
Judges independence from political party leaders and campaign contributors	<u>Very important/important</u>	<u>90</u>	<u>90</u>
	Very important	56	56
	Important	34	34
	<u>Not very/not at all important</u>	<u>9</u>	<u>10</u>
	Not very important	5	6
	Not at all important	4	4

Do you think it is very important, important, not very important, or not important at all that a judge be independent from (insert item-rotated) in order for a judge to carry out his or her responsibilities?

Although a majority of both men and women believe it is very important for judges to be independent from political party leaders, men are more likely than women to think so. Sixty-two percent of men report that it is very important for judges to be independent from political party leaders compared with 51% of women. Similarly, older voters are more likely to share this view. Sixty-seven percent of registered voters over 60 years of age are likely to agree that it is very important for judges to be independent from political party leaders compared with 61% of registered voters aged 45 to 60, 50% of registered voters aged 31 to 44, and 31% of registered voters aged 30 or less.

Section 4: Independence of Judges

		Men	Women	30 or less	31 to 44	45 to 60	Over 60
		%	%	%	%	%	%
Importance of judges independence from political party leaders	Very important/important	91	90	86	90	90	93
	Very important	62	51	31	50	61	67
	Important	29	39	55	40	29	26
	Not very/not at all important	10	10	14	10	10	7
	Not very important	5	6	8	5	6	3
	Not at all important	5	4	6	5	4	4

When it comes to the importance of judges being independent from campaign contributors, men, college graduates, and those who earn more than \$50,000 a year are more likely to feel strongly on this issue. Sixty-one percent of men believe it is very important for judges to be independent from campaign contributors, 63% of voters with a college degree, and 61% of voters who earn more than \$50,000 a year think it is very important for judges to be independent from campaign contributors.

		Men	Women	Not College Graduate	College Graduate	Income < \$50,000	Income \$50,000 or more
		%	%	%	%	%	%
Importance of judges independence from campaign contributors	Very important/important	91	88	88	92	89	91
	Very important	61	51	50	63	50	61
	Important	30	37	38	29	39	30
	Not very/not at all important	8	12	12	8	11	8
	Not very important	4	8	6	6	5	6
	Not at all important	4	4	6	2	6	2

The public's perception of campaign finance reform

Registered voters in New York State are concerned about the potential issues that arise from campaign fundraising. As noted earlier, registered voters perceive campaign contributors to have at least some influence on the decisions made by judges as well as an influence on who becomes a judge. In addition, many registered voters believe it is very important that judges remain independent from their contributors, and that judges should not be involved with cases involving their contributors.

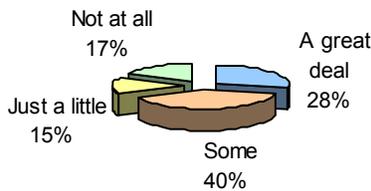
Registered voters were presented two campaign finance reform proposals.

- First proposed reform: Have judicial candidates agree not to raise money and limit their spending to money available from a publicly financed election fund.

Sixty-eight percent of New York State registered voters believe that this measure will improve the justice system at least some. About one-third of registered voters, 32%, think this reform measure will improve the justice system just a little or not at all.

Section 4: Independence of Judges

How much will judicial system be improved if candidates agree not to raise money and limit spending to publicly financed funds

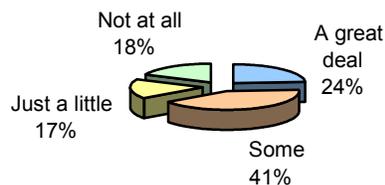


Do you think having judicial candidates agree not to raise money and limit their spending to money available from a publicly financed election fund will improve the justice system a great deal, some, just a little, or not at all?

- Second proposed reform: Have each campaign contribution to a judicial candidate disclosed to the public immediately.

Nearly two-thirds of registered voters, 65%, think that this measure will improve the justice system a great deal or some.

How much will judicial system be improved if campaign contributions are disclosed to public immediately



Do you think having each campaign contribution to a judicial candidate disclosed to the public immediately will improve the justice system a great deal, some, just a little, or not at all?

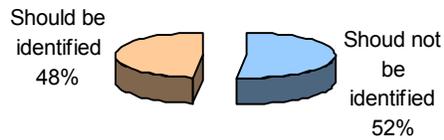
B. Should judges be identified with a political party on the ballot?

Registered voters were presented with two positions regarding whether judges should be identified with a political party on the ballot. The first statement was: “Some people think judges running for election in New York State should not be identified with a political party on the ballot because people may vote for the party rather than for the candidate with the better qualifications.” The second statement was: “Other people think judges running for election in New York State should be identified with a political party on the ballot to help people understand what the candidate stands for.” Registered voters divide on whether judicial candidates should or should not be identified with a political party on the ballot.

Fifty-two percent of registered voters believe that judges should not be identified with a political party, and 48% of registered voters think that judges should be identified with a political party on the ballot.

Section 4: Independence of Judges

Judicial candidate party affiliation on ballot



(Rotated) Some people think judges running for election in New York State should not be identified with a political party on the ballot because people may vote for the party rather than for the candidate with the better qualifications. (Rotated) Other people think judges running for election in New York State should be identified with a political party on the ballot to help people understand what the candidate stands for. Which comes closer to your own view: judges should not be identified with a political party on the ballot or judges should be identified with a political party on the ballot?

Upstate voters are more likely than suburban and New York City voters to feel that judges should not be identified with a political party. Fifty-nine percent of upstate voters indicate that judges should not be identified with a political party compared with 46% of suburban voters and 48% of New York City voters.

Additionally, 54% of white voters believe that party affiliation should not be on the ballot compared with 43% of African-American voters who share this view.

		White	African-American	Upstate	NYC	Suburbs
		%	%	%	%	%
Judicial candidate party affiliation on ballot	Should not be identified	54	43	59	48	46
	Should be identified	46	57	41	52	54

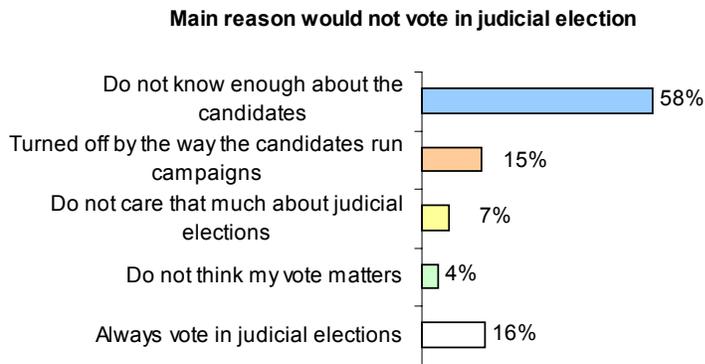
Section 5

V. Voters and Judicial Elections

A. Non-voting in judicial elections

A majority of New York State registered voters, 58%, indicate that the main reason they would not vote in a judicial election is that they do not know enough about the candidates.

Fifteen percent would not vote because they are turned off by the way the candidates run campaigns followed by 7% who do not care that much about judicial elections, and 4% who believe that their vote does not matter. The remaining 16% of respondents report that they always vote in judicial elections.



Which one of the following comes closest to the main reason why you would not vote in a judicial election: (choices rotated)

Registered voters throughout the state mention their lack of knowledge about the candidates as their main reason for not voting in judicial elections, although New York City voters are most likely to cite this reason, 67%, followed by voters in the suburbs, 59%, and voters upstate, 52%.

		Upstate	NYC	Suburbs
		%	%	%
Main reason would not vote in judicial election	Do not know enough about the candidates	52	67	59
	Turned off by the way the candidates run	18	10	14
	Don't care about judicial elections	7	9	4
	Do not think my vote matters	3	4	4
	Always vote in judicial elections	19	10	19

B. Elected or appointed...it depends

Section 5: Voters and Judicial Elections

New York State registered voters generally are not familiar with how judges throughout the state obtain their posts. Twenty-six percent of registered voters are unsure if justices of the New York State Court of Appeals are elected or appointed, 23% of registered voters are unsure if justices of the New York State Supreme Court are elected or appointed, and 22% of registered voters are unsure whether county level judges are elected or appointed.

About half of registered voters, 52%, are aware that judges of the New York State Court of Appeals are appointed, while 22% of registered voters believe these judges to be elected.

One-third of voters correctly state that justices of the New York State Supreme Court are elected, while more than four in ten, 43%, believe these justices to be appointed.

Voters are more knowledgeable about their local county and civil court judges. Sixty percent of registered voters correctly indicate that their local county and civil court judges are elected and only 19% of registered voters believe these judges are appointed.

		NYS Court of Appeals	NYS Supreme Court	County level and civil courts
		%	%	%
Knowledge of judicial elections	Elected	22	33	60
	Appointed	52	43	19
	Unsure	26	23	22

Do you think (insert item-rotated) are elected or appointed? If you are unsure, just say so. a) Judges of the New York State Court of Appeals which is the highest court in the state b) Justices of the New York State Supreme Court which is the main trial court in the state c) Judges of county level and civil courts

While there are no significant differences among groups on their knowledge about how judges for the New York State Court of Appeals or the New York State Supreme Court are selected, there are several significant differences among groups regarding knowledge of how local county and civil judges are selected.

Registered voters who know that local county and civil court judges are elected are more likely to live upstate, 72%, or in the suburbs, 60%, than in New York City, 43%.

		Upstate	NYC	Suburbs
		%	%	%
Knowledge of local county and civil court judges	Elected	72	43	60
	Appointed	9	30	21
	Unsure	19	28	19

Registered voters who know that local county and civil court judges are elected are also more likely to be white, 64%, than African-American, 45%, or Latino, 37%.

Section 5: Voters and Judicial Elections

		White	African-American	Latino
		%	%	%
Knowledge of local county and civil court judges	Elected	64	45	37
	Appointed	15	37	36
	Unsure	21	18	27

C. Where do voters get their information on judicial candidates?

Newspapers or magazines, television, and word of mouth are the most popular sources used by New York State registered voters to learn about judicial elections.

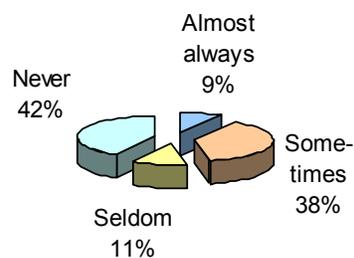
More than eight in ten, 84%, registered voters report that they use newspapers or magazines almost always or sometimes to learn about judicial elections. About seven in ten registered voters use television, 72%, and word of mouth, 67%, almost always or sometimes to learn about judicial elections.

Cited by more than half of New York State's registered voters is radio, 59%, and direct mail, 55%. Noted less often, but still cited as sources for information on judicial campaigns are lawn signs or posters, 39%, door to door visits from the candidates or their workers, 33%, bar association ratings, 28%, and the Internet, 23%.

D. Voter guides

Voter guides are used by nearly half of registered voters as a source of information to learn about judicial candidates. Forty-seven percent of registered voters rely on voter guides at least sometimes to learn about judicial candidates. While about half, 53%, of registered voters report using voter guides seldom or never, it should be noted that the guides are not available in all regions of the state.

Frequency of Using Voter Guides



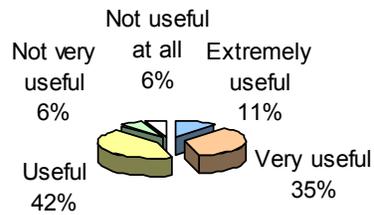
Do you use voter guides to learn about judicial candidates almost always, sometimes, seldom, or never?

Most registered voters indicate that voter guides are useful. Eleven percent of registered voters indicate that such a guide would be extremely useful and 35% of registered voters indicate that

Section 5: Voters and Judicial Elections

the guide would be very useful. Only 12% of registered voters do not consider a voter guide to be useful.

Usefulness of voter guides



Do you think that it would be extremely useful, very useful, useful, not very useful, or not useful at all if New York State were to provide voter guides for judicial elections to help inform voters about the candidates in each race?

Section 6

VI. How the Survey was Conducted

A. Background

This survey was sponsored by the Commission to Promote Public Confidence in Judicial Elections and conducted by the Marist Institute for Public Opinion. The purpose of the survey was to measure the perceptions of registered voters throughout the state about judges in New York State and the judicial campaign and election process.

B. How to Interpret the Numbers

The goal of a scientifically designed survey sample is to be representative of the population that is being surveyed. The results obtained from a scientific probability survey are not just answers from those individuals who responded but more importantly, because of the design and methods by which the data are collected, can be used to generalize to the population as a whole. For this study, the results are an estimate of what would have been obtained, within a certain range, if all registered voters throughout New York State were interviewed.

When analyzing the survey results, it should be kept in mind that in all surveys each result is an estimate of what would have been obtained had everyone in the eligible population been interviewed. This difference between the responses if all registered voters throughout New York State have been interviewed and the survey results is referred to as sampling error. Sampling error is primarily based upon the number of interviews in the survey sample.

1,003 New York State registered voters were interviewed from October 8th through October 20th, 2003. The sampling error for the survey results is $\pm 3\%$ for percentages near 50% at a confidence level of 95%. The sampling error may be interpreted as indicating the probability (95 times out of 100) within which the results of repeated samplings, in the same time period, assuming the same sampling procedures can be expected to fall within a certain range. The sampling error diminishes slightly for questions whose results are at the extremes, and the sampling error increases as the number of interviews for a particular group or sub-group within the sample declines.

For example, 52% of New York State registered voters surveyed think judicial candidates should not be identified with a political party. We may conclude that there is a high probability (95 times out of 100) that the average results for this question of repeated samplings of registered voters throughout New York State will fall between 49% and 55% ($\pm 3\%$).

Please note that numbers may not add to 100% due to rounding.

C. Methodology

Section 6: How the Survey Was Conducted

Sample Design

A stratified random digit dial (RDD) probability design was used to draw the telephone numbers for the survey. RDD ensures representation of both listed and unlisted telephone numbers. Telephone numbers were selected based upon a list of telephone exchanges from throughout New York State. The exchanges were selected to ensure that each county was represented in proportion to the number of registered voters. The telephone numbers were obtained from Survey Sampling Inc. in Fairfield, Connecticut. The sample file was electronically matched after selection to the yellow pages business directory and screened for business and or disconnected numbers. In order to participate in the survey a respondent needed to be at least 18 years of age or older and be registered to vote at their current address in New York State.

Data Collection

The questionnaire and the telephone samples were programmed for computer assisted telephone interviewing (CATI). A pretest of the questionnaire was conducted on October 7th, 2003. 87 interviews with New York State registered voters were completed. As a result of the pretest, the questionnaire was updated and revised.

All interviewing for both the pretest and the full survey was conducted from a centralized telephone facility using trained interviewers who were specifically briefed on this study. Interviewers attempted to contact households between 5:15 p.m. and 9:45 p.m. on weeknights and 1 p.m. to 5:00 p.m. on weekends. Callbacks were also conducted between 9:00 a.m. and 5:00 p.m. on weekdays. A toll free number was provided for respondents to call the survey center to complete the survey at their convenience. Polling supervisors regularly monitored, evaluated, and provided feedback to the interviewing staff.

Information collected from survey participants is both confidential and anonymous. Personal identifying information was removed from files after the integrity of the data was verified.

D. Demography

Section 6: How the Survey Was Conducted

		NYS Registered Voters
		%
NYS Registered Voters		100
Party Registration	Democrat	44
	Republican	32
	Independent	23
	Other	1
Region	Upstate	43
	New York City	33
	Suburbs	24
Gender	Male	48
	Female	52
Race	White	80
	African-American	9
	Latino or Hispanic	9
Education	Not college graduate	56
	College Graduate	44
Age	30 or less	13
	31 to 44	25
	45 to 60	37
	Over 60	25
Household Income	Less than \$50,000	43
	\$50,000 or more	57

Public Opinion and Judicial Elections

VII. Appendix

A. Question wording and results

Q1. Are you 18 years of age or older?

		NYS Registered Voters
		Col %
18 years of age or older	Yes	100%

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Q2. Are you registered to vote at your current address in New York State?

		NYS Registered Voters
		Col %
Registered to vote	Yes	100%

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Q3. What are the chances of your voting in the elections coming up this November, are you almost certain to vote, will you probably vote, are the chances fifty-fifty, or don't you think you will vote?

		NYS Registered Voters
		Col %
Involvement in elections - Generally	Almost certain	70%
	Probably	14%
	Fifty-fifty	10%
	Do not think will vote	6%

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Appendix

Q4. Thinking specifically about judicial elections, how frequently do you vote in elections for judges: almost always, sometimes, not often, almost never?

		NYS Registered Voters
		Col %
Involvement in elections - Judicial	Almost always	52%
	Sometimes	23%
	Not often	10%
	Almost never	16%

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Q5. Which one of the following comes closest to the main reason why you would not vote in a judicial election:

		NYS Registered Voters
		Col %
Main reason not vote in judicial elections	Do not know enough about the candidates	58%
	Always vote in judicial elections	16%
	Turned off by the way the candidates run campaigns	15%
	Do not care that much about judicial elections	7%
	Do not think my vote matters	4%

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Q6. Do you think (insert item) are elected or appointed? If you are unsure, just say so.

Knowledge of Judicial Elections

		NYS Registered Voters
		Col %
Judges of the New York State Court of Appeals	Elected	22%
	Appointed	52%
	Unsure	26%
Justices of the New York State Supreme Court	Elected	33%
	Appointed	43%
	Unsure	23%
Judges of County level and civil courts	Elected	60%
	Appointed	19%
	Unsure	22%

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Q7. Overall, would you say the elected judges in New York State are doing an excellent, good, just fair, or poor job?

		NYS Registered Voters
		Col %
Rate job of elected judges in New York State	Excellent	3%
	Good	42%
	Just fair	39%
	Poor	9%
	Unsure	8%

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Q8. Which one of the following do you think is the most important responsibility for judges:

		NYS Registered Voters
		Col %
Most important responsibility of judges	Making impartial decisions	35%
	Protecting individuals' rights	31%
	Providing equal justice for the rich and poor	30%
	Checking the power of other branches of government	4%

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Q9. Would you say that you strongly agree, agree, disagree, or strongly disagree that (insert item) are fair and impartial?

Perception of Fairness and Impartiality

		NYS Registered Voters
		Col %
Judges in your county are fair and impartial	Strongly Agree	9%
	Agree	61%
	Disagree	17%
	Strongly Disagree	5%
	Unsure	8%
New York State judges as a whole are fair and impartial	Strongly Agree	8%
	Agree	63%
	Disagree	18%
	Strongly Disagree	4%
	Unsure	7%

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Appendix

Q10. Some people say that judges in New York State generally favor certain groups over others, while others say that judges in New York State generally treat everyone equally.

Please tell me whether you think that each of the following groups receives better treatment, the same treatment, or worse treatment than other groups from judges in New York State?

Treatment of Groups by New York State Judges

		NYS Registered Voters
		Col %
Men	Better	21%
	Same	62%
	Worse	12%
	Unsure	5%
Women	Better	14%
	Same	64%
	Worse	17%
	Unsure	5%
African Americans	Better	7%
	Same	49%
	Worse	40%
	Unsure	4%
Hispanics and Latinos	Better	6%
	Same	50%
	Worse	37%
	Unsure	7%
Asian Americans	Better	8%
	Same	68%
	Worse	14%
	Unsure	9%
Non-English speaking people	Better	6%
	Same	43%
	Worse	44%
	Unsure	7%
Middle class people	Better	14%
	Same	70%
	Worse	12%
	Unsure	4%
People who are poor	Better	3%
	Same	43%
	Worse	51%
	Unsure	4%
Wealthy people	Better	68%
	Same	27%
	Worse	2%
	Unsure	3%

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Q11. Some judges in New York State are elected and therefore have to raise money for their election campaigns. How much influence do you think campaign contributions made to judges have on their decisions: a great deal of influence, some influence, just a little influence, or no influence at all?

		NYS Registered Voters
		Col %
Perception of influence on judges' decisions of having to raise money for election campaigns	A great deal	38%
	Some	45%
	Just a little	11%
	No influence at all	6%

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Q12. Do you think that (insert item) influences the decisions of judges in New York State a great deal, some, just a little, or not at all?

Perception of Influence on Judges' Decisions

		NYS Registered Voters
		Col %
The public's opinion on an issue	Great deal	13%
	Some	51%
	Just a little	23%
	Not at all	13%
Media coverage	Great deal	27%
	Some	39%
	Just a little	21%
	Not at all	13%
People judges know personally	Great deal	28%
	Some	41%
	Just a little	21%
	Not at all	10%
Political parties	Great deal	35%
	Some	43%
	Just a little	15%
	Not at all	7%
Having to run for re-election	Great deal	35%
	Some	44%
	Just a little	14%
	Not at all	8%

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Q13. Do you think that (insert item) have a great deal, some, just a little, or no influence at all over who becomes a judge?

Perception of Influence on Who Becomes a Judge

		NYS Registered Voters
		Col %
Voters	Great deal	36%
	Some	38%
	Just a little	18%
	Not at all	8%
Political party leaders	Great deal	48%
	Some	38%
	Just a little	12%
	Not at all	3%
Campaign contributors	Great deal	39%
	Some	39%
	Just a little	15%
	Not at all	7%
Special interest groups	Great deal	31%
	Some	44%
	Just a little	18%
	Not at all	7%

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Q14. Do you think it is very important, important, not very important, or not important at all that a judge be independent from (insert item) in order for a judge to carry out his or her responsibilities?

Importance of Judges' Independence

		NYS Registered Voters
		Col %
Political party leaders	Very important	56%
	Important	34%
	Not very important	5%
	Not important at all	4%
Campaign contributors	Very important	56%
	Important	34%
	Not very important	6%
	Not important at all	4%

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Q15. Some people think judges running for election in New York State should not be identified with a political party on the ballot because people may vote for the party rather than for the candidate with the better qualifications.

Other people think judges running for election in New York State should be identified with a political party on the ballot to help people understand what the candidate stands for.

Which comes closer to your own view: judges should not be identified with a political party on the ballot or judges should be identified with a political party on the ballot?

		NYS Registered Voters
		Col %
Judicial candidate party affiliation on ballot	Should not be identified with a political party	52%
	Should be identified with a political party	48%

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Q16. If a person running for judge takes a position on an issue during an election campaign, do you think that person will be fair and impartial or will not be fair and impartial as a judge if a case involving that issue comes before them?

		NYS Registered Voters
		Col %
Candidates' positions on campaign issues and judicial fairness	Will be fair and impartial	52%
	Will not be fair and impartial	41%
	Unsure	7%

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Q17. Do you think a judge should or should not be allowed to hear or rule in cases when one of the parties has given money to the judge's campaign?

		NYS Registered Voters
		Col %
Should judges hear cases involving campaign contributors	Should	13%
	Should not	87%

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Q18. Do you think (insert item) will improve the justice system a great deal, some, just a little, or not at all?

Perception Each Will Improve Justice System

		NYS Registered Voters
		Col %
Having each campaign contribution to a judicial candidate disclosed to the public immediately	A great deal	24%
	Some	41%
	Just a little	17%
	Not at all	18%
Having judicial candidates agree not to raise money and limit their spending to money available from a publicly financed election fund	A great deal	28%
	Some	40%
	Just a little	15%
	Not at all	17%

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Appendix

Q19. Do you use any of the following sources to learn about judicial candidates almost always, sometimes, seldom, or almost never?

Public's Sources of Information for Judicial Elections

		NYS Registered Voters
		Col %
Television	Almost always	20%
	Sometimes	52%
	Seldom	9%
	Never	19%
Radio	Almost always	9%
	Sometimes	50%
	Seldom	12%
	Never	28%
Direct mail	Almost always	10%
	Sometimes	45%
	Seldom	12%
	Never	33%
Lawn signs or posters	Almost always	6%
	Sometimes	33%
	Seldom	15%
	Never	47%
Newspapers or magazines	Almost always	34%
	Sometimes	50%
	Seldom	6%
	Never	10%
Word of mouth	Almost always	13%
	Sometimes	54%
	Seldom	12%
	Never	22%
Door to door visits from the candidates or their workers	Almost always	7%
	Sometimes	26%
	Seldom	12%
	Never	56%
The Internet	Almost always	4%
	Sometimes	19%
	Seldom	10%
	Never	67%
Bar Association ratings	Almost always	7%
	Sometimes	21%
	Seldom	10%
	Never	63%
Voter guides	Almost always	9%
	Sometimes	38%
	Seldom	11%
	Never	42%

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Q20. Do you think it would be extremely useful, very useful, useful, not very useful, or not useful at all if New York State were to provide voter guides for judicial elections to help inform voters about the candidates in each race?

		NYS Registered Voters
		Col %
Usefulness of voter guides	Extremely useful	11%
	Very useful	35%
	Useful	42%
	Not very useful	6%
	Not useful at all	6%

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