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Recent Research On Supreme Court Reforms

Welcome to NAVIGATOR — a project designed to better understand the American public's views on issues of the day and help advocates, elected officials, and other interested parties understand the language, imagery and messaging needed to make and win key policy arguments.

This memo includes analysis from two national surveys conducted by GBAO, fielded July 9-14 and August 24-27, 2020 respectively. Both surveys were national online surveys of 1000 interviews, each with oversamples of 150 interviews among
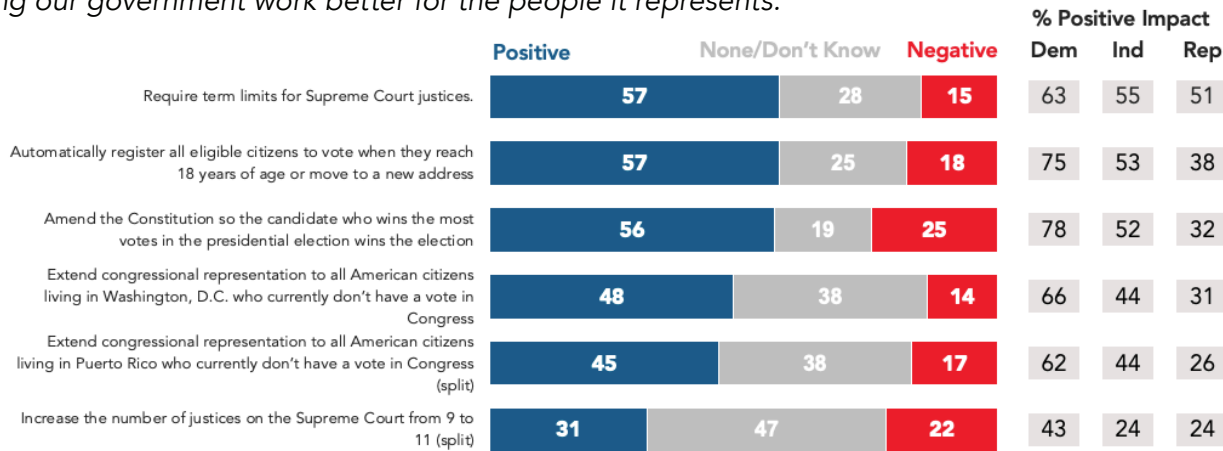
Black, Latinx, and AAPI voters (450 total oversample per survey). Additional analysis comes from several waves of Navigator Research tracking, with more details on those surveys here, here, and here. Further public polling by other sources cited here. More information about Navigator and past waves of its research can be found here.

In the wake of Amy Coney Barrett's confirmation, and the urgent interest in Supreme Court reforms, this brief memo details recent findings—some from before the passing of Justice Ruth Bader Ginsburg, and some afterwards—on the Supreme Court. Of course, further study will be needed as the political climate evolves.

Summary:

- In 2019, while a majority supported a balanced court, more opposed Court expansion than supported it.
- In 2020, pre-vacancy, more felt expansion would have a positive impact than a negative one.
- ***Now, post-vacancy, more support expansion than oppose, although now with far more partisan division.***
- And there has been widespread support for Supreme Court term limits.

Electoral reforms are positive among non-Republicans, even court expansion is more positive than negative. *Please indicate what kind of impact you think each of the changes described below would have in making our government work better for the people it represents.*

	Positive	None/Don't Know	Negative	% Positive Impact Dem	Ind	Rep
Require term limits for Supreme Court justices.	57	28	15	63	55	51
Automatically register all eligible citizens to vote when they reach 18 years of age or move to a new address	57	25	18	75	53	38
Amend the Constitution so the candidate who wins the most votes in the presidential election wins the election	56	19	25	78	52	32
Extend congressional representation to all American citizens living in Washington, D.C. who currently don't have a vote in Congress	48	38	14	66	44	31
Extend congressional representation to all American citizens living in Puerto Rico who currently don't have a vote in Congress (split)	45	38	17	62	44	26
Increase the number of justices on the Supreme Court from 9 to 11 (split)	31	47	22	43	24	24

Findings

In 2019, while a majority supported a balanced Court, more opposed Court expansion than supported it.

- In a 2019 Navigator Research survey focused on democratic reforms, a clear majority (67%) supported the principle "ensuring the US Supreme Court is not much more conservative or liberal than the majority of Americans." This principle received bipartisan support (77% Democrats, 58% Republicans).

- Yet Court expansion was not popular. More opposed (42%) than supported (26%), although a sizeable number were not sure (32% -- more than almost any from a list of 18 reforms tested). A plurality of Democrats (38%) supported expansion but only by a 10-point margin. Republicans were more squarely opposed (60%).

In 2020, pre-vacancy, more felt expansion would have a positive impact than a negative one. In August 2020, almost a third (31%) said increasing the number of Justices from 9 to 11 would have a "positive effect" on our government, with fewer than a quarter (22%) saying it would have a negative effect (31% no impact). Democrats were more positive (+36) than Republicans were negative (-10). Notably, many Americans either say they believe adding justices would have no impact (31%) or an uncertain impact (15% say "not sure") proving that there is significant room to shape public opinion on this aspect of the court reform debate.

Immediately post-vacancy, a plurality support Court expansion, although with far more partisan division. The most recent Navigator explores the current Court vacancy in its immediate aftermath. Here we provide a more detailed hypothetical: Trump's nominee gets confirmed and Biden wins the election. In this scenario, a plurality support expansion (43% support, 39% oppose, 18% not sure). Support is now more partisan than in previous askings (65% Democrat, 14% Republican) because of a surge among Democrats.

- Other post-vacancy public polling by Data for Progress shows a similarly large partisan divide in support for expansion (58% Democrats, 28% Republicans). As we've also found, large numbers are not sure (21%).

- It's important to note both post-vacancy questions differ from pre-vacancy questions in that they provide current context about the presidential contest. A more abstract expansion hypothetical simply about adding Justices evokes a far less divided reaction.

There has been widespread support for Supreme Court term limits. In the 2019 Navigator Research survey, Court term limits had widespread bipartisan support (71% Democrats, 58% Republicans). In our August 2020 survey, similarly strong numbers said term limits would have a positive effect on government (63% Democrats, 51% Republicans).

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About Navigator

In a world where the news cycle is the length of a tweet, our leaders often lack the real-time public-sentiment analysis to shape the best approaches to talking about the issues that matter the most. Navigator is designed to act as a consistent, flexible, responsive tool to inform policy debates by conducting research and reliable guidance to inform allies, elected leaders, and the press. Navigator is a project led by pollsters from Global Strategy Group and GBAO along with an advisory committee, including: Andrea Purse, progressive strategist; Arkadi Gerney, The Hub Project; Christina Reynolds, EMILY's List; Delvone Michael, Working Families; Felicia Wong, Roosevelt Institute; Mike Podhorzer, AFL-CIO; Jesse Ferguson, progressive strategist; Joel Payne, The Hub Project; Navin Nayak, Center for American Progress Action Fund; Stephanie Valencia, EquisLabs; and Melanie Newman, Planned Parenthood Action Fund.

To learn more about Navigator: http://navigatorresearch.org/