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**MU law pollster Franklin says this state Supreme Court race will be copied**

By WisPolitics.com

In the wake of liberal Janet Protasiewicz's double-digit percentage win over conservative Daniel Kelly comes a variety of predictions: Wisconsin will turn blue in a big way; Republicans won't win statewide
until they solve the abortion issue; and high-stakes judicial elections will be changed forever.

Of all those predictions, the safest seems to be that the 2023 liberal court victory will set a template to be repeated in judicial races in Wisconsin and beyond.

Count Marquette University Law School Poll Director Charles Franklin as one who believes the tactics from April 4 will be copied.

“Nothing succeeds like success,” Franklin quipped at a recent WisPolitics.com luncheon in Madison.

Franklin at the WisPolitics.com luncheon argued high-profile issues like abortion rights and legislative maps -- plus Protasiewicz’s willingness to bluntly discuss her views -- helped her win a 10-year term on the high court and flip philosophical control of the court. The challenge for future candidates will be deciding how far to go on signaling where they will stand on issues that may come before the
court.

“There is this line about predefining cases, and where is the boundary between how you talk about issues and what that means for prejudicing cases that will come before you,” he said. “And that’ll be a lively topic, I predict.”

He also said the issue has raised the question of how voters can pick between candidates.

“You might debate whether we should elect judges at all, but if we’re going to, how do we give people information about who or what they’re voting for,” he said. “Well, this time sure took care of that
problem.”

Protasiewicz early on focused much of her advertising on Wisconsin’s 1849 abortion ban.

Franklin argued that helped give her the win. Wisconsin is a perfect example of how the current polarized nature of politics will keep abortion on voters’ minds regardless of party affiliation, he added.

Assembly Speaker Robin Vos, R-Rochester, is backing a bill that would create exceptions to the ban for rape and incest survivors. Democratic Gov. Tony Evers has said he won’t approve anything less than a return to the federal protections under Roe v. Wade, and Senate Majority Leader Devin LeMahieu, R-Oostburg, said he won’t take up the bill at all.

“You don’t have to be as divided as Wisconsin is to think that’s going to be very hard for states with divided governments to solve,” Franklin said.

Franklin also said he decided against polling the Supreme Court race because he wasn’t confident any sample of respondents he could gather quickly would provide accurate results.

He said he may have reconsidered the decision had he known the record high-spending race would bring record turnout. He argued he trusts the system his team has established to implement the poll, but he has to have data to back up its results. And telling people Protasiewicz was up by double digits would be a hard sell.

“But if I had a sample of 20 percent out of 800 respondents; 160 respondents” he said. “I cannot walk out on that stage and tell you with sufficient confidence that that’s where we are.”

On another topic, Franklin said Donald Trump’s recent indictment likely won’t change his favorability rating, just like his first impeachment didn’t.

“It didn’t change a damn thing,” he said, referring to how the 2019 impeachment affected favorability ratings in the Marquette Law School poll.

Franklin argued many two-time Trump voters have said they are looking at Florida Gov. Ron DeSantis as an alternative because they want a candidate who can serve two terms. DeSantis also appeals to Trump
voters because he’s not a never-Trumper.

“So DeSantis represents a threat from inside Trump’s house,” he said.

In an appearance on WISN's "UpFront" program, Franklin also commented on Dem U.S. Sen. Tammy Baldwin's expected reelection bid. She is up for reelection next year to a six-year term.

“What we saw Tammy Baldwin do in her previous race was make similar kind of inroads, winning in the BOW (Brown, Outagamie and Winnebago) counties, winning in the west, taking some of those more rural central and northern Wisconsin counties,” he said. “Open question is can she do that again?”

In the Wisconsin Supreme Court election, Franklin points to Kelly losing the BOW counties and underperforming in Waukesha, Ozaukee and Washington counties in southeastern Wisconsin.

“The Republican or conservative margins in those counties have been going down steadily by a few points each election,” Franklin said. “But it’s not unique to one race or one personality. We’ve seen it in
the governor’s races since 2010, the Senate races since 2010, the Supreme Court races and presidential races.”

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