



"Heitkamp has voted against Trump 68 percent of time."

— *National Republican Senatorial Committee on Wednesday, January 31st, 2018 in a digital ad*



Misleading NRSC ad paints Heidi Heitkamp as Donald Trump contrarian

By *Manuela Tobias* on Friday, February 9th, 2018 at 11:16 a.m.

A North Dakota National Republican Senate Committee [ad](#) portrays Sen. Heidi Heitkamp, D-N.D., as a contrarian to President Donald Trump.

"North Dakota voted for President Trump," the voiceover says. "But Sen. Heidi Heitkamp doesn't care. She's joined Washington liberals in their partisan obstruction and is taking orders from party boss Chuck Schumer, the architect of the Schumer Shutdown."

"Heitkamp has voted against Trump 68 percent of time," the graphic reads. The statistic was shared during [State of the Union](#) and [Super Bowl](#) digital ad campaigns.

Given North Dakota's Republican leanings, Heitkamp is a top GOP target. However, the party's top potential recruit, U.S. Rep. Kevin Cramer, chose not to run, leaving state Sen. Tom Campbell the leading Republican challenger so far.

We wondered whether Heitkamp had indeed opposed Trump's agenda almost seven times out of 10. That depends on how you define opposition.

The NRSC cited a FiveThirtyEight "legislative voting analysis" of Heitkamp's votes. They pointed us to Heitkamp's [Trump Score](#) on the news site, which tracks how many times each member of Congress votes with or against the president.

FiveThirtyEight found that Heitkamp had voted with Trump 53.2 percent of the time and 46.8 percent of the time against him. The tally at the time the NRSC accessed the database (Jan. 26, 2018), was 53.33 percent with Trump, 46.7 percent against.

That's a much more moderate record than the ad suggests.

When we asked how they arrived at a different number using the same source, the NRSC explained they had only looked at policy votes, excluding nomination votes.

Heitkamp voted with Trump on 11 of 34 policy votes, and against Trump on 23 policy votes. That checks out, using the same simple arithmetic FiveThirtyEight used: 67.6, or 68, percent.

But that leaves out 26 Cabinet and Supreme Court nomination-related votes. There were 21 votes with Trump, five against; That represents 80 percent agreement with Trump.

Is it fair to include only policy votes?

FiveThirtyEight didn't think so.

"Our goal is to track how often members vote in support of the president's agenda, and we believe that including Cabinet-level and Supreme Court nominations is an important aspect of that," said Aaron Bycoffe, the article's author.

"Excluding votes on presidential nominations must be explained and it is not," said Steven Smith, a political scientist at Washington University in St. Louis. "That is misleading, particularly when the source does not separate nominations from legislation and report separate scores. Most standard 'presidential support' analyses, including Congressional Quarterly's studies, which date back to the 1960s, include significant nominations, like Supreme Court nominations and controversial Cabinet nominations."

Smith said that Heitkamp had supported the president's position more than all but one other Democrat who has been in office throughout the term.

Jeffrey Bumgarner, Criminal Justice and Political Science department head at the University of North Dakota, said that while the number sums up her legislative disagreement with Trump, favorable nomination votes should count as support for the president's agenda.

That's because "the president has included his judicial and executive branch appointments among his accomplishments (so he sees these votes as important) and, in this hyper-partisan environment, votes for the opposing party's nominees are not a given; hence, it is particularly remarkable when a senator crosses party lines on a vote--even for nominees," Bumgarner said.

Gregory Koger, a University of Miami political scientist who specializes in legislative politics, said some voting studies ignore consensus votes, where 98 to 100 senators vote the same way, which may inflate presidential support scores. But that's not the case here.

Matthew Hitt, an assistant professor in the Department of Political Science at Colorado State University, said it's standard for advocacy groups to use a selected subset of key votes, but has a misleading effect here.

"Sen. Heitkamp voted to confirm Neil Gorsuch, a signature achievement of President Trump's first year," Hitt said. "So, excluding that vote from the scoring, as one example, does paint an incomplete and slightly unfairly negative view of her overall support for the key objectives of the Trump administration."

Heitkamp was one of three Democrats who voted to confirm Gorsuch.

Our ruling

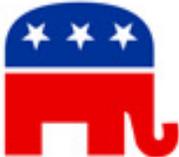
A North Dakota NRSC ad said, "Heitkamp has voted against Trump 68 percent of the time."

That's if you're only looking at policy votes. When Cabinet and Supreme Court nominations are added to the mix, which is how both the source of the NRSC's claim and traditional legislative trackers score presidential support, Hetikamp supports Trump about half the time.

Experts described excluding nominations, like Neil Gorsuch's, as misleading, as they play a key role in furthering Trump's legislative agenda.

We rate this statement Mostly False.

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The National Republican Senatorial Committee
GOP group

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