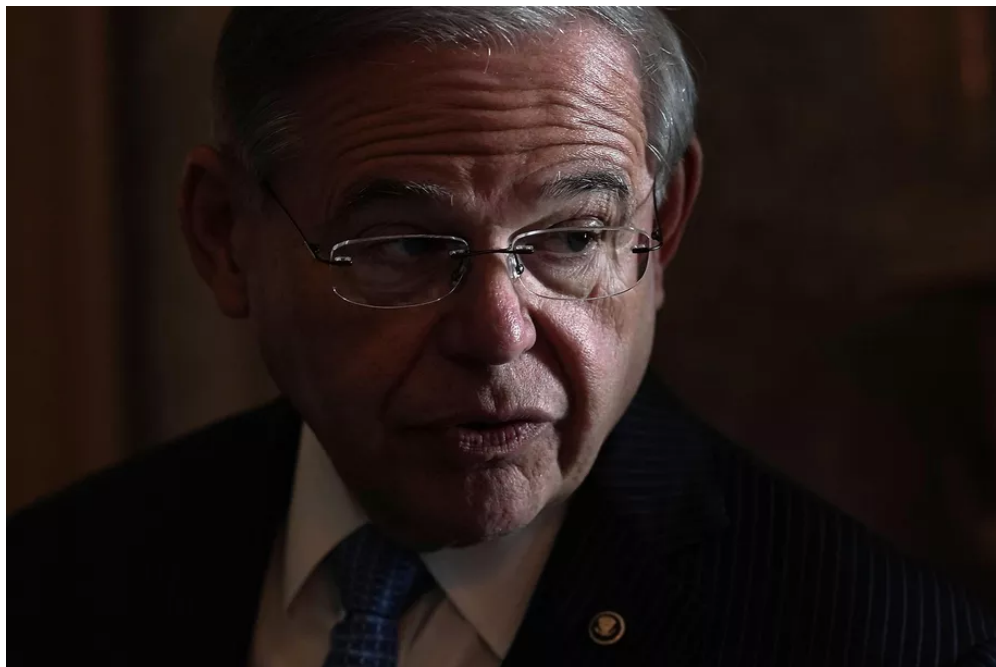




How Bob Menendez's corruption trial is making Democrats nervous about a safe Senate seat

Democratic Sen. Menendez is in a close race in New Jersey. What does that mean for Democrats taking back the Senate?

By Ella Nilsen | ella.nilsen@vox.com | Oct 4, 2018, 11:00am EDT



New Jersey Sen. Bob Menendez speaks to reporters on Capitol Hill. | Getty Images

Senate Democrats' nightmare scenario is one where they do everything right: hold all their tough red states; pick off an important swing state like Nevada, Arizona, or Tennessee; and still fail to take back the Senate when it all comes crumbling down in New Jersey.

Their fate could be tied to the fate of Sen. Bob Menendez, a longtime Democratic incumbent who is in the toughest race of his career. About a year ago, Menendez was embroiled in a corruption trial that **ended in with a hung jury and a mistrial**. There was a lot of speculation about whether Menendez would be expelled from the Senate if he was convicted, but he ran for reelection after the mistrial was declared.

As Democrats ramp up an anti-corruption message in 2018 aimed at stamping out lobbying and money in politics, Menendez's Republican challenger Bob Hugin has spent the summer attacking him as corrupt.

“The corruption factor is just a cloud over this entire race,” said Carl Golden, a former spokesperson for past New Jersey Govs. Chris Christie, Todd Whitman, and Thomas Kean, and longtime political analyst.

Menendez's seat is certainly **far from the closest Senate race** on the ballot this fall, but it's a problem for Democrats in a year in which they need everything to go just right.

“There's no question in anybody's mind in New Jersey that this race is much tighter than it should be,” said Patrick Murray, polling director at Monmouth University. “If you had a clean Democratic candidate running here, they should be ahead by 20 points.”

Recent polling has had Menendez with a single-digit lead — but a new poll has him pulling ahead

Menendez's seat has always been easy for Democrats to hold onto; there are almost double the number of registered Democrats as Republicans in New Jersey, and the state hasn't sent a Republican to the Senate since the early 1970s.

But dismal approval numbers and a handful of single-digit polls have Democrats worried they could lose a Senate seat they've had on lockdown for decades. Stockton University released a poll on Monday showing Menendez ahead of Republican challenger Bob Hugin **by just 2 points** — a statistical dead heat. “It feels like a lot of momentum with Hugin,” said John Froomjian, senior research associate at Stockton University's William J Hughes Center.

Both Murray and Cook Political Report's Senate editor Jennifer Duffy said the poll had major problems, including undersampling minority and young voters.

“It's not that this poll might be off, but if it's accurate, it's not because of sound methodology,” Murray said.

Recent polls have showed a tight race. An August 22 **Quinnipiac University poll** of registered voters showed Menendez ahead of Hugin by 6 points, and a **Fairleigh Dickinson University poll** showed the senator ahead by 5 points among registered voters.

In a bright spot for the senator, a **Wednesday Quinnipiac poll** of likely voters showed Menendez ahead of Hugin by 11 points, a margin that was driven especially by women — 57 percent said they would back Menendez compared to 38 percent who said they wouldn't. It's the first double-digit lead he's had since April.

"I don't believe [the Stockton] poll," said Duffy. "I don't think it's that close. Do I think Hugin has done some damage to Menendez? Yes."

Even so, Duffy moved the New Jersey Senate seat from Likely Democrat to Lean Democrat **in Cook's ratings** on Wednesday.

Democrats are running on anti-corruption, and Menendez is a sore point

As **Vox's Andrew Prokop has detailed**, in April 2015 the Justice Department brought a corruption case against Menendez, who it accused of using his position as a senator to benefit a Florida eye doctor named Salomon Melgen — someone convicted of defrauding Medicare of more than **\$90 million**. Menendez calls Melgen a friend, but vehemently denies committing crimes to help him.

As Prokop **wrote last year**:

Prosecutors are alleging that Menendez accepted expensive gifts from a wealthy supporter and friend, Dr. Salomon Melgen, in exchange for intervening on behalf of the doctor's business interests with government officials (and trying to get visas for the doctor's girlfriends). Menendez asserts he's done nothing wrong.

The case was closely watched in 2017; New Jersey still had a Republican governor during part of the trial, and Democrats feared Menendez could be expelled from the Senate and replaced with a Republican if he was convicted. But the jury deadlocked, unable to reach a conclusion.

Now Menendez is running for reelection in a year that coincides with national Democrats running on an anti-corruption message about cleaning up Washington.

Golden, a longtime political insider in New Jersey, says he's not aware of any conversations Democrats had asking Menendez to step aside leading up to the race. But there is real anxiety within the state party about his chances, Golden added.

"I know there have been some internal conversations and real nervousness about it," he said. "I do know there have been conversations within the party ... we hadn't counted on this, we're looking at keeping our congressional seats."

Menendez's reelection bid received a jolt during the summer primary, when a little-known **Democratic candidate named Lisa McCormick** who didn't spend on her race still

received 40 percent of the vote.

While Menendez wasn't convicted and continues to maintain his innocence, it appears New Jersey voters aren't as convinced. The August Quinnipiac poll showed a large number of New Jersey voters, 49 percent, said they believed Menendez was involved in serious wrongdoing. Sixteen percent who said they didn't believe it. And 47 percent of voters said they disapproved of his performance in office, while 40 percent approved.

And while Wednesday's Quinnipiac poll of likely voters certainly looked rosier for Menendez, the majority of likely voters told pollsters they don't think he is honest.

"New Jersey likely voters may prefer Sen. Menendez over Republican challenger Bob Hugin, but they certainly make it clear they are not fond of Menendez," said **polling analyst Mary Snow in a statement**. "Only one quarter of voters believe the incumbent is honest. Hugin, a former pharmaceutical executive, scores higher on honesty, at 39 percent, but just about as many people don't know enough about him to say for sure."

Menendez's Republican opponent Hugin has seized on the Democrat's trial, spending millions on ads slamming the senator as corrupt. And it's appearing to be an effective message.

"People are looking at that trial and saying 'he really wasn't acquitted,'" Golden said. "There's still a real question about his guilt, you can see that underlies a lot of it. People think that what he did was incredibly improper, criminal at least in the eyes of the Justice Department a year or so ago. That's some extremely heavy baggage to run with."

How much trouble is Menendez really in?

How worried should Democrats be about losing a Senate seat in New Jersey? In the first place, they haven't had to contend with a such a close race in a long time.

Menendez's big problem seems to be that Democrats so far are saying they are undecided about who to vote for, or whether to vote in November.

And (as Republicans have gleefully noted), the Democratic Senate Campaign Committee (DSCC) dropped \$117,000 on an ad buy supporting Menendez that ran from late August to early September, and spent another \$340,000 for more ad buys in late August, **per the North Jersey Record**. The DSCC didn't spend any money on Menendez in 2012, the last

year he ran. Golden thinks Democrats will have to spend a lot on get-out-the vote efforts this year, something they haven't had to do much of before.

"They have to spend a hell of a lot of money to get their people out to the polls," he said. "I don't think the national Democrats anticipated having to put any money into the New Jersey Senate race."

Of course, Golden, Murray and others in New Jersey caution not to count Menendez out. He's a well-known political entity in the Garden State, and will be spending plenty of money attacking Hugin's pharmaceutical background and campaign contributions to President Donald Trump, who is supremely disliked in the Garden State.

"We have enough voters saying I'm willing to hold my nose and vote for Menendez," Murray said.

Correction: An earlier version of this story stated Wednesday's Quinnipiac poll had Menendez with a 6 point lead. His lead was 11 points in Wednesday's poll; an earlier August poll had the senator with a 6 point lead.