

Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections

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In this article, we investigate one highly significant aspect of the role of money in judicial elections: whether campaign spending increases citizen participation in the recruitment and retention of judges. Specifically, by using a two-stage modeling strategy that allows us to separate the effects of challengers from the effects of money, we assess whether relatively expensive campaigns improve the chances that citizens will vote in the 260 supreme court elections held from 1990 through 2004 in 18 states using partisan or nonpartisan elections to staff the high court bench. We find that increased spending significantly improves citizen participation in these races. Whether measured as the overall spending in each election or in per capita terms, greater spending facilitates voting. We conclude, contrary to conventional wisdom about the deleterious effects of money in judicial elections, that by stimulating mass participation and giving voters greater ownership in the outcomes of these races, expensive campaigns strengthen the critical linkage between citizens and the bench and enhance the quality of democracy.

One of the most pressing issues on the American political agenda is the influence of private dollars in public institutions. Whether viewed from the perspective of the powerful impact of special interest organizations in the political process or the skyrocketing cost of election campaigns, the issue of money and its potentially corrosive effects on democracy is at the forefront of contemporary political discourse.

Particularly interesting among these considerations is the impact of money on the politics of the judiciary, not only with respect to recruitment and retention processes but also on the operations of courts themselves. In fact, considerable momentum is beginning to build among those scholars, practitioners, and organizations concerned with judicial reform to challenge the wisdom of electing judges in light of the current trends toward increased competition and escalating campaign costs. Almost universally, the charge is that raising and spending money in heated campaigns will have deleterious effects on courts (e.g., American Bar Association 2003; Cann 2007; Geyh 2003).

Consider, for example, recent claims by the National Center for State Courts (NCSC), one of the nation's most

important advocacy groups for the judiciary. According to the NCSC, “[j]udicial election campaigns pose a substantial threat to judicial independence . . . and undermine public trust in the judicial system” (2002, 7). Sharing these perceptions is the American Bar Association (ABA), which cites the rise of heated campaigns and fundraising activities as evidence of the “excessive politicization of state courts” (2003, 89). As the ABA reports,

“[m]oney is the elephant in the room on judicial selection. It raises serious questions, such as how much money is required for judicial election, from whom does it come, what is the public perception, and so on.” (2003, 125)

Precisely because of these concerns, the NCSC now recommends that partisan elections be replaced by nonpartisan elections, in an effort to reduce competition and “the need for large campaign contributions” (2002, 14). Taking a more extreme position, the ABA advocates that the election of judges be abandoned altogether in favor of commission-based appointive systems.

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Scholars are beginning to echo these cries. Recent work describes the seeming impropriety of judges accepting campaign contributions from law firms regularly appearing in court, as well as possible influences of these contributions on the decisions of judges (e.g., Cann 2007; Geyh 2003; Waltenburg and Lopeman 2000). Of course, this work largely is in its infancy but it does suggest that competitive and expensive elections might impair public confidence and bias judicial decisions.

In this article, we enter this complex and rapidly evolving debate by investigating a different yet highly significant aspect of the role of money in judicial elections: whether campaign spending actually might have a positive effect on the democratic process by increasing citizen participation in the recruitment and retention of judges. Specifically, by using a research design and modeling strategy that allows us to separate the effects of the presence of challengers from the effects of money, we can assess systematically whether relatively expensive campaigns improve the chances that citizens will vote. Our particular focus will be on the 260 state supreme court elections held from 1990 through 2004 in the 18 states using partisan or nonpartisan elections to staff the high court bench.¹

Generally, we argue that by stimulating mass participation and giving voters greater ownership in the outcomes of these races, expensive campaigns strengthen the critical linkage between citizens and the bench and enhance the quality of democracy. In fact, this heightened electoral connection might be a powerful antidote to some of the negative consequences of spirited and costly judicial elections, thereby complicating the conventional wisdom that money and judges should not mix.

Measuring Mass Participation in State Supreme Court Elections

While our primary question is whether campaign spending can serve to enhance citizen participation in state supreme court elections, we focus more broadly on the general conditions promoting voting in these contests.

¹Twenty-three states use partisan or nonpartisan elections to select judges. However, Tennessee holds elections in August (and switched to retention elections after 1990), Idaho and Wisconsin in April, and Pennsylvania (with a few exceptions) in odd-numbered years. Thus, because there are no presidential, senatorial, or gubernatorial elections from which to gauge supreme court participation, no cases are included from these states. Moreover, Michigan, Pennsylvania, and West Virginia hold multimember elections for some seats. Any elections reported for these states are single member. Finally, North Dakota has no campaign spending reporting requirements and thus is excluded.

Unfortunately, we immediately are at a disadvantage, both theoretically and analytically. For although the study of voter participation in American elections is one of most thoroughly investigated topics in political science, studies of elections to the state court bench still are relatively rare.

However, some judicial politics scholars are beginning to fill this gap. In particular, our analysis draws on three recent lines of work on the politics of state supreme court elections: Hall's (1999, 2001a, 2001b, 2007a, 2007b) analyses of ballot roll-off and electoral competition, Bonneau's (2004, 2005a, 2005b, 2007a) work on campaign spending, and Bonneau and Hall's collaborative work (2003; Hall and Bonneau 2006) on the emergence and effects of challengers. Using the cumulative knowledge in these previous studies, all of which are grounded in the theoretical and methodological insights gained from studies of elections to nonjudicial offices, we generate a two-stage model of voter participation in supreme court elections by estimating: (1) the conditions under which challengers enter these races, and (2) the correlates of voter participation in elections once contested, including the total amount of campaign spending for each seat.

Our basic research strategy is to capitalize on the significant analytical advantages of comparative state analysis, which in this case will include both temporal and cross-sectional variation, to examine the wide array of institutional and other contextual forces influencing the propensity to vote, as well as election-specific factors like campaign spending. In measuring citizen participation, we follow the example in judicial politics scholarship (e.g., Dubois 1980; Hall 2007b) and in studies of other less visible political offices (e.g., Schaffner, Streb, and Wright 2001; Wattenberg, McAllister, and Salvanto 2000) of examining ballot roll-off rather than voter turnout. In doing so, we avoid the wide array of complicated issues about the best means for measuring voter turnout and of specifying models that adequately take into account the full range of factors driving voters to the polls for the top races. Thus, our basic research question can be formulated more precisely as asking why many citizens who actually go to the polls for the most visible races simply choose not to participate in elections to the state high court bench.

Specifically, we measure ballot roll-off as the percentage of voters casting votes for the major office on the ballot who do *not* vote in each supreme court race. Also consistent with previous work, this study defines the major office as "the presidential, gubernatorial, or U.S. senatorial contest which attracted the most voters in each election" (Dubois 1980, 66). Thus, higher values of ballot roll-off indicate lower levels of participation in supreme court races. With respect to the actual races, and as mentioned

above, we examine 260 partisan and nonpartisan supreme court elections from 1990 through 2004 in 18 states.²

Generally speaking, it is remarkable that significant proportions of the electorate who actually do make it to the polls fail to complete their ballots. In fact, of the voters who go to the polls to choose among candidates for such highly visible offices as president, senator, and governor, substantial proportions fail to vote for other offices, even those with statewide responsibilities and constituencies like the supreme court.

Consider, for example, the figures reported by Hall (1999) in her work on ballot roll-off in partisan, nonpartisan, and retention state supreme court elections from 1980 through 1994. Overall, ballot roll-off averaged 26.6%. However, there is incredible variation across elections and among the states. In individual elections, roll-off ranged from 2.4% to 65.1% and ranged across the states with overall averages of 6.3% to 50.0%. Similarly, in the data to be analyzed in this study, ballot roll-off averaged 19.5% across all elections but ranged from -3.5% to 67.0% across individual elections and from 10.2% to 51.8% across states. Thus, while it is clear that sizeable proportions of the electorate do not vote in supreme court elections even after having already gone to the polls to cast ballots for other races, the extraordinary variation across elections and states suggests that much is at play in stimulating voters and that campaign spending has at least the possibility of being a significant mobilizing agent in these elections.

On the Nature of Contemporary Supreme Court Elections

Over the decade of the 1990s, state supreme court races have become more contested (Bonneau and Hall 2003; Hall 2007a), competitive (Hall 2001a, 2007a), and expensive (Bonneau 2004, 2005b, 2007a). While there have been few systematic explanations for these trends, we might surmise that this seeming sea change in judicial elections is related to several developments in the overall political context, summarized well in *Justice in Jeopardy* (ABA 2003). Among other things, supreme court dock-

ets have experienced a proliferation of controversial cases with broad policy implications, perhaps because of rising lower court caseloads and the power of discretionary review now held by most state high courts. Second, the national government has demonstrated a pronounced tendency to devolve power to the states. This devolution has enhanced the power of the states' highest courts in an overall sense but also has produced a "new judicial federalism" in which the protection of individual rights is being based on state constitutions rather than the U.S. Constitution. Third, many states have seen the demise of one-party dominance and now experience lively two-party competition. Finally, single-issue interest groups have emerged as major players in electoral politics, including elections to the state high court bench. These groups may find it easier and more effective to attempt to win some public policy battles by controlling who sits on the bench rather than lobbying the legislature or working to elect its majority.

Regardless of the exact causes, however, these well-documented changes in the competitiveness and cost of judicial elections have significant consequences. Among other things, big spending by incumbents relative to their challengers increases incumbents' electoral margins and reduces the likelihood of defeat (Bonneau 2005a). Likewise, substantial spending by challengers can diminish the advantages of incumbency substantially (Bonneau 2005a). As the literature suggests (e.g., Coleman and Manna 2000), campaign spending is an effective way for candidates to publicize themselves and their views on relevant issues, which in turn mobilizes voters and influences their choices.

This is highly relevant for understanding ballot roll-off because one of the most fundamental reasons voters choose not to participate in elections is the lack of information about the candidates (e.g., ABA 2003; Dubois 1980; Hojnacki and Baum 1992; Rottman and Schotland 2001). Whatever one's views of the propriety of judges (and candidates) campaigning and spending money in order to obtain (and retain) their seats, one cannot deny that competitive, vigorous campaigns reduce information costs to voters and provide them with facts about the candidates, both of which increase the likelihood of voting. Thus, campaign spending is a key component to understanding the nature of participation in elections, including those to the state high court bench.

It is most instructive to consider the exact nature of campaign spending in recent state supreme court elections. Table 1 displays these data by election cycle, using two different measures for each race: (1) total spending in dollars and (2) dollars spent per capita (calculated as total spending in dollars divided by the voting age population

²We exclude retention elections for several compelling reasons. Most importantly, we are concerned with the effects of challengers versus the effects of money, and retention elections never allow challengers. Similarly, we cannot assume that retention elections resemble uncontested partisan and nonpartisan elections because incumbents in retention elections can lose. Finally, in many retention elections, candidates raise (and spend) little money, even when targeted for defeat (Bonneau 2004). Thus, it is not possible to collect systematic data on spending in these elections.

TABLE 1 Average Spending in State Supreme Court Elections, 1990–2004, by Year

Year	Total Spending	Total Spending Per Capita
1990	\$ 372,461	\$ 133.95
1992	\$ 519,138	\$ 199.83
1994	\$ 868,026	\$ 174.75
1996	\$ 493,128	\$ 291.84
1998	\$ 830,880	\$ 249.65
2000	\$ 807,765	\$ 363.31
2002	\$ 901,343	\$ 345.66
2004	\$ 1,042,628	\$ 3,347.68
Average	\$ 725,975	\$ 714.33

of the state/district).³ As Table 1 documents, the average amount spent in each election from 1990 through 2004 was \$725,975 overall, or \$714.33 per capita. These figures reflect a starting point in 1990 of \$372,461 and \$133.95, respectively, and an end point in 2004 of \$1,042,628 and \$3,348. Thus, we clearly can see the increasingly expensive nature of these races over the 15-year period being examined.

However, two caveats are in order. First, the extraordinary per capita costs in 2004 may be somewhat of an anomaly in that several races in small constituencies were incredibly and unusually expensive. Specifically, the Karmeier-Maag race in Illinois (which utilizes district-based elections) and the Benjamin-McGraw race in West Virginia (which has a relatively small population) were among the most expensive supreme court races in the nation's history. Second, the increases in spending have not been monotonic. Obviously much is at play here that needs further explanation. Nonetheless, we expect these variations to have a considerable impact on the willingness of citizens to participate in state supreme court elections.

For a different look at money in supreme court elections, Table 2 displays campaign expenditures by state. Again, we see significant variation across the states in the cost of judicial elections, whether measured as total spending or on a per capita basis. Least costly in total dollars are elections in Minnesota, where the average campaign costs only about \$108,185. Compare this to Alabama, Louisiana, and Michigan, where the average campaign approaches or exceeds \$1.5 million. We see different rankings on a per capita basis. Minnesota remains the least expensive state with respect to campaign expenditures while Illinois emerges as the most expensive,

³Population data are from the *Statistical Abstract*, reported annually by state year.

TABLE 2 Average Spending in State Supreme Court Elections, 1990–2004, by State (number of elections in parentheses)

State	Total Spending	Total Spending Per Capita
Alabama	\$1,450,673 (21)	\$ 446.96
Arkansas	\$ 218,397 (8)	\$ 116.50
Georgia	\$ 205,925 (5)	\$ 40.18
Illinois	\$1,371,590 (11)	\$8,789.31
Kentucky	\$ 326,084 (7)	\$ 741.59
Louisiana	\$1,484,329 (2)	\$2,049.31
Michigan	\$1,506,847 (6)	\$ 206.51
Minnesota	\$ 108,185 (10)	\$ 31.42
Mississippi	\$ 620,274 (15)	\$ 902.28
Montana	\$ 359,974 (6)	\$ 565.05
Nevada	\$ 593,816 (11)	\$ 475.32
New Mexico	\$ 273,398 (2)	\$ 212.15
North Carolina	\$ 387,307 (14)	\$ 67.86
Ohio	\$1,193,205 (20)	\$ 143.45
Oregon	\$ 445,270 (2)	\$ 178.03
Texas	\$ 645,778 (53)	\$ 48.69
Washington	\$ 215,214 (16)	\$ 51.91
West Virginia	\$1,284,413 (2)	\$ 920.73

followed by Louisiana and West Virginia. But again, the figures in Illinois and West Virginia are inflated by grossly disproportionate spending in 2004. We do not know if this will continue.⁴

Modeling Ballot Roll-Off in State Supreme Courts

Our primary goal is to assess the effects of campaign expenditures on the willingness of voters to participate in these elections. In doing so, we employ the Heckman two-stage modeling strategy to take into account the conditions under which elections draw challengers and the conditions under which voters participate in these elections once contested.

⁴Illinois and West Virginia did not have any supreme court elections in 2006, making it impossible to know whether excessive spending will continue in these states. However, in fifteen states with elections in 2004 and 2006, fundraising decreased in eight states, stayed the same in one state, and increased in six states (Sample, Jones, and Weiss 2007). At the same time, a small handful of elections were very costly, setting records in their states. Thus, high-priced elections for some may be here to stay.

We have both theoretical and practical reasons for using the Heckman procedure. Theoretically, we must distinguish between the conditions that promote competition and those that cause voters to participate in general elections, including campaign expenditures. Essentially, because contested elections constitute a censored sample, failure to control for these effects would present a serious threat to valid inference. Stated succinctly, voters have little reason to participate in uncontested elections simply because the candidate listed on the ballot will win with or without their votes. Similarly, we seek to disentangle the effects of the presence or absence of challengers from the effects of the actual amounts spent by candidates in their campaigns.

Practically speaking, either the states do not consistently report spending data for uncontested elections or the amounts are so small that they would seriously distort any empirical analysis by giving disproportionate weight to the uncontested cases. Thus, we treat the uncontested races as missing on the dependent variable and then estimate a two-stage Heckman model controlling for the likelihood that the race is contested. While the dependent variable is not missing in the traditional sense, because of the stark differences between contested and uncontested elections, and because many uncontested races are missing information on our key independent variable, analyzing the data this way is appropriate and will produce unbiased estimates and robust conclusions.

Stage One: Challengers in State Supreme Court Elections

The dependent variable in the first stage of our model of ballot roll-off in state supreme court elections is whether there are at least two candidates in the general election (*Contested*). In specifying the independent variables, we replicate Bonneau and Hall (2003; Hall and Bonneau 2006), except that we add one theoretically important variable to capture the effects of a landmark Supreme Court decision that occurred after the initial Bonneau and Hall study. We also adjust the measure of the incumbency advantage to capitalize on the added variation of open-seat elections in this project.

In general, we expect challengers to run when incumbents are electorally vulnerable, supreme court seats are attractive, a sizeable candidate pool exists, and the political and institutional context promotes competition.

Electoral Vulnerability. Both the legislative and judicial selection literatures have found that one of the key determinants of contestation is the vulnerability of the incumbent (Bonneau and Hall 2003; Hall and Bonneau

2006). Candidates who win by narrow margins are more likely to be challenged in their next elections. Thus, we predict that candidates winning with less than 60% of the vote (*Competitive Seat*) will be more likely to draw challengers than their more electorally popular counterparts. The 60% cutoff is the standard measure used in most leading studies of marginality in congressional elections (e.g., Garand, Wink, and Vincent 1993) and in state legislative elections (e.g., Jewell 1982).

Another important indicator of vulnerability has to do with the incumbency advantage, which is complicated in state supreme courts by the fact that a sizeable portion of incumbents initially are appointed to fill unexpired terms. Generally, because of the extraordinary benefits that accrue to incumbents by virtue of holding office and running successful campaigns, we expect justices who have won elections (*Elected Incumbent*) to be less likely to face challengers than their novice counterparts, whether candidates for open seats or justices appointed but not yet elected. However, we also expect some advantages to accrue to those initially appointed, though the magnitude of the effect should be less than for their more seasoned colleagues. Thus, we include a second variable (*Appointed Incumbent*) to capture these effects. Overall, we expect open-seat races (the omitted baseline category) to be more competitive (Hall 2001a, 2007a).

Attractiveness of Seat. The attractiveness of the seat also should affect the likelihood of contestation. Studies of both the U.S. House of Representatives (e.g., Clarke et al. 1999; Groseclose and Krehbiel 1994; Hall and van Houweling 1995) and the federal courts (Spriggs and Wahlbeck 1995; Squire 1988) have documented that financial incentives affect retirements. It is reasonable then to expect salary considerations to affect the likelihood of a contested race, with seats that are more desirable (higher paying) more likely to be contested. Thus, we hypothesize that higher salaries (*Salary*) increase the likelihood that supreme court elections will be contested.

Along the same lines, the length of the term of office (*Term*) should influence the willingness of challengers to enter supreme court contests (Bonneau and Hall 2003; Hall and Bonneau 2006). Longer terms of office provide more job security to officeholders while reducing the incentives to be mindful of constituency preferences. Thus, we expect contested elections to be more prevalent in states with longer terms of office.

Political and Institutional Context. There is little doubt that the context of an election matters a great deal (e.g., Hall 2001a, 2001b; Hall and Bonneau 2006). Of particular importance is a state's partisan climate. In general, states characterized by higher levels of partisan competition (e.g., Dubois 1980; Hall 2001a; Leyden and Borrelli 1995)

have more competitive elections. Therefore, we include a measure of partisan competition, defined as whether the legislative and executive branches are controlled by the same political party at the time of each election (*Unified Government*).

One of the fundamental differences between state supreme court elections and elections for many other statewide offices is that not all court elections are partisan. That is, in some states, supreme court candidates' partisan affiliations are not listed on the ballot. Overall, studies have demonstrated that challengers are more common in partisan elections than in nonpartisan elections (e.g., Bonneau 2004; Dubois 1980; Hall 2001a). Thus, we include a variable that indicates whether or not the candidates' political party affiliations are listed on the ballot (*Partisan*) and expect that there will be a greater likelihood of contestation in partisan elections than in nonpartisan races.

Another key institutional difference is that some state supreme court races are held statewide while others occur in districts. We expect electoral competition to vary between district-based and statewide constituencies and that this relationship will be conditioned by election system. Election studies have established that smaller constituencies are less competitive (e.g., Hibbing and Brandes 1983). Thus, we expect challengers to run less frequently in districts than in statewide races. However, Bonneau and Hall (2003; Hall and Bonneau 2006) have demonstrated that this effect is reversed in states using nonpartisan ballots. Among other things, without partisan labels on the ballot, the minority party has an incentive to field candidates where their effect might be greater in smaller constituencies, particularly when the minority party is concentrated geographically. Therefore, we include an interaction term (*Partisan x District*) to distinguish the effects of district-based elections in partisan election states from district-based elections in nonpartisan states (*District*).

In a departure from Bonneau and Hall (2003; Hall and Bonneau 2006), we include one additional variable that takes into account the changing nature of constitutional law governing judicial elections. As we have mentioned, while many judicial elections in the past appeared to be low-key events (e.g., Dubois 1979; Schotland 1985), recent increases in both contestation and campaign spending have raised the profile of judicial elections (e.g., Hall 2001a; Bonneau 2004). One factor alleged to be contributing to this trend is the U.S. Supreme Court's June 2002 decision in *Republican Party of Minnesota v. White*. In this landmark case, the Court effectively eliminated the "announce" restrictions preventing candidates from expressing their views on political issues likely to come before their courts. This change purportedly leaves incumbent

judges open to the same sorts of policy-based and politically motivated attacks as their legislative and executive counterparts and thus radically may have altered the nature of these contests.

If *White* has heightened the competitiveness of judicial elections as some have suggested (e.g., Geyh 2003), then we should notice more races being contested after *White* (Post-*White*) than before *White*. Thus, we include a variable to test for this effect.

Candidate Pool. Finally, for challengers to emerge, there must be a pool of candidates from which to draw. For judges, this pool consists of licensed attorneys. More attorneys should translate into larger numbers of challengers. Thus, we include the number of attorneys in each state at the time of each election (*Lawyers*).

For convenience, Table 3 describes all of the variables in the selection model, as well as their measurement.

Stage Two: Ballot Roll-Off in State Supreme Court Elections

As mentioned, we measure ballot roll-off (*Roll-Off*) as the percentage of voters who *did not* vote in the state supreme court race but who *did* vote for the highest office on the ballot. In specifying this model, we rely on the literature on judicial elections and court reform to identify the factors that should encourage or inhibit citizen participation.

Campaign Spending. One of the primary determinants of ballot roll-off should be campaign spending. Simply put, the more money candidates spend, the more information they can provide to the voters; and the more information the voters have, the more likely they are to participate. Thus, we expect that higher amounts of total campaign spending by all candidates in the race (*Total Spending*) will lead to lower amounts of ballot roll-off. Given the critical importance of this variable to our analysis, however, we also estimate the models using an alternative measure of spending that adjusts expenditures by the voting age population of the state or district (*Per Capita Spending*).⁵ Thus, we can have greater confidence that our results are robust with regard to measurement. To make these figures comparable over time and to be consistent with studies of elections to other offices, we recalculate both spending measures in 1990 dollars (e.g., Bonneau 2007b; Jacobson 1997; Thomas 1989).

State and Electoral Context. It also is important to distinguish between two types of elections based on the

⁵In district-based elections, we adjust spending by the size of the voting age population for each district, which are aggregations of counties, or in Louisiana, parishes.

TABLE 3 Variable Descriptions for a Model of Challengers in State Supreme Court Elections

Variable	Variable Description
<i>Dependent Variable</i>	
Contested	= 1 if a challenger entered the supreme court race 0 otherwise
<i>Electoral Vulnerability</i>	
Competitive Seat	= 1 if the incumbent supreme court justice won previously by a margin less than 60% 0 otherwise
Elected Incumbent	= 1 if the election involves an incumbent who has previously won election 0 otherwise
Appointed Incumbent	= 1 if the election involves an incumbent who was initially appointed and has never won election 0 otherwise
<i>Attractiveness of Seat</i>	
Salary	= supreme court base salary/state per capita disposable income, in dollars
Term	= length of the term of office for state supreme court, in years
<i>Political and Institutional Context</i>	
Unified Government	= 1 if the legislative and executive branches of state government are controlled by the same political party 0 otherwise
Partisan	= 1 if the election is a partisan election 0 otherwise
District	= 1 if the seat represents a district rather than the state 0 otherwise
Post-White	= 1 if the election occurred after the White decision in 2002 0 otherwise
<i>Candidate Pool</i>	
Lawyers	= number of lawyers in each state at the time of each election

candidates' experience with supreme court electoral politics: (1) elections involving sitting justices who successfully have organized campaigns and won elections to the state high court and (2) elections where the candidates lack such critical experience, either because they are running for open seats or because they initially were appointed and are facing voters for the first time. Overall, open-seat races and elections involving newly appointed justices are more expensive (Bonneau 2005b) and more competitive (Bonneau 2004; Bonneau and Hall 2003; Hall 2001a, 2007a, 2007b; Hall and Bonneau 2006) than elections in which established incumbents are seeking reelection. Given this, we expect open-seat races and those involving newly appointed justices (*New SC Candidate*) to have less roll-off on average than other incumbent-challenger contests.

Presidential elections are another important general contextual factor affecting the propensity to vote. Studies have established that turnout (e.g., Dubois 1980; Hill and Leighley 1993) and ballot roll-off (e.g., Dubois 1980; Hall 1999, 2007b) are higher in presidential election years than in midterm elections. In essence, highly visible presidential elections motivate large proportions of the electorate to vote, but a significant number of these voters have no information about, or interest in, other races on the ballot, including judicial elections. Therefore, we expect significant differences in ballot roll-off between presidential election years (*Presidential Election*) and midterm election years.

The final state contextual factor that should influence roll-off is the education level of the state citizenry. Scholars have found a relationship between education and turnout (Jackson 1995; Lovrich and Sheldon 1983) as well as roll-off (Hall 1999, 2007b; Milton 1983). In general, educated people should have a greater capacity to receive and process the information provided by candidates and make informed choices. Thus, we hypothesize that higher education levels (*Education Level*) will produce lower levels of ballot roll-off.

Institutional Arrangements. Concerning ballot type, that institutions affect the behavior of the American electorate has been demonstrated time and again, and voter participation is no exception. Other things being equal, voters participate in elections when they have readily accessible information. Of the sources of possible information about candidates, there is perhaps no more useful cue than partisan affiliations. Thus, voters should participate in higher numbers in states using partisan

ballots (*Partisan*) to select their high court justices compared to nonpartisan ballots (Dubois 1979; Hall 1999, 2007b).

Similarly, some elections take place statewide while others occur in districts.⁶ Generally, we would expect less roll-off in district elections (*District*) than in statewide elections (Beechen 1974; Hall and Aspin 1987), but we also predict that this relationship will be conditioned by whether or not partisan labels are on the ballot (Hall 1999, 2001a, 2007b). As mentioned, without partisan labels in smaller constituencies, the minority party has a greater incentive to field candidates. Under these conditions, voters are more likely to be contacted by a candidate or a candidate's campaign, which in turn should lead to more voters participating in the election (Gerber and Green 2000). Alternatively, in partisan elections, there are fewer challengers and a reduced probability of active campaigning (e.g., Bonneau and Hall 2003). Thus, we include an interaction term (*Partisan x District*) to capture these effects.

Temporal Variables. To control for any temporal effects in the model,⁷ we include dummy variables based on when the election occurred: *Period 1* covers elections from 1990 to 1992 (which we omit to prevent perfect collinearity among the variables), *Period 2* is 1994–96, *Period 3* is 1998–2000, and *Period 4* is 2002–2004.⁸

For convenience, Table 4 summarizes the variables used in our model of ballot roll-off as well as their measurement.

Estimation Technique. As mentioned, we use a Heckman two-stage procedure to estimate our model. Additionally, we use robust variance estimators clustered on state, which are robust to assumptions about within-group (i.e., state) correlation.

⁶To generate roll-off in districts, we used county- or parish-level presidential, senatorial, and gubernatorial election results.

⁷We do not use dummy variables for each year because the *Presidential Elections* variable is a linear combination of those variables and because of the number of years in this dataset. Instead, we follow the established practice (e.g., Brace and Hall 1997) of using summary variables that also have a meaningful substantive component. However, when we estimate the models with single year variables, two are dropped to avoid collinearity, and *Presidential Election* falls to the 0.10 level of statistical significance in each model. Otherwise, the substantive conclusions remain the same.

⁸Period 4 covers the same time period as *Post-White* in the first stage of our selection model. Thus, we will be able to ascertain the influence of the *White* case on ballot roll-off and contestation. We hypothesize that “new style” (Hojnacki and Baum 1992) campaigns should be better able to capture voters' attention, provide information, and increase the willingness to vote in judicial elections.

TABLE 4 Variable Descriptions for a Model of Ballot Roll-Off in State Supreme Court Elections

Variable	Variable Description
<i>Dependent Variable</i>	
Ballot Roll-Off	= percentage of ballot roll-off in the election
<i>Campaign Spending</i>	
Total Spending	= natural log of the total amount of campaign spending in the election by all candidates in 1990 dollars
Per Capita Spending	= natural log of the total amount of campaign spending in the election by all candidates in 1990 dollars divided by state/district voting age population (1000s)
<i>State and Electoral Context</i>	
New SC Candidate	= 1 if the election is for an open seat or an incumbent initially appointed and facing first election 0 otherwise
Presidential Election	= 1 if the election occurs in a presidential election year 0 otherwise
Education Level	= percentage of the state population 25 years of age or older with a high school diploma
<i>Institutional Arrangements</i>	
Partisan	= 1 if the election is a partisan election 0 otherwise
District	= 1 if the election occurs in a district 0 otherwise
<i>Temporal Variables</i>	
Period 2	= 1 if the election was held from 1994–1996 0 otherwise
Period 3	= 1 if the election was held from 1998–2000 0 otherwise
Period 4	= 1 if the election was held from 2002–2004 0 otherwise

Results

The results of estimating our two-stage model of ballot roll-off in state supreme court elections are shown in Tables 5 and 6. Table 5 contains the results using total

TABLE 5 Ballot Roll-Off in State Supreme Court Elections, 1990–2004

Stage 1: Challengers in State Supreme Court Elections, 1990–2004

	Coefficient	Robust Std. Error	Z	P> z
Competitive Seat	0.543	0.159	3.42	0.001
Elected Incumbent	-0.901	0.214	-4.21	0.000
Appointed Incumbent	-0.348	0.284	-1.23	0.220
Salary	0.154	0.222	0.69	0.488
Term	0.001	0.104	0.01	0.990
Unified Government	-0.513	0.166	-3.09	0.002
Partisan District	0.652	0.362	1.80	0.072
District	1.102	0.502	2.19	0.028
Partisan × District	-2.717	0.506	-5.37	0.000
Post-White	0.106	0.228	0.46	0.642
Lawyers	0.000	0.000	3.71	0.000
Constant	-0.452	1.473	-0.31	0.759

Dependent variable: contested

Stage 2: Ballot Roll-Off in State Supreme Court Elections, 1990–2004

	Coefficient	Robust Std. Error	Z	P> z
Total Spending	-1.762	0.551	-3.20	0.001
New SC Candidate	-0.631	1.024	-0.62	0.538
Presidential Election	4.787	0.770	6.22	0.000
Education Level	-0.586	0.297	-1.97	0.049
Partisan District	-15.077	2.634	-5.72	0.000
District	-13.038	4.043	-3.22	0.001
Partisan × District	15.071	3.527	4.27	0.000
Period 2	2.402	1.674	1.43	0.151
Period 3	3.428	2.089	1.64	0.101
Period 4	0.735	2.208	0.33	0.739
Constant	90.376	22.245	4.06	0.000

Dependent variable: percentage of ballot roll-off

Mean of dependent variable = 14.16

Number of observations = 260; Censored = 69, Uncensored = 191

Log likelihood = -764.466

Test of independent equations: $\chi^2(1) = 26.74$; Prob > $\chi^2 = 0.000$

TABLE 6 Ballot Roll-Off in State Supreme Court Elections, 1990–2004

Stage 1: Challengers in State Supreme Court Elections, 1990–2004

	Coefficient	Robust Std. Error	Z	P> z
Competitive Seat	0.572	0.183	3.12	0.002
Elected Incumbent	-0.913	0.225	-4.05	0.000
Appointed Incumbent	-0.359	0.294	-1.22	0.222
Salary	0.120	0.229	0.53	0.599
Term	0.005	0.109	0.04	0.965
Unified Government	-0.519	0.170	-3.05	0.002
Partisan District	0.721	0.368	1.96	0.050
District	1.062	0.519	2.05	0.041
Partisan × District	-2.655	0.510	-5.21	0.000
Post-White	0.120	0.230	0.52	0.601
Lawyers	0.000	0.000	3.20	0.001
Constant	-0.239	1.513	-0.16	0.875

Dependent variable: contested

Stage 2: Ballot Roll-Off in State Supreme Court Elections, 1990–2004

	Coefficient	Robust Std. Error	Z	P> z
Per Capita Spending	-1.729	0.451	-3.83	0.000
New SC Candidate	-0.145	0.996	-0.15	0.884
Presidential Election	4.919	0.780	6.31	0.000
Education Level	-0.585	0.298	-1.96	0.050
Partisan District	-15.773	2.566	-6.15	0.000
District	-9.633	4.441	-2.17	0.030
Partisan × District	14.203	4.019	3.53	0.000
Period 2	2.150	1.606	1.34	0.181
Period 3	3.353	2.111	1.59	0.112
Period 4	0.769	2.065	0.37	0.709
Constant	74.771	23.267	3.21	0.001

Dependent variable: percentage of ballot roll-off

Mean of dependent variable = 14.16

Number of observations = 260; Censored = 69, Uncensored = 191

Log likelihood = -761.197

Test of independent equations: $\chi^2(1) = 10.62$; Prob > $\chi^2 = 0.001$

spending in dollars as our measure of campaign expenditures, while Table 6 presents the results using our per capita spending measure. To begin, please note that in both tables the result for the Wald test of independent equations is significant, confirming that there are systematic differences between contested and uncontested elections and thus that a two-stage procedure is appropriate.⁹

Looking more closely at Table 5, the results in stage one of our model almost precisely echo those of Hall and Bonneau (2006), though the time frames of our studies differ. As expected, candidates who won their last elections by narrow margins are more likely to attract challengers in their next reelection bids. Also as hypothesized, electorally experienced incumbents are less likely to be challenged than candidates seeking open seats. Interestingly, this incumbency advantage does not extend to those initially appointed and facing voters for the first time. Instead, these novices do not differ statistically from candidates for open seats in their tendency to draw challengers.

While neither larger salaries nor longer terms of office affect the likelihood of a challenge (consistent with Hall and Bonneau 2006), the institutional variables are highly significant. Challengers are less likely in states with partisan homogeneity (*Unified Government*) and also in district-based partisan elections. On the other hand, partisan statewide elections and nonpartisan district elections are more likely to see electoral competition. Also as predicted, the pool of available candidates (lawyers) increases the likelihood of competition. However, the effects are substantively small.

Finally, the *White* variable is not statistically significant, indicating that races are not more likely to be contested after the *White* decision. Contrary to the rhetoric of some, it appears that this decision did not have the dramatic impact purported, at least from the perspective of the propensity of challengers to take on incumbents.¹⁰

Turning now to the second stage of our model, our results largely confirm our predictions. Most importantly from the perspective of this article, campaign spending exerts a statistically significant impact on the willingness of voters to participate in supreme court elections once these voters are already at the polls.

As Table 5 illustrates, higher amounts of campaign spending produce significantly lower levels of roll-off. In

fact, a 1% increase in spending yields a 0.018% decrease in ballot roll-off. While at first blush this may seem like a small substantive change, predicted values of roll-off suggest otherwise. For example, if all variables are held at their means in our model, predicted roll-off is 18.2%. However, when spending is increased by one standard deviation, predicted roll-off drops to 15.8%. Considering that 19% of the incumbents examined in this article won by 55% of the vote or less, even small changes produced by better-than-average spending could mean the difference between winning and losing for a sizeable number of justices. Even more dramatic are the changes that take place at the extremes. In our model, holding all other variables at their means, we would predict roll-off at 22.1% when spending is reduced by two standard deviations. However, when spending is increased two standard deviations, predicted roll-off is 12.7%. Again, money matters in these races. Contrary to critics of judicial elections who claim that competitive and expensive campaigns alienate voters, the empirical evidence suggests otherwise.

In terms of electoral factors, races in which candidates lack experience, either because the seats are open or involve newly appointed incumbents seeking their first election victory, are not important in motivating citizens to participate in contested supreme court elections. As Table 5 indicates, there are similar levels of roll-off in open-seat and appointed-incumbent races as in incumbent-challenger races when both of these types of elections include challengers. Thus, the effects of open seats and appointed incumbents in recent elections are in their ability to attract challengers in the first place.

However, as expected and consistent with the dominant finding in the literature, ballot roll-off is somewhat higher in presidential election years than otherwise, by almost 5%. Presidential elections encourage “casual” voters to participate, and these people are not likely to vote for “insignificant” races, such as state supreme court.

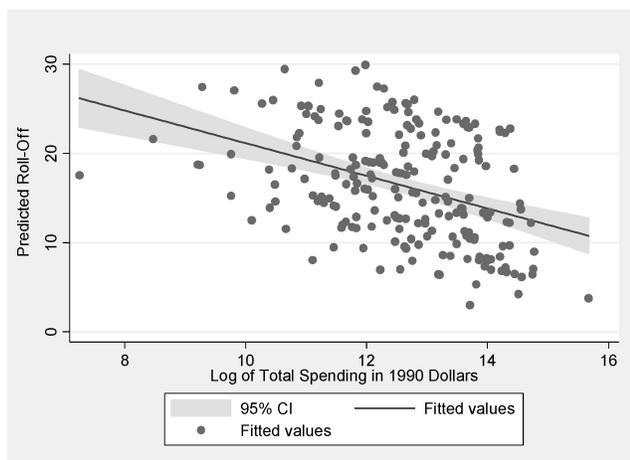
Also important is the average education of the electorate. Generally, well-educated electorates participate more. This further strengthens our findings regarding campaign spending: when voters are more likely to be informed, they participate.

Looking at institutional factors, there is less roll-off in partisan statewide races and nonpartisan district races relative to our baseline category of nonpartisan statewide races. However, partisan district races have higher amounts of roll-off. Clearly, institutions can either encourage or discourage participation in these elections, an important finding for those seeking to improve voting in judicial elections. This can be done simply by modifying the rules under which the elections take place.

⁹To examine the robustness of our models, we estimated them for only the contested elections using OLS regression. In the reduced models, none of our substantive conclusions change. We also measured spending without adjusting for inflation. Again, our inferences do not change. These estimates are available from the authors.

¹⁰It may be too soon to see such an effect. However, other studies (Bonneau 2004; Bonneau and Hall 2003; Hall 2001a, 2007a) report a rise in contestation well before the Court’s decision in this case.

FIGURE 1 Total Spending and Ballot Roll-Off



While none of the temporal variables is significant, particularly noteworthy is the result for *Period 4*. Recall that this represents the post- *White* period. All things being equal, it does not appear that the *White* case has had much of an effect on either contestation or voter participation in state supreme court elections. While it is much too early to draw any definitive conclusions, early evidence suggests that *White* may not have had the impact expected or widely believed to have occurred.

Table 6 presents the results of estimating our two-stage model of ballot roll-off using per capita spending instead of total spending. As Table 6 illustrates, the differences produced by changing the spending measure are negligible with respect to any substantive conclusions we would reach from the analysis.¹¹ Whether measured as the total level of spending or with respect to dollars spent per voter, campaign spending increases voter participation significantly, other things considered. In fact, the remarkable stability of our results across different measures of spending speaks strongly to the robustness of our analysis and the strength of our inferences.

Graphical depictions of the relationship between spending and roll-off, with other variables in the model controlled, illustrate these points well.¹² As we can easily observe in Figures 1 and 2, spending (total or per

¹¹In this model, when all other variables are at their means, predicted ballot roll-off is 9.4% when per capita spending is set at two standard deviations above the mean. However, roll-off increases to 22.0% with a two-standard-deviation decrease in per capita spending. With over one-third (38%) of the incumbents in this study winning by 60% of the vote or less, the potential effect of spending on election outcomes is considerable.

¹²In the graphical displays, we delete the Karmeier-Maag race because it is an extreme outlier that distorts the x-axis. Deleting this

FIGURE 2 Total Spending Per Capita and Ballot Roll-Off

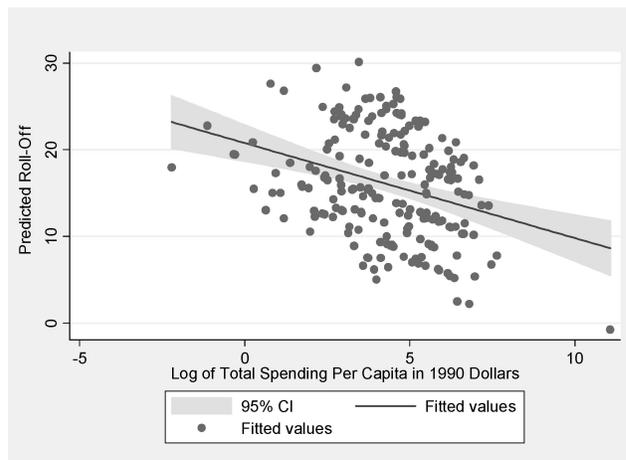
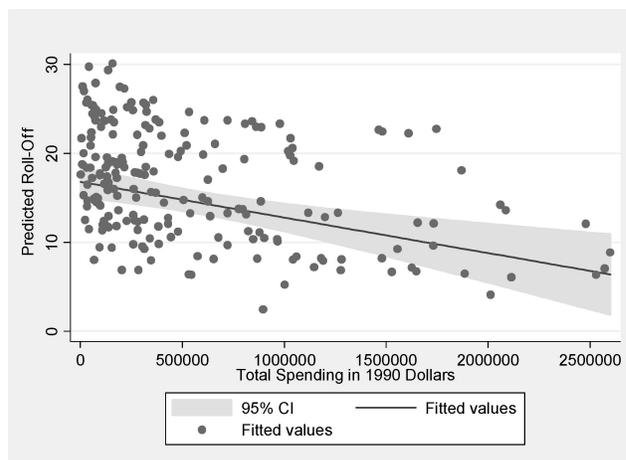


FIGURE 3 Actual Spending and Ballot Roll-Off



capita) increases predicted voting in a straightforward linear fashion. These same patterns are evident in graphs (not shown) of the bivariate relationships between roll-off and our spending measures (with or without conversion to a logarithmic function).¹³ No matter how we measure spending or model the relationship, money significantly reduces roll-off in state supreme court elections.

Figure 3 further illuminates the relationship between money and voter participation in supreme court elections by plotting predicted values of ballot roll-off derived from the model in Table 5 against total spending calculated

case makes the graphs more visually appealing without altering any substantive results.

¹³These bivariate graphs are available from the authors.

in constant dollars rather than the natural logarithm of spending. As Figure 3 indicates, the confidence interval becomes larger at higher levels of spending, and the relationship between predicted roll-off and spending lessens somewhat at the extreme, or spending over approximately \$1.5 million. At this level of excessive spending, which occurred in only 20 of 206 (9.7%) contested races, spending is not as effective in attracting voters as in less extreme cases. That being said, the general conclusion from Figure 3 confirms our other results: money means voters in state supreme court elections.

Conclusions

This study documents that increased spending in elections to state supreme courts has the effect of substantially enhancing citizen participation in these races. Whether measured as the overall spending in each election or in per capita terms, the fact remains that expensive campaigns serve to encourage participation in elections for the state high court bench once those voters already have gone to the polls to cast ballots for other important elections. In short, money means voters in supreme court elections.

The implications of these findings for linkages between citizens and the bench, and for democratic pressures on state supreme courts, are significant. Of course, we cannot speak directly to the issue of whether citizen participation enhances positive short-term and long-term perceptions of courts, or whether the positive effects of aggressive spending in judicial campaigns can outweigh any negative consequences of contested elections and heated campaigns. Nonetheless, it is reasonable to postulate that by stimulating mass participation and giving voters greater ownership in the outcomes of these races, expensive campaigns significantly strengthen the critical linkage between citizens and courts and enhance the quality of democracy. Minimally, this work illustrates that many of the current concerns about the deleterious effects of money in judicial elections are overdrawn.¹⁴

¹⁴Recent studies have observed diminished levels of confidence (Benesh 2006) and diffuse support for courts (Cann and Yates 2008) in states using partisan judicial elections. Both studies identify the possible culprit as the vigorous competition frequently found in partisan elections. However, this study failed to detect any negative behavioral consequences for voters in hotly contested elections. In fact, the more expensive and contentious the race, especially in statewide partisan elections, the more likely it is that voters will vote. Moreover, voters in these states consistently have rejected proposals to replace partisan elections with other methods for selecting judges. Thus, we suggest that lower levels of confidence and diffuse

From a different perspective, this study confirms that decisions of challengers to enter supreme court elections, and decisions of voters to participate in these races once they already are mobilized for other contests, are predictable and are determined by those factors governing elections for nonjudicial offices. In fact, our results have considerable import for understanding elections that are not the top draws on the ballot. Among other things, we have additional evidence from this analysis that nonpartisan elections discourage voting while expensive campaigning promotes it. Indeed, systematic comparative analysis of state supreme court elections may serve as an excellent device for assessing the importance of institutional and other contextual forces on less visible elections in the United States.

Obviously much remains to be learned about supreme court elections, including whether spirited competition and the flow of money in campaigns might influence the long-term willingness of citizens to engage in these races or the long-term and short-term perceptions of judges and courts. However, the results of this article reveal that systematic explanation is possible and worthwhile and that conventional wisdom should be challenged and explored.

References

- American Bar Association Commission on the 21st Century Judiciary. 2003. *Justice in Jeopardy*. Chicago: American Bar Association.
- Beechen, Paul D. 1974. "Can Judicial Elections Express the People's Choice?" *Judicature* 57: 242–46.
- Benesh, Sara. 2006. "Understanding Public Confidence in American Courts." *Journal of Politics* 68(August): 697–707.
- Bonneau, Chris W. 2004. "Patterns of Campaign Spending and Electoral Competition in State Supreme Court Elections." *Justice System Journal* 25(1): 21–38.
- Bonneau, Chris W. 2005a. "Electoral Verdicts: Incumbent Defeats in State Supreme Court Elections." *American Politics Research* 33 (November): 818–41.
- Bonneau, Chris W. 2005b. "What Price Justice(s)? Campaign Spending in State Supreme Court Elections." *State Politics and Policy Quarterly* 5 (Summer): 107–25.

support for courts in partisan states might be less related to judicial elections and more closely connected to factors in the broader political environment that prompt states to choose competitive judicial elections in the first place. Rather than judicial elections creating negative feelings about courts, it seems just as likely that voters in some states start out being more negative toward government and, as a consequence, choose to elect judges rather than surrender this important power to political elites. Thus, partisan elections might well be the effect of negative feelings toward government rather than the cause.

- Bonneau, Chris W. 2007a. "The Dynamics of Campaign Spending in State Supreme Court Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew Streb. New York: New York University Press.
- Bonneau, Chris W. 2007b. "Campaign Fundraising in State Supreme Court Elections." *Social Science Quarterly* 88 (March): 68–85.
- Bonneau, Chris W., and Melinda Gann Hall. 2003. "Predicting Challengers in State Supreme Court Elections: Context and the Politics of Institutional Design." *Political Research Quarterly* 56 (September): 337–49.
- Brace, Paul, and Melinda Gann Hall. 1997. "The Interplay of Preferences, Case Facts, Context, and Structure in the Politics of Judicial Choice." *Journal of Politics* 59 (November): 1206–31.
- Cann, Damon M. 2007. "Justice for Sale? Campaign Contributions and Judicial Decision Making." *State Politics and Policy Quarterly* 7 (Spring): 281–97.
- Cann, Damon M., and Jeff Yates. 2008. "Homegrown Institutional Legitimacy: Assessing Citizens' Diffuse Support for State Courts." *American Politics Research* 36 (March): 297–329.
- Clarke, Harold D., Frank B. Feigert, Barry J. Seldon, and Marianne C. Stewart. 1999. "More Time with My Money: Leaving the House and Going Home in 1992 and 1994." *Political Research Quarterly* 52 (March): 67–85.
- Coleman, John J., and Paul F. Manna. 2000. "Congressional Campaign Spending and the Quality of Democracy." *Journal of Politics* 62 (August): 757–89.
- Dubois, Philip L. 1979. "Voter Turnout in State Judicial Elections: An Analysis of the Tail on the Electoral Kite." *Journal of Politics* 41 (August): 865–87.
- Dubois, Philip L. 1980. *From Ballot to Bench: Judicial Elections and the Quest for Accountability*. Austin: University of Texas Press.
- Garand, James C., Kenneth Wink, and Bryan Vincent. 1993. "Changing Meanings of Election Marginality in U.S. House Elections, 1824–1978." *Political Research Quarterly* 46 (March): 27–48.
- Gerber, Alan S., and Donald P. Green. 2000. "The Effects of Canvassing, Telephone Calls, and Direct Mail on Voter Turnout: A Field Experiment." *American Political Science Review* 94 (September): 653–63.
- Geyh, Charles Gardner. 2003. "Why Judicial Elections Stink." *Ohio State Law Journal* 64(1): 43–79.
- Groseclose, Timothy, and Keith Krehbiel. 1994. "Golden Parachutes, Rubber Checks, and Strategic Retirements in the 102nd House." *American Journal of Political Science* 38 (February): 75–99.
- Hall, Melinda Gann. 1999. "Ballot Roll-Off in Judicial Elections: Contextual Influences on Voter Participation in the American States." Presented at the annual meeting of the American Political Science Association, Atlanta.
- Hall, Melinda Gann. 2001a. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95 (June): 315–30.
- Hall, Melinda Gann. 2001b. "Voluntary Retirements from State Supreme Courts: Assessing Democratic Pressures to Relinquish the Bench." *Journal of Politics* 63 (November): 1112–40.
- Hall, Melinda Gann. 2007a. "Competition as Accountability in State Supreme Court Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew Streb. New York: New York University Press, 165–85.
- Hall, Melinda Gann. 2007b. "Voting in State Supreme Court Elections: Competition and Context as Democratic Incentives." *Journal of Politics* 69 (November): 1147–59.
- Hall, Melinda Gann, and Chris W. Bonneau. 2006. "Does Quality Matter? Challengers in State Supreme Court Elections." *American Journal of Political Science* 50 (January): 20–33.
- Hall, Richard L., and Robert van Houweling. 1995. "Avarice and Ambition in Congress: Representatives' Decisions to Run or Retire from the U.S. House." *American Political Science Review* 89 (March): 121–36.
- Hall, William K., and Larry T. Aspin. 1987. "The Roll-Off Effect in Judicial Retention Elections." *Social Science Journal* 24(4): 415–27.
- Hibbing, John R., and Sara L. Brandes. 1983. "State Population and Electoral Success of U.S. Senators." *American Journal of Political Science* 27 (November): 808–19.
- Hill, Kim Quaile, and Jan E. Leighley. 1993. "Party Ideology, Organization, and Competitiveness as Mobilizing Forces in Gubernatorial Elections." *American Journal of Political Science* 37 (November): 1158–78.
- Hojnacki, Marie, and Lawrence Baum. 1992. "'New Style' Judicial Campaigns and Voters: Economic Issues and Union Members in Ohio." *Western Political Quarterly* 45 (December): 921–48.
- Jackson, Robert A. 1995. "Clarifying the Relationship between Education and Turnout." *American Politics Quarterly* 23 (July): 279–99.
- Jacobson, Gary C. 1997. *The Politics of Congressional Elections*. New York: Longman.
- Jewell, Malcolm E. 1982. *Representation in State Legislatures*. Lexington: University Press of Kentucky.
- Leyden, Kevin M., and Stephen A. Borrelli. 1995. "The Effect of State Economic Conditions on Gubernatorial Elections: Does Unified Government Make a Difference?" *Political Research Quarterly* 48 (June): 275–90.
- Lovrich, Nicholas P., Jr., and Charles H. Sheldon. 1983. "Voters in Contested, Nonpartisan Judicial Elections: A Responsible Electorate or a Problematic Public?" *Western Political Quarterly* 36 (June): 241–56.
- Milton, Sande. 1983. "A Cross-Sectional Analysis of the Roll-Off Vote in New York State, 1948–1974." *Polity* 15 (Summer): 613–29.
- National Center for State Courts. 2002. *Call to Action: Statement of the National Summit on Improving Judicial Selection*. Williamsburg, VA: National Center for State Courts.
- Republican Party of Minnesota v. White*. 2002. 536 U.S. 765.
- Rottman, David B., and Roy A. Schotland. 2001. "What Makes Judicial Elections Unique?" *Loyola of Los Angeles Law Review* 34 (June): 1369–73.
- Sample, James, Lauren Jones, and Rachel Weiss. 2007. *The New Politics of Judicial Elections 2006*. Washington, DC: Justice at Stake.

- Schaffner, Brian F., Matthew Streb, and Gerald Wright. 2001. "Teams Without Uniforms: The Nonpartisan Ballot in State and Local Elections." *Political Research Quarterly* 54 (March): 7–30.
- Schotland, Roy A. 1985. "Elective Judges' Campaign Financing: Are State Judges' Robes the Emperor's Clothes of American Democracy." *Journal of Law and Politics* 2 (Spring): 57–167.
- Spriggs, James F., II, and Paul J. Wahlbeck. 1995. "Calling It Quits: Strategic Retirement on the Federal Courts of Appeals, 1893–1991." *Political Research Quarterly* 48 (September): 573–97.
- Squire, Peverill. 1988. "Politics and Personal Factors in the Retirement from the United States Supreme Court." *Political Behavior* 10 (June): 180–90.
- Thomas, Scott J. 1989. "Do Incumbent Campaign Expenditures Matter?" *Journal of Politics* 51 (November): 965–76.
- Waltenburg, Eric N., and Charles S. Lopeman. 2000. "Tort Decisions and Campaign Dollars." *Southeastern Political Review* 28: 241–63.
- Wattenberg, Martin P., Ian McAllister, and Anthony Salvanto. 2000. "How Voting Is Like Taking an SAT Test: An Analysis of American Voter Rolloff." *American Politics Quarterly* 28 (April): 234–50.