

Party Identification and Vote Choice in Partisan and Nonpartisan Elections

Chris W. Bonneau · Damon M. Cann

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Abstract For decades, scholars have been interested in the effect of party identification on vote choice. Indeed, candidate party affiliation is seen as the most meaningful cue to voters in terms of which candidate they should support. However, there is a large set of elections in the U.S. that are nonpartisan. Using both experimental data and the first national survey of voters in judicial elections, we probe the effectiveness of the nonpartisan ballot format in keeping partisan considerations out of citizens' minds when voting in judicial elections. Results based on the experimental and observational data are consistent and show that voters' decisions are influenced strongly by party identification in both partisan and nonpartisan elections. This suggests that in judicial elections voters are able to successfully bring partisan and/or ideological information to bear on their voting decisions in both partisan and nonpartisan ballot formats, rendering nonpartisan elections ineffective at removing the partisan element from elections.

Keywords Judicial elections · State politics · Partisanship

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C. W. Bonneau (✉)

Department of Political Science, University of Pittsburgh, Pittsburgh, PA, USA
e-mail: cwbonneau@gmail.com

D. M. Cann

Department of Political Science, Utah State University, Logan, UT, USA

Introduction

At least since the publication of *The American Voter*, party identification has stood out as one of the most important factors, if not the single most important factor, in models of voting behavior in the American public (Campbell et al. 1960). Partisanship is a critically important heuristic for voters because it provides simple meaningful cues for complex political decisions (Kam 2005) and is relevant to a wide range of political choices (Huckfeldt et al. Sprague 1999). While our understanding of the role of partisanship in electoral behavior continues to go through expansions and refinements, it is clear that partisanship is a critically important part of understanding political behavior in the US.

While it is difficult to overstate the importance of party identification in the political behavior literature, there is a large set of elections to which the applicability of partisanship is questionable: those that are nominally nonpartisan. While elections for national office and many state offices are traditional partisan elections, about three-fourths of municipal elections are nonpartisan (DeSantis and Renner 1991), as are those for many judges, school board officers, and even the Nebraska state legislature. These elections are conducted in the same manner as partisan elections (contested elections between multiple candidates), with the sole exception that the candidates' respective partisan affiliations are not listed on the ballot. Adrian (1959) found that over half of elections in the US are nonpartisan in format. While some important work has been done on nonpartisan elections (e.g. Adrian 1959; Squire and Smith 1988; Schaffner et al. 2001), we know much less about voting behavior in these elections than in partisan elections.

The nonpartisan format has a long history in judicial elections. Progressives started arguing for removing party labels for judges around 1900 (Bonneau and Hall 2009). Currently, 15 states elect their judges for their court of last resort using nonpartisan ballots, compared to only seven that use partisan elections (and three of those seven combine partisan elections for a judge to initially obtain a seat on the bench with retention elections for judges to retain their jobs).

In the context of judicial elections, the debate on partisan versus nonpartisan election formats has become particularly salient in the past decade. Although a spate of states switched from contestable elections to a "merit" plan (which involves appointment and retention elections instead of competitive elections), in the late twentieth century the momentum behind the merit plan movement has diminished, as seen in the failure of recent bids to move to a merit plan in Nevada and Minnesota. However, since 2000 there has been interest in shifting from a contestable partisan election system to a contestable nonpartisan system, with Arkansas (2000) and North Carolina (2002) shifting from partisan to nonpartisan elections. Given the high degree of public support for judicial elections (see, for example, Geyh 2003; Bonneau and Hall 2009), nonpartisan elections are often seen as a viable reform for those who want to remove overt partisanship from the judicial selection process (see Carlton 2003 (esp. Appendix A, p. 4); Schotland 2003; Berkowitz and Clay 2006).

Even though questions regarding judicial selection are becoming more important, only limited individual-level data exist to facilitate our understanding of the role

partisanship plays in voters' decisions in judicial elections. Streb (2009) in particular notes that a paucity of individual-level data in judicial elections has prevented scholars from answering these types of questions (see also Baum 2003). Resolving this issue can potentially contribute to our understanding of voting behavior in judicial elections specifically and the relative effects of partisanship on voting in partisan and nonpartisan elections more generally. In what follows, we evaluate the extent to which voters' partisanship affects decisions in judicial elections and then examine whether nonpartisan judicial elections actually ameliorate partisan proclivities in voting.

We begin our exploration with a discussion of the aims of nonpartisan elections both generally and in the judicial realm specifically. We then review what we know about voting behavior in nonpartisan elections and formulate rival hypotheses regarding the effects of citizen partisanship on voting behavior in both partisan and nonpartisan elections. Finally, we test our hypotheses using both a controlled experiment and survey data from the first national sample of individual voting behavior in state supreme court elections.

Partisanship in Elections

Schaffner et al. (2001) characterize the debate over partisanship in elections as a clash between the progressives of the early twentieth century and a group of mid-twentieth century political scientists led most prominently by Schattschneider (1942). Progressives saw the parties as the driving force behind political machines, and thus sought to excise party politics from local elections, thereby dismantling machines and facilitating government responsiveness to the citizenry. Progressives argued that there was little connection between national party priorities and effective local governance, and that civically oriented citizens were fully capable of evaluating local candidates' platforms on local issues in the absence of partisan cues.

In contrast to the progressives, a strong movement in mid-twentieth century political science argued that strong political parties were an important part of a well-functioning, healthy democratic system (Schattschneider 1942; American Political Science Association 1950). Individual citizens tend to be poorly informed about politics and therefore find that the benefits of participating tend to be outweighed by the costs of becoming informed and participating (Downs 1957). As such, a simple but effective cue like party identification allows voters to make rational choices in a cost-effective manner (Aldrich 1995; Page and Shapiro 1992). Removing partisan cues, then, may reduce rates of electoral participation and make it more difficult for those voters who do turn out to cast their ballots in a manner consistent with their political interests.

In the instance of judicial elections, the rationale is slightly different for removing partisanship from the ballot than for the progressives. While there was some concern about party machines controlling the judicial selection process, proponents of nonpartisan judicial elections argue that this scheme allows voters to hold judges accountable for their decisions and behavior on the bench "while

insulating judges from the vagaries and vicissitudes of partisan tides” (Bonneau and Hall 2009, p. 8). Additionally, advocates of nonpartisan elections “hoped that more qualified jurists would be elected to the bench and that voters would make judgments based on the objective qualifications of the candidates instead of partisan tides” (Bonneau and Hall 2009, p. 8). That is, nonpartisan elections would maintain the benefits of elections (accountability) while at the same time improving the quality of the bench and ensuring that judges were not only defeated because of their party affiliation.¹

Although both proponents and detractors of the nonpartisan format offer logical normative claims in support of their positions, the empirical evidence on the information voters actually use is limited and somewhat conflicted. In local elections, the results are fairly clear and consistent. In a study of nonpartisan school board elections, Berry and Howell (2007) control for partisanship among a large number of predictors of vote choice and find that partisanship is not a significant predictor of it. Similarly, a study of both mayoral and state legislative elections finds that removing partisanship from the ballot essentially eliminates the relationship between voters’ party identifications and their vote choices (Schaffner et al. 2001). The primary limitation on these findings is that mayoral and state legislative races are often low-profile, low-cost, and low-information affairs. The ability of citizens to bring their party identification to bear on voting decisions may be different in contexts where, like state supreme court elections, there is a significant amount of money spent and there is more information circulating about the candidates. We suspect that the significant campaigning that marks contemporary judicial elections may generate cues that allow partisanship to enter voters’ decision making processes to at least some extent, even in nonpartisan elections.

Empirical results on the effect of nonpartisan ballot format on vote choice in judicial elections are both more scant than on local elections and also less consistent. In a study of nonpartisan judicial retention elections in California, Squire and Smith (1988) found that party identification had no significant effect on support for incumbents in retention elections, but that when voters were supplied with information about the party of the appointing governor (something akin to the judges’ partisanship), voters’ partisanship became a strong predictor of support for retention. This suggests that nonpartisan formats effectively achieve judicial reformers’ goals of eliminating partisanship from the ballot. However, several recent studies by Baum and various colleagues suggest that in Ohio, where party affiliations of state supreme court candidates do not appear on the general election ballot, party identification tends to have a strong effect on vote choice, particularly in highly visible campaigns (Baum and Klein 2007; Rock and Baum 2010). These works suggest that partisanship is still a key consideration in voters’ decisions even in nonpartisan elections. This view is consistent with the notion that partisanship in the contemporary era, while still involving a traditional component of self-identity (Green et al. 2002), is primarily based on an ideological component (Fiorina 2002;

¹ It is worth noting that neither of these arguments appears to have empirical merit. Glick and Emmert (1987), Bonneau (2001), and Hurwitz and Lanier (2003) all find no differences in the quality of judges between alternative selection systems. Also, Hall (2001) finds that, in the aggregate, nonpartisan elections are driven by political factors, just like partisan elections.

Levendusky 2009). Indeed, Highton and Kam (2011) show that in recent years, voters have increasingly chosen their partisanship on the basis of their issue positions. If voters use issue positions to determine their own partisanship, we posit that if a sufficient amount of ideological issue content circulates in a nonpartisan election, voters may determine candidates' partisanship and apply their own party identification when casting ballots. We suspect that in state supreme court elections this is often the case.

Perhaps one explanation for the divergent findings in the judicial elections literature is that there are a number of limitations to these existing studies of vote choice in judicial elections. None of them examines vote choice in more than a single state, and both of the states examined in these studies have peculiarities that make generalization difficult. California uses retention elections (a simple up or down vote to retain an incumbent who faces no opponent), but it may only be in contestable nonpartisan elections that rival candidates have incentives to reveal enough ideological information about themselves and their opponents to enable voters to cast ballots in a partisan manner. Ohio's nonpartisan elections have a unique partisan element in that even though party labels do not appear on the ballot judicial contests, candidates are selected in partisan primaries. As a consequence, political parties are deeply involved in the selection process and candidates' partisanship circulates in the media, which provides a clear signal (to voters who can remember it) as to how to apply their individual partisanship to their vote choice.

In addition to the problems endemic to single-state studies, existing work either relies on experimental data only, exacerbating concerns about generalizability to the complexities of actual electoral settings, or it relies observational data only, leaving questions about the internal validity of the findings. To accurately identify the effects of partisanship in both partisan and nonpartisan judicial elections, we take a multi-method approach to analyzing voters' choices. First, we present the results of a randomized experiment that manipulates the partisan information available to subjects, while holding other information about the candidates constant, to see whether explicit partisan cues influence voting decisions. Then to generalize our results, we use a nationally representative sample of voters in judicial elections and compare the effects of partisanship on vote choice in nonpartisan and partisan elections. This approach affords us the advantages of a controlled laboratory experiment while also conferring the real-world credibility and generalizability that comes with observational data. If proponents of nonpartisan elections are correct, we should see little effect of party identification on vote choice when subjects are deprived of explicit statements of candidate partisanship (in the experimental study) or when voters participate in nonpartisan elections (in the observational study). However, if the Baum studies (Rock and Baum 2010; Baum and Klein 2007) are correct, we should expect to see at least some effect of partisanship on vote choice in nonpartisan elections. By using both experimental data and national survey data, we can determine empirically the relative levels of partisan voting in partisan and nonpartisan elections.

An Experimental Approach to Partisan Voting

Experimental Design

Our first effort to determine the effects of partisan labels on rates of partisan voting is experimental in nature. We recognize that no experiment, no matter how cleverly designed, can have perfect external validity. Our goal with the experiment presented here is simply to determine whether providing subjects in a carefully controlled lab experiment with candidates' issue positions and background allows subjects to correctly ascertain the party identification of the candidates. While we only use one vignette (in two conditions—partisan and nonpartisan), later in this article we will supplement our experimental results with more externally valid observational data.

We recruited subjects from two introductory level general education courses at a Western university in the US, one an introductory American politics course and the other an introductory Economics course.² Both courses are primarily for non-majors and draw students from a wide range of majors from across the campus. Subjects assigned to the nonpartisan condition received a description of two candidates who were running for state supreme court. The descriptions, which appear in Appendix 1, outline the two candidates' legal backgrounds, qualifications, and their general views on several issues. The descriptions of the candidates' issue positions were based on statements made in recent judicial elections and information that was circulating during the campaign about the candidates, including claims that a candidate supports “traditional family values” and will “interpret the law rather than legislate from the bench” (for the judge who is a Republican but not named as such) or who is “strongly committed to individual rights” and will use the power of the judiciary to promote “equality and fairness” (for the judge who is a Democrat but not named as such). The information provided about candidates is comparable to information that judicial candidates circulate about themselves or to what routinely appears in interest group endorsements or voter guides.³ Thus, our treatment has a high degree of ecological validity (Williams 2013, p. 33).

² The Political Science course was comprised almost entirely of non-Political Science majors who were simply taking the course to fulfill a general education requirement, meaning that the students were not likely to be unusually politically sophisticated. To make sure that the students in the Political Science class were not uniquely good at applying their partisanship to their vote choice in nonpartisan elections, we re-ran the model interacting enrollment in the political science course with the interaction between partisan format and party id (a three-way interaction) and all interactions among the constituent terms. This effectively allows us to test the hypothesis that the relationships between partisanship and vote choice (conditional on ballot format) are themselves conditional on whether the subject was enrolled in the Political Science class. The results show that the interaction is not significant and that the relationships between partisanship and vote choice (and the extent to which they are conditioned by ballot format) are not conditional on whether the subject was enrolled in the Political Science class. This finding, along with the observational data presented below, mitigates concerns that this portion of the experimental sample was unusually adept at determining party identification from the statements in the candidate biographies.

³ Consider the following campaign materials or endorsements which reflect the type of information that circulates in a nominally nonpartisan judicial campaign: for Republicans, see the Tea Party endorsement of Nels Swandal (<http://www.wheatlandteaparty.com/state-elections.html>) and see his ad regarding values and not “legislating from the bench” (<http://www.youtube.com/watch?v=8MJI784PwI8>), Tim Tingelstad's campaign site which showcases rhetoric on values and religion (<http://www.highesthill.com/>), and

While we have made efforts to generate candidate descriptions that approximate the kind of information circulating about candidates in nonpartisan elections, diminished generalizability is inherent to experimental research designs. Our primary goal with the experimental research is to provide “proof of concept” of the notion that voters can identify the partisanship of candidates from a set of issue positions. We recognize however, that in the course of a campaign, voters may not encounter all of these pieces of information and will not likely encounter them all at once immediately before casting their ballot. As such, in the next section we will supplement these experimental results with observational data from judicial elections held in 2010 to allay any concerns about external validity.

Subjects assigned to the partisan treatment received identical descriptions of the two candidates, but the candidates’ partisan affiliations also were revealed. After reading the candidate descriptions, subjects in both conditions are asked which candidate they would vote for (or if they would abstain from voting in the race). Given that assignment to partisan or nonpartisan conditions was random and all other information was held constant, any differences in the rate of partisan voting between the two conditions can be attributed to the presence or absence of an explicit partisan cue in the candidate descriptions.⁴ Additional details on the experimental protocol appear in Appendix 2.

Experimental Results

The dependent variable for the experimental data is subjects’ revealed vote choice, coded 1 for the Democratic candidate and 0 for the Republican candidate (regardless of whether they are formally identified as such to subjects). We then use voter party identification (coded -1 for Republicans, 1 for Democrats, and 0 otherwise),⁵ partisan versus nonpartisan format, and the interaction between the two as independent variables in a probit model. From the resulting coefficients, we can evaluate the effect of party identification on vote choice and formally test the extent

Footnote 3 continued

Tom Christensen’s website where he commits to “deciding cases based on the constitution, statute and precedent not legislating from the bench.” For Democrats, consider Carol Hunstein’s endorsement from Democratic Congressman John Lewis saying, “Justice Hunstein has shown a true commitment to equality for all Georgians” (see <http://www.hunsteinforjustice.com/>), JoAnne Kloppenberg’s statement about fair procedures for the criminally accused (<http://www.youtube.com/watch?v=MYO36JAt0R8&feature=related>), Planned Parenthood of Montana’s endorsement of Beth Baker (<http://www.ppamt.org/elections/2010-election-results>), and Tim Fox’s vote to overturn an Arkansas law banning gay and lesbian couples from adopting (<http://thecabin.net/news/2010-10-10/open-seat-ark-high-court-draws-veteran-judges#.Tw4N4xxvZwc>).

⁴ As a test to ensure successful randomization, we assessed the relative gender and partisan compositions of the two treatment conditions (partisan versus nonpartisan format). If randomization was successful, the gender and partisan composition of the two conditions should differ only by chance. Results show that we fail to reject the null hypothesis that gender and treatment condition assignment are independent ($\chi^2 = 0.42, p = 0.517$); the test also suggests that party identification and treatment condition assignment are independent ($\chi^2 = 1.30, p = 0.521$).

⁵ Following the convention shown to be most appropriate by Keith et al. (1992), we code independent “leaners” as partisans. Coding partisanship in a single variable with the values we use is equivalent to using two dummy variables that are constrained to have the same effect but with opposite signs. The results are substantively similar if independents are dropped from the analysis and we compare only Republicans and Democrats.

to which the effects of party identification vary across partisan and nonpartisan conditions. The estimation results appear in Table 1.

The results show a strong effect of party identification on vote choice, but there is no statistically significant difference in the magnitude effect of party identification on vote choice across partisan and nonpartisan ballot formats. For a subject in the partisan condition, shifting from a Republican to a Democratic party identification increases the probability of a Democratic vote choice by 0.747 with a 95 % confidence interval of (0.615, 0.879). For a subject in the nonpartisan condition, shifting from a Republican to a Democratic Party identification increases the probability of a Democratic vote choice by 0.627 with a 95 % confidence interval of (0.480, 0.772). The difference between these effects is not statistically significant ($p = 0.232$).

The experimental results show that in a tightly controlled setting where candidate information is held constant but only half of subjects were given explicit partisan cues, voters were still able to draw conclusions about the partisanship of the judicial candidates and bring their partisanship to bear on their voting decisions. The controlled experiment approach has a number of advantages, particularly strong internal validity. However, in the real world, races vary in terms of their electoral intensity, choice of messaging, and on a variety of candidate characteristics. We recognize the possibility that our relatively blunt experimental stimulus could be more heavy-handed in signaling partisanship relative to the signals that typically circulate in judicial campaigns. To bolster the generalizability of our experimental results, we move next to a test of the same hypotheses using observational survey data gathered in 2010 state supreme court elections. If our vignettes are genuinely out of line with the information that typically circulates in campaigns, we would expect to see different results with the “real world” observational data than we found in our experiment. However, if the results based on vote choices observed in the actual set of 2010 judicial elections is consistent with our experimental findings, we have particularly strong evidence that our findings have both strong internal and external validity.

Partisanship and Vote Choice in the 2010 Judicial Elections

Data

We draw our data from the 2010 Cooperative Congressional Election Study (CCES). The CCES is a stratified matched random sample of U.S. adults, with a random sample being drawn and then matched to a set of Polimetrix Pollingpoint panelists by a sophisticated algorithm. The results are then weighted, resulting in a sample that reflects the national population. While it would seem that a single module (1,000 respondents) of the CCES would provide a sufficient base for studying vote choice in judicial elections, because only about 20 states use contestable elections and only about half of those had contested judicial elections in 2010, we estimated that a 1,000 respondent module would only yield about 400 prospective voters in judicial contests. Additionally, given the lower turnout rates in midterm elections and moderate rates of ballot roll-off in judicial elections, we anticipated about 150 observed vote choices in a single module. Some additional

Table 1 Probit model of vote choice—experimental data

Variable	Coefficient	SE
Party ID	0.962*	0.135
Partisan format	0.256	0.187
Party ID × partisan format	0.192	0.204
Constant	−0.398	0.126
<i>n</i>	323	
χ^2	127.09	
	$p < 0.001$	
McKelvey/Zavoina r^2	0.438	
% Correctly predicted	84.5 %	
PRE	0.438	

Dependent variable is coded 1 for a Democratic vote and 0 for a Republican vote

* $p < 0.05$

responses are lost because we use only the vote choice responses of individuals who were verified to have actually voted in the 2010 elections using the validated turnout variable in the updated version of the 2010 CCES. By swapping question time with other participating CCES institutions, we were able to ultimately place our judicial election vote choice questions on three modules, which significantly increased the number of vote choices we could observe. Once we accounted for individuals who indicated that they voted but could not recall which candidate they voted for (an issue we will discuss subsequently) we examined 361 useable vote choices, an average of 120.3 vote choices per module. Our sample includes respondents from each contested judicial race in every state holding a contestable state supreme court election in single-member districts in the 2010 general election.⁶

The 2010 judicial elections are in many ways an ideal for examination. The level of spending in 2010 judicial elections was consistent with spending in judicial races in other recent midterm election cycles, though the amount of money spent on television advertising in the election was somewhat higher than other midterm election cycles (Skaggs et al. 2011). Given the levels of spending and advertising, we are confident that voters in the 2010 elections had a typical amount of information about judicial candidates. Because we had 17 contested elections across 10 states, we have a reasonable range of states and regions represented in the data.

Results

We begin our analysis with a simple crosstabulation of vote choice and party identification. We identified the partisanship of each candidate for state supreme court in both partisan and nonpartisan elections.⁷ We can then assess the degree of

⁶ One state, Michigan, also held a contested election, but was dropped because they held their election in a statewide multi-member district.

⁷ Identifying the partisanship of nonpartisan judicial candidates is a reasonably straightforward task and has been accomplished for a large number of candidates by previous scholars as part of a measure of ideology (Brace et al. 2001). We coded candidate partisanship by consulting their personal statements of partisanship, service in other elected positions in government, service in government that required appointment by partisan officials, service in state or local party organizations, and, in one case, declared membership in the “Tea Party.”

association between voters' party identification and the party of the candidate they chose to vote for. In Table 2, we present the weighted percentages of individuals of varying party identification who voted for the candidate from each party.⁸

In partisan elections, Republicans and Democrats differ by about 50 % in their support of Democratic candidates (78.7 vs. 31.0 %), reflecting a strong effect of party identification on vote choice in partisan elections. Interestingly, we still observe a strong effect for partisanship in nonpartisan elections, where about 60 % of Democrats supported the Democratic candidate for judge while only about 20 % of Republicans did (a difference of approximately 40 points). A test of the independence of party ID and vote choice shows that for both partisan and nonpartisan races, the null hypothesis of independence of party ID and vote choice is rejected (the relationship is statistically significant).⁹ While the effect of partisanship appears to be slightly larger in partisan races than in nonpartisan races, the crosstabulation approach does not allow for a direct test of the hypothesis that the effect of partisanship is stronger in partisan than in nonpartisan elections. To execute such a test, we move to a probit model of vote choice in the 2010 state supreme court elections. The probit approach also allows us to control for additional key factors like incumbency and voter characteristics.

As in our analysis of the experimental data, we use vote choice between the Republican and Democratic candidates¹⁰ as the dependent variable (1 = Democratic vote, 0 = Republican vote) in a probit model with robust standard errors clustered by respondent (to account for the fact that the same voter may have up to 4 vote choices in the data set due to some states having multiple elections to the supreme court in 2010). The primary independent variable of interest is the voter's party ID. Voter party ID is coded as 1 for a Democrat, -1 for a Republican, and 0 otherwise. We also include a dummy variable for ballot format (1 = partisan, 0 = nonpartisan) and the interaction between ballot format and the voter's party ID allows us to test whether voter partisanship has differential effects in partisan and nonpartisan elections.¹¹

The power of incumbency tends to be strong in elections generally (Cover 1977; Abramowitz and Segal 1992; Mayhew 2008) as well as in state supreme court elections specifically (Bonneau and Hall 2009, pp. 59, 63–67). As such, we include a variable for accounting for the party with the incumbency advantage in the vote

⁸ The weights are applied to account for the sampling design of the CCES.

⁹ The crosstab shows an interesting relationship between ballot format and the vote choices of independents. In partisan races, independents tend to vote for Republicans, while they prefer Democrats in nonpartisan races. We suspect this phenomenon is due to the concentration of partisan races in the South, where self-identified independents tend to be more conservative. Thus, when primed with the party identification of the candidate, they prefer Republicans. In nonpartisan elections, which are largely in non-southern states, self-identified independents are more likely to prefer Democratic candidates.

¹⁰ We omit votes for third party candidates.

¹¹ Given Ohio's hybrid system where parties may nominate and endorse candidates but party affiliations do not appear on the ballot, one may wonder if it is actually more like a partisan election than a nonpartisan election. To address this concern, we re-ran our model twice, once with Ohio counted as a partisan election state and once with Ohio treated separately with its own dichotomous variable and an interaction between the Ohio dichotomous variable and the voter's party identification. In both alternative models, we still found no support for the hypothesis that party identification matters more in partisan elections than in the nonpartisan system or the quasi-nonpartisan Ohio system.

Table 2 Crosstab of vote choice and party identification

Ballot format	Candidate choice	Party identification		
		Democrat (%)	Independent (%)	Republican (%)
Partisan election	Democrat	78.7	24.1	31.0
	Republican	21.3	75.9	69.0
Nonpartisan election	Democrat	60.3	76.5	19.8
	Republican	39.7	23.5	80.2

For partisan elections, $n = 114$ and the Pearson design-based $F = 3.999$, $p < 0.05$. For nonpartisan elections, $n = 247$ and the Pearson design-based $F = 16.314$, $p < 0.05$

choice the respondent is considering, with 1 denoting a Democratic incumbent, -1 denoting a Republican incumbent, and 0 denoting a race with no incumbent (an open seat). We also include controls for a variety of demographic factors that have been shown at times to influence vote choice, including gender (Alvarez and Nagler 1995), race (Ansolabehere et al. 2010), and educational attainment (Kenny 1998; Burbank 1997). We also include a variable for whether the respondent identifies themselves as a “born-again” Christian. This is in part because of the general influence of religion on vote choice (consider Layman 1997), but also due to the increased use of both overt signaling of candidates’ religious affiliations and more subtle religious undertones (claims of being a “family values” judge), both of which might activate an individual’s partisanship in an electoral setting (Campbell et al. 2011). We also include an interaction between ballot format and each of these control variables to account for the possibility that the controls may matter more (or less) in nonpartisan elections where voters may lack partisan cues (see Schaffner et al. 2001 on this point). Standard errors are clustered by respondent because respondents in some states have more than one vote choice (e.g. they voted in more than one race because their state had multiple state high court elections).

The results of our model are reported in Table 3, with the first set of results representing a ‘lite’ model with just the partisanship of the voter, the ballot format, and the interaction of the two, and incumbency. The second set of results includes those same variables as well as the additional controls for education, race, gender, and religion. Overall, the model has a reasonably good fit to the data with a McKelvey/Zavoina r^2 of 0.217.¹² The predictive power of the model stems largely from party identification. Predicted probabilities can be helpful in illustrating the effects of party identification on vote choice. We generated a set of predicted probabilities varying voters’ party identification (between Democratic and Republican) and whether the election has a partisan or nonpartisan format. Incumbency is held constant at 0, which indicates that there was no incumbent in the race from either party.

Using the results from the model with the full set of control variables, Fig. 1 shows the change in the predicted probability associated with a change in voter party identification from Republican to Democrat in both partisan and nonpartisan

¹² The standard percent correctly predicted and PRE statistics are not valid in the presence of sampling weights and are thus not reported here.

settings. In both instances, party identification has a strong, significant effect on vote choice. Changing from a Republican party identification to a Democratic identification increases the probability of voting for the Democrat by 0.46, while the same change in party identification in a nonpartisan election increases the probability of a Democratic vote by 0.38. The difference between these effects, however, is not statistically significant. Consistent with the results of our experimental design, the observational data suggest that the nonpartisan ballot format does not insulate judges from partisan considerations. This finding is consistent with the results of Hall (2001) using aggregate data.

Not only do we learn that party identification is a major consideration across partisan and nonpartisan ballot formats, but we surprisingly find that incumbency is not as major a consideration as expected, being statistically insignificant.¹³ This may well reflect the growing competitiveness of state supreme court elections and a change from the less competitive judicial elections of yesteryear (Hall 2007), but it may also reflect the general anti-incumbent sentiment held by many voters in the 2010 elections. Additionally, the “incumbent” is only designated as such on the ballots of a few states, so it is possible that many voters did not know (or could not recall) which candidate is the incumbent.

The demographic control variables have limited explanatory value for judicial elections at best. We can only speculate as to why. One possibility is that these variables are such influential predictors of the decision to participate in judicial elections (Bonneau and Cann 2013), which could diminish their influence at the stage of deciding for whom to vote. Alternatively, the significance of these variables could vary by candidate, and with the relatively small number of races in a single year of judicial elections they may have not been as efficacious in this particular set of elections.

Tests of Robustness

Given that we have found a null result, it is natural to attempt a number of robustness checks on the data to ensure that our results are not unique to a particular specification or a number of unique situations surrounding our data. Specifically, we evaluate whether our core findings are robust given the wording of our vote choice question, varying levels of campaign intensity, and incorporating ideology more formally into the model.

Wording of the Vote Choice Question

In conventional vote choice studies, respondents are prompted not only with the candidates’ names, but also with the candidates’ party affiliations. Because over half of our elections were nonpartisan in format and had no party identification, we could not add party identification for those elections to the prompt. Rather than risking

¹³ We also ran a model that distinguished between elected incumbents and appointed incumbents and found significance only for appointed incumbents in partisan elections; we suspect this finding is an artifact due to having only two appointed incumbents in partisan states (Texas and West Virginia), both of whom won their elections.

Table 3 Probit models of vote choice—CCES Data

Variable	Base model		Model with controls	
	Coefficient	SE	Coefficient	SE
Party ID	0.570*	0.119	0.611*	0.130
Partisan format	-0.233	0.332	-0.217	0.665
Party ID × partisan format	-0.035	0.200	-0.006	0.267
Incumbency	-0.109	0.119	-0.101	0.118
Incumbency × partisan format	-0.468	0.347	-0.469	0.366
College	-	-	-0.078	0.237
College × partisan format	-	-	0.458	0.430
White	-	-	-0.098	0.338
White × partisan format	-	-	0.206	0.467
Male	-	-	-0.086	0.240
Male × partisan format	-	-	0.070	0.418
Born-Again Christian	-	-	0.180	0.274
Born-Again Christian × partisan format	-	-	-0.889	0.427
Constant	-0.215	0.123	0.282	0.400
<i>n</i>	361		361	
χ^2	78.12		111.32	
	<i>p</i> < 0.001		<i>p</i> < 0.001	
McKelvey/Zavoina <i>r</i> ²	0.154		0.169	

Dependent variable is coded 1 for a Democratic vote and 0 for a Republican vote for individuals who were verified to have voted. Standard Errors are clustered by respondent

* *p* < 0.05

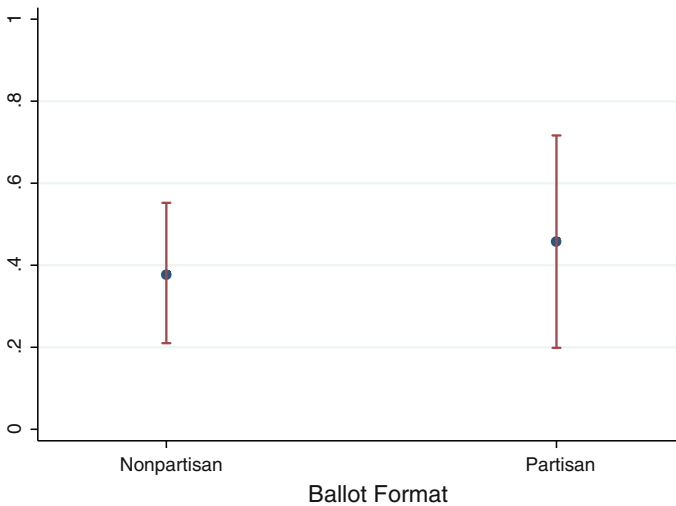


Fig. 1 Discrete change in the predicted probability of voting democrat for a change in party ID by ballot format

asymmetric responses due to providing party ID as a memory cue in partisan races (and not being able to provide it in nonpartisan races), we did not offer a candidate party ID prompt to any respondents on the judicial election vote choice questions. We recognize the possibility of selection bias due to differences between those who recall their vote choice and those who do not. This is particularly a concern because those who do not remember their vote choice could differ systematically from those who do in their ability to apply partisanship to their voting decision across partisan and nonpartisan elections.

We take a measure of reassurance from the experimental study, which specifically indicated partisanship on the vote choice question in partisan elections but not in nonpartisan elections. Still, in an effort to assuage lingering concerns, we specify a Heckman probit model to address selection bias that may arise from respondents forgetting the candidate for whom they voted. In the first stage we model whether the respondent could remember their vote choice and in the second stage we model vote choice. The outcome (vote choice) stage of the model is specified using the full model as above. The selection equation (1 = recalled their vote choice, 0 = did not recall vote choice) is modeled as a function of a 4-point scale measuring interest in news and public affairs, a set of dichotomous indicators for engagement in political activities (attending a meeting, putting up a political sign, working for a candidate, and donating money to a candidate), whether the election was partisan or nonpartisan, and whether the respondent holds a college degree. Results of the model appear in Table 4

While several of our hypothesized predictors of vote choice recall were statistically significant, the test for the independence of the selection and outcome equations (a null hypothesis of $\rho = 0$) failed to reject the null hypothesis of independence. Additionally, we note that the results of the outcome equation are substantively similar to our initial results. This, coupled with the reinforcement of the experimental results which have no risk of a selection bias problem, suggest that selection bias does not pose a threat to our results.

A Word Regarding Campaign Intensity

While many nonpartisan elections may be intense enough to facilitate the identification of party identification, it is possible that in lower-intensity elections voters may lack the information necessary for identification of the candidate's party ID (see, for example, Rock and Baum 2010). On the other hand, it may be that even lower intensity elections still allow enough information to circulate to allow individuals to discern the ideology of the candidates.

To address this possibility, we use campaign spending in each race as a measure of campaign intensity. We then re-run the model with controls from Table 3 also adding campaign spending and interacting it in a 3-way interaction with the respondent's party identification and the ballot format of the election. This enables us to evaluate whether there is a difference of rates in partisan voting in partisan and nonpartisan elections both for low-spending elections, high-spending elections, and elections where spending takes place at the median. Results from the model estimation appear in Table 5.

Table 4 Heckman probit model of vote choice—CCES Data

Variable	Vote choice eq.		Recall vote choice eq.	
	Coefficient	SE	Coefficient	SE
Party ID	0.613*	0.131	–	
Partisan format	0.067	0.813	–1.139*	0.236
Party ID × partisan format	–0.061	0.282	–	
Incumbency	–0.098	0.114	–	
Incumbency × partisan format	–0.431	0.368	–	
College	–0.031	0.242	–0.456*	0.211
College × partisan format	0.517	0.419	–	
White	0.121	0.328	–	
White × partisan format	0.121	0.450	–	
Male	–0.131	0.250	–	
Male × partisan format	0.065	0.399	–	
Born-Again Christian	0.161	0.273	–	
Born-Again Christian	–0.870	0.459	–	
Political activity: attend meeting	–		–0.373	0.270
Political activity: display sign	–		0.099	0.348
Political activity: work for campaign	–		–0.593	0.350
Political activity: donate money	–		0.102	0.256
Interest in news & public affairs	–		0.592*	0.204
Partisan format				
Constant	–0.128	0.526	0.282	0.400
<i>n</i>	674			
Censored	313			
χ^2	117.47			
	$p < 0.001$			
ρ	–0.343			
Wald test of $\rho = 0$	$\chi^2 = .290$			
	$p = 0.591$			

Dependent variable is coded 1 for a Democratic vote and 0 for a Republican vote for individuals who were verified to have voted. Standard Errors are clustered by respondent

* $p < 0.05$

Our primary interest for the purposes of this paper is in the effect of party identification across different ballot formats in either low, median, or high spending elections. Particularly with a three-way interaction, identifying the right comparisons are somewhat more involved than a simple examination of the statistical significance and merits some description (consider Ai and Norton 2003). The comparison of primary interest begins with calculating the predicted probability of voting for the Democratic judicial candidate for a Democrat respondent in a partisan election with low levels of campaign spending (we choose the minimum observed value in our data) and all other variables set to their modal values. Then we

Table 5 Probit model of vote choice—CCES Data

Variable	Coefficient	(SE)
Party ID	0.814*	(0.280)
Partisan format	-0.822	(0.768)
Total spending (thousands)	-0.0005	(0.0003)
Party ID × partisan format	-0.368	(0.407)
Partisan format × total spending	0.0014*	(0.0005)
Total spending × party ID	-0.0002	(0.0003)
Party ID × partisan format × total spending	0.0005	(0.0006)
Incumbency	-0.047	(0.117)
Incumbency × partisan format	-0.514	(0.384)
College	-0.052	(0.239)
College × partisan format	0.449	(0.429)
White	0.158	(0.352)
White × partisan format	-0.115	(0.557)
Male	-0.171	(0.253)
Male × partisan format	0.125	(0.424)
Born-Again Christian	-0.214	(0.262)
Born-Again Christian × partisan format	-0.954	(0.537)
Constant	0.148	0.542
<i>n</i>	361	
χ^2	107.37	
	$p < 0.001$	
McKelvey/Zavoina r^2	0.194	

Dependent variable is coded 1 for a Democratic vote and 0 for a Republican vote for individuals who were verified to have voted. Standard Errors are clustered by respondent

* $p < 0.05$

calculate the predicted probability for an identical respondent with the exception of being a Republican. The difference between those two predicted probabilities is the discrete change in the probability of voting for the Democratic candidate associated with a change in party identification from Republican to Democrat (for a partisan election with low levels of campaign spending). We then repeat this process calculating a discrete change in the probability of voting for the Democratic candidate for a Republican vs. a Democrat respondent but in a nonpartisan election (though still with low levels of campaign spending). The difference between these two discrete changes then tells us how different the effect of party identification is on vote choice in a partisan vs. a nonpartisan election. By repeating this entire calculation of differences in discrete changes for median levels of spending and high levels of spending (in our case, the maximum observed level of campaign spending in 2010), we can compare whether difference in the effect of party ID on vote choice between partisan and nonpartisan election formats is conditional on the level of spending in the race.

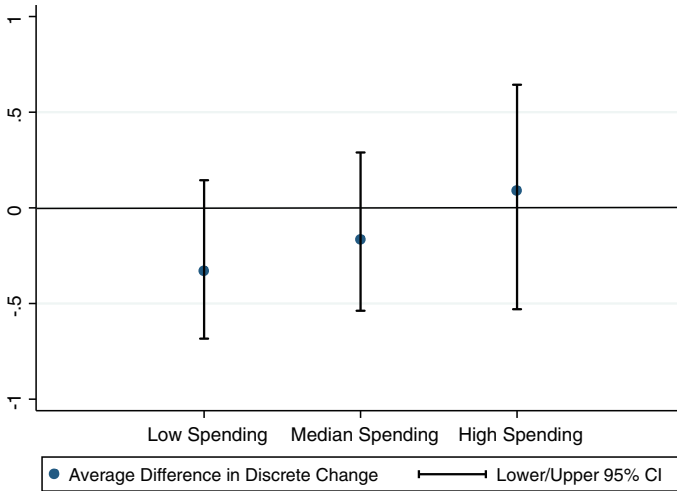


Fig. 2 Differences between Partisan and Nonpartisan Ballot formats in Discrete Changes due to Respondents’ Partisanship at Varying Levels of Spending

To be sure, the differences in the discrete changes, like any statistic, carry some measure of uncertainty around them. Popular methods for addressing complex interactions have recently focused on simulation techniques (consider Brambor et al. 2006). We use the popular “Clarify” software (King et al. 2000) to simulate 1000 draws from a multivariate normal distribution with means equal to a vector of the observed coefficient estimates from the model in Table 5 and variances derived from the estimated variance-covariance matrix from that same model. Using these simulated parameters we can then compute the difference in discrete changes in predicted probabilities for partisan and nonpartisan elections in each simulation across different levels of spending with appropriate measures of uncertainty that facilitate formal hypothesis tests of statistical differences. We present these differences in discrete changes in Fig. 2.

Figure 2 shows that across high, medium, and low levels of spending there is no statistically significant difference between partisan and nonpartisan ballot formats in the effect of respondent partisanship on vote choice. This leads us to conclude that voters are able to successfully identify the partisan affiliation of candidates even in races that are comparatively low spending (and presumably contain less pervasive issue content).

A Word Regarding Ideology

Like many, we conceive of contemporary partisanship primarily reflecting an ideological dimension. This may be caused by polarization in the electorate (Abramowitz and Saunders 1998) or because elite polarization has clarified the meaning of ideological labels (Levine et al. 1997; Hinich and Munger 1997) which in turn has led to the sorting of voters into parties on the basis of ideology even

without ideological polarization in the mass public (Levendusky 2009). In either case, the foregoing analysis is based on the premise that controlling for ideology is unnecessary because it represents the same conceptual divisions in society as partisanship. Nevertheless, one may hold that the electorate is still not fully “sorted” into parties on the basis of ideology or that partisanship still reflects significant considerations apart from ideology. Thus, controlling for ideology in addition to partisanship may make sense. Before concluding, we undertake such an analysis here.

For proponents of nonpartisan elections, the goal of removing partisan labels is to de-politicize elections and instead focus on the qualifications and aptitude of judges. If nonpartisan elections were shown to be influenced as heavily by ideology as partisan elections, it would call the effectiveness of nonpartisan elections into question. In addition, controlling for ideology allows us to determine whether our prior finding (that there is no evidence that the effects of partisanship are diminished by changing to a nonpartisan ballot format) is robust. We re-estimate the model with full controls presented in Table 3 above twice, each time with slight adjustments. In the first re-run, we omit party identification (and its interaction with ballot format) and include ideology (as measured by the standard 7-point liberal-conservative scale) and the interaction of ideology and ballot format. In the second re-run, we include both party identification (and its interaction with ballot format) and ideology (along with its interaction with ballot format). The results of these model appear in Table 6.

In both models, ideology exerts a strong and statistically significant effect on vote choice. However, this effect does not appear to vary across ballot formats in either the ideology only model or the ideology and party identification model. In the model including both ideology and party identification, the party ID coefficient is not significant, nor is the Party ID \times partisan format interaction. This is not surprising given the collinearity between partisanship and ideology. Still, whether one is looking at partisanship or ideology, the same factors, drawn from issue-oriented cues given by candidates, drive voters’ decisions in both partisan and nonpartisan elections. In other words, even when controlling for ideology, we find no evidence that the influence of political factors (ideology and partisanship) differs across partisan and nonpartisan election formats. Like the other evidence presented above in this paper, the results of this model suggest that nonpartisan elections are not effective at mitigating the effects of political factors (specifically ideology) in judicial elections.

We should note, however, that an interesting result does surface for the born-again Christian variable when ideology is included in the model. While this variable has been insignificant in our previous models, when all else is held constant in these models being a born-again Christian increases the likelihood of voting for the Democratic candidate in a non-partisan election while decreasing that likelihood in partisan elections. One possible explanation for this is that citizens find it easier to bring their religion to bear on the vote in the presence of explicit partisan signals. However, an alternative explanation may be that born-again Christian voters in Southern states (which predominantly use partisan election formats) are influenced differently by their faith than born-again Christian voters outside the south.

Table 6 Ideology in models of vote choice—CCES Data

Variable	Ideology only		Ideology and party ID	
	Coefficient	SE	Coefficient	SE
Ideology	0.437*	0.071	0.427*	0.119
Partisan format	1.019	0.788	1.095	0.835
Ideology × partisan format	-0.193	0.144	-0.380	0.203
Party ID	-		0.025	0.197
Party ID × partisan format	-		0.507	0.365
Incumbency	-0.008	0.112	-0.011	0.113
Incumbency × partisan format	-0.545	0.332	-0.560	0.360
College	-0.216	0.232	-0.215	0.233
College × partisan format	0.471	0.429	0.580	0.438
White	-0.121	0.306	-0.113	0.315
White × partisan format	-0.261	0.306	0.345	0.532
Male	-0.017	0.216	-0.017	0.217
Male × partisan format	0.044	0.419	0.028	0.420
Born-Again Christian	0.559*	0.256	0.556*	0.261
Born-Again Christian × partisan format	-1.281*	0.486	-1.243*	0.491
Constant	-1.729	0.421	-0.770	0.492
<i>n</i>	360		360	
χ^2	110.28		109.26	
	$p < 0.001$		$p < 0.001$	
McKelvey/Zavoina r^2	0.203		0.249	

Dependent variable is coded 1 for a Democratic vote and 0 for a Republican vote for individuals who were verified to have voted. Standard Errors are clustered by respondent

* $p < 0.05$

Conclusion

Party identification has long been held as the core determinant of voters’ choices. However, the stated goal of nonpartisan elections, for better or for worse, is to remove voters’ abilities to bring their partisan identification to bear on their voting decisions. Conventional wisdom holds that nonpartisan elections succeed in this goal. However, the results of both our high internal validity experimental data and our high external validity observational data both reveal that nonpartisan elections are ineffective at achieving their stated goal in state supreme court elections. We suspect the same would hold true of nonpartisan elections in any context where campaign spending is high and a reasonable amount of information is available to voters. Although political science typically takes a dismal view of voters’ capacities, these results suggest that in both experimental and real-world contexts, voters are able to identify the partisan identification of candidates from ideological and issue-based cues even when candidates’ explicit partisanship is omitted from the ballot. This may not have been easily accomplished in times past, when partisanship and

ideology were more distinct dimensions of electoral choice (e.g. Rabinowitz et al. 1984). However, the relatively recent sorting of candidates and voters into parties on the basis of ideology (Levendusky 2009) makes this task cognitively simpler. Additionally, more campaign spending and advertising in nonpartisan judicial elections (e.g., Bonneau and Hall 2009; Hall and Bonneau 2013) means that the cues voters need to infer candidate partisanship are widely available. When controlling for voter ideology in addition to party identification, we find that the effect of ideology does not vary across ballot format, reinforcing the notion that nonpartisan elections do not mitigate the influence of political factors (such as partisanship and ideology) in judicial elections.

In addition to contributing to our understanding of partisanship in voting behavior, our results also have implications for the debate over methods of judicial selection. While some have argued that nonpartisan elections are more desirable than partisan elections, our individual-level analysis, combined with existing aggregate-level analysis does not paint a flattering picture of nonpartisan elections in terms of their ability to mitigate the influence of partisanship in elections. Beyond our findings here, Hall (2001) and Bonneau and Hall (2009) document that nonpartisan elections are less likely to be contested, are less competitive, and have lower levels of voter participation than partisan elections. Taken together with our results, it appears that nonpartisan elections do a poorer job of promoting accountability (contestation and competition) and involve a smaller proportion of the electorate (higher ballot roll-off), while at the same time not removing partisanship from the decision making of the voters. Moreover, Caldarone et al. (2009) find that judges who have to stand for election in nonpartisan states may be more likely to make decisions consistent with popular will than judges in partisan states. The empirical evidence indicates that nonpartisan elections for judges fail to meet their stated goal of minimizing the role of political factors like partisanship and ideology in judicial selection. The weight of this evidence should give states pause before changing their method of selecting judges from partisan elections to nonpartisan elections.

Appendix 1: Description of the Experimental Treatment Conditions

Nonpartisan Condition

Judge Michael N. Watkins received his law degree from Yale Law School in 1989. Following law school, Judge Watkins completed a judicial clerkship with the Honorable David K. Winder of the United States District Court, and currently serves as a state district court judge. Judge Watkins believes judges should interpret the law rather than legislate from the bench. He supports the death penalty, and believes in traditional family values. Judge Watkins thinks state courts should limit abortions. He firmly believes that longer sentencing for criminals is the best way to make them pay their debt to society, and won't let criminals off on legal technicalities.

Judge Marcus T. Simmons was appointed to the state supreme court in 2008 to fill out the final two years of former state supreme court judge Donna Howard, who

retired. Judge Simmons, a graduate of Duke Law School, is now seeking election to his own full term on the state Supreme Court. Judge Simmons believes judges should use the power of the judiciary to promote equality and fairness in society. He is strongly committed to individual rights, including the right to have an abortion and the rights of same-sex couples to marry. He also thinks that protecting the rights of accused criminals is just as important as protecting the rights of crime victims.

Partisan Condition (Emphasis Added Here to Illustrate Differences from Nonpartisan Condition)

Judge Michael N. Watkins received his law degree from Yale Law School in 1989. Following law school, Judge Watkins completed a judicial clerkship with the Honorable David K. Winder of the United States District Court, and currently serves as a state district court judge. *As a Republican* Judge Watkins believes judges should interpret the law rather than legislate from the bench. He supports the death penalty, and believes in traditional family values. Judge Watkins thinks state courts should limit abortions. He firmly believes that longer sentencing for criminals is the best way to make them pay their debt to society, and won't let criminals off on legal technicalities.

Judge Marcus T. Simmons was appointed to the state supreme court in 2008 to fill out the final two years of former state supreme court judge Donna Howard, who retired. Judge Simmons, a graduate of Duke Law School, is now seeking election to his own full term on the state Supreme Court. *As a Democrat* Judge Simmons believes judges should use the power of the judiciary to promote equality and fairness in society. He is strongly committed to individual rights, including the right to have an abortion and the rights of same-sex couples to marry. He also thinks that protecting the rights of accused criminals is just as important as protecting the rights of crime victims.

Appendix 2: Description of the Experimental Protocols

Subjects were recruited in two separate experiments, one held in an introductory Political Science class on October 17, 2011 the second in an introductory Economics class held on November 3, 2011. Potential consequences of using an introductory Political Science class are addressed in footnote 2, where we report that there is no significant difference between the results for the Political Science class and the Economics class, probably due to the fact that most of the students in these classes are taking them as general education and are not majors in Political Science. Participation was strictly voluntary and no incentives were offered for participation, but about 99 % of students chose to participate. Although compensation is vital to some experiments, particularly those that involve incentivizing certain behaviors or compensating strong performance, in this instance non-compensation poses no threat to the validity of the experiment for several reasons. First, since fewer than three students in each class chose not to participate, the magnitude of any effect from their non-participation would be very small. Second, because treatment

assignment took place after recruitment, we still have the strong integrity of having the only difference between our groups be due to random chance (footnote 4 discusses our checks for successful random assignment). Finally, we believe that the nature of voluntary participation without compensation best reflects the real-world nature citizens' choices to vote because the chances of deriving policy benefits attributable to their individual vote are essentially zero (Riker and Ordeshook 1968).

Subjects were assigned by a random draw into either the partisan or nonpartisan treatment conditions. Students were seated and instructed not to talk to one another while completing their questionnaires (compliance on this request was very good). Students then returned their questionnaires and were subsequently dismissed.

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