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What is This?

Predicting Challengers in State Supreme Court Elections: Context and the Politics of Institutional Design

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In this article, we answer two important questions about the role of challengers in elections to the states' highest courts: (1) under what conditions do incumbents draw challengers, and (2) do these same conditions influence whether the challengers entering these races have sufficient experience to pose a threat to the officeholders (i.e., are they quality challengers). While the factors related to each electoral contest and the forces characterizing the overall political climate of the state should affect the type of challenge, if any, we also expect institutions to matter. Specifically, factors governing the attractiveness of supreme court seats, as well as the formal means by which judicial elections are organized, all should serve to enhance or inhibit competition. In an analysis of all 146 partisan and nonpartisan elections to state supreme courts from 1988 through 1995, we find that competition from both inexperienced and experienced challengers is predictable from some basic information about the incumbents, the states, and the institutional context. Like legislators, judges can influence their chances of being challenged only to a limited degree. However, the states can increase or decrease competition to some extent by manipulating electoral system characteristics and a variety of factors that make supreme court seats more or less valuable. In fact, under certain scenarios, state supreme courts may be more democratic in character and function than is generally recognized or perhaps preferred.

With this research, we answer two important questions about the role of challengers in elections to the states' highest courts: (1) under what conditions do incumbents draw challengers, and (2) do these same conditions influence whether the challengers entering these races have sufficient experience to pose a serious threat to the current officeholders (i.e., are they *quality* challengers). These intriguing though straightforward questions have significant theoretical import for illuminating the complex relationship between democratic processes and political institutions. As studies of elections to many different types of offices have established, electoral competition forges observable linkages between citizens and government, enhancing the representative function (e.g., Canes-Wrone, Brady, and Cogan 2002; Erikson 1978; Hall 1987, 1995; Miller and Stokes 1963). Among other things, incumbents chosen in competitive races are more likely to defer to their constituencies when casting votes on controversial issues rather than choosing policy alternatives that better reflect their personal preferences. Therefore, understanding electoral competition, and specifically how competition emerges in the first place, is directly relevant for delineating the precise mechanisms by which democratic processes induce accountability and generate public policies consistent with citizen preferences.

Moreover, studies of the United States House of Representatives, the United States Senate, and state legislatures all have established that quality challengers fare substantially better with voters than do their weaker counterparts (e.g., Abramowitz 1991; Jacobson 1989, 1999; Jacobson and Kernell 1983; Lublin 1994; Mann and Wolfinger 1980; Nicholson and Segura 1999; Squire 1989b). Quality challengers reduce the vote margins of incumbents and are substantially more likely than other types of challengers to win. Interestingly, this influence is present even when the effects of a host of other variables related to national and local politics, including campaign spending (Squire 1989b), are controlled. Also, these substantive results are robust across studies that use alternative measures of challenger quality. When measured as a dichotomy of whether the challenger has held elective office (e.g., Abramowitz 1988; Jacobson 1989), as separate dichotomies or ordinal scales based on challengers' personal characteristics and political experience (e.g., Bond, Covington, and Fleisher 1985; Krasno and Green 1988; Lublin 1994; Squire 1989b), or using challengers' campaign expenditures (Bond, Covington, and Fleisher 1985), the bottom line is that quality matters.

With respect to the judiciary, issues related to the emergence of challengers and their effects on the electoral fortunes of incumbents have yet to be addressed systematically. However, Hall (2001a) recently has documented that judicial elections, at least by some measures, are strikingly similar to other elections at state and national levels. For example, the likelihood of electoral defeat in state supreme courts is roughly equivalent to, if not higher than, the electoral threat in the United States House of Representatives.[1] Thus,

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[1] Hall (2001a) reports that the defeat rate for incumbents seeking reelection to state supreme courts from 1980 to 1995 was 8.3 percent in nonpartisan elections and 13.6 percent in partisan elections. During the same period, the defeat rate for U.S. House members was 6.5 percent.

assessing judicial elections and ascertaining how judges who do not have a clearly articulated representative function are affected by democratic processes, are essential for developing theories of judicial politics that reflect the complex reality of balancing constituency pressures demanding accountability with forces in the legal culture (including law) dictating judicial independence.

Furthermore, there are compelling reasons to think that challenger quality might matter even more in judicial elections than in elections to other types of offices. Given the formal qualifications necessary to gain access to the state court bench in the first place—qualifications that are not placed on other offices—and the clearly hierarchical nature of the judiciary, voters reasonably might view lower court experience as a prerequisite for a seat on the state high court bench.[2] Thus, candidates who have served in the lower courts become more attractive by representing *qualified* alternatives to incumbents, while challengers who have never been judges might be viewed as not meeting the basic job requirements.

To begin an inquiry into the politics of competition in judicial elections, and particularly the conditions under which challengers are willing to take on incumbents, we examine all 146 elections to the states' highest courts from 1988 through 1995 in the twenty-one states using partisan or nonpartisan elections to staff their benches.[3] Generally, incumbents should be challenged when they are individually vulnerable or when they serve in states characterized by high levels of electoral competition, especially partisan competition. Additionally, challengers, and particularly challengers who have served on the bench, should emerge within certain institutional contexts. Across the states, institutional arrangements vary, both with respect to the factors governing the attractiveness of the high court and in the formal means by which elections are organized. By examining the effects of these forces comparatively, we can learn more about the manner in which institutions, including selection and retention mechanisms, structure politics. Specifically concerning courts, we will have more evidence relevant to the controversy currently raging in the states over the politics of institutional design and particularly about the exact balance of accountability and independence produced by each selection scheme.

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[2] Currently, thirty states require appellate court judges to have been members of the state bar for some minimal period of time (five to ten years), twelve states require judges to be members of the state bar without specifying a minimum time frame, four states require judges to be "learned in the law" without additional clarification, and four states have no qualifications related to any of the factors just listed (Council of State Governments 1999, 133).

[3] States holding partisan supreme court elections are Alabama, Arkansas, Louisiana, Mississippi (through 1992), New Mexico, North Carolina, Tennessee (through 1992), Texas, and West Virginia. States using nonpartisan elections are Georgia, Idaho, Kentucky, Michigan, Minnesota, Mississippi (beginning in 1994), Montana, Nevada, North Dakota, Ohio, Oregon, Washington, and Wisconsin. Illinois and Pennsylvania use partisan elections as the means to select justices initially, but these incumbents appear subsequently in retention elections.

INCUMBENTS AND CHALLENGERS IN AMERICAN ELECTIONS

Electoral competition is a phenomenon that has been investigated thoroughly in the political science literature. As the following discussion demonstrates, we know much about decisions to challenge incumbents for both congressional and state legislative seats. However, there is no systematic evidence to date about the conditions under which state supreme court justices face a similar fate. Before extending the literature, we briefly review what we already know.

Challenging Incumbents in Congressional Elections

The conditions under which incumbents draw challengers who have the political experience to mount vigorous and potentially successful campaigns have been extensively documented. Several conclusions emerge from this work. First, many House elections and some Senate races are low-key affairs that do not attract the attention of challengers (especially quality challengers), the media, or voters (e.g. Abramowitz 1991; Banks and Kiewiet 1989; Erikson 1971; Hinckley 1980a, 1980b; Jacobson 1980, 1981; Krasno 1994; Mann and Wolfinger 1980; Ragsdale 1981; Squire 1989a; Westlye 1983; Wrighton and Squire 1997). Further, incumbents do not usually face strong challengers (Banks and Kiewiet 1989; Huckshorn and Spencer 1971; Jacobson 1980; Leuthold 1968; Mann and Wolfinger 1980), although notable differences emerge between House and Senate races. Generally, Senate races are more likely than House races to draw quality challengers (e.g., Krasno 1994).

Second, challengers are strategic. Quality challengers (i.e., those who have held elective office) prefer to run for open seats, largely because open seats provide the best chance of winning. Further, non-quality challengers are strategic; their best chance to obtain their party's nomination (and thus have any reasonable chance of winning the election) is when conditions are unfavorable for quality challengers (Banks and Kiewiet 1989). Thus, some "unbeatable" incumbents draw opposition because the inexperienced challenger's probability of success (i.e., slim) is higher than if the seat were vacant (i.e., none).

Third, and related to the facts just mentioned, the emergence of challengers (including quality challengers) is affected by short-term and long-term forces (both local and national) in the political environment, including economic conditions and partisan tides (e.g., Adams and Squire 1997; Banks and Kiewiet 1989; Berkman and Eisenstein 1999; Bianco 1984; Bond, Covington, and Fleisher 1985; Jacobson 1981, 1987, 1989, 1997, 1999; Jacobson and Kernell 1983; Krasno and Green 1988; Squire 1989a, 1989b, 1995; Wrighton and Squire 1997). If the political and economic conditions are favorable, an incumbent is likely to draw a quality challenger. Otherwise, an incumbent is likely to draw an ordinary challenger or none at all.

Finally, the electoral vulnerability of the incumbent is a critical element in shaping competition. Challengers are more likely to take on incumbents whose most recent

electoral margins were relatively slim (e.g., Squire 1989a). Alternatively, incumbents winning with larger proportions of the vote, and thus holding safe seats, are substantially less likely to face opposition in their next elections.

Challenging Incumbents in State Legislative Elections

While the factors that facilitate electoral competition are well documented at the national level, our knowledge of state legislative races is less refined. As recently as 1993, when we already understood a great deal about challengers in congressional elections, Holbrook and Tidmarch (1993: 907) observed that "the role of challenger quality has yet to be systematically explored" in state elections. In a field essay on state legislative elections, Jewell (1994: 505) added, "[w]e believe that quality legislative candidates are more likely to run if the incumbent is perceived as vulnerable or chooses not to run, as seems clearly to be the case in congressional elections. But we need more data, not just logic and hunches."

Recently, however, there have been some important studies designed to address this deficiency. Pritchard (1992) found that decisions to challenge Florida House incumbents from 1972 through 1980 depended largely on whether the incumbent was challenged previously and on district competitiveness. This holds for both quality and non-quality challengers. Further, Jewell (1994: 488) observed that "[I]t is well understood that quality candidates are more likely to run against incumbents who are perceived to be weak or to run for open seats. Strong, entrenched incumbents usually draw weak challengers, or none at all."

Building on Pritchard's findings, Van Dunk (1997: 798) finds that "the likelihood of quality challengers running is related to the previous electoral appeal of the incumbent, the personal characteristics of the incumbent, state partisan conditions, and statewide economic conditions." This suggests that the process by which potential candidates (especially those with experience in elective office) choose to challenge incumbents is based on a calculation of their probability of success. The more favorable the political climate, the more likely challengers are to enter elections, especially quality challengers. This is confirmed by Squire's (2000: 142) analysis of uncontested seats, which documents that "in the aggregate potential candidates for state legislative office behave rationally. They run where they have a chance to win, and opt out of races where their prospects are dimmer."

Challenging Incumbents in State Supreme Court Elections

Although our knowledge of state legislative elections is less sophisticated than our understanding of congressional elections, work on judicial elections lags even farther behind. With notable exceptions (e.g., Aspin et al. 2000; Baum 1983, 1987; Dubois 1980; Griffin and Horan 1979; Hall 2001a, 2001b; Hall and Aspin 1987; Klein and Baum 2001; Lovrich and Sheldon 1983; Scheb 1983), judicial elections have not been examined in any systematic fashion. More to the point, the conditions inhibiting or enhancing competition in judicial elections have escaped systematic investigation. Do challengers, especially those who have served, or are serving, on the lower court bench, wait to run until an incumbent is vulnerable or when environmental conditions are favorable? Further, do institutional arrangements serve to influence the likelihood that incumbents will draw opposition? Alternatively, given the relatively infrequent opportunities to gain seats on state supreme courts, do challengers simply run whenever the chance arises? We assess these questions below.

MODELING OPPOSITION IN STATE SUPREME COURT ELECTIONS

Our primary purpose in this article is to model the conditions under which state supreme court justices are challenged in their bids for reelection and to determine if these same conditions also determine the presence of quality challengers. To specify models that properly take into account the general forces operating on state elections and the forces particular to judicial contests, we rely on the literature just described and also on the limited body of work on state supreme court elections (e.g., Baum 1983, 1987; Dubois 1980, 1984; Griffin and Horan 1979; Hall 2001a; Hall and Aspin 1987; Klein and Baum 2001; Lovrich and Sheldon 1983; Scheb 1983).

Before proceeding, we wish to comment on the nature of our data and to acknowledge one important difference between judicial elections and legislative elections. For practical reasons, we utilize the Hall dataset on state supreme court elections.[4] Unlike the extraordinary infrastructure investment that has produced extensive datasets on congressional and state legislative races for the scholarly community, data on judicial elections have not been gathered in any systematic fashion. The sole exception is the Hall (2001a) database, which includes all state supreme court elections from 1980 through 1995 in the 38 states using some form of elections (retention, nonpartisan, partisan) to staff the high court bench. Thus, we employ these elections data, restricting our analysis to 1988 through 1995, for two critical reasons.[5] First, for proper model specification, we must include variables measuring the past electoral performance of each incumbent and the competitiveness of each state high court. The 1980 through 1987

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[4] Hall (2001a) assembled elections data from a variety of sources but largely relied on official reports of Secretaries of State. For states where official reports were not available, results were garnered from state "blue books," telephone calls to sitting justices and Clerks of Court, and newspaper searches on Lexis-Nexis. To supplement the election data, Hall collected biographical data on incumbent justices from state "blue books," *The American Bench*, *Who's Who in American Law*, *Martindale—Hubbell*, newspaper articles on Lexis-Nexis, state supreme court websites, and telephone calls to Clerks of Court.

[5] We exclude retention races in our analysis because these elections preclude challengers.

elections in Hall's database allow us to calculate these key variables. Second, we must measure challenger quality, and to do so we rely on media coverage reported by Lexis-Nexis. While a surprising proportion of state supreme court elections receive virtually no media attention, perhaps in part because of canons of judicial ethics prohibiting judges and their opponents from discussing political issues,[6] this problem is particularly pronounced before the late-1980s. Consequently, we lack systematic and reliable data on candidates in earlier elections.

Concerning differences between legislative and judicial elections, legislatures have memberships numbering into the hundreds, and either all, or large proportions, of these members face reelection simultaneously. However, state supreme courts vary in size from five to nine justices, and terms are staggered among the justices of a court. Coupled with the fact that not all states use elections to choose judges[7] (while all states use elections to select members of both national and state legislatures), this means that we are working with a relatively small number of cases ($n = 146$), although the cases represent the entire population of partisan and nonpartisan elections from 1988 through 1995.

Model Specification

With these matters duly noted, we specify models of electoral competition appropriate for state supreme courts. In this analysis, we examine two dependent variables. The first, which follows the well beaten path in election studies, is a dummy variable that distinguishes between the presence or absence of a challenger (*Challenger*) in each judicial election. Second, we refine our measure to take into account the nature of the challenger: no challenger, a challenger lacking experience on the bench, or a challenger with experience on the bench (*Quality Challenger*).[8] We are particularly interested in whether the same factors that produce challengers in the first place also serve to attract quality challengers, or whether different political dynamics are involved when experienced challengers enter the electoral arena.

Our independent variables, drawn from the voluminous literature on national and state elections, capture various characteristics of the incumbents (including their vulnerability), the state political context, and the institutional environment surrounding both the court and the election. Especially interesting is the role of institutions in promoting competition. While the particular features of each contest and the forces that characterize the overall political climate of the state should affect the presence or absence of opponents and the type of challenge generated in each supreme court race, we also expect institutions to matter. Specifically, factors governing the attractiveness of the position, as well as the formal means by which elections are organized, all should serve to enhance or inhibit competition. As a growing body of work (e.g., Brace and Hall 1993, 1995, 1997, 2001; Hall and Brace 1992) documents, institutional arrangements have a direct impact on the politics of courts, and we do not expect processes as basic as electoral competition to be immune to this influence.

Candidate-Related Factors. One important candidate characteristic that should attract challengers in state supreme court elections is the newly appointed justice. Although incumbents generally enjoy an extraordinary advantage in American elections, state supreme court justices are not all similarly situated. Unlike most legislative incumbents, a sizeable proportion of justices in elective systems initially receive their positions through *ad interim* appointments by Governors, to fill the unexpired terms of justices leaving office before the completion of their terms.[9] These new appointees have never participated in elections to the state high court and may, or may not, have served in the lower courts. Thus, we predict that challengers (and quality challengers) will be more willing to take on these high court novices (*New Appointee*). Conversely, we expect fewer challenges to incumbents who have won at least one election and have actually served for a time as supreme court justice.

Second, challengers should respond to ideological differences between citizens and incumbents, particularly since these types of factors influence voters' decisions in judicial elections (e.g., Baum 1987; Hall 2001a; Lovrich and Sheldon 1983; Lovrich, Sheldon, and Wasmann 1988; Squire and Smith 1988). Generally, greater ideological distance should be associated with the presence of challengers, and especially quality challengers, in supreme court races. Measuring the distance ideologically between justices and the state citizenry at the time of each election is straightforward using the Brace, Langer, and Hall (2000) supreme court justice ideology scores and the Berry et al. (1998) state citizen ideology scores upon which the justice ideology scores are based (*Ideological Distance*). The Appendix contains a detailed description of this measure.

Third, as others have documented, incumbents who had relatively close calls in their previous elections should be

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[6] These canons should change considerably in light of the United States Supreme Court's recent ruling in *Republican Party of Minnesota v. White* (2002; 247 F 3d 854).

[7] Currently the states use five different methods to select justices for the high court bench: partisan elections, nonpartisan elections, the Missouri (or "merit") Plan (of which retention elections are a part), legislative selection, and gubernatorial appointment.

[8] Our measure of quality does not include integrity, honesty, charisma, or other intangible traits that make candidates attractive to voters. As such, our measure, like the others used in the literature, is limited.

[9] In a study of elected state supreme courts, Herndon (1962) reported that 56.4 percent of the justices serving from 1948 through 1957 initially were appointed rather than elected. Similarly, Dubois (1980) noted that slightly more than half (52.7 percent) of all justices serving in state supreme courts from 1948 through 1974 first obtained their positions through appointment rather than election. Of the incumbents in this study, 27 percent initially received their seats by appointment, a sizeable proportion though clearly not a majority.

more likely to face opposition, and quality opposition, than their colleagues with safe seats. Indeed, electoral vulnerability should be a key factor in drawing challengers into the electoral arena. Thus, we hypothesize that justices holding competitive seats (*Competitive Seat*) will be more likely to be challenged, other things being equal. We define a competitive, or marginal seat, using the 60 percent standard observed by "most leading students of marginality in congressional elections" (Weber, Tucker, and Brace 1991: 31) and state legislative elections (e.g., Jewell 1982; Weber, Tucker, and Brace 1991).[10] Thus, a justice holds a competitive seat if s/he won the last election by less than 60 percent of the vote.[11]

State Political Context. Studies of elections to judicial and non-judicial institutions point to the importance of the state's political environment in affecting electoral competition. Of particular significance is a state's overall partisan climate. Generally, states characterized by higher levels of partisan competition (see, e.g., Dubois 1980; Hall 2001a; Patterson and Caldeira 1983) have more competitive elections for all types of offices. Therefore, the models estimated below include an indicator of state partisan competition, measured using the Ranney Index (*Ranney Index*) as re-calculated by Holbrook and Van Dunk (1993). Higher scores on the Ranney Index indicate higher levels of partisan competition (as described in detail in the Appendix).

Second, supreme court seats in some states are more hotly contested than in others. While the general partisan climate of the state (as captured by *Ranney Index*) should be important in generating electoral competition, so should the level of recent competition particular to the judiciary. We attempt to measure this effect with a variable that identifies situations in which any race in the previous election cycle was won by less than 60 percent of the vote (*Competitive Court*). We expect close contests for incumbents seeking reelection to serve as encouragement to potential challengers in the next election, enhancing the likelihood that challengers will enter these subsequent races.

Finally, we expect the size of the candidate pool to affect the presence or absence of challengers in state supreme court elections. More attorneys should translate into a larger pool of candidates from which to draw and thus should be more likely to increase competition, including quality competition, for incumbents seeking reelection to the high court bench. To measure this effect, we include the number of attorneys in each state in 1990 (*Lawyers*), identified from *United States Census Reports.*

Institutional Factors. By now, the proposition that institutional arrangements have a profound impact on politics is accepted as fundamental. With respect to competition in state supreme court elections, two types of institutional arrangements seem particularly important: those affecting the attractiveness of the job and those structuring the nature of the election and constituency.

First, salary and other financial incentives should affect the willingness of challengers to take on incumbents. Studies of the United States House of Representatives have documented that as salaries increase, members are more likely to seek to stay, while opportunities like "golden parachutes" encourage members to depart (Brace 1985; Clarke et al. 1999; Groseclose and Krehbiel 1994; Hall and van Houweling 1995; Hibbing 1982a, 1982b, 1982c). In the federal courts, the weight of the evidence (Spriggs and Wahlbeck 1995; Squire 1988) supports the proposition that financial incentives like salaries and pensions affect retirements, although Barrow and Zuk (1990) conclude that monetary matters, including pensions, are relatively unimportant. Thus, it is reasonable to expect salary considerations to affect both incumbents' willingness to seek reelection and opponents' willingness to try to unseat them.

To ascertain whether some seats simply are more attractive than others, this study includes a measure of each state's base salary for their high court at the time of each election (*Salary*). Generally, justices who are serving in states with higher salaries overall should be more likely to incur opposition than justices in states where salaries are lower, *ceteris paribus*. We obtained state salary from *Book of the States* and then divided these figures by state per capita disposable income (taken from the *Survey of Current Business* 1996) to render salary comparable across states.

Similarly, term length (*Term*), which affects the decisions of judges (e.g., Brace and Hall 1995, 1997), also should influence electoral competition. Longer terms of office should make supreme court seats more attractive, thus enhancing competition. In state supreme courts, terms range from six to twelve years.

Regarding institutional arrangements directly related to elections, both the nature of the ballot (whether partisan or nonpartisan) and the constituency (whether district-based or statewide) should affect competition for the state high court bench. Concerning ballots, unlike legislative elections, not all judicial ballots list the partisan affiliations of the candidates, although candidates may have been nominated in partisan primaries or caucuses. With respect to this

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[10] In the models reported in this article, we also used the more stringent 55 percent standard to define competitive seats. However, the substantive conclusions do not change with this alternative measure. Similarly, we dichotomize this variable because we expect a threshold effect rather than a simple linear relationship between electoral margins and competition. For example, we do not expect any differences in competition between justices winning with 70 percent of the vote and justices winning with 80 percent. In both cases, such substantial electoral margins should discourage challengers.

[11] For newly appointed justices, this variable (whether at the 60 percent or 55 percent standard) assumes the value of 0, as it does for justices winning with larger proportions of the vote. Thus, newly appointed justices and incumbents elected from safe seats are similarly situated, which is consistent with our purpose of identifying justices who specifically are in a weaker position because of the past behavior of the electorate. As an alternative, we could delete the cases involving newly appointed justices. However, we would lose over one-fourth of the cases and the ability to estimate the effects of this type of incumbency on competition.

<div style="text-align: center">≡ TABLE 1</div>
<div style="text-align: center">VARIABLE DESCRIPTIONS FOR A MODEL OF COMPETITION IN STATE SUPREME COURT ELECTIONS</div>

Variable		Variable Description
Challenger	=	1 if the incumbent faced a challenger 0 otherwise
Quality Challenger	=	2 if the challenger currently holds, or has ever held, a judgeship 1 if the challenger has never held a judgeship 0 if there is no challenger
Candidate Characteristics		
New Appointee	=	1 if the election involves an incumbent initially appointed and facing his/her first election 0 otherwise
Ideological Distance	=	distance between incumbent ideology and citizen ideology at the time of the election (see the Appendix for details)
Competitive Seat	=	1 if the incumbent won the previous election with less than 60% of the vote 0 otherwise
State Political Context		
Ranney Index	=	Ranney Index of state partisan competition, as calculated and reported by Holbrook and Van Dunk (1993) (see the Appendix for details)
Competitive Court	=	1 if a supreme court election in the previous election cycle was won with less than 60% of the vote 0 otherwise
Lawyers	=	number of lawyers in each state in 1990
Institutional Arrangements		
Salary	=	supreme court justice salary / per capita disposable income, in dollars
Term	=	supreme court term, in years
Partisan	=	1 if the election is a partisan election 0 otherwise
District Seat	=	1 if seat represents a district rather than the state 0 otherwise
Control Variables		
1988-89 . . . 1992-93	=	1 if election occurred in the designated year 0 otherwise

important variation, studies have demonstrated that competition in partisan elections is considerably higher than in nonpartisan elections (e.g., Dubois 1980; Hall 2001a). Thus, we include a variable (*Partisan*) to identify elections held on partisan rather than nonpartisan ballots, with the expectation that incumbents in partisan elections are more likely to draw opposition, especially opposition from quality candidates, other things being equal.

Similarly, we expect competition to vary between district-based seats and statewide seats, and also that this relationship will be conditioned by election system. Although election studies generally have established that smaller constituencies produce lower levels of competition than do larger constituencies (e.g., Hibbing and Brandes 1983), Hall (2001a) has demonstrated that this effect is reversed in states using nonpartisan ballots. Thus, we include a multiplicative term (*District Seat* × *Partisan Election*) to distinguish the effects of district-based elections in partisan election states from the effects of district-based elections in nonpartisan states (*District Seat*).[12]

Control Variables. Finally, the models estimated below include dummy variables for each election cycle minus one (1994-95) to control for the effects of each specific election and other temporal effects in the pooled models (*1988-89, 1990-91, 1992-93*). To summarize, Table 1 provides a complete list of all the variables and their exact measurement.

Estimation Techniques

Given the discrete nature of the dependent variables, we use probit and ordered probit to estimate the models (Aldrich and Nelson 1984; Long 1997), replacing standard errors with robust standard errors. Huber/White/sandwich robust variance estimators are robust to assumptions about within-group (i.e., state) correlation and thus are preferred with the types of data utilized in this analysis.[13]

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[12] The states using partisan district-based elections are Louisiana and Mississippi through 1992, and the states using nonpartisan district-based elections are Kentucky and Mississippi beginning in 1994.

Types of Challengers in State Supreme Court Elections, 1988-1995

	Nonpartisan Elections			Partisan Elections		
	None	Non-Quality	Quality	None	Non-Quality	Quality
1988	10	1	4	5	9	5
	66.7%	6.7%	26.7%	26.3%	47.4%	26.3%
1990	15	7	2	5	5	8
	62.5%	29.2%	8.3%	27.8%	27.8%	44.4%
1992	10	6	6	7	5	8
	45.5%	27.3%	27.3%	35.0%	25.0%	40.0%
1994	8	6	3	2	5	4
	47.1%	35.3%	17.6%	18.2%	45.5%	36.4%
Total	43	20	15	19	24	25
	55.1%	25.6%	19.2%	27.9%	35.3%	36.8%

Results

Before discussing our results, we first describe several interesting patterns in state supreme court elections related to competition. Consider the data presented in Table 2, which categorizes types of challengers by election cycle and by election system.

As Table 2 demonstrates, the proportion of elections in which challengers enter supreme court races against incumbents varies both over time and across selection systems, with partisan elections producing, on average, substantially greater competition. In partisan elections, incumbents are more likely to be challenged and are more likely to attract quality challengers than incumbents in nonpartisan elections. Specifically, about 72 percent of incumbents in partisan elections draw challengers while only about 45 percent of justices in nonpartisan elections face opponents. However, since 1990, competition in nonpartisan elections has increased, with a majority of incumbents since 1990 drawing opposition.

Looking only at contested elections, about half of these races attract quality challengers. In nonpartisan elections, about 43 percent of all challengers in supreme court elections have some experience on the bench, compared to 51 percent of the challengers in partisan elections. Generally, these figures are substantially higher than contested state legislative races but are lower than the United States Senate. Van Dunk (1997) reports that only about 24 percent of contested state legislative races from 1988 to 1992 involved experienced candidates.[14] However, as Squire (1989b) reports, of the contested elections from 1980 to 1986 to the

United States Senate, one of the most highly visible and competitive offices just short of the presidency and governorships, about 58 percent attracted quality challengers.

Predicting Challengers

Given these intriguing variations, we estimate our first model of electoral competition—the probability that state supreme court justices will face opponents of any sort in their reelection bids. These results are presented in Table 3. Please note that this model does not include *Competitive Seat,* only because this variable predicts challenge perfectly, rendering the model inestimable. All thirty-nine incumbents who won their previous elections with less than 60 percent of the vote were challenged in the next election. In fact, electoral vulnerability seems quite important in determining whether incumbents seeking reelection incur opposition.[15]

As hypothesized and demonstrated in Table 3, not all incumbents fare equally well with respect to whether challengers attempt to take their seats. Like the most electorally vulnerable justices, incumbents initially appointed and seeking their first electoral victories to the state high court are more likely to draw challengers than their more seasoned colleagues, other things being equal. This intriguing finding suggests that the incumbency advantage in judicial elections is far more complex than in other types of elections where *ad interim* appointments are less common or are absent altogether.

Somewhat surprising, though, is the performance of the ideological distance measure. Our results indicate that the

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[13] This data set includes multiple observations from the same state over time and in a given year. Thus, in the strictest sense, observations within states may not be truly independent.

[14] Van Dunk (1997) examined contested elections to state legislatures from 1988-92 in 10 states: New Jersey, Michigan, Wisconsin, Iowa, Minnesota, Florida, Colorado, Wyoming, Oregon, and Washington.

[15] An alternative to estimating models with these types of relationships is to drop observations in which perfect prediction occurs, or in this case when the outcome variable (*Challenger*) assumes the value of one whenever the independent variable (*Competitive Seat*) is one. When the model is calculated by this method, 39 observations are removed yet the substantive results remain stable.

≡ TABLE 3
CHALLENGERS IN STATE SUPREME COURT ELECTIONS, 1988-1995

	Coefficient	Robust SE	z	P > |z|	Expected β
New Appointee	0.740	0.230	3.224	0.001	β > 0
Ideological Distance	0.011	0.012	0.904	0.366	β > 0
Ranney Index	4.609	1.844	2.500	0.012	β > 0
Competitive Court	0.044	0.428	0.102	0.919	β > 0
Lawyers	0.000	0.000	4.500	0.000	β > 0
Salary	0.816	0.302	2.704	0.007	β > 0
Term	0.219	0.094	2.332	0.020	β > 0
Partisan	1.050	0.326	3.220	0.001	β > 0
District	1.038	0.387	2.682	0.007	β > 0
District × Partisan	−2.461	0.590	−4.171	0.000	β < 0
1988-89	−0.720	0.476	−1.511	0.131	—
1990-91	−0.904	0.334	−2.709	0.007	—
1992-93	−0.320	0.463	−0.692	0.489	—
Constant	−10.699	2.912	−3.674	0.000	—

Calculated according to Hagle and Mitchell (1992): $\dfrac{(\% \text{ correctly classified} - \% \text{ in modal category})}{(100 - \% \text{ in modal category})} \times 100$

Dependent variable: does the incumbent face a challenge

N = 145
Wald χ^2 (12) = 87.73
Prob > χ^2 = 0.000
Pseudo R^2 = 0.362
Log Likelihood = −63.315
Percent Correctly Predicted: 76.03%
Reduction in Error = 43.55%.

probability of receiving a challenge is not related to ideological differences between the incumbent and the electorate. Of course, ideological distance may be too exacting a standard for potential candidates to observe, particularly when the past electoral performance of the incumbent (*Competitive Seat*) is available as an easily discernable indicator of vulnerability.

The results in Table 3 also produce evidence that the states' political climates are important influences on whether incumbents seeking reelection are challenged. Both the overall level of partisan competition characterizing the state (as measured by *Ranney Index*) and the size of the candidate pool (*Lawyers*) have an impact on whether incumbents face opponents. Specifically, the more partisan conflict in a state and the larger the number of lawyers, the higher the probability that supreme court incumbents will be challenged. Contrary to our expectations, however, a close race in the previous supreme court election cycle does not affect the probability of a challenge. The reasons for this unanticipated result are not immediately apparent, except that it again may be the case that the past electoral performance of each particular incumbent serves as the best signal of a potentially successful challenge.

As for institutional arrangements, Table 3 demonstrates that all hypothesized relationships are significant and in the expected direction. Clearly, factors related to the attractiveness of the job, and the nature of the election and constituency are critical forces shaping the emergence of competition in state supreme court elections. Specifically, higher salaries and longer terms increase the likelihood that incumbents will be challenged. Similarly, statewide partisan elections (*Partisan*) and district-based nonpartisan elections (*District*) are more likely to produce challengers than statewide nonpartisan elections (the baseline category). Further, district-based constituencies in partisan states (*District × Partisan*) decrease the probability of competition.

These findings about statewide races make a great deal of sense intuitively. In statewide partisan elections, political parties often nominate candidates for office even when they have no chance of winning. Strategically, the parties have little to lose by entering candidates and occasionally may win because of partisan tides that affect any particular set of elections. Conversely, in statewide nonpartisan elections, where partisan labels are not on the ballot, potential candidates may have little incentive to enter, especially against strong incumbents. However, district elections are more complex. In nonpartisan elections, challengers may perceive their chances to be better because of the smaller size of the constituencies and the reduced efforts relative to statewide races to campaign effectively in the absence of party labels. District partisan elections remain an enigma. In these cases, the effects of incumbency, especially in relatively one-party districts, may be impossible to overcome.

≡ TABLE 4
QUALITY CHALLENGERS IN STATE SUPREME COURT ELECTIONS, 1988-1995

	Coefficient	Robust SE	z	P>|z|	Expected β
New Appointee	0.785	0.311	2.523	0.012	β > 0
Ideological Distance	0.010	0.010	1.021	0.307	β > 0
Competitive Seat	1.513	0.327	4.627	0.000	β > 0
Ranney Index	1.767	1.213	1.457	0.145	β > 0
Competitive Court	−0.095	0.312	−0.304	0.761	β > 0
Lawyers	0.000	0.000	5.687	0.000	β > 0
Salary	0.469	0.124	3.779	0.000	β > 0
Term	0.231	0.063	3.648	0.000	β > 0
Partisan	0.627	0.309	2.029	0.042	β > 0
District	0.537	0.301	1.784	0.074	β > 0
District × Partisan	−1.544	0.449	−3.438	0.001	β < 0
1988-89	−0.354	0.300	−1.182	0.237	—
1990-91	−0.452	0.232	−1.948	0.051	—
1992-93	0.308	0.273	1.131	0.258	—
τ_1	6.715	1.284			
τ_2	7.971	1.342			

Dependent variable: what kind of challenge did the incumbent face (none, ordinary challenge, quality challenge)

N = 145
Wald χ^2 (13) = 357.68
Prob > χ^2 = 0.000
Pseudo R^2 = 0.309
Log Likelihood = −107.915

The substantial effects of the institutional variables are clearly illustrated by a series of predicted probabilities.[16] Consider, for example, that the predicted probability of an incumbent being challenged in a partisan district-based election is 0.053, or highly unlikely, when all other variables are held at their means. However, in nonpartisan district-based elections, the probability of a challenger entering the race is 0.898, a virtual certainty.

Similarly, concerning salary, the predicted probability of incumbents being challenged in states with lower-than-average salaries for their high court bench is 0.476, while the probability of drawing opposition in states with higher salaries is 0.817. In short, as these and the results in Table 3 document, institutions matter, even with respect to the manner in which competition is generated or inhibited in state supreme court elections.

Finally, among the temporal variables, only the dummy variable for 1990-91 is significant. For whatever reason, challengers were less likely to take on incumbents in 1990 relative to the baseline year 1994-95.

Predicting Quality Challenger

In addition to knowing the conditions under which any type of challenger enters state supreme court elections, we are interested in identifying the conditions under which *quality* challengers appear. As the congressional and state legislative literature documents, not all challengers are equal, and it remains to be seen whether similar factors promote competition from both inexperienced and experienced challengers in state high court elections. Table 4 contains these results.

What is immediately apparent about the results in Table 4 predicting quality challengers is their similarity to those in Table 3 for all challengers. In fact, the only differences that appear for quality challengers in Table 4 are the effects of the *Ranney Index,* which loses statistical significance, and *District*, which drops just below the .05 level of statistical significance. Seemingly, quite similar but not identical factors encourage both competition and the entry of quality challengers into supreme court contests, although quality challengers are less affected by the overall partisan climate of the state than are less experienced candidates. These results are fascinating, if not somewhat counterintuitive, since we might expect quality challengers to be drawn into elections by different types of forces than those attracting less experienced candidates.

A series of predicted probabilities, calculated from the model in Table 4 and reported in Table 5, add to this interesting and somewhat complex picture. As can be seen from Table 5, quality challengers are more likely than any other possibility (i.e., no challengers, ordinary challengers) under two conditions: when incumbents are particularly vulnerable because of narrow electoral margins and when terms of

[16] Predicted probabilities were generated using CLARIFY (King et al. 2000; Tomz et al. 1999).

≡ TABLE 5
PREDICTED PROBABILITIES FOR KEY VARIABLES IN TABLE 4

Situation[a]	No Challenger	Ordinary Challenger	Quality Challenger
All variables at mean	0.378	0.446	0.176
Nonpartisan, District	0.222	0.450	0.328
Partisan, District	0.852	0.131	0.017
Partisan, Statewide	0.258	0.461	0.281
New Appointee	0.195	0.446	0.359
Competitive Seat	0.086	0.359	0.555
More Lawyers[b]	0.217	0.460	0.323
Higher Salary[c]	0.276	0.465	0.258
6 yr. Term	0.469	0.408	0.123
8 yr. Term	0.299	0.463	0.237
10 yr. Term	0.169	0.436	0.395
12 yr. Term	0.087	0.347	0.566

[a] All variables are held at their means, except the variable listed.
[b] *Lawyers* at one standard deviation higher.
[c] *Salary* at one standard deviation higher.

office are at the maximum, other things being equal. Quality challengers are especially likely to engage the least secure incumbents and to seek the most secure seats tenure-wise. Otherwise, ordinary challengers are the most likely option, except in states using partisan district-based elections and 6-year terms.

DISCUSSION

After being virtually ignored by political scientists, judicial elections are now being analyzed systematically. In this paper, we have presented evidence that competition in state supreme court elections is quite predictable from some basic information about the incumbents, the states, and the institutional context. In fact, judicial elections seem remarkably similar in some respects to elections for other offices. Overall, in both legislative and judicial elections, incumbents are able to influence their chances of drawing electoral opposition only to a limited degree. Other things being equal, a variety of contextual factors outside the incumbent's control serve to enhance or inhibit the willingness of challengers, including quality challengers, to enter the electoral arena.

Unlike legislative elections, however, few important differentiations can be made between the general conditions under which quality challengers versus less experienced candidates attempt to unseat incumbents, other than the tendency for each state's overall level of partisan competitiveness to be less important in attracting quality challengers than other less experienced opponents, and for quality challengers to be particularly drawn to insecure incumbents and secure seats. Additional research is needed to investigate these intriguing findings more fully.

But perhaps the most notable evidence produced by this study, and consistent with the emerging literature on judicial elections, is that institutional arrangements and other contextual forces play a critical role in structuring the politics of the judiciary, including the selection and retention processes of courts. By affecting the nature of the linkages between the bench and the electorate, institutions and other contextual features enhance or inhibit the democratic character of the state judiciary and the representative role of the justices. Stated differently, institutions facilitate or restrain competition, which in turn affects the policy choices of incumbents chosen under especially competitive conditions (e.g., Hall 1987, 1995). Similarly, the most extreme form of competition—electoral defeat—affects the composition of the bench and thus has the potential to change public policy, particularly on a closely divided court. Indeed, the court reform movement is premised on the fundamental belief that formal structures influence the independence and accountability of courts, although many of the assertions about the effects of particular institutional arrangements have not been evaluated empirically (Hall 2001a).[17]

Given the findings of this study, it could well be the case that states interested in providing more meaningful choices for voters in judicial elections and thus heightening accountability should consider adopting formal institutional structures that promote competition, particularly by encouraging the entry of experienced judges into the electoral process. Contrary to the claims of some reform advocates, statewide partisan elections do this quite well. Alternatively, states concerned with the importance of judicial independence but still committed to elections might consider alternatives that maximize the electoral security of supreme court incumbents, although a majority of justices still will face opponents in their bids for reelection, even in statewide nonpartisan elections.

More fundamentally, the various claims and counter-claims of those involved in the politics of institutional design should be subjected to empirical verification. If the assumptions underlying popular reforms are inaccurate (as could be the case with criticisms of partisan elections as a mechanism for accountability and the preference for non-partisan elections as a means to promote independence), there could be serious and unanticipated consequences, including the possibility of lessening the ability of voters to exercise some level of control over the bench. Although some may find such a goal desirable, that has not been the position taken by mainstream judicial reform advocates or by the large majority of states that continue to recruit and retain their judges by democratic processes.

In any event, a great deal of work is needed to identify the exact effects of various types of institutional features and other contextual forces on the politics of courts, including the means by which competition is forged in judicial elections and with what particular legal and political consequences. However, it appears that under certain types of electoral arrangements and structural features that heighten

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[17] Dubois (1980) does an excellent job of summarizing the classic judicial reform literature and the debate over accountability versus independence.

the desirability of judicial office, state supreme courts may be more democratic in character and function than is generally recognized or perhaps preferred.

APPENDIX
DETAILED CODING OF THE RANNEY INDEX AND IDEOLOGICAL DISTANCE (Hall 2001a)

Ranney Index

The original Ranney Index (Ranney 1976) was calculated for each state over a given period as an average of the proportion of seats won by Democrats in state legislative elections, the Democratic percentage of the vote in the gubernatorial race, and the percentage of time the Democrats controlled the governorship and state legislature. Folded to remove partisan direction, the measure ranges from 0.5 (no competition) to 1.0 (perfect competition). However, the Ranney Index has been criticized, in part because the gubernatorial election component is a dimension distinct from the others (King 1989). Holbrook and Van Dunk (1993) recalculated the folded Ranney Index for the 1981-1988 period using outcomes in state legislative elections only, thus eliminating the multi-dimensionality problem and creating more a robust measure.

Ideological Distance

Ideological Distance is the absolute value of the difference between each justice's ideology score, measured using Brace, Langer, and Hall's (2000) PAJID scores, and citizen ideology at the time of each election, measured using the Berry et al. (1998) citizen ideology scores. For example, if PAJID is 0.75 and citizen ideology is 0.50, Ideological Distance equals 0.25.

More specifically, Berry et al. (1998) constructed an annual measure of the ideological preferences of each state's citizenry and each state's governmental elite by combining a variety of indicators. They calculate citizen ideology annually for each state as a function of the proportion of the electorate preferring the district's congressional incumbent (measured using election returns), the ideology of the district's incumbent (based on interest group ratings), the proportion of the electorate preferring the challenger (measured using election returns), and the ideology of the challenger (measured using election returns). These scores, calculated separately for each district, are averaged to produce a single score for each state. Berry et al. (1998) calculate elite (or government) ideology by aggregating ideology scores for the governor and the major party delegations in each house of the state legislature (generated from information about the ideology of members of Congress), based on a series of assumptions about power relationships among the various actors. Both citizen and elite ideology scores range from 0 (most conservative) to 100 (most liberal).

Brace, Langer, and Hall (2000) create a party adjusted ideology score (PAJID) for each justice by weighting Berry et al. ideology scores by the justices' partisan affiliations. Specifically, for each justice Brace, Langer, and Hall (2000) first identify either the elite ideology of the state at the time a justice was first appointed or citizen ideology at the time a justice was first elected, using the Berry et al. ideology scores. They assume that the preferences of the justices will be consistent with the political context at the time of their initial selection and will more closely mirror the actor (state government or electorate) actually making the initial choice. Brace, Langer, and Hall then generate partisan weights for the Berry et al. scores by using logit to predict the partisan affiliations of the justices as a function of the initial ideology score, computing probabilities and pseudo residuals, and then multiplying the pseudo residual by ideology and adding the product to the ideology measure. Finally, they scale the scores to range from 0 (most conservative) to 100 (most liberal). Brace, Langer, and Hall (2000) demonstrate that PAJID is a valid measure of preferences that significantly outperforms partisan affiliation.

REFERENCES

Abramowitz, Alan I. 1988. "Explaining Senate Election Outcomes." *American Political Science Review* 82 (June): 385-403.

———. 1991. "Incumbency, Campaign Spending, and the Decline of Competition in U. S. House Elections." *Journal of Politics* 53 (February): 34-56.

Adams, Greg D., and Peverill Squire. 1997. "Incumbent Vulnerability and Challenger Emergence in Senate Elections." *Political Behavior* 19 (June): 97-111.

Aldrich, John H., and Forrest D. Nelson. 1984. *Linear Probability, Logit, and Probit Models*. Newbury Park, CA: Sage.

Aspin, Larry, William K. Hall, Jean Bax, and Celeste Montoya. 2000. "Thirty Years of Judicial Retention Elections: An Update." *Social Science Journal* 37 (January): 1-17.

Banks, Jeffrey S., and D. Roderick Kiewiet. 1989. "Explaining Patterns of Candidate Competition in Congressional Elections." *American Journal of Political Science* 33 (November): 997-1015.

Barrow, Deborah J., and Gary Zuk. 1990. "An Institutional Analysis of Turnover in the Lower Federal Courts, 1900-1987." *Journal of Politics* 52 (May): 457-76.

Baum, Lawrence. 1983. "The Electoral Fates of Incumbent Judges in the Ohio Court of Common Pleas." *Judicature* 66 (April): 42-50.

———. 1987. "Explaining the Vote in Judicial Elections: The 1984 Ohio Supreme Court Elections." *Western Political Quarterly* 40 (June): 361-71.

Berkman, Michael, and James Eisenstein. 1999. "State Legislators as Congressional Candidates: The Effects of Prior Experience on Legislative Recruitment and Fundraising." *Political Research Quarterly* 52 (September): 487-598.

Berry, William D., Evan J. Ringquist, Richard C. Fording, and Russell L. Hanson. 1998. "Measuring Citizen and Government Ideology in the American States, 1960-93." *American Journal of Political Science* 42 (January): 327-48.

Bianco, William T. 1984. "Strategic Decisions on Candidacy in U.S. Congressional Districts." *Legislative Studies Quarterly* 9 (May): 351-64.

Bond, Jon R., Cary Covington, and Richard Fleisher. 1985. "Explaining Challenger Quality in Congressional Elections." *Journal of Politics* 47 (June): 510-29.

Brace, Paul. 1985. "A Probabilistic Approach to Retirement from the United States Congress." *Legislative Studies Quarterly* 10 (February): 107-23.

Brace, Paul, and Melinda Gann Hall. 1993. "Integrated Models of Judicial Dissent." *Journal of Politics* 55 (November): 914-35.

_____. 1995. "Studying Courts Comparatively: The View from the American States." *Political Research Quarterly* 48 (March): 5-29.

_____. 1997. "The Interplay of Preferences, Case Facts, Context, and Rules in the Politics of Judicial Choice." *Journal of Politics* 59 (November): 1206-231.

_____. 2001. "'Haves' Versus 'Have Nots' in State Supreme Courts: Allocating Docket Space and Wins in Power Asymmetric Cases." *Law & Society Review* 35 (2): 393-418.

Brace, Paul, Laura Langer, and Melinda Gann Hall. 2000. "Measuring the Preferences of State Supreme Court Judges." *Journal of Politics* 62 (May): 387-413.

Canes-Wrone, Brandice, David W. Brady, and John F. Cogan. 2002. "Out of Step, Out of Office: Electoral Accountability and House Members' Voting." *American Political Science Review* 96 (March): 127-40.

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.

Council of State Governments. 1999. *Book of the States: 1998-99 Edition*. Lexington, KY: Council of State Governments.

Dubois, Philip L. 1980. *From Ballot to Bench: Judicial Elections and the Quest for Accountability*. Austin: University of Texas Press.

_____. 1984. "Voting Cues in Nonpartisan Trial Court Elections—A Multivariate Assessment." *Law and Society Review* 18 (1): 395-436.

Erikson, Robert S. 1971. "The Partisan Impact of State Legislative Reapportionment." *Midwest Journal of Political Science* 15 (February): 57-71.

_____. 1978. "Constituency Opinion and Congressional Behavior: A Reexamination of the Miller-Stokes Representation Data." *American Journal of Political Science* 22 (August): 511-35.

Griffin, Kenyon N., and Michael J. Horan. 1979. "Merit Retention Elections: What Influences the Voters?" *Judicature* 63 (August): 78-88.

Groseclose, Timothy, and Keith Krehbiel. 1994. "Golden Parachutes, Rubber Checks, and Strategic Retirements from the 102nd House." *American Journal of Political Science* 38 (February): 75-99.

Hagle, Timothy M., and Glenn E. Mitchell, II. 1992. "Goodness-of-Fit Measures for Probit and Logit." *American Journal of Political Science* 36 (August): 762-84.

Hall, Melinda Gann. 1987. "Constituent Influence in State Supreme Courts: Conceptual Notes and a Case Study." *Journal of Politics* 49 (November): 1114-21.

_____. 1995. "Justices as Representatives: Elections and Judicial Politics in the American States." *American Politics Quarterly* 23 (October): 485-503.

_____. 2001a. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95 (June): 315-30.

_____. 2001b. "Voluntary Retirements from State Supreme Courts: Assessing Democratic Pressures to Relinquish the Bench." *Journal of Politics* 63 (November): 1112-40.

Hall, Melinda Gann, and Paul Brace. 1992. "Toward an Integrated Model of Judicial Voting Behavior." *American Politics Quarterly* 20 (April): 147-68.

Hall, Richard L., and Robert P. 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. "What Twenty Years of Judicial Retention Elections Have Told Us." *Judicature* 70 (April-May): 340-47.

Herndon, James. 1962. "Appointment as a Means of Initial Accession to Elective State Courts of Last Resort." *North Dakota Law Review* 38 (1): 60-73.

Hibbing, John R. 1982a "Voluntary Retirement from the United States House: The Costs of Congressional Service." *Legislative Studies Quarterly* 7 (February): 57-74.

_____. 1982b. "Voluntary Retirement from the United States House of Representatives: Who Quits?" *American Journal of Political Science* 26 (August): 467-84.

_____. 1982c. "Voluntary Retirements from the House in the 20th Century." *Journal of Politics* 44 (November): 1020-34.

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.

Hinckley, Barbara. 1980a. "The American Voter in Congressional Elections." *American Political Science Review* 74 (September): 641-50.

_____. 1980b. "House Re-elections and Senate Defeats: The Role of the Challenger." *British Journal of Political Science* 10 (October): 441-60.

Holbrook, Thomas M., and Charles M. Tidmarch. 1993. "The Effects of Leadership Positions on Votes for Incumbents in State Legislative Elections." *Political Research Quarterly* 46 (September): 897-909.

Holbrook, Thomas, and Emily Van Dunk. 1993. "Electoral Competition in the American States." *American Political Science Review* 87 (December): 955-62.

Huckshorn, Robert J., and Robert C. Spencer. 1971. *The Politics of Defeat*. Amherst: University of Massachusetts Press.

Jacobson, Gary C. 1980. *Money in Congressional Elections*. New Haven, CT: Yale University Press.

_____. 1981. "Incumbents' Advantages in the 1978 Congressional Elections." *Legislative Studies Quarterly* 6 (May): 183-200.

_____. 1987. "The Marginals Never Vanished: Incumbency and Competition in Elections to the U.S. House of Representatives, 1952-82." *American Journal of Political Science* 31 (February): 126-41.

_____. 1989. "Strategic Politicians and the Dynamics of U.S. House Elections, 1946-86." *American Political Science Review* 83 (September): 773-93.

_____. 1997. *The Politics of Congressional Elections*, 4th ed. New York: Longman.

_____. 1999. "Impeachment Politics in the 1998 Congressional Elections." *Political Science Quarterly* 114 (Spring): 31-51.

Jacobson, Gary C., and Samuel Kernell. 1983. *Strategy and Choice in Congressional Elections*, 2nd ed. New Haven, CT: Yale University Press.

Jewell, Malcolm E. 1982. *Representation in State Legislatures*. Lexington: University Press of Kentucky.

_____. 1994. "State Legislative Elections: What We Know and Don't Know." *American Politics Quarterly* 22 (October): 483-509.

King, Gary, Michael Tomz, and Jason Wittenberg. 2000. "Making the Most of Statistical Analyses: Improving Interpretation and Presentation." *American Journal of Political Science* 44 (April): 347-61.

King, James D. 1989. "Interparty Competition in the American States: An Examination of Index Components." *Western Political Quarterly* 42 (March): 83-92.

Klein, David, and Lawrence Baum. 2001. "Ballot Information and Voting Decisions in Judicial Elections." *Political Research Quarterly* 54 (December): 709-28.

Krasno, Jonathan S. 1994. *Challengers, Competition, and Reelection: Comparing Senate and House Elections*. New Haven, CT: Yale University Press.

Krasno, Jonathan S., and Donald Philip Green. 1988. "Preempting Quality Challengers in House Elections." *Journal of Politics* 50 (November): 920-36.

Leuthold, David A. 1968. *Electioneering in a Democracy*. New York: Wiley.

Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage.

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.

Lovrich, Nicholas P., Jr., Charles H. Sheldon, and Erik Wasmann. 1988. "The Racial Factor in Nonpartisan Judicial Elections: A Research Note." *Western Political Quarterly* 41 (December): 807-16.

Lublin, David Ian. 1994. "Quality, Not Quantity: Strategic Politicians in U. S. Senate Elections, 1952-1990." *Journal of Politics* 56 (February): 228-41.

Mann, Thomas E., and Raymond E. Wolfinger. 1980. "Candidates and Parties in Congressional Elections." *American Political Science Review* 74 (September): 617-32.

Miller, Warren E., and Donald Stokes. 1963. "Constituency Influence in Congress." *American Political Science Review* 57 (March): 45-56.

Nicholson, Stephen P., and Gary M. Segura. 1999. "Midterm Elections and Divided Government: An Information-Driven Theory of Electoral Volatility." *Political Research Quarterly* 52 (September): 609-29.

Patterson, Samuel C., and Gregory A. Caldeira. 1983. "Getting Out the Vote: Participation in Gubernatorial Elections." *American Political Science Review* 77 (September): 675-89.

Pritchard, Anita. 1992. "Strategic Considerations in the Decision to Challenge a State Legislative Incumbent." *Legislative Studies Quarterly* 17 (August): 381-93.

Ragsdale, Lyn. 1981. "Incumbent Popularity, Challenger Invisibility, and Congressional Voters." *Legislative Studies Quarterly* 6 (May): 201-18.

Ranney, Austin. 1976. "Parties in State Politics." In Herbert Jacob and Kenneth Vines, eds., *Politics in the American States*, 3rd ed. Boston, MA: Little, Brown.

Scheb, John M. II. 1983. "Is Anyone Listening? Assessing Influence on Merit Retention Elections in Florida." *Judicature* 67 (3): 112-19.

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 Retirement from the United States Supreme Court." *Political Behavior* 10 (June): 180-90.

_____. 1989a. "Competition and Uncontested Seats in U.S. House Elections." *Legislative Studies Quarterly* 14 (May): 281- 295.

_____. 1989b. "Challengers in U. S. Senate Elections." *Legislative Studies Quarterly* 14 (November): 531-47.

_____. 1995. "Candidates, Money, and Voters—Assessing the State of Congressional Elections Research." *Political Research Quarterly* 48 (December): 891-917.

_____. 2000. "Uncontested Seats in State Legislative Elections." *Legislative Studies Quarterly* 25 (February): 131-14

Squire, Peverill, and Eric R. A. N. Smith. 1988. "The Effect of Partisan Information on Voters in Nonpartisan Elections." *Journal of Politics* 50 (February): 169-79.

Tomz, Michael, Jason Wittenberg, and Gary King. 1999. *CLARIFY: Software for Interpreting and Presenting Statistical Results*, version 1.2.1. Cambridge, MA: Harvard University. June 1, 1999. http://gking.harvard.edu

Van Dunk, Emily. 1997. "Challenger Quality in State Legislative Elections." *Political Research Quarterly* 50 (September): 793-80

Weber, Ronald E., Harvey J. Tucker, and Paul Brace. 1991. "Vanishing Marginals in State Legislative Elections." *Legislative Studies Quarterly* 16 (February): 29-47.

Westlye, Mark C. 1983. "Competitiveness of Senate Seats and Voting Behavior in Senate Elections." *American Journal of Political Science* 27 (May): 253-83.

Wrighton, J. Mark, and Peverill Squire. 1997. "Uncontested Seats and Electoral Competition for the U.S. House of Representatives Over Time." *Journal of Politics* 59 (May): 452-68.

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