

Candidate Gender, Campaign Appeals, and Voter Support in Judicial Elections

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The number of female candidates running for judicial office has increased, yet we know little about how they campaign or how voters evaluate them. We build a theoretical framework of gendered strategic messaging for judicial candidates. We argue female candidates will highlight criminal justice reform, while male candidates will use tough-on-crime appeals. We test these expectations by analyzing judicial campaign ads from 2017 and 2018. Second, we design a survey experiment that tests how voters respond to tough-on-crime versus reform messages from judicial candidates. We find female candidates use some tough-on-crime appeals less frequently than men, and gender is associated with some mentions of reform appeals, but not all. We find little evidence that gender interacts with campaign appeal type to predict voter support. This article points to the importance of investigating judicial appeals, how those appeals translate into electoral success, and how they differ from the traditional legislative context.

We talked about coming in and being more compassionate. Being more understanding of the poor and disadvantaged that come into the judicial system. I hope that our election will usher in courts that ensure an equal opportunity for justice for all.

—Latosha Lewis Payne, Presiding Judge of the 55th Civil District Court in Harris County, Texas

In 2018, 17 Black women swept judicial races in Harris County, Texas, the county that houses Houston.¹ These women were part of a larger “pink wave” in 2018 with record numbers of women running for and winning political office. Many of these women who ran and won in 2018 did so out of a desire to change the political status quo dominated by men, and the #MeToo movement that preceded the 2018 elections increased this desire for change (Castle et al. 2020; Mechkova and Wilson 2021). Latosha Lewis Payne, one of the

newly elected judges, attributed part of the women’s success to their differential approach to judging—an approach that emphasized reform and compassion rather than a typical tough-on-crime message. The epigraph at the start of the article coupled with the unprecedented success of these women in Harris County suggests that their message of reform, care, and compassion is one that resonated with voters.

Though 2018 significantly increased the diversity of local courts, nationwide, the percentage of women in the courts

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1. See <https://www.nytimes.com/2018/11/09/us/black-female-judges-texas-election.html>.

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remains low. In 2019, between 33% and 39% of state supreme, intermediate appellate, general jurisdiction, and limited and special jurisdiction court seats were held by women.² Some of these seats are won through elections, partisan or nonpartisan: 39 states use some form of election at some level of court, whether it be the state court of last resort or the lower, trial courts. These elections can be retention only (i.e., the voter only has to vote yes or no on an individual candidate) or full, contested races between multiple candidates. In other states, judges are selected through either a merit process or appointment mechanism without direct input from voters; the former is generally thought of as more fair than the latter (Arrington 2021). In short, while there is a dizzying array of judicial selection methods in the states, the majority of states use election procedures in some fashion, and, accordingly, we focus on those contexts.

We investigate first how male and female judicial candidates use different campaign appeals and second how these candidates ultimately perform. These questions are especially important to prompt inclusive decision-making, potentially change the decisions of (male) judges, and encourage a more inclusive legal profession beyond gender (Boyd, Epstein, and Martin 2010; Escobar-Lemmon et al. 2021). Building on prior work on gender stereotyping in politics and gendered political ambition, we develop a theoretical framework of gendered strategic messaging for judicial candidates. We theorize that the masculine nature of the judiciary will motivate female candidates to use messaging that highlights feminine traits to help them stand out from male candidates. Moreover, female candidates' policy-oriented goals further encourage them to highlight the reform that they can bring to the judiciary.

We design and deploy an innovative content analysis that measures the extent to which judicial candidates use reform messages versus tough-on-crime messages in 2017 and 2018 state and local judicial races and how the use of these messages varies by candidate gender. Past work on women's campaign messages in legislative elections suggests that women are more likely to use and fare better with messages that emphasize masculine qualities because these qualities align with political leadership expectations (Bauer 2017; Bauer and Santia 2022; Holman, Merolla, and Zechmeister 2016; Sweet-Cushman 2022). But, these results may not extend to judicial elections given calls in recent years for criminal justice reforms focused on rehabilitation over punishment. Moreover, the low-information nature of these races means these messages are essential information for both voters and local media alike (Ridout and Smith 2008; Solberg and Stout 2021). We marshal unique data on judicial campaign advertisement content from local and state races in 2017 and 2018, a novel context in the literature.

We find that female candidates are less likely to use some tough-on-crime appeals and more likely to use some reform appeals, but the results are not consistent for all types of campaign messaging.

Next, we use the insights from the television ads to probe whether female judicial candidates that use reform appeals are more successful with voters. These questions are important and build on research in legislative races that investigate whether and to what degree women use different types of gendered appeals and whether those appeals result in electoral success. However, relatively few have focused on judicial races (though, see the following for exceptions: Bullock III et al. 2014; Eugenis 2021; Frederick and Streb 2008; Gill and Eugenis 2019; Streb and Frederick 2009; Walsh et al. 2016). We argue that for these reasons, the judicial context is one that deserves scholarly attention. We craft a survey experiment that varies both judicial candidate gender and campaign appeals (tough-on-crime versus reform) and ask respondents to rate their likelihood of supporting the candidate. Interestingly, female candidates are no more or less likely to receive support from respondents, and we find little evidence that gender interacts with campaign appeal type to predict support. This suggests that though women and men may use different appeals—as we see in the television ads analysis—those varying appeals may not translate into substantive electoral gains for women.

This article makes several unique and important contributions to the literature on judicial elections, candidate gender in judicial politics, and the use of strategic appeals in campaigns, and it encourages scholars to investigate messages in elections outside the traditional legislative context. Judicial elections are crucial to the understanding of campaign effects. Unlike high-profile elections, voters rely heavily on campaign advertising as a primary source of information about candidates (Hall 2014; Sides, Vavreck, and Warshaw 2022). Thus, judicial elections are an ideal setting to capture the effect of campaign messaging on candidate evaluations while minimizing the confounding effects of other heuristics like partisanship. Our contributions are not only theoretical but methodological: We employ an original and innovative dataset recording the actual content of messages from judicial candidates in 2017 and 2018, a relatively unexplored topic in judicial politics. We pair our content analysis with a survey experiment that allows us to track how voters respond to the types of messages candidates actually use in campaign messages. Moreover, our research highlights the importance of explicitly considering gender in any analyses of judicial elections, above and beyond other variables like partisanship.

This study—and considering the role of gender in this context—is especially important because judicial elections are at the forefront of the movement to reform our criminal legal system, and our article provides initial insights into otherwise

2. See <https://www.nawj.org/statistics/2019-us-state-court-women-judges>.

opaque judicial elections. The current judicial climate around issues such as access to reproductive health care has led to heightened attention to judicial elections where these critical issues will be decided. Our research develops a theory to explain how gender emerges in judicial elections, including an examination of the expansive ways that ideas about gender and associated stereotypes affect candidate strategy and voter decision-making in judicial elections. Indeed, the judiciary in the United States is a largely masculine institution, as men dominate positions within this institution (Rhode 2001; Sharma 2022), masculine stereotypes guide behavioral norms for judges and other actors in the criminal justice system (Jacobi and Schweers 2017; Macerollo 2008; Patton and Smith 2017), and elections and campaigns are masculine endeavors (Bauer 2015, 2020). Our research examines how women judicial candidates are breaking down the masculine norms and expectations of the judiciary as an institution and how voters respond to such messages. Our findings suggest that women judicial candidates who issue messages supporting access to reproductive health care may not fare any better than men who use similar messages. Thus, a gendered issue electoral context for a judicial race may not put women in a position to perform any better than their male counterparts who use similar strategic appeals.

GENDER AND CANDIDATE APPEALS IN JUDICIAL ELECTIONS

Stereotypes allow individuals to quickly make inferences about individuals based on the presence of certain observable characteristics. Gender is a particularly salient individual characteristic, and as a result, it produces “powerful and pervasive stereotypes” (Brooks 2013; Eagly and Carli 2007). Gender stereotypes include the feminine and masculine traits, roles, and behaviors separately ascribed to women and men. Feminine stereotypes characterize women as caring, compassionate, and better suited for communal, or supportive, social roles (Huddy and Terkildsen 1993; Prentice and Carranza 2002; Sanbonmatsu 2012), whereas masculine stereotypes characterize men as tough, aggressive, and better suited for power-oriented roles (Koenig et al. 2011). These stereotypical distinctions are politically consequential because masculine stereotypes align with how voters (and citizens) think about political leaders, whereas feminine stereotypes are not congruent with voters’ expectations for political leaders or actors (Eagly and Karau 2002; Gunderson and Huber 2022; Huddy and Terkildsen 1993; Schneider and Bos 2019).

The challenges women face in politics (and in many spheres) are often characterized as “double standards” or “double binds”—they must be feminine enough to fulfill expectations of how women should behave but must also behave in masculine ways

that demonstrate their leadership; they must be careful not to be too masculine lest they be seen as bossy or aggressive (Brooks 2013; Huddy and Terkildsen 1993; Williams and Dempsey 2014). Evidence suggests that these gendered expectations and stereotypes affect how voters evaluate women and men running for political office, and, overall, women are disadvantaged because of the higher standards they must overcome to fulfill voters’ expectations. Women running for political office at the local, state, or federal level often face gendered challenges that stem from the incongruity between feminine stereotypes and the masculinity of political leadership (Bauer 2020; Sweet-Cushman 2022). As a result, stereotypes also influence the strategies women and men employ while running for political office. Women adjust their campaign strategies to meet the gendered demands of political office (Bauer and Santia 2022; Carpinella and Bauer 2021).

Much of the scholarship on the dynamics of gender stereotypes, candidate gender, strategic appeals, and voter evaluations relies on data or experimental manipulations from congressional races (see, e.g., Bauer 2020). Few studies highlight how gender stereotypes emerge when women run for judicial office. This is an important, and jarring, gap in the literature. An exception to the dearth of scholarship on gender and judicial elections is work by Mo (2015) that finds evidence of both explicit and implicit gender stereotyping in judicial elections: The effect of the former is that people prefer a male judicial candidate even if he is less qualified than the woman, while the latter leads people who may have expressed a preference for a male candidate to select a woman when she is more qualified. The malleability of implicit stereotyping, in particular, sets the stage for our research, which further explores how different informational and electoral contexts might affect support for women relative to men judicial candidates. We do not yet know definitively whether and to what degree these lessons from congressional races translate to the judicial context. This context is especially important as judicial decision-making can involve life-or-death consequences for those before a judge, producing substantively important impacts on who is incarcerated and for how long (Hall 1995) while also yielding consequences for policy at the state and local level (Kim et al. 2023). This is the gap we aim to address in this article.

One difficulty with past research is that judicial elections—and, in particular, local judicial elections, as we examine in this article—are low-information environments. Even in partisan judicial elections, voters may not know who the candidates are, the status of the race, or even that an election is happening in the first place (Bratton and Spill 2002; Solberg and Stout 2021). This low-information landscape makes judicial elections an ideal case to study campaign effects because voters may rely

less on common heuristics like party labels in these elections. Indeed, previous research on state races points to the importance of these heuristics. For example, Lim and Snyder (2015) find candidate partisan affiliation significantly motivates judicial voting behavior, regardless of candidate quality (also see Badas and Stauffer 2019; Hojnacki and Baum 1992; Streb and Frederick 2009). Moreover, they find that in nonpartisan state judicial elections, only voters who have information on the candidates vote (Lim and Snyder 2015), which means that campaign advertising may be the only information voters and local media have about these candidates (Ridout and Smith 2008). And, as our data come from the post-White era—a 2002 Supreme Court case that allows judicial candidates to express their political or legal views—candidates are free to provide partisan, policy, and high-information cues in ads even in nonpartisan election states (Caufield 2007). This suggests that there may be fewer differences between partisan and nonpartisan judicial election ads than previously thought (Bonneau and Cann 2015; Highton and Kam 2011; Rock and Baum 2010; Streb 2007). We expect this negative relationship between information and judicial voter turnout to be more acute in local elections, where the information environment is even more impoverished. Since most existing work looks at state or hypothetical judicial elections, this article is an important first step in understanding how information effects play out in local judicial elections.

Even more important for the purposes of this article, low-information elections also increase the likelihood voters will look to gender (and/or race) of the candidate as a heuristic. This reliance on gender as a heuristic leads voters to use gender stereotypes to make their vote choice (Sanbonmatsu 2012), particularly when there is no partisan label (Burnett and Tiede 2015; Dubois 1984; Matson and Fine 2006; Streb and Frederick 2009), resulting in assumptions about female candidates being more liberal and soft on crime than their male counterparts (Matson and Fine 2006; McDermott 1998). Bringing together these strands of research, we expect that some voters may be more open to information on female candidate quality (Mo 2015) where it is available from sources like campaign advertisements (Bonneau 2007; Bonneau and Cann 2015), with consequences for voting behavior (Lim and Snyder 2015).

What does this mean for the appeals that candidates use in low-information environments like judicial elections? Women running for judicial office typically come from a legal background where they face similar stereotypes and discrimination about their expertise and competence (Garth and Sterling 2018; Rhode 1990, 1991; Williams 2008). Like their political colleagues, women in the legal profession are also caught in a double bind in the firm and the courtroom—if they possess masculine stereotypes necessary to succeed, they are viewed as

bossy, combative, and abrasive. Yet, if they express traditionally feminine traits, they are too emotional, passive, and fragile to succeed (Lee 2016; Salerno and Phalen 2019). Lack of assertiveness can result in negative outcomes, as it yields more interruptions and less speaking time when arguing before the Supreme Court (Patton and Smith 2017).

These challenges within the workplace may give female judicial candidates an advantage (Gleason 2020; Goodman 2017; Nelson et al. 2019; Salerno and Phalen 2019). However, female judicial candidates have also spent years toting the line between femininity and masculinity, an experience that may uniquely equip them to make important decisions in a campaign. Female judicial candidates are much more strategic than men when they choose to seek office, more often running for open seats compared with their male counterparts (Bullock III et al. 2014). They also run more sophisticated and professional campaigns, which results in less transparency about their issue positions (Niven, Straka, and Mhajne 2020), despite the fact that they are allowed to announce their political views following the Supreme Court's decision in *Republican Party of Minnesota v. White* in 2002 (Hall 2014). Yet, some research suggests women candidates still try to counter traditional gender stereotypes in their campaign ads by referencing masculine traits and images (Walsh et al. 2016). This dearth of research, alongside conflicting studies that find that women may be rewarded and/or punished for adhering to gender stereotypes in different contexts, makes it difficult to definitively hypothesize about what appeals candidates will deliver in judicial races.

Gender and strategic messaging

We draw on literature on gender in the judiciary and gender stereotyping in politics to explain why we expect women judicial candidates to air different types of messages than male candidates. We emphasize the unique context of judicial races and argue that the incentives for using reform appeals may be distinct from congressional races. This is precisely why it is essential to theorize distinctly and specifically about the role of gender in these elections.

The judiciary is a masculine institution, historically (and contemporaneously) dominated by (white) men (Feenan 2008). Many studies discuss the so-called feminine voice (or lack thereof) in judicial decision-making among female judges or attorneys (e.g., Boyd 2016; Boyd et al. 2010; Fox and Van Sickel 2000; Miller and Maier 2008). There is mixed evidence, however, on whether women decide differently than their male colleagues and, if they do, the extent of that difference. There is even less research on the specific contours of judicial elections as opposed to studies of judicial behavior and sentencing (though, see Bullock III et al. 2014; Eugenis 2021; Frederick and Streb

2008; Gill and Eugenis 2019; Walsh et al. 2016). While we stay agnostic on whether the election of a woman to a trial court seat results in substantively different sentencing outcomes, here we argue that female judicial candidates have a strategic incentive to use feminine appeals in their races to distinguish themselves from their male colleagues.

Women are considered the “other” in the traditionally masculine institution of the judiciary (Feenan 2008) and in the specific context of judicial elections. This position can offer them a strategic advantage under certain circumstances (Barnes, Beaulieu, and Saxton 2018; Brown, Diekman, and Schneider 2011). When an institution embodies negative masculine qualities, such as a reputation for corruption or being overly harsh and punitive, voters will express a desire for feminine qualities, and female candidates can leverage these strategic opportunities to stand out from male candidates (Barnes and Beaulieu 2019).

A woman’s gender, on its own, does not automatically trigger the stereotypical assumption among voters that she is an outsider candidate (Bauer 2015). Voters evaluate women leaders through a somewhat negative lens, as they see her as lacking experience and knowledge, masculine qualities that voters generally desire in leaders, and also lacking positive feminine qualities such as warmth or compassion (Schneider and Bos 2014). Voters tend to see her as less qualified for office than men, even if the woman is more qualified (Bauer 2020).

Where challenges emerge for women in low-information elections is in the likelihood that voters who engage in explicit stereotyping of women will be less likely to support the woman even if she is more qualified than the man. However, those who engage in implicit stereotyping will be more likely to shift their support to a woman if they receive information about her that distinguishes her from a competitor. The work suggesting that women are not necessarily automatically seen as outsiders argues that the electoral context needs to be one of scandal, corruption, or similar that can trigger a desire for a different form of political leadership. For example, Brown et al. (2011) find that voters prefer women as agents of change when there is a scandal or crisis in politics. This means that women need to strategically highlight their gender to position themselves as outsiders that can bring change to the current status quo that some voters might be dissatisfied with, and this means her strategic campaign appeal can be incredibly important. And, as Mo (2015) shows, voters often adjust their voting decisions when a woman has more of the qualities they want in a political leader relative to a male candidate.

We argue that in the context of judicial contests, female candidates have an incentive to emphasize feminine stereotypes to gain voter support. Similar to findings that the presence of female police and congresswomen, for example, reduce perceptions of corruption (Barnes and Beaulieu 2014;

Barnes et al. 2018; Huber and Gunderson 2022), we suggest that female candidates in this traditionally masculine institution, the courts, are incentivized to emphasize their feminine traits, such as trustworthiness, and likely do so by deploying feminine appeals strategically. This effect may be conditional on other factors—like the selection mechanism (Arrington 2021) or the gender or partisanship of the audience (Lee, Solberg, and Waltenburg 2021)—but, nevertheless, we expect that on average women will be perceived as more trustworthy and less corrupt when they use traditionally feminine or reform appeals in their judicial campaigns.

We focus on the possible benefits of adhering to feminine stereotypes in campaign appeals for judicial races (e.g., Garth and Sterling 2018; Gleason 2020; Salerno and Phalen 2019) and suggest that female judicial candidates will be more likely to use reform appeals that reference compassion or center on victims, whereas male judicial candidates will be more likely to use tough-on-crime appeals that mention fighting or experience (see data section below for more details on our operationalization of these terms).

H1. Male judicial candidates will be more likely to use tough-on-crime appeals in their campaign ads than female judicial candidates.

H2. Female judicial candidates will be more likely to use reform appeals in their campaign ads than male judicial candidates.

JUDICIAL CAMPAIGN ADS

Our information on judicial campaign ads comes from the Wesleyan Media Project (WMP; Fowler et al. 2020). We rely on judicial election data from 2017 and 2018, the most recent data available, which includes over 700 unique campaign ads for local or state supreme court judicial elections aired on all broadcast television stations in all media markets in the United States.³ Namely, we coded the gender of the judicial candidate in each campaign ad as a man or a woman. We made determinations of candidate gender based on the appearance of the candidate as a man or a woman in the campaign ad and the use of gendered names and pronouns by the favored candidate in the ad, and, in cases of ambiguity, we relied on information from external sources (such as official judicial election websites) to make final determinations. We also coded the ads

3. These include elections for appellate, chancery, circuit, city, common pleas, commonwealth, county, criminal, district, domestic, environmental, family, general sessions, justice, juvenile, magistrate, municipal, probate, state supreme, superior, or surrogate courts or justice of the peace. See the 2018 codebook here: https://mediaproject.wesleyan.edu/wp-content/uploads/2022/07/WMP-2018-releasecodebook_v1.0-1.pdf.

for tone as positive, contrast, or attack based on the WMP classifications used in congressional and presidential races.⁴ Positive ads are those that tout the positive attributes of the favored candidate sponsoring the ad, contrast ads are those that discuss the positive attributes of the favored candidate while criticizing the opposed, and attack ads are those that only attack the opponent. The vast majority of the judicial ads were positive ads. In total, our data comprises English-language state and local judicial elections in 2017 and 2018 in 27 states: Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Montana, North Carolina, New Mexico, Nevada, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Washington, Wisconsin, and West Virginia.

While our data represent over 300 unique judicial candidates, there are limitations. Not all candidates can air campaign ads because of either low funding or the high cost of campaign ads in their media markets. While television ads are certainly not ubiquitous in judicial races, it would be inaccurate to categorize them as rare: From 2002 to 2008, nearly 50% of all state supreme court races and 78% of contested elections had television advertising (Hall 2014).⁵ Candidates are likely to air ads or other types of messages on different (and free) platforms such as Facebook, YouTube, or Twitter, and there may be candidates who disseminate messages on these platforms in addition to or in place of television advertising. Past work finds some moderate differences between digital platforms and television, with television ads being more likely to occur later in a campaign and more likely to focus on policies (Bode et al. 2016; Fowler et al. 2021; Kang et al. 2018a, 2018b). It is unlikely that candidates aired vastly different messages across digital and television formats, but it is important to note our data only provide a snapshot of the messages candidates deployed. Moreover, we cannot know whether voters ever saw the ad, though most people learn about political ads through incidental exposure to campaign information through secondary sources such as local news coverage (Fowler and Ridout 2009).

We use the (2017 and) 2018 election cycle for several reasons, one of which is that it is the most recent election that

we could obtain candidate messaging data on through the WMP project. But, the gendered context of the 2018 election cycle also provides a useful case for examining how gender manifests in campaign appeals for women and men. The 2018 election was preceded by the #MeToo movement, women's marches, and the controversial Brett Kavanaugh Supreme Court confirmation hearings. The election cycle was a wave election that saw increased numbers of women running for all levels of political office. Many of these women ran because of the heightened attention to women's issues (Castle et al. 2020; McDonald, Porter, and Treul 2020; Mechkova and Wilson 2021). The gendered context of the 2018 election may lead candidates to rely more heavily on contrasting reform (feminine) messages versus traditional tough-on-crime (masculine) messages. This particular election cycle offers a strong test case for identifying how judicial candidates of different genders deploy campaign messages and how the gendered content of their messages differs. That being said, we expect that our findings will be generalizable for future elections, particularly the 2022 midterms. Events like the leak and eventual announcement of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* (597 U.S. 215, 2022) overturning over 50 years of precedent protecting a woman's right to choose have put women's issues front and center again. Women continue to vote and register to vote at record pace.⁶

We operationalized tough-on-crime appeals as including traditionally masculine references such as tough, fight/fighter/fighting, mention of previous experience as prosecutor, mention of police endorsement, the candidates' experience, protect, or strong. To operationalize reform, we looked for references to reform, compassionate, victim or victims, or second chance. We then coded the campaign ads for explicit mentions of each set of terms closely aligned with either a tough-on-crime or reform approach, following typical distinctions along party lines on crime policy and some research on common themes in judicial and broader political advertising and campaigns (Champagne 2001; Gunderson 2021).⁷ Research on differences in judicial advertising has not been as specific as we are here but instead focuses on whether the campaign ads are positive, negative, or attack ads or on questions of legal policy (Hall 2014; Kritzer 2015; Rock and Baum 2010; Salamone, Yoesle, and Ridout 2017). To ensure a high level of intercoder reliability, 10% of the ads were coded by a second coder using the ad transcripts and our coding guide. We used Cohen's kappa

4. While the WMP data records feature additional variables such as tone for congressional and presidential ads, this information is not included in down-ballot races.

5. Are the candidates who air television ads similar to those who do not? We collect information on all judicial candidates in Louisiana in 2017 and 2018. We choose Louisiana because of its large number of ads, overrepresentation of women, affordable media market (Franz et al. 2007), and partisan election structure. We see no statistically significant differences between candidates in our sample and those not in our sample across party, gender, race, vote share, incumbency status, and former experience. See the appendix.

6. See <https://www.nytimes.com/interactive/2022/08/25/upshot/female-voters-dobbs.html>.

7. And, as Salamone et al. (2017) find, ads for judicial candidates are less likely to be policy-focused than ads for nonjudicial races.

to assess the inter-rate agreement, and for each of the trait variables, the agreement level is at a minimum of 90% with a Cohen's kappa value of at least $\alpha = 0.8986$.

Our dependent variables are binary measures capturing the explicit mention of each of the traits described above.⁸ The primary independent variable is also a binary one, with a value of 1 corresponding to female candidates and 0 to male candidates. We present our analyses with a set of additional variables that could influence the kind of appeals candidates use in their campaign ads: the logged cost of the ad (in dollars), whether the candidate explicitly mentions Democrat or Republican words in their ads, and a series of race-specific variables. It is possible (and likely) that Democratic and Republican candidates are incentivized to use different strategies in their campaign ads given public perceptions of the Democratic Party as the reform party and the Republican Party as the tough-on-crime party (though, see Gunderson 2021). We hand-collected information on these contests using either local or state election returns, Ballotpedia, or profiles of the candidates online.

We additionally control for whether the candidate won, the number of candidates running in the race, whether multiple winners are possible, the candidate's vote percentage, whether the candidate is an incumbent, and whether they are a former prosecutor.⁹ While we made every effort to collect this information for all the races, we were unable to do so for each one due to the severe limitations on local judicial data, particularly for those candidates who lost.¹⁰ Finally, we include the results with and without¹¹ a series of fixed effects: ad tone (contrast, negative, or positive), program type, time of day, state, affiliate, race category (i.e., appellate or supreme court), and election type (retention, partisan, or nonpartisan).¹² In the main body, we use only the unique ads, but in the appendix, we include all

airings of each unique ad (over 82,000 total airings). Results are similar.

Table 1 shows examples of both male and female candidates alongside their campaign appeals from our data. Reform candidates are identified by mentioning second chances or compassion compared to tough-on-crime candidates who either explicitly mention that or their toughness on criminals. Over 700 ads were run by over 300 unique candidates, 40% of whom are women (see the appendix for the full summary statistics). The most common individual appeal used by far is mention of the candidates' experience, followed by the candidates' previous experience as a prosecutor, protect, and fight. Relatively few ads use any of the individual reform appeals. The index results (an additive variable of the traits in each individual ad) highlight more use of tough-on-crime appeals overall than any mention of reform words.

Results

Table 2 shows the results for hypothesis 1 using an ordinary least squares regression (see the appendix for the bivariate and logistic results of all our main specifications). Following our expectations, female judicial candidates use fight or fighter appeals less often than male candidates. This provides some support for hypothesis 1. Male candidates tend to deploy some tough-on-crime messaging in accordance with masculine stereotypes, including mentions of fighter or fighting. Gender does not seem to be associated with the use of other tough-on-crime appeals like toughness, prosecutor, police endorsement, experience, protect, or strong. Most of the control variables are insignificant. Whether the race has multiple winners or the candidate's vote percentage, for example, is largely not associated with tough-on-crime appeals. Interestingly, the number of candidates in the race is negatively associated with fighter and protect appeals, perhaps suggesting the need for candidates to more clearly differentiate themselves in races with multiple candidates. Partisan appeals or whether the candidate won seems only to be associated with the use of prosecutorial appeals and not much else. Finally, incumbency status and whether the candidate is a former prosecutor is an important contributor to a variety of tough-on-crime appeals, namely, tough, prosecutor, fight, and police endorsement. Incumbents mention prosecutor and experience less than nonincumbents, perhaps indicating they rely more on evidence of their success while in office instead of demonstrating their past experience to voters.¹³

8. See the appendix for two alternative dependent variables: an additive index of the tough-on-crime or reform appeals for each ad and a binary indicator of whether the candidate used any of those appeals. The results are consistent.

9. The extremely scant information on local races makes it difficult for us to consistently measure electoral competitiveness. We also note that some of these variables (namely, whether the candidate won) are post-treatment, though the results are similar with and without them (see the appendix).

10. We are missing these variables for about 10% of the candidates. See the appendix for the summary statistics that indicate missing observations for each variable.

11. See the appendix for results with state clustered SEs. Results are consistent. The appendix also details the fixed effect coefficient estimates.

12. Data from the Brennan Center: <https://www.brennancenter.org/judicial-selection-map> and local election websites. In the appendix, we also subset the data to either partisan or nonpartisan elections instead of the fixed effects used here since state and ballot type are not independent of each other (results from a chi-squared test) and are likely collinear. Results are similarly signed, though mostly not significant because of the

decrease in sample size. Our findings hold and suggest that women use tough-on-crime messages less in partisan elections.

13. Note that there is no statistically significant relationship between the former prosecutor indicator and the experienced trait. This is because

Table 1. Ad Examples

Candidate (State)	Gender	Appeal	Ad Text
Robin Pittman (LA)	Female	Reform	My name is Darren Aldridge. When I was younger, I got into some trouble and found myself in front of judge Robin Pittman. She recognized something in me and she gave me a second chance . I figured if someone is willing to give me an opportunity, I better take advantage of it, so I got my GED and I got a job helping kids in my neighborhood stay on a good path. If it weren't for judge Robin Pittman, there's no telling where I'd be or where these kids would be. We need more judges like Judge Robin Pittman.
Sarah Neely Lanier (NC)	Female	Tough-on-crime	My name is Sarah Neely Lanier and I'm proud to have helped train law enforcement to shut down drug houses in our community. We need a judge who will be tough-on-crime and an advocate for families and children. I respectfully ask for your vote November 6th for Randolph County district court judge.
Derwin Webb (KY)	Male	Reform	Judge Derwin Webb is compassionate , a good listener, perceptive, and a long-term advocate for children and families. On November 6th, vote Judge Derwin Webb.
Emil Kiehne (NM)	Male	Tough-on-crime	A woman kidnapped late at night, assaulted, escapes in only a t-shirt. Gang members attack a boy with an axe, cut off his fingers, part of his ear. What do these tragedies have in common? The criminals responsible were kept behind bars, by Emil Kiehne, a tough prosecutor who took on horrific cases, fought for victims, held criminals accountable. In times like these, the judge we need. Emil Kiehne for court of appeals.

These results suggest that first, more stereotypically masculine tough-on-crime appeals in the judicial context are not used uniformly and second, that female judicial candidates likely do not believe their electoral fortunes will be improved by mentioning messages associated with being tough on crime. The mentions of general experience (though positive but not significant) on the part of female judicial candidates fits with previous research showing that voters, in general, hold more doubts about the political qualifications of female political candidates (Bauer 2020), and female candidates believe voters hold these negative beliefs.

Next, table 3 tests hypothesis 2. Contrary to our expectation, gender is largely not associated with mentions of any reform appeals—compassion, victim, or second chance. Female candidates are slightly more likely to mention reform terms. Ads that mention the word Democrat are also more likely to mention reform or compassion, unsurprising considering the Democratic Party's general support of criminal justice reform. Once again, the control variables are largely insignificant. A candidate's ultimate electoral fortunes and whether there are multiple winners are largely not associated with reform appeals. Otherwise, these indicators (including incumbency status and whether the candidate is a former prosecutor) largely are not significantly associated with differences in who deploys reform

appeals in the 2017 and 2018 judicial elections (except for mentions of victims). These results could be because ads mostly mention tough-on-crime appeals rather than reform ones, but either way, they do not paint a clear picture of which candidates use reform appeals.

Tables 2 and 3 indicate that women and men sometimes use different appeals in their campaigns, providing mixed support for our hypotheses.¹⁴ Why the disconnect between what research would suggest strategic candidates do and what candidates actually did? There are several possibilities that can motivate women running in judicial races to shy away from feminine appeals in campaign messages. First, it may be the case that the primary purpose of these ads is name recognition. Since these are down ballot, low-information elections, name recognition can go a long way in increasing vote share (Hall 2014; Kam and Zechmeister 2013). There is also evidence to suggest that many judicial ads, regardless of partisan labels, are attack ads. These ads increase turnout (Hall 2014; Hall and Bonneau 2013; Hughes 2019, 2020). While Hojnacki and Baum (1992) and Walsh et al. (2016) argue that judicial candidates should emphasize substantive issues and experience, which align with the frames we tested, alternative motives for advertising like simple name recognition or attack ads likely do not. Next, female candidates often express concern about facing biases from voters rooted in conventional feminine stereotypes (Dittmar

we only coded for explicit mentions of experience: Of the 263 ads run by former prosecutors, only 116 explicitly mentioned experience.

14. See the appendix for exploration of these null effects following the recommendations of Rainey (2014).

Table 2. Gender and Tough-on-Crime Campaign Appeals in 2017 and 2018 Judicial Elections, Unique Ads Only

	Dependent Variable						
	Tough (1)	Fight (2)	Prosecutor (3)	Police Endorse (4)	Experienced (5)	Protect (6)	Strong (7)
Female	-.0004 (.021)	-.054** (.026)	-.037 (.026)	.003 (.020)	.022 (.045)	-.007 (.027)	-.001 (.022)
Logged ad cost	.008 (.011)	-.005 (.013)	.009 (.013)	-.001 (.010)	-.009 (.022)	.010 (.013)	.023** (.011)
Democrat mention	-.084 (.051)	-.046 (.061)	.019 (.062)	-.026 (.048)	-.002 (.107)	-.017 (.065)	-.050 (.054)
Republican mention	.026 (.048)	.016 (.058)	-.101* (.059)	.034 (.046)	-.076 (.101)	.103* (.061)	.036 (.051)
Candidate won	-.026 (.026)	.002 (.031)	.024 (.031)	.006 (.024)	-.085 (.054)	.002 (.033)	-.033 (.027)
Number of candidates	.008 (.010)	-.027** (.012)	.001 (.012)	.014 (.010)	.052** (.021)	-.032** (.013)	-.002 (.011)
Multiple winners	.045 (.115)	-.028 (.139)	-.040 (.140)	.079 (.109)	.054 (.242)	-.053 (.146)	.022 (.121)
Vote percentage	.001 (.001)	-.001 (.001)	-.0005 (.001)	.001 (.001)	.004** (.002)	-.001 (.001)	.001* (.001)
Incumbent	.094*** (.026)	.009 (.031)	-.076** (.032)	.036 (.025)	-.107* (.054)	-.017 (.033)	-.030 (.027)
Former prosecutor	.096*** (.021)	.083*** (.025)	.296*** (.025)	.059*** (.020)	-.012 (.044)	.031 (.027)	.006 (.022)
Observations	700	700	700	700	700	700	700
R ²	.216	.203	.408	.165	.220	.199	.115
Adjusted R ²	.090	.074	.312	.031	.095	.069	-.028
Residual SE (df = 602)	.224	.270	.272	.212	.470	.284	.236

Note. Results from an ordinary least squares regression. Ad tone, program type, part of day, state, affiliate, race category, and election type fixed effects included.

* $p < .1$.

** $p < .05$.

*** $p < .01$.

2015), and messages about reform and rehabilitation may exacerbate these biases. It could be the case that the campaign professionals working in judicial elections are not aware of how they might use gender stereotypes strategically, or it could be the case that the appeals characteristic of masculine and feminine stereotypes are not effective in this context. We test this possibility next using a survey experiment that allows us to isolate the effect of gender on the success of different campaign appeals.

GENDER AND JUDICIAL CANDIDATE EVALUATIONS

In this section, we turn to examining how voters respond to the masculine tough-on-crime and feminine reform appeals. Our analyses of judicial advertising found some differences

between female and male candidates. It may be that voters also respond differently to different messages depending on the gender of the candidate sponsoring the ad. We argue that research on the role of candidate gender in judicial elections often overlooks how candidate messages affect voter decision-making. Research on the effect of candidate gender on success often focuses on simply comparing how women perform in judicial elections as compared to men. Some scholars find that women fare better than men in judicial races (Bullock III et al. 2014; Frederick and Streb 2008; Nguyen 2019; Streb and Frederick 2009), whereas others find no substantive difference in electoral outcomes between male and female candidates (Reid 2004). Others argue that women's success is not universal but rather dependent on other variables like the (gender) identity

Table 3. Gender and Reform Campaign Appeals in 2017 and 2018 Judicial Elections, Unique Ads Only

	Dependent Variable			
	Reform (1)	Compassionate (2)	Victim (3)	Second Chance (4)
Female	.017** (.008)	.012 (.021)	-.006 (.018)	.003 (.007)
Logged ad cost	.006 (.004)	.029*** (.010)	-.001 (.009)	.004 (.004)
Democrat mention	.077*** (.020)	.132*** (.050)	.074* (.044)	-.018 (.017)
Republican mention	.014 (.019)	-.050 (.047)	-.056 (.042)	-.012 (.016)
Candidate won	-.007 (.010)	-.003 (.025)	-.030 (.022)	.003 (.009)
Number of candidates	.003 (.004)	.015 (.010)	-.021** (.009)	-.001 (.003)
Multiple winners	.076* (.045)	.108 (.113)	.042 (.099)	.017 (.038)
Vote percentage	.0002 (.0003)	.001 (.001)	-.001 (.001)	.00003 (.0003)
Incumbent	.008 (.010)	.004 (.025)	.013 (.022)	.007 (.009)
Former prosecutor	.014* (.008)	.026 (.021)	.050*** (.018)	.0002 (.007)
Observations	700	700	700	700
R ²	.208	.211	.242	.153
Adjusted R ²	.081	.084	.120	.017
Residual SE (df = 602)	.088	.220	.193	.075

Note. Results from an ordinary least squares regression. Ad tone, program type, part of day, affiliate, race category, and election type fixed effects included.

* $p < .1$.

** $p < .05$.

*** $p < .01$.

of the challenger, the gender of the voter, incumbency status, and whether the election is a primary or general race (Eugenis 2021; Gill and Eugenis 2019; Hall 2001; Lee et al. 2021; Nguyen 2019; Reid 2004). Female candidates may also receive more campaign contributions, though more funding may not always translate into electoral success (Reid 2004).

We combine insights from previous research on gender stereotypes in campaign ads and the electoral fortune of female judicial candidates to first test whether female judicial candidates indeed receive more support than male judicial candidates in a survey experiment (Bullock III et al. 2014; Nguyen 2019). We argue that female judicial candidates will receive higher levels of support than male judicial candidates because they are outsiders in the judiciary, and voters will trust

them more within the institution (Barnes et al. 2018). This expectation fits with our theoretical premise that women's outsider status in political institutions like the judiciary will lead voters to implicitly apply positive feminine stereotypes of women as outsiders and agents of change (Barnes and Beaulieu 2019; Brown et al. 2011; Huber and Gunderson 2022; Kahn 1996), leading to increased electoral support for women. For example, voters will assume that a female judicial candidate is more honest, ethical, and trustworthy than a male judicial candidate and that a female judicial candidate will use these qualities in her jurisprudence.

H3. Female judicial candidates will receive higher levels of support than male judicial candidates.

Next, we investigate how candidate gender and campaign appeals interact to produce advantages or disadvantages for women. As discussed previously, research suggests that strategic female judicial candidates will use stereotypically feminine reform appeals, and strategic male judicial candidates will use stereotypically masculine tough-on-crime appeals. While our content analyses is suggestive of some differences in appeals between female and male candidates, this does not mean voters will respond in the same way to feminine and masculine appeals from women and men. Thus, we evaluate the effectiveness of these strategies by testing how voters respond to female and male candidates who explicitly capitalize on feminine stereotypes by using reform-minded messages or who capitalize on masculine stereotypes by using tough-on-crime messages.

We start with stereotypically masculine appeals first: tough on crime or those that reference tough-on-crime approaches and crack downs on crime. Though the punitive kinds of ads are more common than reform ads in any kind of race (Liu et al. 2021), we expect these distinctions to be made more explicit in the judicial context, as they are directly relevant to the position. We expect male judicial candidates to be more successful when they use tough-on-crime appeals. Extant scholarship finds that, in general, men do well with masculine appeals in their campaign messages, as these messages pose few risks and match the expectations voters hold for the behaviors of male candidates (Bauer 2017). Women, on the other hand, might face risks when they use masculine messages in a judicial electoral context because these messages counter the feminine expectations voters hold for women (Krupnikov and Bauer 2014). So, we expect men to perform better with stereotypically masculine appeals relative to women.

H4. Male judicial candidates who use tough-on-crime appeals will receive higher levels of support than female judicial candidates that use the same appeals.

On the other hand, we expect female candidates to receive more positive evaluations than male candidates when they use reform appeals, those that cite criminal justice reform and fair sentencing. We argue that reform appeals tap into perceptions of women as outsiders to judicial institutions and can reflect a desire from voters for change in an overly punitive judicial system. In general, the public (and especially non-white Americans) wants to reform the judicial system and is concerned about the legitimacy and fairness of the courts (Gibson and Nelson 2018). While current research finds, in general, that female candidates who rely on feminine stereotypes often receive negative evaluations (Bauer 2015; Ditonto, Hamilton, and Redlawsk 2014), we argue that in this particular context,

female candidates will receive positive evaluations when they use a reform message. Reform messages position women as outsiders to the judicial system that have the ability to bring an alternative perspective that intentionally deviates from traditional tough-on-crime approaches. A reform appeal reinforces feminine stereotypes through the way it reflects women's roles as caregivers rather than disciplinarians (Prentice and Carranza 2002). Male candidates may also use reform appeals, as our content analysis found, but we argue they will not be as effective because reform messages buttress against the stereotypes of men as tough and stern. Male candidates will not necessarily face a punishment for using a feminine message (see e.g., Bauer 2017). Following this logic, we expect that women will perform better than men when they use reform appeals.

H5. Female judicial candidates who use reform appeals will receive higher levels of support than male judicial candidates who use the same appeals.

SURVEY EXPERIMENT

Our survey experiment tests the interaction between gender, campaign appeals, and candidate support in a fictional judicial election. We fielded the survey experiment in April 2021 using Lucid and designed a vignette to look like a faux news article on an upcoming local judicial election, the text of which appears below. The manipulations are in bold. Our goal with the experiment is to ascertain how voters respond to messages from women and men running for judicial office based on the reform messages and tough-on-crime messages we found to be prevalent in our campaign ad analysis.

One local trial court seat up for election in November
By Alex Rose, Green County Sentinel Reporter, January 28, 2021

Green County has one open trial court judge seat in this year's election. Though there are multiple candidates running for the open nonpartisan seat, **Mary Bailey/Michael Bailey** believes **she/he** is the right choice for the position.

Bailey has been a lawyer since 2000 and **she/he** has practiced in the local law community for over twenty years. **She/he** believes this experience will make **her/him** an excellent fit for the trial court job. Bailey's endorsements include dozens of retired judges.

"I look forward to serving the citizens of Green County," Bailey said. "If you elect me to be your trial court judge, I will **be tough-on-crime and crack down on lawlessness in our community/work on reforming the criminal justice system and prioritize fair sentencing.**"

Bailey lives in Green County with **her/his** family. If elected, **she/he** will serve a six-year term.

The design is therefore a 2×2 factorial: We manipulated the gender of the candidate (Mary or Michael Bailey) and their campaign messaging (either tough-on-crime or reform), mirroring the setup of the content analysis of the ads. We chose names that are easily identifiable as male or female and kept other factors about the candidate the same: the fact that the race is nonpartisan, the candidates' experience as a lawyer and their prestige in the community, the mention of their family, and the length of their potential term. There were between 133 and 137 respondents in each experimental treatment. About half of the sample are women, and about two-fifths have household incomes above \$60,000 (see the appendix for summary statistics of the sample). Three-quarters of the sample is white, and the majority hold an associate's degree or above and are Democratic (strong to independent Democrat).

We asked a variety of questions after the respondents viewed the vignette. Namely, we query about the level of support for the candidate, the rated likelihood of the candidate winning, trust that the candidate will represent your interests and the interests of the community, and efficacy at addressing property or violent crime and recidivism (full questionnaire in the appendix). Following best practice as identified in Ternovski and Orr (2022), we included two key manipulation checks, in which we asked what position the candidate was running for (502/539, 93% correct) and what the gender of the candidate was (485/529, 91.7% correct).¹⁵ Our main independent variable of interest is rated support on this question: "How likely are you to vote for [candidate name]?" on a scale from 1 to 4 (very unlikely to very likely). Of note is the high levels of unconditional support for the candidates in the study: a mean of over 3 on a 4-point scale. Per our hypotheses above, we investigate how both the gender and platform of the judicial candidate influences this variable.

Results

We now turn to tests of hypotheses 3 through 5. We primarily estimate these relationships using comparison of means and a series of *t*-tests to investigate whether differences between conditions are statistically distinguishable from each other.¹⁶

15. We did not include a manipulation check for platform. Appendix results show that Democratic respondents rate the reform candidate higher than Republican respondents, however, consistent with partisan support of Democrats' presumed preferred candidate. There are no differences in ratings for the tough-on-crime candidate between Democratic and Republican respondents.

16. See the appendix for balance tests on pretreatment covariates like age, gender, income, and other variables.

First, we investigate how the gender of the candidate influences overall support in figure 1 (see the appendix for tables showing the *t*-test results). We find no statistically significant effect of gender on support for the candidate.¹⁷ Though the woman's mean rating is slightly higher than the man's mean, the ratings are not statistically distinguishable from each other. Respondents were statistically equally likely to say they would vote for candidate of either gender. Though this is contrary to some other findings in the literature, it is consistent with other research that finds little differences in success between male and female candidates when considering other variables like incumbency status (Gill and Eugenis 2019). Therefore, male or female candidates do not appear to be at a clear electoral advantage or disadvantage in this particular context.

Next, we test hypotheses 4 and 5 to see how support for the judicial candidate varies by both gender and type of appeal using a series of *t*-tests. Recall that these hypotheses argued that male candidates who used tough-on-crime appeals would receive higher levels of support than female candidates who used the same appeals, and female candidates that used reform appeals would receive more support than male candidates that used the same appeals. Figure 2 highlights that there does not seem to be a statistically distinguishable difference between either of these groups. That is, female and male candidates that use reform or tough-on-crime appeals do not receive more or less support than their counterparts. This, alongside the results in figure 1, suggests that gender does not appear to interact with the type of appeal a hypothetical candidate uses in predicting the level of support that candidate will get.

Taken together, our results suggest that male and female candidates do sometimes use different campaign appeals (as seen in tables 2 and 3) but that different appeals do not translate into substantive electoral gains for those candidates. Perhaps it is the case that other electoral characteristics are more consequential for candidate support—like incumbency status or the identity of the person the candidate is running against—but at the very least, these results point to a potential mismatch in the kinds of appeals used by male and female candidates and whether those different appeals actually translate into increases in electoral support.

Our appendix analyses consider the full set of dependent variables from the experiment—what the candidate's chance of winning is and their effect on incarceration, recidivism, or violent crime, among other variables. The results suggest that gender does not influence support for these candidates. We do find that female candidates are rated as more likely to reach impartial decisions regardless of the parties or issues in her

17. See the appendix for analyses of null results following Rainey's (2014) recommendations.

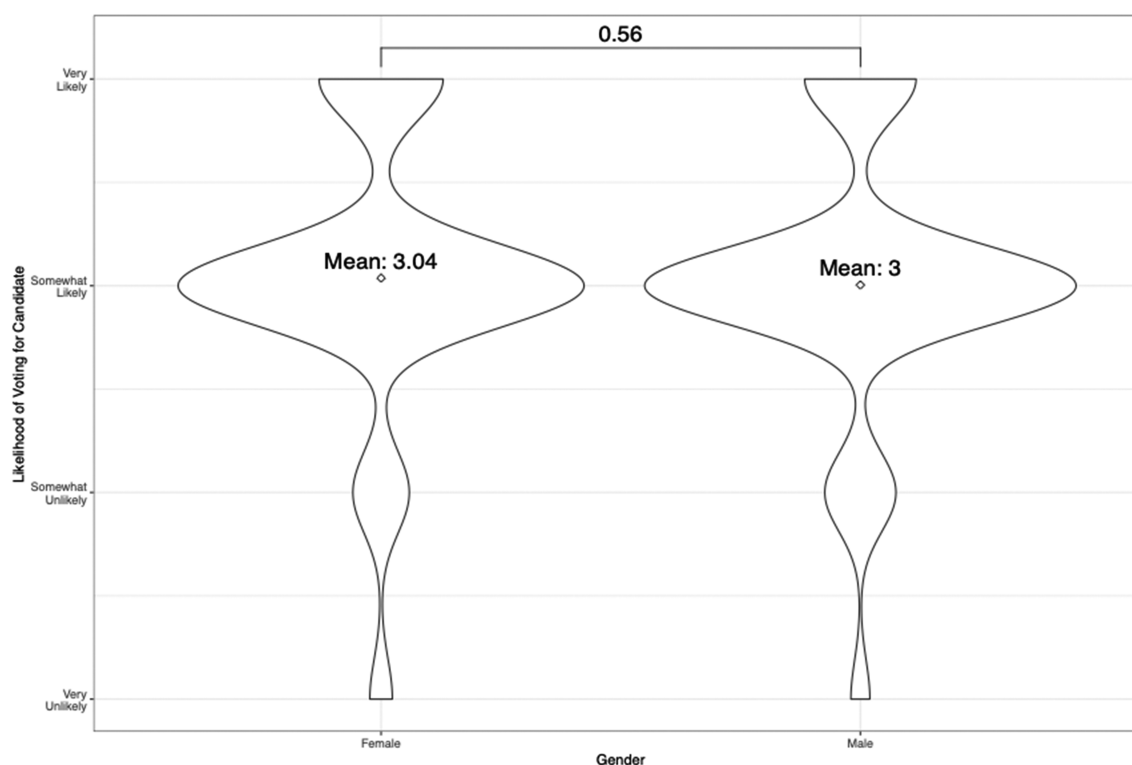


Figure 1. Violin plot of rated support for each candidate by gender with plotted means across groups. Curves indicate the density of observations (wider curves reflect more respondents that rated the candidate a particular way). The number reflects the p -value of the t -test comparison of the female and male treatments.

cases. These results comport with our theoretical expectations about the female candidate as an “outsider” who may be more fair and impartial than the male candidate.

We report the results of subset analyses in the appendix that compare the female candidate variable means among women to the female candidate variable means among men. There does not appear to be heterogeneity in support by respondent gender (nor are there differences in overall candidate support, regardless of their gender).¹⁸ Democrats rate the female judicial candidate higher on representing the respondent’s interests, ensuring the safety of Franklin citizens, and reducing incarceration. As with gender, Democratic and Republican respondents do not rate the candidates differently overall, so the improved support among Democrats appears to be because of the candidate gender specifically. Finally, we explore whether the ratings of the female candidate differ by the respondents’ self-reported judicial knowledge. Those participants who rated their knowledge of the duties of trial court judges as somewhat

or highly knowledgeable consistently rate the female candidate higher than the male judicial candidate.

Additional results in the appendix also suggest that the type of appeal does not seem to matter in predicting support for the candidate, either. Those who use the tough-on-crime appeals, for example, receive no more or less support than those who rely on the reform appeals, regardless of the candidate’s gender. However, there is some evidence that the tough-on-crime candidates are rated more capable at addressing violent crime and recidivism and less likely to reduce incarceration. This points to some differences based on platform, but not many.

CONCLUSION

In this article, we aimed to answer two related questions: First, do female and male judicial candidates use different campaign appeals? Second, do those differential appeals result in differences in voter support? We find some differences in the use of tough-on-crime and reform appeals candidates use; female candidates are less likely to mention fighter appeals and more likely to mention reform. However, we find little support that gender, or gender interacted with platform, contributes to differences in voter support or outcomes like candidate viability, impact on property or violent crime, and incarceration.

18. See the appendix for additional comparisons within respondent gender and by treatment. None of those additional comparisons are significant.

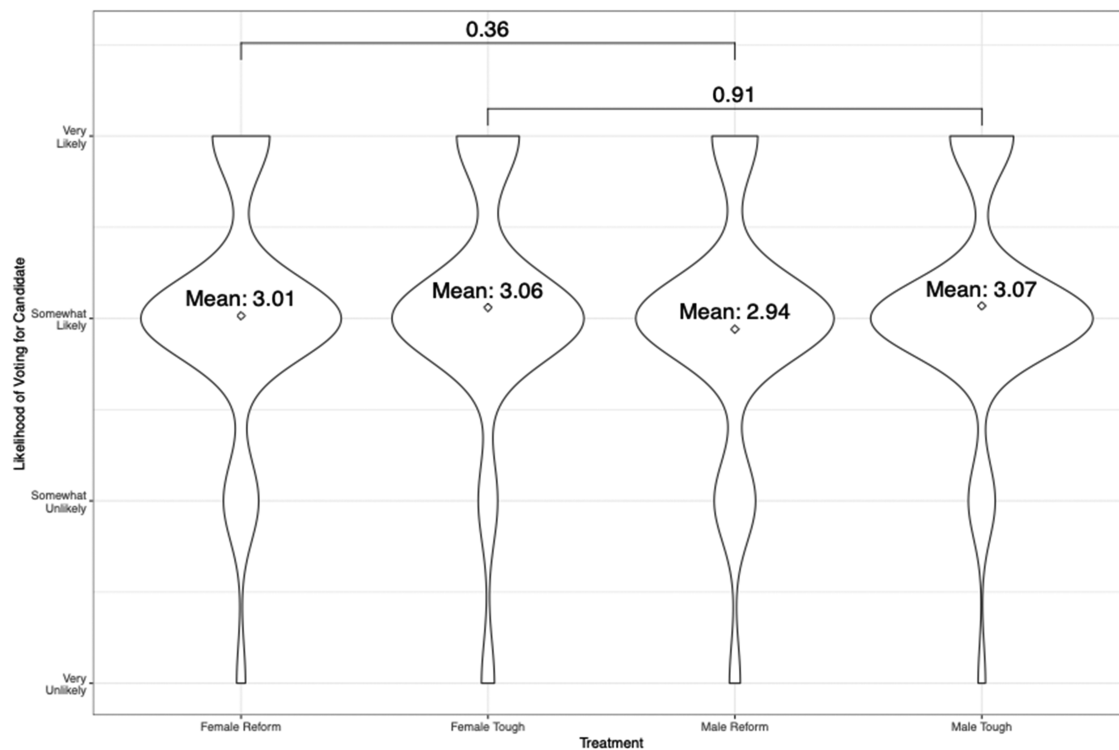


Figure 2. Violin plot of rated support for each candidate by gender and campaign messaging with plotted means across groups. Curves indicate the density of observations (wider curves reflect more respondents that rated the candidate a particular way). The number reflects the p -value of the t -test comparison of the four treatments, and none of the other comparisons are significant with a Bonferroni correction. See the appendix for means and number of observations by group.

There are several limitations to our research design. First, while our ad data offer us a way to understand the types of messages that women and men use when they run for judicial candidates, we do not have measures of whether voters saw those campaign ads. Measuring exposure to political campaign information is difficult (Dilliplane, Goldman, and Mutz 2013); nevertheless, research suggests that even incidental exposure to campaign information can affect voter decision-making in a political campaign (Ridout et al. 2004). This incidental exposure can occur through word-of-mouth political discussion or through local news coverage of a candidate's strategy (Fowler and Ridout 2009). We use the experiment to overcome these limitations so that we can measure how voters evaluate candidates based on their gender and their message. Our experiment did not manipulate the ballot design, whether the election was partisan or nonpartisan, but this is a critical next step for future scholarship on the role of gender, gendered strategies, and judicial elections. Past work suggests that a partisan ballot can depress the cue of candidate gender (Burnett and Tiede 2015; Dubois 1984; Matson and Fine 2006; Streb and Frederick 2009). However, work on gender and partisan stereotypes suggests a more complicated relationship given that feminine stereotypes overlap with Democratic Party stereotypes and masculine

stereotypes overlap with Republican Party stereotypes (Bauer 2018; Hayes 2011; Schneider and Bos 2016; Winter 2010).

What do these findings tell us? For one, it highlights that the judicial context is a unique one, and lessons from the legislative context cannot simply be translated into judicial races. Research on legislative elections suggests that the gender of a candidate and the gendered content of a candidate's message affect female and male candidates differently (Bauer 2015; Bernhard 2022; Brown et al. 2011). We find that the gender of the judicial candidate coupled with the gendered nature of campaign messages do not lead to different levels of support. In short, gender may operate differently in voter decision-making at the judicial level relative to legislative races. We urge scholars to theorize independently about the role of gender (as interacted with and independent of platform) for judicial candidates. Given that the majority of states use some sort of election for some of their courts, it is vital that we understand both the types of appeals different kinds of candidates use in these elections and whether those appeals are ultimately successful among voters.

Indeed, work on the strategies of women running for Congress suggests that they vary their messages based on the particular electoral climate (Bauer and Santia 2022), and we

expect that judicial candidates will adapt to context as well. Future work can also broaden our analyses to include ads on digital platforms (Facebook, Twitter, and the like). It may be that judicial candidates are more likely to reference feminine or masculine stereotypes on digital platforms relative to televised campaign ads (see, e.g., Kang et al. 2018b). It is also possible (and a valuable topic for future research) that these dynamics may vary by context: Perhaps female judicial candidates in California, for example, feel freer to embrace certain messages than female candidates in Louisiana. While our observational data rely on just the 2017 and 2018 elections, future work should work to identify how judicial candidate messages are shaped by the broader electoral context. Additionally, while we show that gendered information does not lead to differences in how people select judicial positions, it is likely that other types of information may matter for voter decision-making. For example, messages about candidate experience may help female judicial candidates overcome possible perceptions that they lack the “masculine” background thought to be necessary for judicial positions.

Our findings carry several important implications. The use of stereotypes and campaign appeals in legislative elections (e.g., Bauer 2020; Sweet-Cushman 2022) do not appear to translate to judicial races. This begs the question: What strategies should women use in judicial elections to help women win? These results suggest that women should use strategies that are appropriate to the judicial context of their particular election. For judicial races at the state level, because of the 2022 *Dobbs* decision, abortion is a highly salient issue for many voters. Women judicial candidates might be able to gain an advantage over voters with a message that emphasizes their strengths on stereotypical women’s issues, of which abortion is one. Majorities of the American public in all 50 states support access to abortion health care, and this is a position that, anecdotally, can benefit women running for judicial seats where issues of reproductive rights might come before the court. However, our findings suggest that men who take a similar position will likely do just as well as women, though this is not an empirical finding our research directly tests. The results of the Wisconsin State Supreme Court race in April 2023 suggest that Janet Protasiewicz’s position supporting access to reproductive health care¹⁹ helped her secure a victory, and our findings suggest that it is Protasiewicz’s position on abortion more than her gender that contributed to her success.

Finally, our results also point to a mismatch between candidate appeals and ultimate electoral success. Do male judicial candidates, for example, expect to garner more voter support

when they use tough-on-crime appeals? Our results here suggest that this appeal choice does not translate into electoral gains. That begs the question, why are they using these appeals if not for electoral gains? Or, are they expecting to attract more voters with these appeals and they are unaware that those appeals may not work? It may be the case that campaign professionals working in judicial elections are not savvy to the research on the strategic use of gender stereotypes (Arterton 2023; Ridout and Searles 2011), or it could also be that these candidates use nongendered appeals in hopes that those will garner more votes. One other possibility is they are attempting to set the tone for once they are on the bench. As Ono and Zilis (2022) demonstrate, many people, particularly conservatives, believe female judges exhibit bias as a result of their gender. Either way, more research is needed into the types of appeals judicial candidates use and how those appeals translate into electoral gains.

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