"OH, MI: On Empirical Examinations of Judicial Elections"

The American states use a variety of methods to select and retain their judges, and, over the past half-century, political scientists have leveraged that variation to unravel the consequences of differing judicial selection mechanisms. For example, studies have indicated that judges elected in nonpartisan elections tend to follow public opinion better in abortion cases than those chosen in partisan elections (Caldarone, Canes-Wrone, and Clark 2009), that partisan elections encourage higher rates of voter turnout than nonpartisan elections (Hall and Bonneau 2008), and that Kansas judges retained through partisan elections tend to sentence more severely than those retained using retention elections (Gordon and Huber 2007).

Comparisons such as these rely on scholars' ability to classify the selection and retention methods used within a jurisdiction accurately. While most states are easy to categorize, state supreme court races in Michigan and Ohio are difficult to classify because of the formal institutions that govern the candidate selection process in these two states. As a result, scholars have treated these states' judicial elections different ways. In this paper, we discuss the "confusion and disagreement" regarding the best way to classify judicial elections in these states and probe the assumptions that are inherent in either coding decision (Hurwitz 2010, 701).

To illustrate the consequences of this coding decision, we replicate the results of Hall and Bonneau's (2008) study of the differences in citizen participation in judicial elections. Our intent is not to criticize the Hall and Bonneau study; rather, we utilize their data, as their study is an ideal one to illustrate the effects of this coding choice because it includes both the candidate selection and general election stages of the electoral process. The empirical results show that varying treatments of these two states may result in different substantive conclusions.

To this end, the confusion in academic articles and reference works, coupled with the potential of these two states to drive substantive conclusions, lead us to make two recommendations: scholarship examining these systems should (a) clearly delineate the theory behind one's coding decisions and (b) test and report the results of empirical analyses using alternative coding when multiple coding decisions could be theoretically justified.

Background

While the formal selection institutions used in both the candidate selection and general election stages of the electoral process are the same in most states, Ohio and Michigan combine elements of partisan and nonpartisan systems in the processes they use to select and retain their state supreme court justices. In Ohio, judicial candidates advance to the general election ballot after they have received the support of voters in a partisan primary election; however, partisan labels do not appear on the general election ballot (Baum 1987b; Rock and Baum 2010).[1]

Similarly, in Michigan, state supreme court candidates must be nominated at a party convention in order to secure a spot on the general election ballot; again, in the general election, partisan labels are absent (Hurwitz 2010; Wheat and Hurwitz 2013). Given these unique institutional arrangements, Cheek and Champagne (2003) argue that Michigan and Ohio "can be considered partisan election states because party activity is so pervasive" (1360-1).

In recent years, a number of scholars have noted the prominent role of political parties in judicial elections in these two states. Tarr (2003) notes that elections in both states are only "nominally nonpartisan" (1447) while Schotland (2007) writes that, in both states, "the parties are active" and the "campaigns are clearly partisan" (1085). Thomas R. Phillips (2009), the

former Chief Justice of the Texas Supreme Court, argues that "parties dominate the nominations of and campaigns for" the judicial candidates in Michigan and Ohio (85).

This is not a new phenomenon. Studies of judicial elections in both states have long noted the influence of partisan politics in the early stages of the electoral process. Indeed, Ulmer (1962), discussing a *Detroit News* article reporting that four judicial candidates indicated that they would "shun court tradition and campaign as partisan Democrats," writes that

> each candidate is identified by party affiliation in almost every newspaper covering judicial elections. A considerable amount of publicity is also given the actions of the candidate and the party during the nominating period. From this alone, no one in the state need have any doubt as to who is what (354).

Other historical accounts note the partisan nature of these contests. Dubois (1979) writes that the partisanship of Michigan judicial elections "is renowned" while noting that party workers in Ohio distributed lists of party candidates, including judicial candidates, to voters heading into their polling place to vote. Nagel (1961) attributes the lack of a statistically significant difference between judges elected in partisan and nonpartisan elections on "the near-meaninglessness of non-partisan ballots where there are organized and competing political parties running the elections behind the scenes" (850). Importantly, while Flango and Ducat (1979) classify the two states as nonpartisan, they note that the states "may be prime candidates for reclassification in later studies" (28).

Studies of judicial elections and state judicial decisionmaking have been split on the correct way to classify these two states. In a variety of studies, Shepherd (2009a; 2009b; 2010) classifies both electoral systems as nonpartisan, and Langer's (2002) study of judicial review in state supreme courts categorizes elections in both Michigan and Ohio as nonpartisan contests. Bonneau and Hall, in their book-length examination of judicial elections (2009), as well as numerous articles (Bonneau 2004, 2005a, 2005b, 2007a, 2007b; Bonneau and Hall 2003; Hall

and Bonneau 2006, 2008, 2012; Hall 2001, 2007) classify both states as nonpartisan election states.

On the other hand, Brace and Hall (1993; Hall and Brace 1992, 1999), in their studies of state judicial decisionmaking in death penalty cases, classify Ohio as a partisan election state. Likewise, Peters (2009), in his examination of the effects of state canons of judicial conduct, classifies both states as partisan election states. Streb, Frederick and LaFrance (2007) classify intermediate appellate court elections in these states as partisan contests, and Streb (2007) classifies Ohio Court of Common Pleas contests as partisan elections in his study of party involvement in judicial campaigns.[2]

Some scholars consider the two states as a new category entirely. In some of the first empirical studies of judicial elections, Dubois (1979) classifies these electoral systems as "mixed" and treats them separately throughout his analysis. In more recent work, Kritzer (2007; 2011) also follows this convention. Still, Kritzer (2011) notes that elections in mixed states "group more appropriately with partisan elections given the active and explicit role of parties in the process" (244).

The confusion in the scholarly literature today is, in large part, a result of disagreement among reference works about the proper classification of these electoral systems. While many scholars cite three authorities (the American Judicature Society, the National Council of State Government's *The Book of the States*, or the Bureau of Justice Statistics's *State Court Organization*) as the source of their classification system, each of these publications has altered their classification of these two states over time. Indeed, over the past decade, the American Judicature Society has changed its classification of both of these states from nonpartisan elections to partisan elections (American Judicature Society 2003; American Judicature Society

2013). Likewise, since 1990, *The Book of the States* has classified both states as nonpartisan and partisan elections, and *State Court Organization* has changed its classification of Ohio from a nonpartisan election system to a partisan election system.[3]

Why might we classify them as nonpartisan election states?

Much prominent research on judicial selection—relying on the reference works mentioned above—has prioritized the text of the ballot over the institutional and systemic factors that structure the electoral process. Typically, if the candidate's party identification appears next to their name on the ballot in a general election, the election is classified as partisan; if it does not, the election is nonpartisan. This is a simplistic and clear criterion, based on the most obvious and visible change states made to their ballots in response to fears that judicial elections were too partisan (Driscoll and Nelson 2013a; Shugerman 2012; Hanssen 2004). While simple, this approach relies on two assumptions. First, this approach assumes that the behavior being studied is influenced primarily by the text of the ballot rather than by external information that voters bring with them to the polling place. Second, this approach assumes that the partisan character of an electoral contest is based on the presence of a party label on the ballot in the general election rather than the party's role in the candidate selection process.

First, this coding approach assumes that voters are primarily influenced by cues they receive from the ballot rather than by information that they bring with them into the polling place. Compared with other types of elections, many judicial elections (particularly those to fill seats on lower courts) are unquestionably low-information contests, and it is difficult for voters to learn about the candidates and to use that information to affect their vote. To this end, research on the effectiveness of ballot text indicates that information printed on the ballot assists uninformed voters by providing them with informational shortcuts that they can use as voting

cues (Lupia 1994). In the absence of these voting cues, the cost of voting increases, and voters may either become more likely to abstain or to cast uninformed votes (Bonneau and Hall 2009).

Second, by categorizing elections based on the presence of a party label on the ballot rather than on the presence of formal partisan involvement in earlier stages of the electoral process, scholars make a second assumption: the partisan character of an election comes from the presence of a party label on the general election ballot rather than the role that the political party plays in selecting the candidates who will appear on that ballot.[4] In many cases where party labels are not on the general election ballot, the party's role is diminished. As Wright (2008) writes, "when candidates do not run as members of the party, there is little or no party responsibility or discipline, thus undermining the incentives for the parties to be involved" (14). If parties have no incentive to be involved in the election because of the lack of a party label on the ballot, then this assumption may be justified.

Why might we classify them as partisan?

Nominally, judicial elections in these two states may be "nonpartisan" insofar as party identification does not appear on the ballot in the general election. Yet, not all electoral classifications are based on the presence of a party label on the ballot. Lascher (1991), for example, defines nonpartisan elections as "contests in which (a) political parties do not select candidates, and (b) contestants' names appear on ballots without their party identification" (656). Indeed, while criterion (b) of Lascher's definition is met in both Ohio and Michigan, criterion (a) is not met in either case. By Lascher's definition, electoral contests in these two states are partisan.

Still, this coding scheme also requires assumptions on the part of the researcher; these assumptions are mirror images of the two assumptions discussed in the previous section. First,

this coding system requires scholars to assume that voters bring outside information with them into the voting booth. Second, it requires the assumption that the candidate selection stage of the electoral process is as important as the text of the general election ballot when determining the partisan character of the election.

The first assumption required by the decision to treat elections in these two states as partisan elections is that voters bring outside information with them into the ballot box. While many judicial elections can be low information contests, Bonneau and Hall (2009; Hall and Bonneau 2006) have presented compelling evidence that voters make informed decisions in state supreme court elections by utilizing information that is not on the ballot—namely, candidates' prior judicial experience—to make their decisions at the polls. To this end, Bonneau and Hall (2009) write that "[c]ontrary to conventional wisdom, voters appear to be quite capable of making smart political choices" (133-4) and that the claim "that voters cannot evaluate candidates" is "not accurate" (103).

Additionally, Baum's surveys of Ohio voters are illustrative. Studying voter decisionmaking in the 1984 elections, Baum (1987a) finds that "party was an important basis for [voters'] decisions even though the ballot did not disclose the candidates' party affiliations" (369). Moreover, though their survey experiment indicates that providing voters with partisan information lowers their probability of abstention and increases their ability to cast a party-line vote, Klein and Baum's (2001) empirical analysis indicates that, holding constant the amount of partisan information given to voters, party identification plays an important role in voter decisionmaking. Most recently, Rock and Baum (2010), analyzing Ohio elections between 1986 and 2006, find that, given a highly visible campaign, almost 70% of individuals casting votes will vote for the candidate of their own party.[5] Additionally, they find that, as the amount of

information available to voters during the campaign (as measured by the amount of spending in the campaign or the amount of media coverage) increases, partisan voting increases as well. Given the prominent role that political parties play in funding Ohio judicial candidates, Rock and Baum's finding implies that even though party affiliation is absent from the ballot, the large amounts of money provided by political parties to judicial candidates facilitate the ability of voters to select a candidate from their political party on election day.

This assumption also receives evidence of validity in an entirely different electoral circumstance. Driscoll and Nelson (2013b) show that, in the initial Bolivian national judicial elections, where candidates were pre-screened by the national legislature and their party affiliations were published in newspaper accounts but candidates were prohibited from campaigning and party labels were absent from the ballot, majority party candidates did better in municipalities that historically favored the majority party's candidates.

Second, this coding system requires the assumption that the candidate selection process plays an integral role in determining the partisanship of an electoral contest. Evidence for this assumption comes from an emerging view of political parties championed by Masket (2009) and Bawn et al. (2012). These scholars argue that political parties in the U.S. "are best understood as coalitions of interest groups and activists seeking to capture and use government for their particular goals" (Bawn et al. 2012, 571). By this view, political parties are particularly active at the nomination stage of the electoral process; by selecting a nominee that comports well with the party's views, the political party is empowered. Drawing on a natural experiment in California's history, Masket (2007, 2009) shows that, when the power of these informal party organizations was weakened, California legislators became more representative of their district's median voter; when these party organizations were able to again influence the nomination process, legislators

became more loyal to their party. In Masket's words, "control of the nomination is the essence of party discipline" (86).

Does it Matter?

There is reason to believe that the classification of Michigan and Ohio could affect empirical conclusions. While they are only a pair of the 39 states that use some form of judicial elections to select or retain their jurists (American Judicature Society 2013), summary statistics indicate that the judicial contests in these two states are unusual in a number of important ways. Bonneau (2007*c*), for example, discusses the large amounts of money that are spent in Ohio and Michigan compared to other states that lack party labels on the ballot in general elections. He reports that "the top two most expensive nonpartisan states (Ohio and Michigan) are states that nominate their candidates in partisan primaries or conventions, even though the general election is nonpartisan" (66). Likewise, according to data analyzed by the Brennan Center for Justice, more money was spent on television advertising in Ohio between 2000 and 2009 than in any other state; Michigan ranks third (Sample et al. 2010).

There is empirical evidence that the classification of these two states can drive empirical results and substantive conclusions. For example, in their empirical study of state court decisionmaking in death penalty cases, Blume and Eisenberg (1998) report that

> [The existence of] a statistically significant relationship between judicial selection methods and death penalty case outcomes depends, in part, on how strictly one adheres to conventional classification of judicial election methods. But the relation depends largely on how one state, Ohio, is classified and does not hold for the mass of states (489).

As a result of evidence that classification of Michigan and Ohio can affect the substantive conclusions of research, scholars seeking to more fully advance understanding of the role of judicial selection mechanisms will be well served by efforts to be transparent in their coding decisions, to clearly explain their criteria for classification, and to demonstrate that the results are

robust given alternative coding criteria. Research demonstrates that the classification of the two states does not always affect the robustness of results. Caldarone, Canes-Wrone, and Clark (2009), Canes-Wrone and Clark (2009), Frederick and Streb (2008), and Cann (2007) all acknowledge the unusual electoral procedures in these two states and provide discussions indicating that their reported empirical results are robust to their treatment of Michigan and Ohio. Nonetheless, more widespread efforts to test and report the results of alternative classification systems and robustness of research findings will provide more reliable and consistent conclusions to those scholars, policy-makers, and media outlets who seek answers about the practical implications of judicial election systems.

Importantly, we *do not* claim that these two states should be classified under all circumstances as partisan election states. Rather, given the varied roles that political parties play in these states—particularly before the general election—we argue that scholars should consider whether their theory is best operationalized with a classification system that places these states in the partisan election category or one in which these two states are treated as nonpartisan election states; scholars should explain to readers why either coding is (or is not) appropriate to the study at hand. A third option, following Dubois (1979) and Kritzer (2009) is to treat the two states as their own category.[6]

Replication and Results

To illustrate the effect that reclassification can have on empirical results and substantive conclusions, we examined the results of a recent, important study of voter turnout in judicial elections. In a 2008 *American Journal of Political Science* article, Hall and Bonneau investigate the factors that affect the decisions of voters to participate in judicial elections once they have

reached the polls. Our goal in this analysis is not to comment on or verify the modeling or coding decisions used by the authors; rather, we assess the extent to which the conclusions drawn from empirical analyses are sensitive to the classification of Ohio and Michigan. We chose Hall and Bonneau's data because they explicitly and clearly delineate their coding choices and the theory that underlies those decisions. Moreover, because Hall and Bonneau's study encompasses both the pre-general election and general election stages of the electoral process (the emergence of a challenger and ballot roll-off in the general election day), their data provide an ideal setting to explore the effects that Ohio and Michigan can have on empirical models. Finally, given Bonneau and Hall's (2009; Hall and Bonneau 2006) other work on the effects of candidate qualifications on voters, we believe that a strong alternative theory that exists which suggests that, in this setting, voters likely bring additional information—including information on candidates' party affiliations—with them into the ballot booth, making the coding of these two states as partisan election states also justifiable. Thus, Bonneau and Hall's study provides an ideal setting to explore the effects that this coding decision may have on empirical results.

In their article, Hall and Bonneau assess the effects of a number of factors, such as total campaign spending, electoral institutions, and candidate experience on ballot roll-off. Hall and Bonneau are clear that their criterion for measuring the partisan character of the election is the text of the ballot. They write: "we include a variable that indicates whether or not the candidates' political party affiliations are listed on the ballot" (462).

Hall and Bonneau estimate a pair of Heckman selection models, with a dichotomous variable indicating whether or not a race was contested as the dependent variable in the first stage; the second stage of the model uses the percentage of ballot roll-off as the dependent variable. Hall and Bonneau conclude, in part, that

> In fact, our results have considerable import for understanding elections that are not the top draws on the ballot. Among other things, we have additional evidence from this analysis that nonpartisan elections discourage voting while expensive campaigning promotes it (468).

The first step in our analysis was to obtain data for the purposes of replication which we were able to obtain from Professor Bonneau's webpage.[7] With the exception of the test statistic for the Wald test of independent equations, we were able to replicate all of Hall and Bonneau's empirical results exactly.[8] Having replicated Hall and Bonneau's results, we reestimated Bonneau and Hall's model using two different coding specifications. First, given extant research about the ability of voters to differentiate among candidates using criteria that is not present on the ballot, one might theorize that voters may also bring information about the candidate's partisan affiliation gleaned from the candidate selection (primary) segment of the electoral process. To this end, we reestimated the model coding both Ohio and Michigan as partisan election states to account for the partisan nature of the candidate selection process; this coding rule follows that used in *The Book of the States* and by the American Judicature Society. Finally, on the theory that the mixed partisan-nonpartisan nature of the candidate selection and general election segments of the electoral process in these two states make them different from the rest of the country, we reestimated a model (following Dubois 1979 and Kritzer 2007; 2011) treating the two states as a separate category. This specification is particularly useful because it allows us to determine how—both in the first and second stages of the model—Ohio and Michigan are statistically similar (and dissimilar) to states otherwise categorized as partisan and nonpartisan states.

Tables 1 and 2 show the results of the models. The two models differ in one respect—the measurement of campaign spending. The model presented in Table 1 uses the log of total

spending (adjusted to 1990 dollars); the model in Table 2 uses per capita spending (adjusted to 1990 dollars).

The first column of both tables present model estimates for the case where both Ohio and Michigan are coded as nonpartisan elections. In the first stage of the model, competitive seats are more likely to include multiple candidates, while races which feature elected incumbents are less likely to induce a challenger to enter the race. In the voter participation stage of the model, the results indicate that increased spending is associated with lower ballot roll-off. Additionally, the model results suggest that a number of institutional factors, such as the partisan character of the race and the nature of the district, affect ballot roll-off. These results lead Hall and Bonneau to conclude that

> Clearly, institutions can either encourage or discourage participation in these elections, an important finding for those seeking to improve voting in judicial elections. This can be done simply by modifying the rules under which the elections take place (466).

The second column presents model estimates coding both Ohio and Michigan as partisan election states. The results for the candidate selection stage of the model are nearly identical to those just discussed; the main difference is that in this model, unlike the first column of estimates, there is some evidence that challengers are less likely to enter the race during times of unified government. Again, in the voter participation stage of the model, higher spending is associated with lower ballot roll-off, and participation is higher in presidential election years; however, there is again no evidence that the partisan character of the elections affects a voter's decision to cast a vote.

The final column in the tables provides the results when, following Dubois (1979) and Kritzer (2011), the models treat Ohio and Michigan as a separate (mixed) category. These results suggest findings in line with those reported by Bonneau and Hall. According to these

models, challengers are more likely in partisan systems and ballot roll-off is lower in partisan contests. Yet, the coefficients for mixed systems (Ohio and Michigan) suggest that elections in these states operate differently than they do in partisan systems. While the estimated coefficient for these two states suggests that challengers are more likely to emerge in these two states than in the typical partisan or nonpartisan contest, the model provides no evidence that ballot roll-off in these two states differs significantly from roll-off in nonpartisan states. Indeed, though the coefficient is not statistically significant, its estimated magnitude is in the opposite direction than the coefficient for partisan states. Thus, the model suggests that, even after controlling for differences in the intensity of the campaigns (as measured financially), these two states are more competitive than the average partisan state but that participation in these states mirrors that in nonpartisan elections.

In short, these three models reveal dramatic differences in their results. When Ohio and Michigan are treated as nonpartisan election states, ballot roll-off is lower in nonpartisan elections. On the other hand, when the two states are treated as partisan, there is no evidence that any additional factors have a statistically reliable relationship with ballot roll-off aside from a robust effect indicating increased ballot roll-off in presidential election years. Finally, when the two states are treated as their own, separate category, the results again change. Michigan and Ohio appear to be similar to partisan election states in the candidate selection stage of the electoral process while they perform similarly to nonpartisan election states during the general election. In short, the findings that one might draw from these analyses depend on the classification of these two states.

Conclusion

In this paper, we discussed the difficulties that the electoral rules used in Ohio and Michigan pose for scholars aiming to isolate the effects of institutional factors on judicial and electoral behavior in the United States. Reference works and scholars alike have treated these two states in different ways, and we have presented evidence that, in some cases, these decisions have driven the substantive conclusions that scholars have drawn from their empirical analyses.

Of course, theory must ultimately dictate the coding decisions that scholars use. While some scholars may argue that these two states should always be treated as nonpartisan election states simply because party labels are absent from the ballot, we disagree. Given the important role that political parties play in these two states—in both the candidate selection and general election stages of the electoral game—scholars would do well to recognize that, at least in some circumstances, these states are better coded as partisan election states.

While our discussion focuses on studies of electoral behavior, the classification of state electoral systems also affects other types of state judicial politics research. In a study of judicial decisionmaking, for example, scholars need to be clear about how they believe political parties affect judicial behavior. If one believes that judges behave in a certain way simply because of the letter (or word) that will appear next to their name on the ballot (and, by extension, the cues it sends to voters), then it would be appropriate to treat Ohio and Michigan as nonpartisan election states. On the other hand, if one believes that judges are influenced by the myriad actions that parties can take to influence the election before voters arrive at the polls (by recruiting, funding, and supporting a primary challenger, changing the amount of campaign support they provide to a candidate in the next general election), then theory suggests that these two states should be treated as partisan election states.

Moreover, in addition to Ohio and Michigan, four states use nontraditional selection and/or retention methods for their state supreme court judges. Illinois and Pennsylvania rely upon partisan elections for initial selection and uncontestable retention elections for retention. Montana uses contestable nonpartisan elections; however, if a justice is unopposed, the ballot follows the "Yes or No" format common in retention elections rather than giving voters a single option in uncontested contests. New Mexico uses an even more complex system: gubernatorial appointment, followed by a contestable partisan election, followed by subsequent uncontestable retention elections (American Judicature Society 2013). Our discussion and analysis in this note focused on Ohio and Michigan since the electoral rules they use are unique. While these other four states use a mix of ballot types, the classification of each election is clear, and the relationship between the processes used in the general and primary elections are similar to those followed by other states. Still, our advice holds for these elections, as well: where necessary, scholars should be transparent about the possibility that reasonable reclassification based on theoretical assessment of the practical implications of electoral rules may change empirical results and, more importantly, the substantive conclusions derived from them.

As a result, we recommend that research examining these systems should (a) clearly delineate the theory behind one's coding decisions and (b) test and report the results using alternative coding where alternative codings are theoretically justified. Regardless of how scholars choose to treat these two states in their empirical analyses, we urge scholars to reference additional analyses, where such reclassifications are theoretically justifiable, and make the results of alternative classification decisions transparent to their readers.

	Replication		Ohio and Michigan as Partisan		Ohio and Michigan as Mixed	
Stage 1: The Presence of a Challenger						
	Est.	S.E.	Est.	S.E.	Est.	S.E.
Competitive Seat	0.54 *	(0.20)	0.59 *	(0.24)	0.58 *	(0.23)
Elected Incumbent	-0.90 *	(0.36)	-0.99 *	(0.39)	-1.00 *	(0.38)
Appointed Incumb.	-0.35	(0.38)	-0.36	(0.41)	-0.40	(0.41)
Salary	0.15	(0.23)	-0.16	(0.25)	-0.12	(0.26)
Term	0.00	(0.10)	-0.10	(0.07)	-0.09	(0.08)
Unified Gov't	-0.51	(0.30)	-0.61 *	(0.31)	-0.66 *	(0.30)
Partisan	0.65	(0.41)	1.44 *	(0.51)	1.30 *	(0.50)
District	1.10 *	(0.51)	1.58 *	(0.56)	1.55 *	(0.56)
Partisan x District	-2.72 *	(0.65)	-2.85 *	(0.72)	-2.81 *	(0.71)
Lawyers	0.00 *	0.00	0.00 *	0.00	0.00 *	(0.00)
Post-*White*	0.11	(0.29)	0.04	(0.33)	0.01	(0.33)
Intercept	-0.45	(1.23)	1.79	(1.31)	1.58	(1.28)
Mixed					1.88 *	(0.55)
Stage 2: Ballot Roll-Off						
	Est.	S.E.	Est.	S.E.	Est.	S.E.
ln(Total Spending)	-1.76 *	(0.55)	-1.37 *	(0.59)	-2.07 *	(0.65)
New SC Candidate	-0.63	(1.06)	-0.40	(1.10)	0.02	(1.18)
Presidential Election	4.79 *	(0.77)	3.51 *	(0.91)	4.48 *	(0.70)
Partisan	-15.08 *	(2.55)	-1.52	(4.87)	-11.59 *	(3.21)
District	-13.04 *	(4.15)	-0.62	(6.82)	-9.69 *	(4.13)
Partisan x District	15.07 *	(3.70)	-4.21	(8.64)	10.63 *	(3.90)
Education	-0.59	(0.30)	0.45	(0.34)	-0.44	(0.30)
1994-1996	2.40	(1.77)	-1.67	(2.34)	1.93	(1.59)
1998-2000	3.43	(2.13)	-3.40	(2.98)	2.56	(1.99)
2002-2004	0.73	(2.35)	-6.28	(3.40)	0.01	(2.12)
Intercept	90.38 *	(22.30)	-1.11	(29.13)	79.58 *	(22.69)
Mixed					3.60	(3.49)
Log Likelihood	-764.47		-776.46		-754.72	
Wald Test of Independent Equations	21.81 *		3.15		4.96 *	

TABLE 1: Results of three Heckman selection models. The dependent variable in the first stage is dichotomous and indicates whether or not the race was contested. The dependent variable in the second stage is the percent of ballot roll-off. There are 260 total observations; 69 observations are censored. The * indicates statistical significance at the $p < 0.05$ level using a two-tailed test. Standard errors are clustered by state.

	Replication		Ohio and Michigan as Partisan		Ohio and Michigan as Mixed	
Stage 1: The Presence of a Challenger						
	Est.	S.E.	Est.	S.E.	Est.	S.E.
Competitive Seat	0.57 *	(0.21)	0.59 *	(0.25)	0.59 *	(0.24)
Elected Incumbent	-0.91 *	(0.38)	-0.99 *	(0.40)	-1.00 *	(0.39)
Appointed Incumb.	-0.36	(0.40)	-0.35	(0.42)	-0.37	(0.42)
Salary	0.12	(0.24)	-0.18	(0.26)	-0.15	(0.26)
Term	0.00	(0.10)	-0.10	(0.07)	-0.08	(0.08)
Unified Gov't	-0.52	(0.31)	-0.61 *	(0.31)	-0.65 *	(0.3)
Partisan	0.72	(0.42)	1.48 *	(0.49)	1.37 *	(0.48)
District	1.06 *	(0.53)	1.58 *	(0.57)	1.54 *	(0.57)
Partisan x District	-2.66 *	(0.68)	-2.84 *	(0.73)	-2.79 *	(0.73)
Lawyers	0.00 *	0.00	0.00 *	0.00	0.00 *	(0.00)
Post-*White*	0.12	(0.30)	0.03	(0.33)	0.01	(0.33)
Intercept	-0.24	(1.29)	1.87	(1.31)	1.68	(1.3)
Mixed					1.98 *	(0.52)
Stage 2: Ballot Roll-Off						
	Est.	S.E.	Est.	S.E.	Est.	S.E.
ln(Per Capita Spending)	-1.73 *	(0.46)	-1.29 *	(0.46)	-1.81 *	(0.46)
New SC Candidate	-0.14	(1.02)	-0.16	(1.08)	0.32	(1.13)
Presidential Election	4.92 *	(0.78)	3.64 *	(0.89)	4.71 *	(0.74)
Partisan	-15.77 *	(2.52)	-2.79	(4.92)	-13.75 *	(2.96)
District	-9.63 *	(4.54)	1.16	(6.95)	-7.58	(4.39)
Partisan x District	14.20 *	(4.21)	-3.98	(8.90)	11.4 *	(4.08)
Education	-0.58	(0.30)	0.42	(0.34)	-0.51	(0.29)
1994-1996	2.15	(1.69)	-1.77	(2.27)	1.75	(1.52)
1998-2000	3.35	(2.14)	-3.27	(2.88)	2.82	(1.9)
2002-2004	0.77	(2.18)	-6.07	(3.22)	0.36	(1.91)
Intercept	74.77 *	(23.38)	-10.29	(28.70)	66.83 *	(22.24)
Mixed					1.56	(3.04)
Log Likelihood	-761.20		-774.79		-752.29	
Wald Test of Independent Equations	9.44 *		0.77		0.88	

TABLE 2: Results of three Heckman selection models. The dependent variable in the first stage is dichotomous and indicates whether or not the race was contested. The dependent variable in the second stage is the percent of ballot roll-off. There are 260 total observations; 69 observations are censored. The * indicates statistical significance at the $p < 0.05$ level using a two-tailed test. Standard errors are clustered by state.

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Endnotes

[1] Elections for most Arizona trial courts also follow this procedure (American Judicature Society 2013; Nelson 2011).

[2] Elections to fill seats on Ohio trial and appellate courts use the same partisan primary/no party labels in the general election system. The unique procedure in Michigan is only used to fill seats on the Michigan Supreme Court; trial and intermediate court seats are filled using traditional nonpartisan elections at both stages of the electoral process (American Judicature Society 2013).

[3] *The Book of the States* classifies Ohio's elections as nonpartisan from 1990-1998 and partisan from 2003 to the present (in 2000 and 2002, instead of providing summary classifications, *The Book of the* States indicates that Ohio uses a partisan nomination process with no party labels on the general election ballot). Elections in Michigan are classified as nonpartisan from 1990-1994 and 2007 to the present and as partisan elections from 2003-2006. In 1996, 1998, and 2000, *The Book of the States* does not provide a summary classification and again indicates that Michigan uses partisan nominating procedures followed by no party labels on the general election ballot. *State Court Organization* classifies both states as nonpartisan in 1998; in 2004, Michigan is classified as a nonpartisan election state and Ohio is classified as a partisan election state.

[4] It is important to note that this point represents a scope condition on our argument. We do not claim that *all* elections in which party labels do not appear on the general election ballot can (or should) be classified as partisan election states if the political party played a role in the campaign. Rather, because political parties in these two states play a unique and formalized role in the candidate selection process, classifications based entirely on the text of the general election ballot prioritize that voting cue over the formal role that the political party plays in the candidate selection process.

[5] Given that party affiliation is one of a number of factors, such as a candidate's qualifications or incumbency status that may affect a voter's decisionmaking, the rate of partisan defection may capture factors other than a voter's ability to identify the judicial candidate from their political party. While Baum's research indicates that party affiliation plays a role in judicial decisionmaking even though party is absent from the ballot, it should be noted that Baum (1987b) shows that rates of partisan defections were higher in the State Supreme Court races than in the corresponding presidential contest. However, in the same study, Baum shows that defection is often common among the *most informed* voters; in other words, defection is particularly common among voters who we would expect already know the candidate's party affiliation.

[6] We thank an anonymous reviewer for this suggestion.

[7] Bonneau and Hall's data contain a series of state codes beginning at 101. To determine which state codes correspond with each state, we matched the values for Hall and Bonneau's variable for the education rate in each state with data collected from the U.S. Census Bureau.

[8] For the model presented in Table 1, Hall and Bonneau estimate a test statistic of 26.64, with a p-value of 0.000. For the model presented in Table 2, Hall and Bonneau's estimated test statistic is 10.62 with a p-value of 0.001.