

Judicial Selection and the Democratization of Justice: Lessons from the Bolivian Judicial Elections

May 30, 2014

Abstract

In 2011, Bolivia became the first modern country to directly elect national judges. Reformers heralded the adoption of judicial elections as a “democratization of justice,” by which institutional independence would be assured, public confidence in the judiciary might be expanded and various maladies of the judicial system would find resolution. We evaluate the elections in light of these objectives. We show candidates were advantaged when voters shared their partisan and demographic traits, resulting in unprecedented diversity on the national courts. Also, public confidence in the judiciary increased among government supporters but declined overall. We offer preliminary reflections for would-be reformers.

In constitutional assemblies the world over, the design of judicial selection processes consistently generates vigorous debate.¹ These debates tend to revolve around two key issues: guaranteeing the system will select qualified judges and ensuring that those judges will be sufficiently independent once they reach office (Haynes 1944). The institutional solutions to these concerns vary widely across constitutional systems. To guarantee a sufficient level of legal expertise among national jurists, many constitutions stipulate eligibility requirements for judicial candidates' age, legal training, previous professional experience or tenure within the justice system (Elkins, Ginsberg, and Melton 2014). Countries' attempts to provide judges with political independence have been much more varied, with each solution reflecting the political realities faced by its constitution's drafters at the time of ratification. Traditionally, constitutions place responsibility for the selection and confirmation of judges in the hands of the executive and/or legislative branches of government (Haynes 1944). However, the latter half of the 20th century has seen the dramatic expansion and decentralization of judicial selection processes, opening the door for direct citizen participation in the nomination, evaluation and selection of national judicial authorities (Garoupa & Ginsburg 2009; Rios-Figueroa 2011).

With the ratification of its new constitution in 2009, Bolivia dramatically extended this populist logic to become the first country in the modern world to elect judges to courts with national jurisdiction via universal and direct popular vote.² On October 16th, 2011, Bolivian voters selected 56 judges to four national courts in a highly divisive electoral contest (Driscoll and Nelson 2012).³

Though initial support for the adoption of judicial elections was widespread, the reformation process was controversial (Driscoll and Nelson 2013), and the implementation of this inaugural contest was extraordinarily contentious ([Redacted]). Though this hotly contested election has

¹Surveying the controversies surrounding judicial selection from the 4th century until the 20th, Haynes (1944) claims "whole shelves could be filled with the speeches, debates, books and articles that have been produced....dealing with the choice and tenure of judges" (4-5). Dubois (1986) provides a similar description: "It is fairly certain that no single subject has consumed as many pages in law reviews and law-related publications over the past 50 years as the subject of judicial selection."

²Most judges in the United States are elected at the subnational level (Morrison 2007). Outside of the U.S. today, judicial elections are uncommon and elected judges are confined to limited jurisdictions (Shugerman 2010, 1064).

³This included the Bolivian Supreme Court (Tribunal Supremo de Justicia), the Plurinational Constitutional Tribunal (Tribunal Constitucional Plurinacional), the Bolivian Agricultural Court (Tribunal Agroambiental), and the Bolivian Judicial Council (Consejo de Magistratura).

been the subject of considerable discussion, few analyses have approached this subject such that the election's effects might be subject to systematic empirical scrutiny. We take this opportunity to evaluate the Bolivian elections based the arguments made by proponents and opponents of this institutional reform, considering their impact on the judges selected for office, on public confidence for the national judiciary, and their effect on judicial politics more generally. Though the elections were originally adopted as a means to ensure the nomination of a depoliticized, professionally expert panel of judges, our analysis reveals that the most successful candidates were those whose demographic characteristics mirrored the identities of voters. Additionally, we show that public confidence in the courts and justice system has increased among government supporters, though decreased over all. To conclude, we describe the work and influence of the elected justices in the two years following the election, and conclude by suggesting some lessons the Bolivian experience may have for would-be reformers in other parts of the world.

Independence from Whom?: The Evolving Logic of Judicial Selection Procedures

A noted commonality of constitutions the world over is the shared assumption that judicial authorities ought to be politically independent. However, the constitutional history of judicial selection systems reveals evolving assumptions about which authorities or institutions pose the greatest threat to the political independence of high courts and judges. Given that judicial review was originally conceived as an administrative power, the selection of judges in the 17th century centralized judicial selection exclusively in the hands of European monarchs (Haynes 1944). By the time of the American and French Revolutions, the instrument of independent judicial review emerged as a widely accepted constitutional tool of executive constraint. Inspired by the work of Locke and Montesquieu, the writers of the U.S. Constitution adopted a separation of powers system with an independent judicial branch of government. In order to prevent co-optation by either the legislature or the executive, these systems required the joint assent of both elected branches of government, and often a supermajority of the legislative branch, before a judge reached the bench.

Beginning in the late 18th century, the early Latin American constitutions established independent high courts much like their North American counterparts. Table 1 describes the constitutional changes to judicial selection processes across Latin America from the time of independence until today. Though all the countries originally adopted presidential systems with formal separation of powers and independent courts, there has been considerable variation in the concentration of the judicial selection powers in the elected branches of government both cross-sectionally and over time. The most centralized of these judicial selection processes (seen at the top of the table) concentrates both the nomination and selection powers in the hands of a single legislative authority, typically a unicameral legislature or in a joint legislative session requiring multiple chambers. Much like the early constitutions of continental Europe and the judicial nominations of 18th century England, this centralization of judicial selection in the legislative branch appears to have been common in the smaller, Central American countries in the 1840's and 50's. Still, the majority of the early Latin American constitutions utilize similar arrangements to the U.S. Constitution, in which the power to nominate and select judges is divided across multiple legislative chambers or is shared by both the legislative and executive branches of government. Nevertheless, one clear lesson from Table 1 is that the business of selecting judges has largely been the exclusive domain of political elites, wherein legislative and executive branches negotiate the selection of judges, often out of the public's view.

More recently, scholars document a trend towards the 'opening' of judicial selection processes, with new judicial selection procedures increasingly involving judicial elites, the legal academy or even the public in the nomination, evaluation or approval of judicial authorities (e.g. Rios-Figueroa 2011; Garoupa & Ginsburg 2009). Rios-Figueroa (2011) notes that the average number of actors participating in the process of appointing judges of the constitutional courts has steadily increased in Latin America since the 1970s, with the average now beyond the traditional two (the executive and legislative branches), a shift which is seen clearly in Table 1. Capitalizing on the reputational and professional pressures of the judicial system itself, a number of constitutions grant substantial influence to judicial councils in the process of judicial selection (Colombia

	Nominates	Selects/Approves	Examples
Centralized Selection Processes	Legislature	Legislature	Nicaragua SC (1838); El Salvador SC (1841, 1983); Honduras SC (1848); Costa Rica SC (1859, 1949); Cuba SC (1967); Dom. Republic SC (1907, 1942); Guatemala SC (1956); Uruguay SC (1917, 1942, 1951); Dom. Republic SC (1844)†; Costa Rica SC (1847)†; Bolivia SC (1826, 1851, 1878), Bolivia CT (1994)†; Ecuador SC (1897)†; Uruguay SC (1934)†; Guatemala SC (1935)†; Peru CT (1993)
	Legislature	Executive	Peru SC (1828); Uruguay SC (1830); Bolivia SC (1843, 1861); Cuba SC (1901)
	Executive	Legislature	Ecuador SC (1830); Bolivia (1831); Peru SC (1860); Paraguay SC (1870); Colombia SC (1886); Cuba (1901); Honduras SC (1921); Guatemala SC (1921)*; Panama SC (1941); Chile CT(1970); Panama (1972); Brazil CT (1988); Nicaragua SC (1987); Mexico SC (1836, 1917)†; Argentina SC (1853)†; Costa Rica SC (1917)†; Chile SC (1980)†; Ecuador SC (1996)†; Ecuador CT (1996)†
	Judicial Authority	Executive	Chile SC (1925)
	Judicial Authority	Legislature	Peru SC (1979); El Salvador SC (1991); Uruguay SC (1966)†; El Salvador SC (1983)†; Honduras SC (1982)†; Guatemala SC (1985)†; Bolivia SC (1994)†; Peru CT(1993)†; Paraguay (1997)†
	Judicial Authority Unilaterally Nominates and Selects		Colombia SC (1991); Peru SC (1993); Ecuador SC (2008); Dom. Republic CT (2010)
	Multiple Institutions Unilaterally Nominate and Select		Chile CT (1980, 2005); Colombia CT (1991)
	Multiple Institutions and Citizen's Groups	Legislature/Executive	Bolivia (1839); Cuba SC (1940); Guatemala CT (1985); Venezuela (1999); Ecuador CT (2008); Colombia CT(2009)
	Legislature	Direct Election	Bolivia CT, Bolivia SC (2009)
	Direct Election	Legislature	Mexico SC (1824)
Decentralized Selection Processes		Direct Election	Costa Rica (1821); El Salvador SC (1824); Honduras SC (1825); Guatemala SC (1825); Nicaragua SC (1824); Guatemala SC (1879)‡

Table 1: Constitutional changes to judicial selection procedures of Latin American high courts from national independence until today. CT denotes Constitutional Tribunal and SC denotes Supreme Court, which may or may not have constitutional authority. Original data compilation by the authors. †Supermajority required for approval. ‡ The Guatemalan constitution of 1879 enabled the president to nominate supreme court judges who were subject to approval by the national assembly and would serve a four year term, though all future judicial selections would be via popular election. * The constitutional reforms in 1921 maintained the direct election of the President of the Supreme Court, though the remaining judges were nominated by the President and subject to approval by the assembly.

1991; Ecuador SC 2008) or even the Supreme Court itself (Peru 1993) in their selection of judges, a practice that is now common the world over (Garoupa & Ginsburg 2009). Rios-Figueroa (2011) notes that these more open systems may change the type of candidate who is selected; the participation of civil society into the appointment process widens the pool of potential candidates, leading to judges with less traditional backgrounds. At the same time, the introduction of civil society into these processes lessens the grip of the legislative and executive branches on the process emboldens judges to participate more actively in the policymaking process (Russell 2006; Ferreres Comella 2004).⁴

The most dramatic manifestation of this has been the direct election of judges, a phenomenon which has long been considered unique to the U.S. states (e.g. Bonneau and Hall 2009; O'Connor 2009).⁵ Though Bolivia is the only country worldwide to elect its national jurists in the modern era, it is not the first country to do so on a national scale. Haynes (1944) reports that national judicial elections were adopted in France in 1790, owing to “the democratic fervor that inspired the Revolution” (158).⁶ Judicial elections were also adopted across most of Central America following the independence from Spain in the early 1820’s.⁷ As with the French, the direct election of judicial authorities was soon thereafter abandoned, with all these countries switching from direct elections to the most centralized and elite-based process (one in which the legislature both nominates and selects candidates).⁸ Notably, the direct judicial elections of judicial authorities in

⁴We note, however, that research on the relative ability of appointive and elective systems in the U.S. to place females and minorities on the bench has suggested that elective systems are no better at placing minorities and women on the bench than appointive systems (Hurwitz and Lanier 2003). Also, we acknowledge that the increased descriptive representation does not imply increased substantive representation.

⁵Shugerman (2010), a noted historian of American judicial elections, argues that “[j]udicial elections are uniquely [North] American: even though many countries have copied other American legal institutions, almost no one else in the world has ever experimented with the popular election of judges” (1064).

⁶The French experiment with direct judicial elections was mixed and short lived: following the election of “one painter, two engravers, one sculptor, two store clerks, [and] one gardener,” the Convention was so disgruntled with the results it provided itself the legal ability to modify or disregard judicial decisions that “no longer inspired respect.” The elections were abandoned just 10 years later (Haynes 1944, 158).

⁷The modern day countries of Costa Rica, Guatemala, El Salvador, Nicaragua and Honduras were formerly the Spanish viceroyalty of Guatemala, and in 1823 formed the Federation of Central American States. Each state was granted complete administrative and legal autonomy and was organized under a loose federal government which was dissolved in 1840.

⁸The noted exception is Guatemala, whose constitution provided for the direct election of all Supreme Court judges until 1921. Between 1921 and 1935, only the President of the Supreme Court was subject to direct election.

France predates the adoption of judicial elections in the U.S. states by nearly 40 years, a fact which is seldom recognized by scholars of the North American judicial elections.⁹

As with the French Revolutionaries, the Central American independence movements and the populists in the U.S. states,¹⁰ widespread dissatisfaction with representative government and the disintegration of traditional party systems led reformers in both Venezuela (1999) and Ecuador (2008, with 2011 modifications) to prioritize the participation of a broad base of citizens in their judicial selection processes. The stated goal of all of these populist reforms is to ‘democratize’ the justice system, ensuring citizen participation in the process to bolster public confidence in national courts. The 2009 Bolivian constitution took this logic to a relative extreme by requiring all national judges to be subject to direct popular elections.

Though Bolivia is the only country to have currently adopted judicial elections it is neither the first nor the last country to consider it. Would-be President Hugo Chavez proposed the direct election of Constitutional Magistrates during his tenure as President of the Constitutional Assembly, though this proposal did not survive the constitution writing process (Latin American Weekly Report 1999). Just last year (2013), Argentina passed a law that would called for the direct election of 12 of the 19 members of the national judicial council in partisan elections; however, the Argentine Supreme Court ruled the law unconstitutional before it went into effect (H.C. 2009; Schibber and Llanos 2011). In sum, evidence suggests that this trend towards decentralization may not reverse any time soon. To better understand this shift, we now discuss the constitutional adoption and implementation of the Bolivian judicial elections of 2011.

Adopting and Implementing Judicial Elections in Bolivia

The Plurinational Bolivian State is a presidential democracy in the heart of South America, the poorest and most unequal of its neighbors. More than 60% of Bolivians self-identify as indige-

⁹Mississippi was the first U.S. state to elect all of its judges in 1832 (Shugerman 2012).

¹⁰In the 1830’s Populist sympathizers, lawyers and judges fervently argued that the standing of the judiciary had been harmed by state legislators and governors who filled judgeships based on patronage rather than the most qualified legal professionals. Hall explains, “[p]opular election also promised to make judicial review more credible; a popular base of power provided judges a democratic means of countering legislative power” (1984). For a comparison between the adoption of judicial elections in the U.S. and Bolivia, see Driscoll and Nelson (2013).

nous or mestizo from one of more than 30 indigenous nations who claim Bolivia as their ancestral home, many of whom have long been marginalized from national political decision-making (Klein 2011).

For much of Bolivia's democratic history, scholars classified Bolivian democracy as "pacted," in which elites negotiated coalitions, ensuring a relatively stable, albeit exclusionary, vision of constitutional democracy (Gamarra 1997). By the close of the 20th century, the traditional party system on which pacted democracy hinged gave way to a new era of national politics marked with compelling political newcomers, institutional gridlock and periodic bouts of political protests and violence (Centellas 2009; Boulding 2010). While traditional parties struggled to maintain political relevance, mestizo President Evo Morales Ayma and his *Movimiento al Socialismo* (Movement to Socialism, or MAS) party have channeled widespread dissatisfaction, converting this long-marginalized indigenous majority into a potent electoral machine (Alpert, Centellas and Singer 2010). This dramatic transformation of the electoral geography has aligned political ideologies with regional, ethnic and economic cleavages, posing serious threats to democratic stability on multiple occasions. Far from a temporary political enigma, Morales and the MAS stand ready to shape the landscape of Bolivian politics for a foreseeable future.¹¹

Against this backdrop of political flux and institutional turbulence stood a long maligned judiciary. Under the 1991 constitution, national judges were selected via congressional procedure that required a two-thirds majority affirmation vote in a joint session of the National Congress. In practice, this super-majoritarian requirement was achieved by doling judicial posts among national political parties according to a system of political patronage, commonly referred to as the "*cuoteo*," or patronage based quota.¹² With the dissolution of the traditional party system, the process of

¹¹The MAS has consolidated their presence on the national political scene through repeated and sweeping victories at the ballot boxes (Singer 2007; Alpert et al 2010). A plurality of the vote brought Morales to power in 2005, and in 2009 with 95% turnout, 63.9% of voters re-elected President Morales with his MAS co-partisans winning two-thirds of the seats of the bicameral Plurinational Legislative Assembly (Alpert et al. 2010). In April of 2013, the democratically elected Constitutional Tribunal which is the subject of the forthcoming discussion cleared the way for Morales to seek a third term. By all accounts he is expected to win, which will extend his presidency until the year 2020.

¹²The *cuoteo* was so common that insiders regarded this norm as "dogma" (Mesa 2008), and according to one insider, it was a pragmatic solution that 'mostly worked' because it ensured all national political factions influence in the national judicial system, typically in proportion with their representation in the national legislature.

judicial nominations became increasingly contentious and polarized, frequently resulting in in-
equitable national courts (Castagnola and Pérez-Liñán 2010). National judicial institutions remained a
largely foreign political institution to the vast majority of Bolivians, who viewed them with skepti-
cism and distrust (de la Parra 2010; Mesa 2010). A 2008 survey conducted by the Latin American
Public Opinion Project (LAPOP) reveals that nearly 30% of Bolivians expressed a general distrust
for the Supreme Court, with roughly 40% of Bolivians expressing distrust for the justice system
more generally.

A central objective of the MAS political project has been the redrafting of the national con-
stitution to “refound” the Bolivian state in the vision of this emergent plurinational majority. After
a protracted and contentious constitution writing process, the MAS-dominated assembly approved
a draft of the constitution which included the direct election of judges via national, nonpartisan
elections for each of the four national judicial institutions.

A noted challenge facing the constitutional reformers was ensuring that voters would be
sufficiently informed regarding candidates’ merits while avoiding overt politicization of the elec-
toral process. Constitutional regulations required candidates to first be vetted by the Plurinational
Legislative Assembly, subject to approval by 2/3’s of the Legislative Assembly.¹³ The constitu-
tion prohibits judicial candidates from declaring any party affiliation, and parties are restricted
from campaigning on behalf of or against any judicial candidate. The constitution situates the
national electoral court (the *Órgano Electoral Plurinacional*, or OEP) as the centralized clearing
house of all information pertaining to the election process and the dissemination of all candidates’
qualifications. To facilitate voters’ considerations of the candidates’ professional merits, the OEP
provided standardized voter information guides that documented the professional experience and
biographical information of each candidate, including their name, department of origin, indigenous
identification as well as candidates’ academic, professional and intellectual achievements. Finally,

¹³The current constitutional text is the result of a negotiated settlement between the MAS and the opposition parties
in advance of the public constitutional ratification. Key concessions included the barring of presidential reelection
beyond a second term, scaling back governmental control of the media, and an expansion of the political powers
of state and local governments. Among the revisions were several changes to the text governing the direct election
of judicial officials, including the legislative supermajority approval requirement. Comparisons of the original and
adopted draft constitutions are available at [Redacted], see [Redacted] for additional details.

a randomly assigned number and picture were provided, identical to those listed on the ballot. Figure 1 shows an example of a candidate profile, all of which are available at [Redacted].

[Figure 1 about here]

Though judicial nominations had previously been contentious, the super-majoritarian control the MAS enjoyed in the legislature greatly facilitated the candidate selection process. Even still, MAS insiders lamented a lack of quality applicants, and many distinguished jurists declined to submit their candidacies (*El registro ampliado* 2011; *Profesionales no postularán* 2011). Observers claimed that ethnic identification had been prioritized over professional qualifications and experience (*Un postgrado* 2011), and though the government made attempts to ensure a transparent and meritocratic evaluation of candidates, the Organization of American States characterized the pre-selection process as highly politicized. The press identified a number of candidates as MAS affiliates for their experience as party organizers, legislative aides or legal advisors (*Diputado del MAS* 2011) and the opposition alleged that the majority of MAS legislators knew little about the candidates but simply voted for judicial nominees as instructed by party leaders, a fact that was later confirmed by MAS party insiders (*Masistas admiten* 2011; *Diputado del MAS* 2011).

In the 45 days leading up to the election, the OEP coordinated the distribution of the voter information guides via national media outlets, aided by the national youth corps who distributed voter information packets door to door in rural provinces. Many observers suggested that this state-run media campaign fell decidedly short. Though the OEP claimed the diffusion of campaign materials was widespread, other reports suggested the official campaign materials had not been distributed to more than 30% of rural areas, citing few media outlets and insufficient funds to communicate with voters in remote areas (*TSE admite* 2011; *OEA recomienda* 2011). One public opinion poll reported that 76% of respondents said they were uninformed regarding the candidates and voting process. On election day, the widespread impression from all sides was that voters remained woefully uninformed, a fact which President Morales conceded at the close of the polls (*“Lamentablemente”* 2011).

Largely ostracized from the candidate selection process, the political opposition put in motion a campaign to boycott the judicial elections altogether. Sidestepping the prohibition outlawing campaigns for individual candidates, the opposition instead lobbied voters to reject the election by casting blank or nullified ballots [Redacted].¹⁴ Though voting was compulsory, an absolute majority of voters cast null or blank ballots. The government faulted voter inexperience, though acknowledged blank and spoiled ballots as a legitimate form of electoral participation.¹⁵ The seats on the four national courts were allocated based on candidates' national valid vote totals, with newly elected jurists claiming their seats in the first weeks of 2012.

Partisanship, Descriptive Representation and Professional Experience

The adoption and implementation of the Bolivian elections was fraught with controversy, with both proponents and opponents of elected judges raising arguments about the ability of voters to make informed choices on election day given the lack of information caused by the ban on campaigning. Though some viewed the constitutional prohibition on campaigning as necessary to ensure a depoliticized election and the meritocratic evaluation of candidates (*Órgano Electoral Plurinacional 2011a*), others criticized the candidate pre-selection process for prioritizing indigenous affiliation over meritocracy, and claimed the OEP's informational efforts were fundamentally deficient. Though these arguments were common throughout the adoption and implementation of the judicial elections, no one has assessed the extent to which these arguments are supported by candidate success in the initial implementation of the Bolivian judicial elections. Here we provide an overview of these arguments and assess them using data from the 2011 election. Our empirical analysis combines municipal-level election returns, candidate characteristics, and municipal-level census data to evaluate the effects of candidate ethnicity, gender, professional and political experience on candidate success in the elections to evaluate these competing claims.

¹⁴An example of the campaign materials circulated by the opposition is available on our online appendix, available at [Redacted].

¹⁵Notably, international observers oversaw procedural aspects of the election, but were not present to supervise the counting of the votes. As the President of the OEP had previously stated all incorrect voting would be counted as null, it is possible that some proportion of the null vote was due to unintentional ballot spoilage, or ballots which were inadvertently discarded by the OEP.

Party Affiliation

To avoid the overt politicization of the judicial elections, the Bolivian constitution prohibited all party affiliations and campaigning in the judicial elections, on penalty of candidate disqualification (Bolivian Constitution, Art. 181, section 9). Candidate partisan affiliation was not listed on the ballot or voter information guide, and candidates were prohibited from publicizing any political affiliation. Moreover, to ensure that the elections would remain apolitical by regulating media coverage of the judicial candidates and prohibiting interviews that might construe favor or confer any candidate free publicity. Despite the formal prohibition on partisanship and campaigning, some candidates were singled-out by the press for their direct affiliations with the MAS party as party organizers, legislative aides or legal advisors (*30 candidatos* 2011). Indeed, the simple publicity and name recognition this type of coverage provided may be enough to increase the vote share of these known government affiliates (Baum 1987).

Because the political opposition publicized the identities of MAS party affiliates in an otherwise nonpartisan race, we evaluate the possibility this would have conferred an advantage to these MAS-affiliated candidates. Thus, we hypothesize the following:

H1: Candidates who were publicly identified as government affiliates will garner higher vote shares.

Beyond any direct effect of a candidate's party affiliation that increased media coverage may provide, we also investigate the extent to which partisan voting occurred in this ostensibly nonpartisan election. If the increased media coverage received by MAS candidates was enough to inform voters about candidates' party affiliations, then majority party candidates should be especially successful in those districts where the majority party (in formally partisan elections) has previously been successful. To this end, we also expect a conditional effect between a candidate's publicized governmental affiliation and the historical success of the government party in the district.

H2: A candidate's publicized affiliation with the government party (MAS) should result in a greater vote shares in districts that are known governmental strongholds.

Of the 28 candidates who sought election to the Constitutional Tribunal, national media sources identified twelve candidates with previous experience as aides or candidates of the ruling party, the MAS. We used these sources to code each of the 12 as *Government Affiliates* (30 *candidatos* 2011). To explore the possibility of partisan voting, we collected the percentage of the municipality that voted for the MAS candidate for mayor in the most recent (2010) mayoral elections (Órgano Electoral Plurinacional 2010). This variable ranged from 1.4% to 100%, with the modal values approximating 50%. Taking this as a measure of *Government Stronghold*, we interact this measure with *Government Affiliate* to explore the extent to which candidates who were affiliated with the government were advantaged in governmental strongholds.

Demographic Characteristics

A consideration for judicial diversity weighed heavily in the Bolivian debates to justify the adoption of judicial elections. The direct election of judges in Bolivia was described as the “democratization” of the Bolivian judiciary, and the adoption of judicial elections coincided with the larger transformation of the Bolivian national identity toward increased representation for local and indigenous interests. To this end, the candidate pre-selection process conferred overt priority to indigenous descent while a gender quota ensured parity among the candidates. Given this widely publicized priority of promoting diversity in the judicial elections process along with previous research on the effects of demographic characteristics on the candidates’ vote shares, we anticipate that women and indigenous minorities will benefit from their minority status on election day. Formally stated:

H3: Women and indigenous candidates will garner higher vote shares.

Beyond the direct effect of demography, the interest in descriptive representation that informed the Bolivian debates leads us to examine the possibility of a conditional relationship between the concentration of women or minorities in a district and the success of a female or minority candidate in that district. If concerns for descriptive representation weighs heavily in the minds of voters as they cast their ballots, we expect that indigenous candidates will receive a boost in

districts with a high proportion of indigenous voters, and that female candidates will be favored in districts where women have been previously elected to local executive office.

Thus:

H4: Female candidates will receive higher vote shares in districts where women have previously been elected to municipal office (mayor).

H5: Indigenous candidates will receive higher vote shares in districts where indigenous populations are concentrated.

The ballots contained cues of candidates' identities and ethnicity based on the pictures on the ballots. In practice, every other candidate listed on the ballot was female, seven of which were listed to be of indigenous descent in their candidate profiles. Research assistants coded candidates as *Overtly Indigenous* based on their photograph, as well as the gender of each candidate.¹⁶ Exemplary profiles of *Overtly Indigenous* and *Self-identified Indigenous* are pictured in Figure 2.

[Figure 2 about here]

From the 2001 Bolivian census we collected municipal-level data on the *Percent Indigenous*, which was the percent of the municipal population who self-identified as of indigenous decent.¹⁷ This variable ranged from 1.5% to 100%, with a mean of 71% and a median of 87%.¹⁸ The literature on the success of female candidates in legislative elections suggests that, when it comes to female representatives, descriptive representation may depend on the area's history of electing female candidates rather than the sex of the voter (Fox and Oxley 2003). To this end, we relied

¹⁶Formally, we coded a candidate as *Overtly Indigenous* if both coders were in agreement. In practice, the coders agreed 100% of the time. In the appendix, we discuss the measurement and substantive significance of this measure in more detail and include models based on candidates *Self-identified Indigenous* status. Our results are robust to this alternative specification.

¹⁷The 2001 census is the most recent survey for which data is available. A total of 11 municipalities (out of a total of 334) could not be matched across the electoral and census data. We suspect this is due to redrawing of electoral districts, though the geographic distribution of these data appear to be random. We replaced the census data in these districts with the average values of the districts' geographic neighbors.

¹⁸Because the MAS party is often supported by indigenous Bolivians, readers may be concerned about the correlation between the concentration of indigenous population and the MAS supporters. The two variables are only correlated at 0.40.

on the 2010 Mayoral election returns to determine whether the municipality has a *Female Mayor*. A table of district-level variables, as well as a correlation matrix which characterizes cross-district heterogeneity, is available in the appendix.

Professional Experience

The meritocratic selection of judges was an oft-cited motivation for adopting judicial elections into the 2009 Bolivian Constitution (Vargas 2010).¹⁹ The constitutional regulations governing candidate selection had the dual objective of guaranteeing sufficient candidate expertise while encouraging voters to prioritize meritocracy when casting their votes. The 2009 Bolivian Constitution requires candidates be least 30 years old with at least eight years of professional experience. Further, all nominees are subject to approval by the National Assembly; the Assembly vetted all candidates by a two-thirds majority before judicial aspirants could appear on the ballot.

Tasked with the administration of the country's first judicial contest, Bolivian lawmakers sought to balance concerns for the informed and meritocratic evaluation of candidates while attempting to shield candidates' party affiliations from voters. The voter information guides distributed by the OEP documented each candidate's professional, academic and judicial experience with a short biographical profile. The stated purpose of the guide was to ensure that voters "could chose and vote in an informed and conscientious manner" while selecting the candidates on the basis of their merits rather than partisan or political connections (Órgano Electoral Plurinacional 2011*b*). An example of this information is shown in Figure 1, above.

Coupling prior research on voters' decisions in judicial elections the U.S. states (e.g. Bonneau and Hall 2009; Hall and Bonneau 2006) with the procedural regulations that sought to assure meritocratic evaluations of candidates in Bolivia, we hypothesize the following:

H6: Candidates with more professional experience will be rewarded with higher vote shares.

¹⁹Critics of judicial elections, both in the U.S. and Bolivia, contend that voters lack requisite information regarding candidates' qualifications, and therefore may not select the most qualified judges (Geyh 2003; Driscoll and Nelson 2013). In the U.S., Bonneau and Hall (2009; Hall and Bonneau 2006) find that state supreme court incumbents' vote shares are inversely related to the professional qualifications, Dubois (1984) finds that prior judicial experience was related to an increase in the number of votes earned by trial court candidates, though Streb and Frederick's (2009) finds no relationship between a challenger's prior judicial experience, the incumbent's vote share or her probability of achieving electoral success.

For information regarding candidates' professional experience, we rely on the official voter guide (shown above in Figure 1).²⁰ For a variety of reasons, conventional metrics of candidates' qualifications is ill-suited for our purposes.²¹ First, though two candidates had previous experience on a national court, there were no incumbents in these contests. Second, all the candidates brought a myriad of professional qualifications to bear that are more common of judges in civil law systems.²² A high correspondence between judicial and academic career trajectories is typical of civil law systems, where judges are regarded as legal bureaucrats, and may find improved professional prestige and resources in private practice or academic pursuits (Pérez-Liñán et al. 2006; Merryman and Pérez Perdomo 2007; Couso 2010). For these reasons, conventional measures of judicial experience would systematically understate the professional experience of the judicial candidates.

Candidates were scaled on the basis of their relative professional qualifications based on the information presented in the voter information guide.²³ We constructed a measure of candidates' professional experience using a logistic item-response model, akin to the ideal point models used to estimate legislators' or judges' ideal points from roll call or case voting.²⁴ We take candidates' pro-

²⁰Extant research generally leans on incumbency and campaign spending as metrics of candidate quality (Abramowitz 1989), as well as previous performance in office (Canes-Wrone et al. 2002), ideological location, campaign resources (Jacobson and Kernell 1983; Bond, Covington, and Fleisher 1985), professional experience (Bonneau and Hall 2009) and other valence characteristics (Stone, Maisel and Maestas 2004). As for judicial candidates in the U.S. Hall and Bonneau (2006) evaluate judicial candidate quality based on previous experience and service on the bench.

²¹Estimates with alternative parameterizations, including a measure that consists only of prior judicial experience, are presented in our appendix. Our results do not change.

²²Pérez-Liñán (2006) et al. report that there is much fluidity at all levels of the Bolivian judicial hierarchy, with aspirant and incumbent judges moving laterally between judgeships, professional practice and an academic careers.

²³We coded candidates' experience as judges at the local, district and national level as well as their experience as aides to judicial authorities (akin to clerkships or officers of the court). We classified all mention of educational training based on the reported credentials, and areas of academic expertise. We recorded all reported examples of academic productivity, including the authorship of books and articles and the level of professorial experience in legal training (instruction of undergraduates, supervision of graduate students, or deanship). Finally, we recorded candidates' experience as a lawyer in a private practice and their reported areas of legal expertise. Additional information on this coding scheme and inter-coder reliability is available upon request.

²⁴Taken from the literature on educational testing, the model takes J test-takers who are quizzed on K items, with $y_{jk} = 1$ if the response is correct. The model is then

$$Pr(y_i = 1) = \text{logit}^{-1}(\alpha_{j[i]} - \beta_{k[i]}), \quad (1)$$

where α_j is the unobserved ability of person j , β_k is the unobserved difficulty of item k and $[i]$ is the individual response of each person on any given item k , leaving open the possibility that individual may not answer all of the items.

fessional qualifications as a latent variable *Qualifications* as an outcome to be measured.²⁵ Taking the list of all reported professional qualifications across all candidates as the universe of possible qualifications, we then used each qualification as a ‘vote’ for our IRT model. All professional designations were dichotomized such that each judge was coded a ‘1’ if he had stated experience in a particular professional position, field of expertise or educational arena, while the ‘0’ in correspondence to a candidate not having a stated qualification. We describe the distribution and provide evidence of measurement validity in the appendix.

Empirical model of Candidate Success

Our data come from official election returns released by the Bolivian government in the days following the 2011 elections. For the purposes of this analysis, we consider candidate success in the Plurinational Constitutional Tribunal contest given its position at the apex of the Bolivian constitutional system. The unit of analysis is the candidate-municipality; there is one observation for each candidate in each municipal district in the country.²⁶ Our data and all replications files are available at **[Redacted]**.

The outcome variable in our analysis is the proportion of the valid votes received by each candidate in the race. Because the outcome variable is continuous along the 0-1 interval, we estimate a hierarchical logistic regression model. Logistic regression on a proportion, like our outcome variable, has the effect of “unbounding” our outcome beyond the 0-1 interval. To account for the fact that the vote shares are grouped by candidate, the model includes random intercepts for each candidate. The appendix provides a thorough examination of the robustness of our results to

²⁵The IRT model has the advantage of incorporating a large variety of professional experiences by which a candidate may advertise her relative experience without imposing artificial requisites of an ‘ideal’ career trajectory. Also, though the information provided in the candidate profile was semi-standardized by the OEP, the information reported was not identical for each candidate. In other words, we may not know all of the candidates’ professional history simply because they chose not to report it, but rather reported other professional accomplishments instead. At the same time, we incorporate the full set of information available to voters via the voter information guide, because the candidates were explicitly prohibited from campaigning and thereby providing voters with additional information.

²⁶Though individual-level survey data would be ideal, such data does not exist for the recent Bolivian elections. Instead, we opt for municipal-level vote returns—the most disaggregated data available to which we could match municipal-level demographic data. In doing so, we acknowledge the risks of ecological inference, whereby individual level behaviors are inferred from aggregate data. Though several statistical approaches provide partial corrections for these inferential challenges (King, Rosen and Tanner 2004), our interest in vote choice across 28 candidates renders these solutions informationally intractable.

alternative measurement strategies.²⁷

Notably, in addition to our covariates of theoretical interest, we include a control for *Ballot Position* based on the order in which the candidates appeared on the ballot. Studies show that candidates who appear at the top of the list of candidates tend to receive more votes than candidates who appear at the bottom of the list (Miller and Krosnick 1998; Ho and Imai 2011). Candidates in the Bolivian judicial elections were randomly assigned their ballot positions, and the number for the voter information guide corresponded with the candidate's ballot position.

[Table 2 about here]

Table 2 shows the results of the hierarchical logistic regression model. We find some support for our hypotheses that candidates' sociodemographic characteristics impacted candidate vote shares, particularly as those characteristics reflected the demographic and partisan composition of the municipality. To better understand the effects of these characteristics on the candidates' expected vote shares, Figure 3 plots the marginal effects of *Government Affiliate* and *Overtly Indigenous* across the range of demographic characteristics present in the Bolivian municipalities.

[Figure 3 about here]

The top panel of Figure 3 shows the effects of a candidate's affiliation with the MAS party on her received vote share. Again, candidate partisanship was not present on the ballot or the voter guide which citizens received, though the national press publicized the identities of candidates with previous MAS affiliation. The graph suggests that, across all observed levels of *Government Stronghold*, MAS candidates did not receive any benefit or penalty at the polls.

However, the effect of *Ballot Position* masks the presence of partisan voting.²⁸ The marginal effect of *Government Affiliate* becomes statistically significant for those candidates at the 17th

²⁷Notably, our data present a series of modeling challenges: vote shares are bounded between 0 and 1, they are hierarchical structured, and vote shares within a district must sum to 1, meaning they are compositional in nature. We chose to emphasize the hierarchical nature of the data. Because our hypotheses imply variance at both the district and candidate level, many alternative approaches are unsuitable for our task. Hierarchical logistic regression allows us to include the necessary covariates, as well as the interactions between candidate- and district-level covariates.

²⁸Both plots in Figure 3 were generated holding Ballot Position at its median value, 14. We discuss the effects of this control variable in more detail in subsequent sections.

ballot position and below for those districts where the MAS-affiliated mayoral candidate received a majority of the vote in 2010. In these districts, a MAS-affiliated judicial candidate listed toward the bottom of the ballot received about a 1-2% boost in vote share. While these effects may seem small, please recall that 28 candidates appeared on the ballot, so effects of this magnitude would have meaningfully differentiated between candidates. Indeed, had the third place winner and previous Morales' appointee (listed 7th on the ballot), Ligia Velásquez Castaños's vote share been reduced by 2% in all of the MAS strongholds, her national vote total would have been reduced by nearly one half, dropping her to 13th place in the overall race.

The second panel of Figure 3 shows the effect of being *Overtly Indigenous* on a candidate's vote share. The graph clearly shows that as the concentration of indigenous citizens increases, overtly indigenous candidates received a noted boost at the polls. This effect is statistically significant irrespective of ballot position, and substantively important. Assuming the candidate is positioned at the middle of the ballot, an easily identifiable indigenous candidate competing in a municipality that is 50% indigenous can expect to receive about a 10% increase in vote share; as the concentration of indigenous residents increases to 100%, the effect of being an indigenous candidate approaches a 20% expected increase in vote share. Macario Cortez Chavez, the candidate pictured on the right in Figure 2, provides an example of the substantive importance of this effect. Chavez self-identifies as indigenous but was not classified by our coders as appearing to be *Overtly Indigenous*. Though his candidacy fared quite well, his national vote total placed him about 16,000 votes shy of winning a seat on the Tribunal. Our results suggest that, had he overtly advertised his indigenous identity, he would have easily secured a place on the court.

Neither constituent term nor their interaction for *Female Candidate* or *Female Mayor* is statistically significant, providing no evidence that women were either advantaged or disadvantaged at the polls. Also, examining the effects of the *Candidate Qualification Score*, the estimated coefficient is not statistically significant. The model also provides no evidence that voters differentiated among candidates on the basis of professional qualifications.

Finally, the effect of *Ballot Position* deserves mention. The estimated coefficient is negative

and indicates that each additional *Ballot Position* corresponds with a decrease in expected vote share as the candidate's position on the ballot is lowered. Again, Macario Cortez Chavez, the candidate pictured on the right in Figure 2, provides an example of this effect's importance. Chavez, who was the second candidate listed on the ballot, received a 4% increase in vote share in every district compared to what he would have received if he had been the second-to last candidate on the ballot. This effect is huge, especially considering the very large number of candidates and the fact that candidate ordering was random.

What can we take from these empirical results? First, though partisanship was officially prohibited and the voters were provided with no information on the voter information guide or the ballot, our results suggest there was partisan voting among MAS supporters which improved the electoral performance of candidates which the national media had identified as government (MAS) affiliates. This is perhaps surprising given the limited informational environment in which the election took place.

Second, the direct election of the national judges expanded the diversity of the high courts dramatically in terms of ethnic composition of the bench. Though more than 60% of Bolivians auto-identify as indigenous or mestizo, the first high court justice of indigenous decent in the country's history was only nominated to office by President Morales in 2010. In the elections by contrast, more than 40% of the positions (3 of 7) were won by candidates of indigenous decent. Importantly, our analyses also show that the indigenous candidates owe their victory to indigenous voters. Unlike the elite, closed door negotiations of judicial selection processes of the past, the judicial elections enfranchised indigenous voters in a way that was dramatically consequential for the composition of the court.

Public Confidence in Judicial Institutions

Beyond concerns about the descriptive representation and professional qualifications of elected judges, reformers and skeptics also advanced competing theories about the macro consequences of this reform on public esteem for the judiciary. On the one hand, weak public confidence was

an oft-cited motivation for reforming the judiciary, with supporters touting judicial elections as the best way to restore prestige and institutional legitimacy to the national judiciary. These supporters argued that the creation of a direct electoral connection would render a legitimacy to these institutions that would, in turn, bolster the public's confidence in its judicial institutions. Such an argument is in line with scholarly findings on the effects of judicial elections, which indicate that judicial elections provide a net benefit to the legitimacy of state high courts (Gibson 2012). Opponents of judicial elections argued the opposite: that the implementation of direct elections would lead voters to see judges as 'normal politicians' rather than learned jurists and that this shift in perception would undermine public confidence in their judicial institutions (Romero et al. 2009; Velzé 2010). Here, we assess these competing hypotheses.

The ideal data to assess these competing views about the effects of judicial elections on public confidence in the Bolivian courts would require both panel data, with waves before and after the election, and a reliable measure of the legitimacy of judicial institutions, like those suggested by Gibson and Caldeira (1992). Unfortunately, neither is available. Thus, we are confined to an analysis of cross-sectional survey data and the analysis of public *confidence* in the judiciary, rather than diffuse support for the courts.²⁹

Our data on public confidence in Bolivian Supreme Court come from the 2008 and 2012 AmericasBarometer data.³⁰ The outcome variables of interest are the questions pertaining to citizen trust in the Supreme Court in 2008 (one year preceding the adoption of the new constitution) and in 2012, approximately 6 months following the judicial electoral contest. For the purposes of the analysis here, we consider the question "To what extent do you trust/have confidence in the

²⁹This is a distinction with a difference. As Gibson, Caldeira, and Spence (2003) have shown, confidence is more closely related to short-term, specific support rather than long-term diffuse support. Still, while imperfect, an analysis of confidence is sufficient to shed some light on the arguments made by reformers and opponents of the Bolivian judiciary.

³⁰The Latin American Public Opinion Project (LAPOP) is administered by USAID, the Inter-American Development Bank, the United Nations Development Program in conduction with Vanderbilt University, and are nationally and regionally representative public opinion surveys of voting age adults administered in face to face interviews. The 2008 wave of the Bolivian survey was administered in February and March of 2008, and has a sampling error of 1.79. The 2012 wave of the Bolivian survey was administered in March and April of 2012; the sampling error for 2012 wave of the Bolivian surveys is estimated to be 1.8%.

Supreme Court?”³¹ which prompted respondents to rank their confidence according to an ordinal scale from 1 (not at all) to 7 (a lot).

[Figure 4 about here]

Figure 4 gives a sense of the distribution of public confidence in the Supreme Court and the justice system in 2008 and 2012. What is evident in both panels is the marked decline in citizen confidence between 2008 and 2012. Whereas the average response regarding confidence in the Supreme Court is 3.68 in 2008, this average confidence declined to 3.42 in 2012, a difference which is statistically significant at the $p < .05$ level. Notably, though the distribution of the opinion in the 2008 survey approximates a normal distribution, the distribution in the 2012 survey appears quite negatively skewed, prompting us to explore the correlates of public opinion in a multivariate setting.

Given widespread reports of protest voting in the election (discussed above) and the stated goal of the institutional reform as one that could restore public confidence in the judiciary, the most basic question we explore concerns the relationship between support for the Morales administration and confidence in the judiciary. To this end, the model includes a five-point scale assessing support for the Morales administration, with higher values indicating more support. Given reports of protest voting, we include indicators for self-reported blank and spoiled voting in the 2012 regression, to assess the possibility that voters who self reported spoiling their ballots were also more distrustful of judicial institutions after the fact.³²

Extant literature on public support for judicial institutions (e.g. Gibson, Caldeira, and Baird 1998; Gibson and Caldeira 1992) advances a host of possible explanations for which we control, including citizens’ revealed democratic values, perceptions about procedural justice, and respondents’ age, gender, wealth, ethnicity and geographic area of residence. The appendix describes the

³¹“Hasta qué punto tiene usted confianza en la Corte Suprema?”

³²Included in the 2012 LAPOP surveys was a battery of questions regarding respondents’ self-reported participation in the recent judicial elections, directly asking if they participated in the judicial elections, and if the respondent answered in the affirmative, if they voted for a candidate, cast a blank or spoiled ballot. [Redacted] discuss the validity of the self-reports in this survey, presenting evidence that they accurately reflect the actual distribution of votes in the 2011 election.

measurement of all variables in more detail.

Because the outcome variables in both regressions are ordinal rankings of public confidence in the Supreme Court, we estimated two separate ordinal logistic models for public esteem in the Supreme Court in 2008 and 2012. The model estimates are reported in Table 3. Here, political correlates appear decisive, illustrating the polarized environment of the judicial elections and Bolivian politics more generally. Though high presidential approval before the elections was associated with increased level of judicial confidence in 2008, the magnitude of this coefficient increases threefold following the 2011 judicial elections.³³ While supporters of Morales were 15% more likely to exhibit high levels³⁴ of confidence in the Supreme Court in 2008 (as compared to strong Morales opponents), that same Morales supporter was 37% more likely to have high confidence in the Supreme Court in 2012, assuming she cast a valid vote for a candidate. Insofar as the MAS and President Morales sought to represent the majority of Bolivians who brought them to office, the institutional reforms and the inaugural contest appear to have successfully realized their intended results.

[Table 3 about here]

Yet while the direct election of judges was associated with increased public confidence in the Supreme Court among MAS supporters, confidence in the Supreme Court declined across the country as a whole, an effect which is exacerbated among supporters of the opposition. Indeed, the probability that the modal voter—even assuming he cast a valid vote in the judicial elections—has a high level of confidence in the Supreme Court dropped by half (from 30% in 2008 to 16% in 2012) after the elections. If that voter happened to have been a strong opponent of President Morales, his probability of a high level of confidence in the Supreme Court dropped by over 500% from 22% to 4%. Also evident are the effects of blank and null voting on citizens' self-reported confidence

³³This large increase in effect size holds even if the indicators for vote choice in the 2011 elections are removed from the model, making the model specifications identical. This is shown, along with the intercepts for all of the ordered logistic regressions, in the appendix.

³⁴Throughout this discussion, a “high level” of confidence is defined as rating one’s confidence above the midpoint on the 7-point scale used to measure confidence in the Supreme Court. All other covariates in the model have been held at their median (for interval-level) or modal (for dichotomous) values.

in the Supreme Court. Confidence in the Supreme Court was systematically lower among those respondents who self-reported spoiling their vote or casting a blank ballot, who were roughly 40% less likely to express a high level of confidence in the newly elected judicial branch of government.

These patterns suggest that the objective of improving citizens' confidence in judicial institutions was partially realized: supporters of the current administration who participated in the election were more likely to express confidence in the Supreme Court following the election, as opposed to before. Yet the opposite is true for all citizens outside of that subset: supporters of the opposition, non-MAS partisans, those who did not cast a valid ballot or even deliberately spoiled their vote are systematically less supportive of the Supreme Court and other judicial institutions. In light of the fact that an absolute majority of voters cast blank and spoiled ballots, this decline in public confidence is troubling indeed.

We acknowledge that the causal story underlying this effect is difficult to parse. On the one hand, with lower confidence in political institutions and the Supreme Court voters may have been more likely to spoil their ballots in the first place; it is also possible that voters who were otherwise supportive of the courts were turned off by the electoral process itself, and opted to cast a blank or spoiled ballot as a result. If this is the case, then the elections themselves may have played a role in the decline of public confidence in the Supreme Court. Disentangling these countervailing explanations is impossible with the data we have available, and we leave these interesting and undeniably important for future research.

Still, regardless of the direction of the causal arrow, the data are clear on three points. First, overall confidence in the Bolivian Supreme Court declined from 2008 to 2012, after the election. Second, individuals who report casting a spoiled or blank vote reported lower confidence in the Court than do those who having voted for a candidate. Finally, partisanship emerges as a more important predictor of confidence in the Supreme Court after the election than it did before the inaugural judicial contest.

Two Years On

The 56 popularly elected magistrates were officially sworn into office by President Morales on January 3, 2012. Politically speaking, the effect of the closed nomination process and partisan voting on behalf of MAS voters was evident: candidates with previous affiliations with the MAS were the majority on both the Constitutional Tribunal and the Agro-ambient court, with a single seat on the Supreme Court and the Judicial Council being filled by previous MAS affiliates.³⁵ Yet these were also the most diverse courts in the nations' history, with roughly equal number of men and women on each court, and an unprecedented number of judges from indigenous decent elected to office. In light of the long history of political exclusion and "pacted" elite run democracy, this is a dramatic and symbolically important transformation.³⁶ Though we found no evidence that the professional experience of the judges played a determining role in voters' decisions, the judges brought with them to office a wide array of professional experiences, including academic, legal and politico-judicial. Though the election was unquestionably contentious, upon their inauguration they brought with them the hope and expectation that many of the Bolivian judicial systems' maladies would be corrected.

How have the new courts and elected judges fared? Just two years later, President Morales described the justice system as one of the major failings of his administration of 2013 (Informe 2014). Being careful so as to not directly implicate the elected authorities, he acknowledged that corruption is prevalent, trials and sentencing are commonly delayed, and the Bolivian justice system remained in a state of general malaise and crisis. Speaking directly to the increased representation of indigenous interests in the national courts, Morales described the change as insufficient: "In vain we have incorporated *poncho y pollera* (traditional indigenous garb) in the justice system, it hasn't changed anything" (*En Vano* 2014). Several days following, the newly nominated minister

³⁵Moreover, the supermajoritarian control of the Plurinational Legislative Assembly allowed for the unilateral nomination of candidates without consultation or support of the political opposition. As such, all of the nominees were defacto approved by the current administration.

³⁶Of course, the inclusion of diverse representatives does not guarantee the inclusion of diverse perspectives in the policy making process, as descriptive and substantive representation are by no means coterminous (Krook 2009; Pitkin 1967). Indeed, it is simply too soon to evaluate if or how the election of these judges has fundamentally changed the political landscape or substantive policy outcomes.

of justice, Elizabeth Gutiérrez, described the selection of authorities by direct election as a “mis-calculation.” Directly faulting the magistrates of the Judicial Council (*Consejo de Magistratura*), the administrative body charged with the administration of all subnational courts and judicial careers, Gutiérrez underscored the importance of professional experience and legal expertise in the administration of justice, something she said the judges elected to the Council (*Consejeros*) apparently lacked (Ministra 2014). The general consensus appears to be, among the government and opposition alike, is that the ‘remedy is worse than disease.’

This is not to say the courts have not made their impact felt, occasionally showing demonstrable independence from the government. During its short tenure, the Constitutional Tribunal ruled against the government in several important political cases, including the construction of a highway that would cross indigenous lands, and moving to protect a former president who faces charges for corruption and maladministration. At the same time, in April of 2013, the Constitutional Tribunal handed down a ruling that cleared the way for President Morales’ to seek reelection in 2014.³⁷ More recently, one of the magistrates accused the government of interfering with constitutional processes, claiming the President of the Tribunal managed cases in direct behest of the executive, accusations which the Tribunal’s President inadvertently confirmed.³⁸

Where the Bolivian judiciary will go from here remains to be seen. Earnest reflections from both the opposition and the government have centered on the candidate preselection process and the need for meritocratic evaluation of candidates. Though the Bolivian constitution stipulates a baseline level of professional qualifications, it was suggested that of these requirements were eschewed in order to prioritize the election of minority candidates, and Bolivia’s most distinguished

³⁷The 2009 Bolivian Constitution permits presidents to serve a maximum of two consecutive terms. President Morales was originally elected in 2005, and pledged to the opposition he would not pursue a third term in office in exchange for their support during the Constitutional referendum of 2009 (Supra. 13). However, in response to a petition for review brought by the government, the Tribunal ruled that he had only been elected once under the 2009 constitution and could therefore stand in 2014, which will likely extend his mandate until the year 2020. By all accounts he is expected to win.

³⁸In response to accusations of executive subservience and corruption by a fellow constitutional magistrate, Tribunal President Ruddy Flores invited the national press corp to solicit the transcripts of any of his telephone conversations, saying “I can affirm with complete certainty that none of my phone calls are secure, they are all being taped, overseen and supervised in one way or another by members of the (national) Intelligence” (*El Presidente del TCP* 2014). This misguided attempt to convey the transparency backfired, essentially confirming the accusations.

jurists declined to advance their candidacies. More ominously perhaps, the candidate preselection process was negotiated behind closed doors, and the MAS legislative backbenchers were instructed by party leaders how to vote, much like the *cuoteo* negotiations of previous years. The only difference in this case, was the complete lack of input from any with parties except the governing MAS party. Though the purpose of the judicial elections was to ‘democratize’ justice, this candidate pre-selection process appears to have been remarkably undemocratic.

Discussion

The 2011 Bolivian judicial elections were unquestionably a historic event, providing for the first time in recent history the opportunity for a country’s citizens to play a role in the selection of its country’s national judges. The adoption of this electoral institution was surrounded by powerful debate between those who saw the adoption of judicial elections as a panacea to the institution’s chronically low public esteem traditional practice of using judgeship as patronage positions and those who felt that the adoption of popular elections would only cause further harm to the judicial branch. In the end, one Bolivian constitutional scholar describes the decision to adopt judicial elections this way: “There is a powerful reason why the constituent assembly arrived at its decision and that is that there was no other way: the only way to stop the carnival of party and judicial patronage for once and for all was the direct designation of judges by direct and universal popular vote. “The greater the popular sovereignty in the election of judges, the greater the independence, quality and impartiality in the administration of justice”” (Vargas 2010, quoting Rebeca Delgado, chairwoman of the Justice Committee of the Bolivian Constitutional Assembly).

In this paper, we attempted to shed some empirical light on these assertions, examining the correlates of candidate success and public confidence in the judiciary before and after the initial election. While we are appropriately cautious about our ability to generalize about the long-term effects of these elections, we close the paper by reiterating four conclusions about which our data are clear as well as some broader thoughts about the Bolivian experience might inform future research on judicial elections elsewhere.

First, one major argument given for the adoption of judicial elections in Bolivia was a desire to improve the representation of minorities on the bench. Such arguments fit well with scholarly views that “the more open the appointment procedure, the more likely it is that less traditional judges will arrive at the constitutional court. This is the case because the participation of these organizations would tend to widen the pool of candidates because they prefer judges who represent them better, who do not come from predominantly affluent and conservative backgrounds, and whose views are more expansive and in favor of enforcing social and economic collective rights” (Rios-Figueroa 2011, 38). The election was unquestionably successful at achieving this end, with the Bolivian judiciary now contains historically high numbers of female and minority jurists. Not only were an unprecedented number of indigenous candidates elected to national judicial office, but our results suggest they have largely indigenous voters to thank for their electoral success. Not only is the current Constitutional Tribunal the most diverse in Bolivian history, but it is the most diverse constitutional court in all of the western hemisphere. This is all the more important in light of the fact that the national judicial institutions were largely foreign to many Bolivians, and the historical exclusion of indigenous Bolivians from the political process. If we take this dramatic increase in indigenous peoples’ representation on the high courts as evidence of “democratizing justice,” then the objectives of the judicial elections not only achieved, but were a resounding success.

Second, the 2009 Constitution laid out a procedure to ensure the meritocratic evaluation of candidates, subject to the approval of a supermajority of the bicameral national assembly. There is little evidence to suggest that these institutional requirements were efficacious in practice. The highly politicized candidate pre-selection process was criticized widely as lacking transparency, opposition involvement or serious meritocratic criteria, allegations which cast a long shadow on the legitimacy of the elections more generally. Instead, the government emphasized the meritocratic evaluation of candidates by providing voters with standardized information about candidate qualifications and investing considerable resources to ensure a depoliticized electoral contest. Though the judicial candidates brought a myriad of professional experiences with them to office, we found

no evidence this information was decisive in structuring voters' choices. To the extent that reformers argued that the most qualified candidates would be advantaged under this system, the initial contest illustrates a number of ways in which this ideal can break down.

Third, our analysis of public opinion suggests that the elections had the effect of polarizing public sentiment toward the Supreme Court. Government supporters appear more confident in the Supreme Court following the election, with majority party support becoming a stronger predictor of confidence after the election than it was before. At the same time, open opponents of the elections—those respondents who self-reported casting blank or null votes—exhibited systematically lower levels of support for the Supreme Court than government supporters. These results are mixed and difficult to interpret. Insofar that the reformers aimed bolster public confidence among the emergent, MAS-lead majority, confidence appears to have improved among this section of society.³⁹ On the other hand, the fact that an absolute majority of voters declined to choose a candidate in the judicial elections would imply the lack of public confidence in the judicial institutions is widespread. Indeed, as shown above, the average public confidence in the Supreme Court declined between 2008 and 2012.

Finally, the Bolivian experience provides a prototypical example of electoral populism can overwhelm and undermine institutional separation of powers. The Bolivian constitution of 2009 required each of the judicial candidates receive the approval of two-thirds of the bicameral National Assembly, a clause which was added as a concession to the political opposition to ensure future influence and consultation in judicial nomination processes. What was unforeseen to the constitution writers at that time was that a single party could win, via free and fair elections, the supermajoritarian control that was necessary to unilaterally sidestep this constitutional requirement. In this sense is wholly unsurprising that the MAS would disregard the criticisms of the political opposition during the candidate pre-selection process, as it was within their constitutionally defined right to do so.

It is too soon to tell if the changes in the composition of the judiciary and this initial decline

³⁹For example, as President Morales is widely predicted to win reelection with a plurality of the vote, it may well be that this demonstrated confidence in the Morales administration transfers to the national courts.

in public confidence will have meaningful long-term effects, either on the level of substantive representation minority and female Bolivians receive from their national judiciary or on the legitimacy of judicial institutions over all. As per the admission of President Morales himself (Morales 2014), this dramatic transformation of the Bolivian judiciary has failed to solve many of the enduring problems of the Bolivian justice system. Future work ought to look beyond the ballot box to assess how the implementation of national-level judicial elections impacts the behavior of national jurists, the legitimacy of the judiciary, and the development of national constitutional law.

We also offer some thoughts about how this Bolivian election might be reconciled with and inform the robust literature on American judicial elections. We are clear that there are many reasons that the lessons from one case does not translate to the other. Most prominently, the legislative preapproval of all candidates on the ballot, the prohibitions on candidate speech and advertising, the complete restriction on campaigning, the widespread boycott of these elections by the opposition, and the fact that voting in Bolivia is compulsory distinguishes the Bolivian case from the North American experience. Moreover, scholars of U.S. judicial elections are able to leverage both cross-sectional and temporal variation in judicial contests, providing a much richer landscape to test theories than the Bolivian experience provides. Still, the very characteristics of the Bolivian election that make it impossible to generalize clearly to U.S. elections raise interesting questions that future work on either case should endeavor to solve.

When comparing the initial Bolivian election with the research of Bonneau and Hall (2009; Hall and Bonneau 2013; Hall 2014) and Gibson (e.g. 2012), one conclusion seems particularly clear: restrictions on campaign speech and campaigning limit the informational environment in which elections occur and make it harder for voters to make informed decisions on election day. In their study of state supreme court elections in the U.S., Bonneau and Hall (2009) show that voter-participation in down-ballot races increases with campaign spending; a finding that holds even when much of that information is highly charged and negative (Hall and Bonneau 2013; Hall 2007; Hall and Bonneau 2008). These two strikingly different informational environments suggest that future research must examine the process by which voters become informed in judicial contests.

Second, the fact that MAS-affiliated candidates were advantaged in MAS strongholds provides evidence that partisanship informs voters' decisions even when a candidate's party affiliation is not present on the ballot. Taken in tandem with Baum's (1987; Rock and Baum 2010) research on elections in which partisan labels are absent on the ballot, our results suggest that, even in a vastly different electoral context, partisanship is a strong heuristic for voters that is not completely curtailed by the lack of a party label on the ballot. Instead, voters may rely on other partisan clues—such as a partisan primary, media coverage, or previous political experience to select candidates who are aligned with their ideological or partisan preferences. Future research needs to delve into the mechanics of partisanship in judicial campaigns to explore both how voters seek and use information in ostensibly nonpartisan elections as well as the conditions under which, in partisan elections, other information might mitigate the enormous influence of party identification.

Third, reconciling our null result concerning candidate qualifications with Bonneau and Hall's (2009; Hall and Bonneau 2006) finding that candidates with judicial experience suggests a route for future research.⁴⁰ Our measure of judicial qualifications is broad, encompassing candidates' judicial, educational, and professional experiences, while Bonneau and Hall rely on a targeted measure of candidate qualifications: prior judicial experience. These two results, taken together, suggest a potential alternative mechanism behind Bonneau and Hall's results: voters may not prefer candidates with prior judicial experience because of their judicial experience but rather choose to vote for those candidates because they have prior electoral experience and therefore are able to run better campaigns. Future research on U.S. judicial elections should endeavor to untangle the effects of prior judicial experience and prior electoral experience.

Finally, our findings suggest that those who advocate for a more diverse representative institutions to focus their attention on candidate recruitment and selection. While the United States lacks the quotas used in the Bolivian elections to ensure that voters had the opportunity to select female and minority candidates, our results in this regard are clear: when given the opportunity to do so, voters select representatives who 'mirror' themselves (Pitkin 1967; Krook 2009). Our

⁴⁰We thank an anonymous reviewer for this suggestion.

empirical results, combined with Frederick and Streb's (2008; Streb and Frederick 2009) suggest that any shortcoming of judicial elections to place women and minority candidates on the bench originates not from the judicial selection process, but by the pool of candidates available in the first place. This finding is consequential not only to students of judicial elections but to the community of scholars invested in elections, vote choice and democratic representation more generally. Still, the Bolivian elections differed from U.S. elections in a major respect here: voters saw candidates' pictures on the ballot. Future research needs to examine Bolivian voters' use of these pictures and to parse what cues—ethnicity, gender, attractiveness, etc.—voters receive from these pictures and how they incorporate those cues in their decision-making calculus.

In short, Bolivians' comparatively short experience with judicial elections provides an invitation to scholars to explore the processes of information transmission and voter learning in judicial elections. Additionally, now that the elected Bolivian courts have been in office for enough time to build a judicial record, the time is ripe for scholars to examine the effects of these elections on judicial decision-making in Bolivia, particularly with respect to substantive representation of women and minorities as well as deference to the legislative and executive branch of government.

References

- 30 candidatos son afines al MAS y 36 son empleados*. 2011. *Página Siete* July 15, 2011:Online edition.
- Abramowitz, Alan I. 1988. "Explaining Senate Election Outcomes." *American Political Science Review* 82:385–403.
- Baum, Lawrence. 1987. "Explaining the Vote in Judicial Elections: The 1984 Ohio Supreme Court Elections." *Western Political Quarterly* 40:361–371.
- Bolivian Constitution. 2009. "Constitución Política del Estado Plurinacional de Bolivia."
- Bond, Jon R., Cary Covington and Richard Fleisher. 1985. "Explaining Challenger Quality in Congressional Elections." *Journal of Politics* 47(2):510–529.
- Bonneau, Chris W. and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. Routledge.
- Boulding, Carew E. 2010. "NGO's and Political Participation in Weak Democracies: Subnational Evidence on Protest and Voter Turnout from Bolivia." *Journal of Politics* 72(2):456–468.
- Canes-Wrone, Brandice, David W. Brady and John F. Cogan. 2002. "Out of Step, Out of Office: Electoral Accountability and House Members' Voting." *American Political Science Review* 96(1):127–140.
- Castagnola, Andrea and Anibal Pérez-Liñán. 2010a. Bolivia: The Rise (and Fall) of Judicial Review. In *Courts in Latin America*, ed. Gretchen Helmke and Julio Rios-Figueroa. Cambridge University Press.
- Castagnola, Andrea and Anibal Pérez-Liñán. 2010b. *Institutions for Constitutional Justice in Latin America*. in Castagnola and Pérez-Liñán (2010a).
- Couso, Javier A. 2010. The Transformation of Constitutional Discourse and the Judicialization of Politics in Latin America. In *Cultures of Legality: Judicialization and Political Activism in*

- Latin America*, ed. Javier A. Couso, Alexandra Huneusus and Rachel Sieder. New York, NY: Cambridge University Press.
- de la Parra, Armando. 2010. "Personal Interview." Personal Interview.
- Diputado del MAS revela que sí hubo lista para seleccionar a candidatos a judiciales*. 2011. *Periodico ERBOL* October 31, 2011.
- Driscoll, Amanda and Michael J. Nelson. 2012. "The 2011 Judicial Elections in Bolivia." *Electoral Studies* 31(3):628–632.
- Driscoll, Amanda and Michael J. Nelson. 2013. "The Political Origins of Judicial Elections." *Judicature* January/February:151–160.
- Dubois, Philip L. 1984. "Voting Cues in Nonpartisan Trial Court Elections: A Multivariate Assessment." *Law & Society Review* 18(3):395–436.
- Dubois, Philip L. 1986. "Accountability, Independence and the Selection of State Judges: The Role of Popular Judicial Elections." *Southwestern Law Journal* 40(1).
- Elkins, Zachary, Tom Ginsburg and James Melton. 2014. "Characteristics of National Constitutions, Version 2.0." *Comparative Constitutions Project*.
- El Presidente del TCP asegura que graban sus conversaciones*. 2014. *La Razón* February 18, 2014.
- El registro ampliado aún no tiene inscritos*. 2011. *La Razón* June 23, 2011.
- Ferreres Comella, Victor. 2004. "The Consequences fo Centralizing Constitutional Review on a Special Court: Some Thoughts on Judicial Activism." *University of Texas Law Review* 82:1704–1736.
- Fox, Richard L. and Zoe M. Oxley. 2003. "Gender Stereotyping in State Executive Elections: Candidate Selection and Success." *Journal of Politics* 65(3):833–850.

- Frederick, Brian and Matthew J. Streb. 2008. "Women Running for Judge: The Impact of Sex on Candidate Success in State Intermediate Appellate Court Elections." *Social Science Quarterly* 89:937–954.
- Gamarra, Eduardo A. 1997. Hybrid Presidentialism and Democratization: The Case of Bolivia. In *Presidentialism and Democracy in Latin America*, ed. Scott Mainwaring and Mathew Soberg-Shugart. Cambridge: Cambridge University Press pp. 363–93.
- Garoupa, Nuno and Tom Ginsburg. 2009. "The Comparative Law and Economics of Judicial Councils." *Berkeley Journal of International Law* 27(53–83).
- Geyh, Charles Gardner. 2003. "Why Judicial Elections Stink." *Ohio State Law Journal* 64:43–79.
- Gibson, James L. 2012. *Electing Judges: The Surprising Effects of Campaigning on Judicial Legitimacy*. Chicago Studies in American Politics University of Chicago Press.
- Gibson, James L. and Gregory A. Caldeira. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(3):635–664.
- Gibson, James L., Gregory A. Caldeira and Lester Kenyatta Spence. 2003. "Measuring Attitudes toward the United States Supreme Court." *American Journal of Political Science* 47(2):354–367.
- Hall, Kermit L. 1984. "Progressive Reform and the Decline of Democratic Accountability: The Popular Election of State Supreme Court Judges, 1850-1920." *Law & Social Inquiry* 9(2):345–369.
- Hall, Melinda Gann. 2007. "Voting in State Supreme Court Elections: Competition and Context as Democratic Incentives." *Journal of Politics* 69(4):1147–1159.
- Hall, Melinda Gann and Chris W. Bonneau. 2006. "Does Quality Matter? Challengers in State Supreme Court Elections." *American Journal of Political Science* 50:20–33.

- Hall, Melinda Gann and Chris W. Bonneau. 2008. "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections." *American Journal of Political Science* 52(3):457–470.
- Hall, Melinda Gann and Chris W. Bonneau. 2013. "Attack Advertising, the *White* Decision, and Voter Participation in State Supreme Court Elections." *Political Research Quarterly* 66:115–126.
- Haynes, Evan. 1944. *The Selection and Tenure of Judges*. The National Conference of Judicial Councils.
- Ho, Daniel E. and Kosuke Imai. 2008. "Estimating Causal Effects of Ballot Order from a Randomized Natural Experiment: California Alphabet Lottery, 1978-2002." *Public Opinion Quarterly* 72:216–240.
- Hurwitz, Mark S. and Drew Lanier. 2003. "Explaining Judicial Diversity: The Differential Ability of Women and Minorities to Attain Seats on State Supreme and Appellate Courts." *State Politics & Policy Quarterly* 3:329–352.
- Jacobson, Gary C. and Samuel Kernell. 1983. *Strategy and Choice in Congressional Elections*. Yale University Press.
- King, Gary, Ori Rosen and Martin A. Tanner. 2004. *Ecological inference: New methodological strategies*. Cambridge University Press.
- Klein, Herbert S. 2011. *A Concise History of Bolivia*. 2nd ed. Cambridge University Press.
- Krook, Mona Lena. 2009. *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*. Oxford University Press.
- "*Lamentablemente faltó información*". 2011. *El Día* October 16, 2011.
- Latin American Weekly Report. 1999. "Chávez expresses some of his ideas for the new constitution." *Latin American Weekly Report* WR-99-31:368–369.

Masistas admiten “cuoteo individual” en designaciones de candidatos judiciales. 2011. *Eju!TV* July 15, 2011.

Merryman, John and Rogelio Pérez-Perdomo. 2007. *The Civil Law Tradition: an Introduction to the Legal Systems of Europe and Latin America.* Stanford University Press.

Mesa, Carlos D. 2008. *Presidencia Sitiada: Memorias de mi Gobierno.* La Paz, Bolivia: Fundación Comunidad.

Mesa, Carlos D. 2010. “Personal Interview.” Personal Interview.

Miller, Joanne M. and Jon A. Krosnick. 1998. “The Impact of Candidate Name Order on Election Outcomes.” *The Public Opinion Quarterly* 62(3):291–330.

Ministra de Justicia: fue un desacierto la elección de los magistrados. 2014. *Página Siete* January 27, 2014.

Morales, Evo. 2014. *Informe de la Gestión 2013 del Presidente Evo Morales a la Asamblea Legislativa Plurinacional.* Bolivian Embassy in Berlin, Germany.

Morrison, Alan B. 2007. “Judges and Politics: What to Do and Not to Do About Some Inevitable Problems.” *Justice System Journal* 28:293–300.

O’Connor, Sandra Day. 2009. “Keynote Address.” *Seattle University Law Review* 33:559–567.

OEA recomienda selección meritocrática de candidatos. 2011. *La Razón* October 18, 2011.

Órgano Electoral Plurinacional. 2010. Acta de Computo Nacional Elecciones Departamentales, Municipales y Regional, 2010. Technical report Órgano Electoral Plurinacional and the ACE Project La Paz, Bolivia: .

Órgano Electoral Plurinacional. 2011a. *Democratizando la Justicia: Del Pasado al presente, para construir el Futuro.* La Paz, Bolivia: Órgano Electoral Plurinacional.

Órgano Electoral Plurinacional. 2011b. “Voter Information Guide: 2011 Bolivian Elections.”.

- Peréz-Liñán, Anibal, Barry Ames and Mitchell A. Seligson. 2006. "Strategy, Careers, and Judicial Decisions: Lessons from the Bolivian Courts." *Journal of Politics* 68:284–296.
- Pitkin, Hannah F. 1967. *The Concept of Representation*. Berkeley, CA: University of California Press.
- Profesionales no se postularán a las elecciones judiciales*. 2011. *Página Siete* June 8, 2011.
- Rock, Emily and Lawrence Baum. 2010. "The Impact of High-Visibility Contests for U.S. State Court Judgeships: Partisan Voting in Nonpartisan Elections." *State Politics & Policy Quarterly* 10:368–396.
- Romero, Carlos, Carlos Borhrt Irahola and Raúl Peñaranda. 2009. *Del Conflicto al Diálogo: memorias del acuerdo constitucional*. La Paz, Bolivia: Friedrich Ebert Stiftung and la Fundación Boliviana de Democracia Multipartidaria.
- Shugerman, Jed Handelsman. 2010. "Economic Crisis and the Rise of Judicial Elections and Judicial Review." *Harvard Law Review* 123:1061–1151.
- Shugerman, Jed Handelsman. 2012. *The People's Courts: Pursuing Judicial Independence in America*. Harvard University Press.
- Singer, Matthew M. 2007. "The Presidential and Parliamentary Elections in Bolivia, December 2005." *Electoral Studies* 26:200–205.
- Stone, Walter J., L. Sandy Maisel and Cherie D. Maestas. 2004. "Quality Counts: Extending the Strategic Model of Incumbent Deterrence." *American Journal of Political Science* 48(3):479–495.
- Streb, Matthew J. and Brian Frederick. 2009. "Conditions for Competition in Low-Information Elections: The Case of Intermediate Appellate Courts." *Political Research Quarterly* 62:665–684.

TSE admite que la difusión sólo cubrió 70% del área rural. 2011. *Página Siete* Oct. 12 2011.

Un posgrado será igual que haber sido autoridad indígena. 2011. *Página Siete* June 23, 2011.

Vargas, Idón Moisés Chivi. 2010. El Órgano Judicial. In *Nuevas Miradas: El Nuevo Texto Constitucional*. El vice-presidencia del Estado Plurinacional de Bolivia.

Veltzé, Eduardo Rodríguez. 2010. El Órgano Judicial y Tribunal Constitucional Plurinacional. In *Miradas: Nuevo Texto Constitucional*. La Paz, Bolivia: Vice-Presidencia del Estado Plurinacional de Bolivia.

Watson, Richard A. and Ronald G. Downing. 1969. *The Politics of the Bench and Bar: Judicial Selection Under the Missouri Non-Partisan Court Plan*. John Wiley & Sons.

49



DATOS PERSONALES

Nombres y apellidos: Carmen Silvana Sandoval Landivar

Lugar y fecha de nacimiento: Santa Cruz de la Sierra, 17 de agosto de 1960.

Franja en la que postula: Tribunal Constitucional Plurinacional.

MÉRITOS

Formación académica: licenciada en Ciencias Jurídicas y Abogada con estudios en la UAGRM y UMSA. Diplomado en Derecho Notarial, UDABOL y en Justicia Constitucional, UDS

Máster en DIP por la Facultad de Derecho de la Universidad Complutense de Madrid.

Producción intelectual: Extradición por delitos de lesa humanidad.

Experiencia profesional: Es docente de la Maestría de Derecho Notarial y Registral de la Escuela Militar de Ingeniería y de la Carrera de Relaciones Internacionales, Facultad de Ciencias Jurídicas, Políticas y Relaciones Internacionales de la Universidad Autónoma Gabriel René Moreno; así como del Instituto de la Judicatura del Poder Judicial.

Como primera diplomática cruceña de carrera, se ha desempeñado como diplomática de carrera en el Ministerio de Relaciones Exteriores y Culto de Bolivia y ha representado al país en eventos internacionales y en diversas funciones diplomáticas. Ha sido consultora y asesora de diferentes instituciones gubernamentales, de voluntariado y grupos indígenas en temas de género y derechos humanos.

Actualmente se desempeña como docente de la UAGRM, la EMI (maestría) y Notaria de Fe Pública. Ha recibido diversas condecoraciones y distinciones por su labor profesional.

Figure 1: Example Candidate Profile. The profile includes information on the candidate's date and location of birth, their picture, and their academic, intellectual, and professional experience. The number of the profile (#49) corresponds with the candidate's ballot position, and was randomly pre-assigned by the OEP.



Figure 2: Comparison of candidate profiles for candidates who were classified as *Overtly Indigenous* as opposed to *Self-identified Indigenous* (though not overtly indigenous in appearance). Both of the candidates listed above self-identified as indigenous in the candidate profile, though only the candidate on the left was coded as appearing to be so.

	Estimate	S.E.	z-Statistic
Political Representation			
Government Affiliate	0.04	0.31	0.13
Government Stronghold	-0.00	0.00	-0.55
Government Affiliate \times Government Stronghold	0.00	0.01	0.73
Descriptive Representation			
Overtly Indigenous	-0.57	0.45	-1.28
Percent Indigenous	-0.01	0.00	-2.57
Overtly Indigenous \times Percent Indigenous	0.02	0.01	4.10
Female Candidate	0.14	0.18	0.79
Female Mayor	-0.05	0.39	-0.13
Female Candidate \times Female Mayor	-0.25	0.60	-0.41
Professional Qualifications			
Candidate Qualification Score	0.14	0.13	1.09
Controls			
Ballot Position	-0.04	0.01	-8.16
Intercept	-1.99	0.26	-7.52
Log-likelihood	-167.1		
BIC	453.4		
Standard Deviation (Candidate)	0.17		
N	9464		

Table 2: Hierarchical logistic regression model estimates of candidates' vote share at the municipal level. The model includes random intercepts for each candidate.

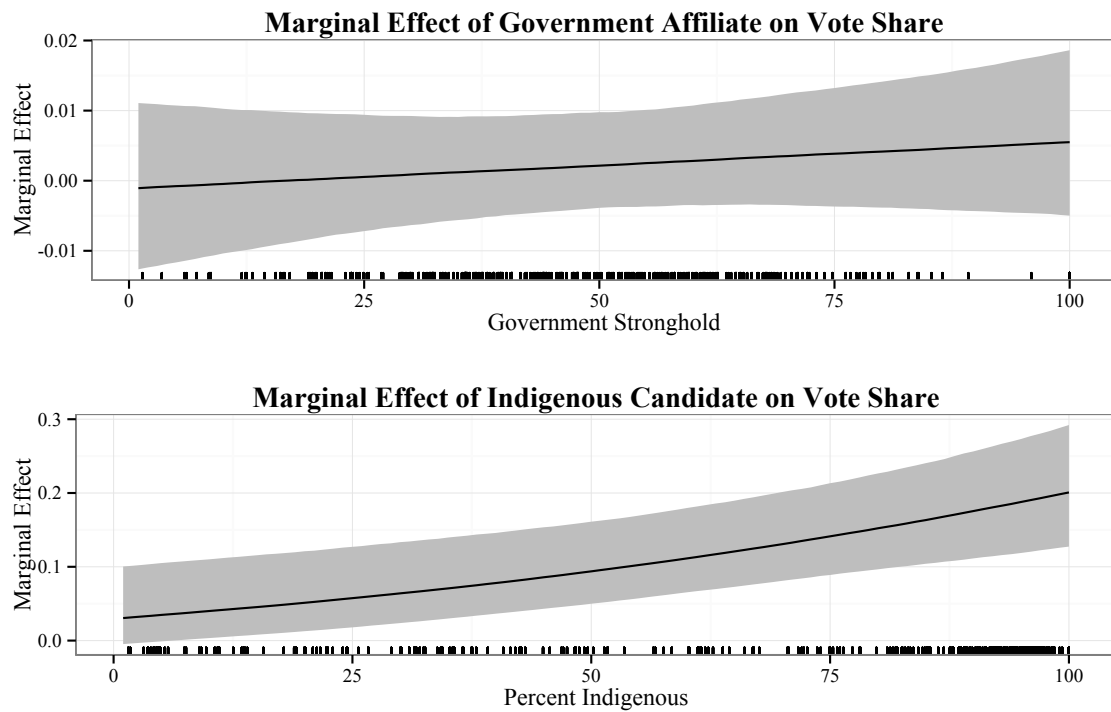


Figure 3: Marginal Effects of candidate characteristics on the candidate's vote share in the 2011 Bolivian judicial elections. The gray bands are confidence intervals at the $p < .05$ level using two-tailed tests. The rug shows the distribution of *Government Stronghold* and *Percent Indigenous* in the data. All other covariates are held at their median or modal values.

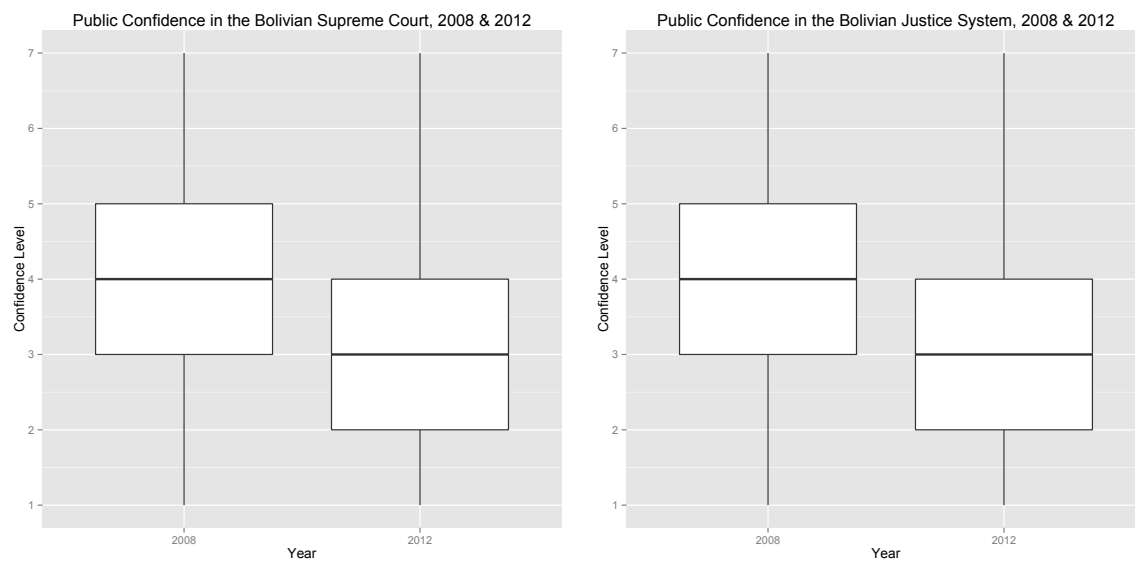


Figure 4: Public Confidence in the Supreme Court and Justice System, 2008 and 2012.

	2008	2012
Morales Approval	0.19* (0.06)	0.72* (0.07)
Blank		-0.39* (0.13)
Null		-0.24* (0.10)
Auto-ID Indigenous	0.37* (0.14)	0.11 (0.11)
Media Luna	0.46* (0.10)	0.48* (0.11)
Education	-0.00 (0.01)	-0.02 (0.01)
News Consumption	0.06 (0.08)	0.06 (0.07)
Democratic Values	0.11* (0.03)	0.03 (0.03)
Procedural Justice	0.50* (0.03)	0.47* (0.03)
Rural	0.17 (0.11)	0.06 (0.11)
Cellphone	0.27* (0.11)	0.17 (0.14)
Age	-0.00 (0.00)	-0.01 (0.00)
Female	0.05 (0.09)	0.09 (0.09)
N	2386	2301

Table 3: Ordered logistic regression of citizen confidence in the Bolivian Supreme Court in 2008 and 2012. * Indicates significance of $p < .05$. Standard Errors in Parentheses