Does Local Journalism Stimulate Voter Participation in State Supreme Court Elections?

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ABSTRACT

I gather new data on local media coverage of state supreme court elections and examine its effects on voter participation. I find that, even when controlling for campaign expense and advertising, media coverage can increase voter engagement in state supreme court contests. While some of this effect is attributable to salient campaigns themselves, content and statistical analyses show that the media provide voters with unique information such as candidate qualifications that can also stimulate their participation.

I. INTRODUCTION

Much of the debate surrounding judicial elections involves the educative utility of "nasty, noisy, costly" competitive elections (Schotland 1998). Previous research finds that judicial institutions and campaigns are important factors in how citizens learn about and engage in judicial elections, but little is understood about other ways in which voters become informed. In this article, I examine how local media coverage affects voter participation in judicial elections. I gather new data on media coverage of state supreme court campaigns, examine the effect of media coverage on voter participation, and find that increasing rates of coverage—even when controlling for competitiveness, expense, and tone—result in greater rates of voter participation. Analyses show that while some of this effect can be attributed to campaign expense and advertising, media coverage is found also to have an independent effect on voter participation.

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II. VOTER INFORMATION AND PARTICIPATION IN JUDICIAL ELECTIONS

Voters participate in judicial elections much as they do in other types of contests. When individuals are knowledgeable about the candidates running, they are more likely to participate. Nevertheless, these elections are not always salient to voters, and they exhibit high rates of abstention. In recent years, close to one-fifth of all Americans who turned out to the polls failed to participate in a state supreme court race (Bonneau and Hall 2009). Critics argue that voters are not sufficiently well informed to hold judges accountable (Geyh 2003). This could be because campaigns or other political intermediaries such as the press do a poor job educating voters about judicial candidates (Caufield 2007; Schaffner and Diascro 2007).

Despite these criticisms, research shows how competitive, expensive, partisan, and even churlish campaigns can educate and animate the electorate. The party label is arguably the most important heuristic in judicial elections (Klein and Baum 2001; Schaffner and Streb 2002; Hall 2007). Partisan ballots stimulate participation by orienting voters toward fellow partisans. Even if voters know little about a candidate's qualifications, they can make reasonable inferences about which individual will best represent their preferences. Nonpartisan, hybrid, and retention elections do not use party labels and exhibit more abstention than partisan contests. Without party labels, voters cue off of other sources of information such as a name (whether it appears to be of a particular gender, race, or member of a prominent political family), a recent political scandal, or critical judicial performance evaluations (Johnson, Schaefer, and McKnight 1978; Dubois 1984; Frederick and Streb 2008; Kritzer 2015; Gill 2017).

The competitiveness of judicial campaigns can also affect voter participation. Competitive elections attract campaign spending, interest group involvement, and media coverage, all of which alert voters to where candidates stand on issues important to them (Bonneau 2005; Hall and Bonneau 2006, 2008; Goldberg 2007). Campaign messages are key to voter knowledge. Television advertising is a highly salient means of judicial campaigning. Even when advertisements are churlish, they contain information that informs voters about which candidates will represent their political values (Hall and Bonneau 2013; Hall 2015; Hughes, forthcoming).

The press is yet another source of civic education. Journalists convey information to voters that enhances the policy-making process, promotes democratic accountability, and furthers representation (Snyder and Strömberg 2010). Journalistic media include newspapers, television news broadcasts, radio shows, and, more recently, social media. The press informs voters by covering and contextualizing political campaigns, policy making, and the behavior of politicians (Chong and Druckman 2007). In one innovative study, Mondak (1995) found that residents of neighborhoods in Pittsburgh where newspaper deliverymen went on strike were less likely to participate in local elections compared to their peers in Cleveland who were not subject to a similar drought of news. Druckman (2005) found that newspapers were an especially informative medium, although others argue that the

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quality of reporting rather than the medium itself enhances voter knowledge (Zhao and Chaffee 1995; Norris and Sanders 2003).

The media, however, could also abet confirmation bias. Dubbing it the "Fox News Effect," DellaVigna and Kaplan (2007) found that Fox News' entrance into a media market energizes conservative voters, boosting turnout and Republican vote-shares in these districts. More recently, the emergence of social media has raised questions such as whether online social networks can produce more informed, engaged citizens if they share news stories with one another. These online social networks reduce the costs of information and closely parallel other forms of human communication (Bond et al. 2012). Nevertheless, some remain skeptical that these and other forms of electronic information are little more than political amusement (Prior 2005; Vitak et al. 2011).

Unlike the broader literature on political participation, courts scholars have yet rigorously to consider the role the press plays in educating voters and stimulating participation.[1] This is unsurprising given how sparsely scholarly research finds local media cover state courts (Hale 2006; Schaffner and Diascro 2007; Yanus 2009; Vining and Wilhelm 2011). For example, Schaffner and Diascro (2007) found that the average state court race received fewer than 10 newspaper articles per race, while Vining and Wilhelm (2011) found that a mere .01% of all state supreme court decisions received front-page coverage in local newspapers. If voters have few opportunities to learn about either their courts or candidates through traditional outlets such as the press, then we might not expect there to be much of a relationship between media coverage and voter participation.

Despite the scholarly literature's skepticism, politicians and voters exist within a mutually strategic environment (e.g., Ferejohn 1986). Political agents tailor their behavior to their principals' preferences when it is likely that an unpopular decision will result in their removal from office (e.g., Hall 1987). Courts scholars find that incumbent, elected judges posture for reelection, particularly in high-profile cases (e.g., Brace and Boyea 2008), and this posturing is even more pronounced when justices' votes are reported by local media (Cann and Wilhelm 2011). Therefore, excluding the press from models of voter participation in state court elections overlooks not only the broader scholarly literature on voter turnout but also the courts literature's own interpretation of principal-agency. Put differently, judges already behave as if the press can generate voter engagement, so is this type of behavior rational?

III. LOCAL MEDIA AND VOTER INFORMATION IN JUDICIAL ELECTIONS

If the media inform voters and influence participation in judicial elections, then what does this process look like? Journalists investigate candidates, their positions on important issues,

1. Johnson et al. (1978) conducted surveys in a single election cycle in Texas in 1976. They found that individuals who subscribed to newspapers were no more likely than those who did not to correctly identify judicial candidates. This is limited evidence, however, against the hypothesis that the media stimulate civic knowledge, taken from a single state and election cycle over 40 years ago.

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and their qualifications for the bench, and they report new information that will further a voter's ability to cast rational votes. To these ends, the media fulfill their agenda-setting role as they help to filter and frame events for public consumption (Clayman and Reisner 1998; Chong and Druckman 2007; Iyengar and Kinder 2010). Perhaps most saliently, this can involve the transmission of new, previously unknown information that might significantly sway voters who either had not planned to participate or who had intended to vote for another candidate.

For example, shortly after Wisconsin's 2011 judicial elections, reporters from Wisconsin Public Radio and the Wisconsin Center for Investigative Journalism broke a major story relating to a physical altercation between two justices on the Wisconsin Supreme Court (Lueders 2011). At least three anonymous sources told reporters that David Prosser attempted to choke his colleague, Ann Walsh Bradley, over a ruling to limit collective bargaining rights for union members. Another source claimed that Bradley approached Prosser, "with fists up" (Lueders 2011, A9). These reports, coupled with others alleging that Prosser had verbally assaulted Chief Justice Shirley Abrahamsan, helped frame the Wisconsin Supreme Court as a combative institution (Marley 2011). They also helped set the agenda for the next state supreme court election. In his effort to unseat incumbent Pat Roggensack, Ed Fallone aired 703 television advertisements attacking Roggensack for failing to hold Prosser accountable for "choking another justice."[2]

Local journalists break major stories like those from Wisconsin with some irregularity. More commonly, coverage of judicial candidates revolves around the day-to-day occurrences of the campaign. For example, reporters attend candidates' speeches, appearances at community events, or debates; they ask questions, fact-check answers, record candidates' behavior, and convey findings to their readers. Individually, these fleeting snapshots might not paint a complete picture of a candidate, her positions, or qualifications for office, but taken over the long run, they can accumulate among the electorate and help them to determine which candidate best represents their interests.

The *Atlanta Journal-Constitution*'s (*AJC*) coverage of the 2004 Georgia Supreme Court race between Leah Ward Sears and Grant Brantley illustrates how local media coverage can paint a cumulative picture of candidates and their positions and qualifications, as well as even whether the race is likely to be competitive.[3] The *AJC*'s coverage kicked off when it attended the January 31 "Families and Freedom" rally in Atlanta.[4] At that gathering, Governor Sonny Perdue (R) urged attendees to vote against incumbent Justice Sears—owing in no small part to the vote she cast in striking down the state's antisodomy law (Baxter

2. The Brennan Center for Justice's biennial series on state supreme court advertising, *Buying Time*, makes these advertisements publicly available. Television spot counts and expense reports are available at t.ly/d6MqY. Storyboards for these television advertisements are available at goo.gl/GebsAb.

3. Georgia uses nonpartisan elections to select its judiciary. At this point in time, supreme court winners were determined during primary elections. The 2004 Georgia Supreme Court election took place on July 20, 2004.

4. The rally was hosted by the Christian Coalition of Georgia.

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and Galloway 2004d).[5] By late April, the *AJC* reported rumors—and later confirmed—that Brantley would oppose Sears with the help of prominent state Republican strategists (Baxter and Galloway 2004e, 2004f; Tharpe 2004). The next month, the *AJC* attended Brantley's inaugural campaign event and reported the attendance and endorsement of the state's former attorney general—the named defendant in the 1986 US Supreme Court case originally upholding Georgia's ban on sodomy (Baxter and Galloway 2004b).[6]

With just over a month before the election, the *AJC* announced that same-sex marriage had become the dominant issue in the race as gay rights groups endorsed Sears and the Christian Coalition endorsed Brantley (Baxter and Galloway 2004a). But within a matter of days, the Sears campaign tried to shift the narrative to Brantley's ethics and issues related to Sears's race and gender.[7] The newspaper reported that Brantley, who claimed to have been nominated to be a US district court judge, had never actually received such a nomination (Rankin 2004). Sears then accused state Republicans of targeting female and minority judges in their quest for the bench (Baxter and Galloway 2004c). Ten days before the election, the *AJC* provided its readers with extensive coverage of the only supreme court debate, which was highlighted by numerous references to the candidates' positions on salient issues and repeated personal attacks on one another (Badertscher 2004b).[8] By the last 3 days of the campaign, the Sears-Brantley battle was front-page material.[9] Between April 20 and July 20, 2004, the *AJC* published a total of 41 articles about the day-to-day jockeying for the court.[10] Throughout the race, the newspaper highlighted and framed the issues likely to have been of greatest importance to its readers.

Local media cannot only reflect the state of the judicial campaign, but so too can they contribute to it. Newspaper editors, for example, make endorsements and print other professional and lay opinions. These pieces can in turn become grist for political campaigns. During Alabama's 2004 Republican primary elections, newspaper endorsements became an issue in each of the three supreme court contests. The Alabama Civil Justice Reform Committee (a special interest group aimed at limiting tort awards) aired 36 television advertisements in support of Mike Bolin and Patti Smith, touting their support from three of the state's largest newspapers. In the third race, Tom Parker weaponized newspaper endorsements by attacking his opponent, incumbent Jean Brown, for having received the

5. The authors mused reflectively and with some prescience, "Looks like we're going to get a politicized state Supreme Court election, just like the ones in Alabama. Roy Moore, here we come" (Baxter and Galloway 2004d). For the law, see *Powell v. Georgia* (510 S.E.2d 18 [1998]).

6. The former attorney general was Michael Bowers. See *Bowers v. Hardwick* (478 U.S. 186 [1986]).

7. Sears was the state's first African American woman to sit on the Georgia Supreme Court.

8. Brantley attacked Sears for having gained the endorsement of a gay rights organization. Sears criticized Brantley for having liens on his home (despite earning $250,000 a year as a state judge). The moderators accused Brantley of having engaged in racially charged campaigning.

9. The *AJC* duly noted the sour tone on which the campaigns were ending (Badertscher 2004a).

10. On election day, Sears handily defeated Brantley by approximately 24 percentage points.

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support of "every liberal newspaper in Alabama."[11] He aired 404 television advertisements at a cost of over $100,000 to this end.

Reporters convey new information to voters, but they also help to reinforce information already before them. For example, the media report on candidates' professional experience and qualifications, how they have ruled in previous cases, their partisanship (to the extent it is known), their endorsements (or denunciations), and so on. Voters could find this information on their own, but reporters help to lower the costs of information by putting it directly in front of them.

Consider former Idaho Supreme Court justice Cathy Silak. In October 1999, Silak wrote the majority opinion in a 3–2 decision that held that the federal government owned all unappropriated water in state wilderness areas (Fadness 1999).[12] Silak was up for reelection the following May. Over the next 7 months, the *Idaho Falls Post Register* published 33 articles and opinions discussing Silak. In two-thirds of the articles, the newspaper mentioned Silak's role in the unpopular case, including an editorial by Silak herself justifying her opinion (Silak 2000). During this time, the state's Republican Party organized behind a challenger, Daniel Eismann, who made Silak's vote in the water case the cornerstone to his opposition effort (Fadness 2000). Voters may not have been initially aware of Silak's role in the water case, but the media's repeated references to it helped to reinforce the signal that she did not support local ownership of natural resources.[13]

Similarly, local media can help to reinforce messages issued by the campaigns. For example, West Virginia's 2004 slugfest between Republican Brent Benjamin and Democratic incumbent Warren McGraw helps show how the media can identify and amplify extant campaign messages. Benjamin, McGraw, and their supporters flooded the airwaves with thousands of advertisements—the vast majority of which were negative attacks—and the two combined to raise over $200,000.[14] In the week preceding the election, the *Charleston Daily Mail* published 33 stories about the two candidates (4.7 per day). Of these, 73% referenced the expense, salience, or tone of the campaigns and their advertisements. Voters might not have personally witnessed these churlish messages, but owing to their extensive coverage, the likelihood that voters did not at least hear about

11. See n. 2.

12. The issue appeared in front of the Idaho Supreme Court on a number of occasions. The procedural history is outlined in detail in *Potlatch Corp. v. United States* (134 Idaho 916 [2000]).

13. The opposition campaign was successful. Silak lost to Eismann by over 17 percentage points in a nonpartisan election in which no television advertisements were even aired.

14. According to *Buying Time*, 79% of the 3,310 television advertisements aired were attack advertisements. See n. 2 for advertising data. Campaign finance data collected by the National Institute for Money in State Politics are available at goo.gl/8t7hje. Of perhaps greatest concern to many onlookers was not the tone of the election but that Benjamin's largest campaign donor was Massey Energy president Don Blankenship. Blankenship's company was scheduled to appear in front of the West Virginia Supreme Court shortly after the election on matters relating to environmental violations at its coal mines.

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them is negligible. Arguably, when the media repeat salient campaign messages, they provide candidates with in-kind contributions vis-à-vis free advertising.[15]

Finally, while the media can educate voters about which candidates are best qualified or best suited to pursue their policy preferences, they can also help to generate voter interest in an election. This can be accomplished, for example, by announcing to the public when an election will take place. But perhaps more importantly, the media can help voters to decide whether a contest is competitive enough to merit their participation (i.e., Downs 1957). This is often achieved via horse-race coverage. Horse-race coverage simply focuses on which candidate is perceived to be ahead of another at any given point in time.[16] Voters have a strong preference for horse-race coverage, which influences campaigns, fundraising, and voters' preferences over candidates (Ansolabehere and Iyengar 1994; Mutz 1995, 1997; Iyengar, Norpoth, and Hahn 2004).

This section's analysis of media coverage of judicial campaigns helps to inform my expectations for the empirical analysis below. Local media coverage of judicial campaigns highlights candidates, their qualifications, and their policy preferences. It also helps to set the tone and agenda for these contests by illuminating or reinforcing salient information to the electorate. Finally, the media can give voters a sense of how competitive an election will be by identifying viable opposition efforts. For all these reasons, I anticipate that greater rates of media coverage will lead to more voter participation, ceteris paribus.

IV. DATA AND METHODOLOGY

I study voter participation in 317 judicial elections in 34 state courts of last resort from 2002 to 2014. These are contests in which the electorate chooses among candidates for the bench, including partisan, nonpartisan, hybrid, and retention elections.[17] In this section, I identify the variables used in the analyses, measurement strategies, data sources, and statistical methodology.

A. Voter Participation

The dependent variable is voter participation. As is common practice, I measure participation as the amount of rolloff in a given state supreme court race. Rolloff is the share of individuals who paid the costs to participate in an election but who failed to vote on a given ballot item. From 2002 to 2014, the average state supreme court race had a rolloff

15. Benjamin defeated McGraw by approximately six percentage points and eventually cast the deciding vote in favor of Massey Energy upon joining the court's four other justices. Benjamin's role in the case drew the attention of the US Supreme Court, which eventually ruled that Benjamin ought to have recused himself (see *Caperton v. A. T. Massey Coal Co.* [556 U.S. ____ (2009)]). In 2016, Benjamin lost his own reelection effort, placing fourth among five total candidates.

16. The most prominent example of such coverage is to report on the results of a recent poll.

17. Elections in which voters cast more than one ballot are excluded. I also exclude contests in which the supreme court candidates were at the top of the ticket. I exclude contests from Nebraska's Districts 2, 3, and 4 because of a lack of precinct-level data. Finally, data were unavailable in Mississippi in the year 2002.

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rate of approximately 18.8%. Rolloff is highly contextual across judicial institutions. Partisan elections have the lowest rolloff rates (7.4%, on average).[18] Contests without a party label exhibit much higher rates of rolloff. Across the same 13 years, nonpartisan elections averaged a rolloff rate of 18.7%; retention elections averaged 21.5%; and hybrid elections averaged 22.7%.[19] I gathered ballot data from state secretaries of state websites where available.[20]

B. Media Coverage of Judicial Elections

The primary independent variable of interest is a measure of state supreme court campaign coverage by local media. In this section, I review previous measurement strategies and evaluate their suitability to this study. I then outline and evaluate new data relating to state supreme court campaign coverage.

1. Previous Measures of State Court Media Coverage

Previous scholarly research measures state supreme court salience largely with respect to coverage in local newspapers (Hale 2006; Schaffner and Diascro 2007; Yanus 2009; Vining and Wilhelm 2010, 2011). For example, Vining and Wilhelm (2011) examine state supreme court case salience by recording whether a court decision appeared on the front page of a state's most circulated newspaper the day after that decision was issued. Schaffner and Diascro (2007), meanwhile, examine the number of state-capital newspaper articles that cover candidates in 51 partisan and nonpartisan state supreme court elections, regardless of where they appeared in a newspaper. These previous efforts have some merits, but neither is perfectly suited for the analysis at hand.

To begin, Vining and Wilhelm's (2011) case-centric approach would be inappropriate because it can only measure voter familiarity with incumbent judicial behavior and can give no impression about what voters might know about challengers or candidates to an open seat. Furthermore, their strategy of measuring front-page coverage presents its own challenges. Schaffner and Diascro (2007) show that only about 14% of courts coverage appears on the front page of a local newspaper. Their measurement strategy, then, is likely a better model for the present analysis than is Vining and Wilhelm's (2011) insofar as candidates, not cases, are the unit of analysis.

An additional problem arises, though, when we decide which newspapers to study. Vining and Wilhelm (2011) analyze the most circulated newspapers in each state, but this means that the types of publications under analysis can differ widely from state

18. Across the 13 years of the analysis, Alabama exhibited the lowest recorded rolloff in 2006 at 1.4% when Democrat Sue Bell Cobb defeated the Republican incumbent, Chief Justice Drayton Nabors, in what was then the most expensive supreme court campaign in US history.

19. The highest rate of rolloff across the 13 years of study was 40.1%, which occurred in Indiana (a retention election state) in 2002.

20. Additional rolloff figures were supplemented with data from Kritzer (2015). For the interested reader, I provide additional state-by-state rolloff rates in app. A (apps. A, B, and C are available online).

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to state. In California, the most circulated newspaper is the *Los Angeles Times*, but in North Dakota it is the *Fargo Forum*. How focused will a large paper such as the *Times* be on local issues compared to the *Forum*? How much of the North Dakota agenda can the *Forum* set compared to the *Times*? Schaffner and Diascro (2007) show that nationally circulated newspapers disfavor local courts reporting compared to local ones. But Vining et al. (2010) show that smaller newspapers do not report as frequently on state courts compared to more highly circulated newspapers.

While newspaper studies dominate analyses in this field, additional problems may stem from recent declines in print media. In 2016, the Pew Research Center reported that between 2004 and 2014, 126 daily newspapers went out of business.[21] Over a 20-year period, the entire workforce supporting print newspapers declined by 39%. A receding industry has made it harder for smaller newspapers to survive, leading national conglomerates to assume control of smaller newspapers. This is especially problematic for civic knowledge because nationally owned papers tend not to cover local issues as much as locally owned ones (Schaffner and Diascro 2007).

Even with these declines in print media, however, contestation and competitiveness in judicial elections have remained relatively steady over the years, even increasing in some areas (Kritzer 2015). The same Pew report in 2016 noted that newspaper websites' traffic increased in recent years and that "incidental" readership (clicks from social media, e.g.) was common among the adult population. Indeed, many voters receive their information today from electronic media on the internet such as news sites, blogs, or social media. Pew reports that only 51% of Americans consume their news solely in print. Consequently, measuring voter knowledge of state supreme court candidates is difficult in an environment in which information is seemingly ubiquitous and the media in which it appears are rapidly evolving.

2. New Data on State Supreme Court Campaign Coverage

To address some of the difficulties discussed above, I gather media coverage data from the Associated Press's (AP) State and Local Wire.[22] While the AP is an international news organization, its State and Local Wire consists of 143 local bureaus located in each of the 50 American states. Stories from these bureaus come from staff writers located within them and are supplemented with coverage from affiliated newspapers and broadcasters within those regions.[23] Because the State and Local Wire pools resources from its own bureau staff with other affiliated reporters, it not only helps to account for how voters become informed across different types of media—print versus electronic, for example—

21. The report can be found at https://goo.gl/RVbQsy.

22. A newswire is a "service which transmits up-to-the-minute news, usually electronically (esp. via the Internet), to news media and the general public" (*OED*).

23. It is common for the AP State and Local Wire to carry stories written by journalists at affiliated newspapers, e.g., just as it is common for those newspapers to carry stories written by AP journalists.

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but also for the various editorial agendas present within a state. Furthermore, because its stories are reported in the newswire format, it avoids the need to determine whether stories should come from the front page or elsewhere.

I measure local media coverage of state supreme court campaigns as the number of stories the State and Local Wire publishes about the candidates in a given contest. To obtain the data, I searched the State and Local Wire using LexisNexis. I conducted this search by using every candidate's name in a given race and the state in which they were running. I accounted for the possibility that articles might mention multiple candidates for the same race in a single story, so every story is counted only once.

I coded the number of stories published about each contest in the 3, 6, and 12 months leading up to an election date. I then content-analyzed the results of these searches to remove any duplicate or irrelevant stories. The result of this data-collection process is three event count variables of the number of stories published about a given state supreme court contest. These new data improve on previous efforts in that they derive from a single source, cover multiple time periods within a year of an election, capture salience in every type of judicial election in the United States, and are not restricted solely to print media.[24]

I graphically summarize some of these new coverage data in figure 1. The top-left panel shows the frequency of coverage in the 6 months leading up to a state supreme court election. The average race had 7.9 stories mentioning candidates, but this distribution is largely right-skewed. Only 34 campaigns received no coverage whatsoever (10.6%), and 29 of these were retention elections. Over three-fifths of all judicial elections (64.4%) had between one and ten stories written about the candidates in the 6 months before an election; about a quarter (24.7%) had between 11 and 20 stories; and only 6.9% had more than 20. Some of the most widely covered elections were in Alabama, Florida, and West Virginia.[25]

Figure 1 also shows some clear trends in the rates of media coverage over the years of the analysis. The top-right panel displays the average number of stories published in the 6 months before each race. Note that coverage of state supreme court elections declined after 2004. From 2002 to 2004, the average race had 12.8 stories covering its

24. I provide further state-by-state media coverage rates in app. A.

25. In Alabama, Tom Parker defeated a fellow, incumbent justice for a seat on the high court based in large part on his affiliation with the state's former chief justice, Roy Moore. The race garnered 38 stories in the 6 months before the election. In Florida, three incumbents facing retention elections were opposed by state Republicans and wealthy special interest groups such as Americans for Prosperity. In total, there were 26 articles about Peggy Quince, 27 articles about Fred Lewis, and 37 articles about Barbara Pariente. See Hughes (forthcoming) for additional information about this and other competitive retention elections during and after the 2010 midterm elections. The 2004 West Virginia race between Brent Benjamin and Warren McGraw was among the most widely covered of any during this period—the State and Local Wire carried 43 stories in the 3 months leading up to the election, 70 in the 6 months before the election, and 134 stories in the 12 months preceding the election.

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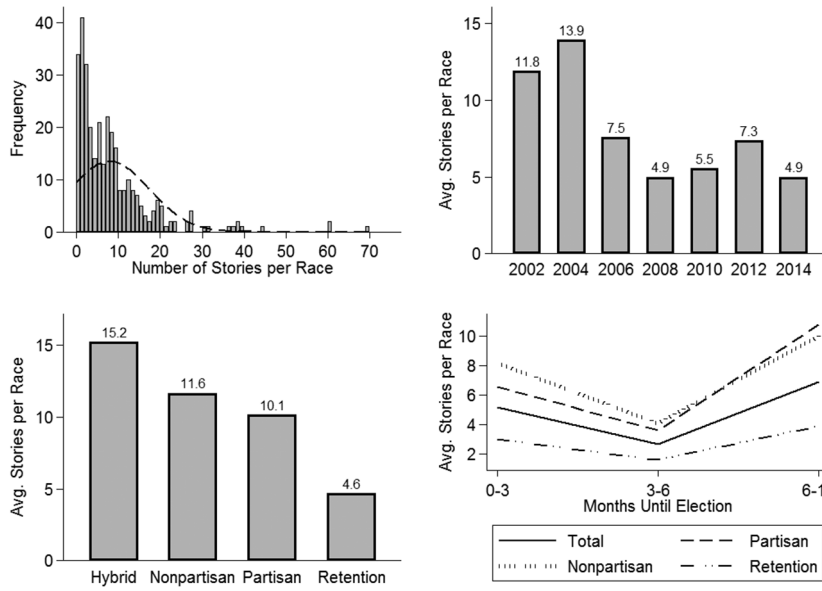


Figure 1. Local media coverage of state supreme court campaigns within 6 months of an election (2002–14). *Top-left panel,* number of AP stories. *Top-right panel,* number of stories published by year. *Bottom-left panel,* number of stories published by institutional design. *Bottom-right panel,* number of stories published within a given window of time, by institutional design.

candidates, but between 2006 and 2014, that figure fell by over half to 6.1 ($t = 8.85$). These declines likely reflect a constricting news industry during this period.[26]

The bottom-left panel in figure 1 shows how media coverage differs across judicial institutions. The results show that, on average, hybrid elections receive the greatest rates of coverage compared to other types of judicial elections—15.2 stories on average to 7.5, respectively ($t = 3.52$)—although this finding is skewed by the salient races in Ohio along with the poor rates of coverage among retention elections (e.g., Baum and Klein 2007).[27] The results also suggest that nonpartisan elections receive slightly, although not significantly, more coverage than partisan ones—11.6 stories compared to 10.1, respectively ($t = 0.83$). Finally, retention elections receive systematically less frequent coverage compared to competitive elections—4.6 stories in the 6 months leading up to an election compared to 11.6, respectively ($t = -7.04$)—unsurprising given how inconspicuous these races often are.

26. See n. 21.

27. Indeed, if we compare the average rates of coverage in hybrid elections only to partisan and nonpartisan elections, the difference is not statistically significant ($t = 1.54$).

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Finally, the bottom-right panel in figure 1 depicts some temporal trends in how judicial campaigns are covered throughout the 12 months leading up to an election. First, observe that the media takes an increasing interest in candidates during the homestretch of an election, regardless of institutional design. On average, the last 3 months of a campaign have approximately 93% more media coverage than during the period 3 to 6 months before an election date ($t = 5.96$). This is intuitive given that many states are still engaged in judicial qualifications and nominations during the period 3 to 6 months outside of a general election, and many candidacies will not reach their zenith until the last few months of the campaign. Nevertheless, I find minimal evidence that the final 6 months of a campaign are better covered than the 6 months preceding them—7.9 stories on average, compared to 6.9, respectively ($t = 1.40$).

3. *The Content of State Supreme Court Campaign Coverage*

What kinds of stories are local media most likely to cover in state supreme court campaigns? Previous research finds that the media—of any type—are drawn to controversy in their coverage of the courts (Vining and Marcin 2014). For example, newspaper coverage of state supreme courts is often drawn to cases involving civil liberties or declarations of unconstitutionality or to those with minimum winning coalitions (Vining and Wilhelm 2010). Even among death penalty cases, media are apt to lend greater coverage to cases with sensational facts than to those with broader legal implications (Vining, Wilhelm, and Collens 2015).

To further examine how local media cover state supreme court elections, I took a stratified sample of 10 state courts of last resort and content analyzed every article published within 6 months of an election. My sample includes two partisan election states, three nonpartisan election states, and five retention election states.[28] My sample includes 99 state supreme court contests, 144 candidates, 716 news articles, and 13 content areas.[29] To perform the analysis, I read each article and coded whether a particular attribute appeared in a given story (1 if yes, 0 otherwise), and then I added up the total number of content types during the 6 months preceding an election. I present results from the content analysis in table 1.

Entries in table 1 show the average number of stories per race in which a specific content area appeared in the 6 months before an election. Values in parentheses represent the average percentage per race of stories that contain references to specific content areas.[30] The most common type of news coverage relates to candidates' behavior in court cases. In the average contest, over one-third of local news articles referenced

28. The two partisan election states are Alabama and New Mexico. The three nonpartisan election states are Arkansas, Kentucky, and Nevada. The five retention election states are Alaska, California, Iowa, Oklahoma, and South Dakota.

29. These content areas are highly similar to those presented in Schaffner and Diascro (2007).

30. In app. B, I provide a complete codebook for how I coded each content area.

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Table 1. Content of State Supreme Court Election Media Coverage

Coverage Type	Partisan	Nonpartisan	Retention	All
Cases	1.94	3.82	2.49	2.70
	(12.39)	(32.77)	(74.60)	(51.52)
Party	14.00	.82	.26	2.61
	(84.90)	(5.15)	(9.88)	(23.09)
Announcements	1.94	4.73	.11	1.43
	(14.44)	(35.92)	(3.35)	(14.12)
PACs	4.50	.32	1.28	1.59
	(27.14)	(2.01)	(15.04)	(13.92)
Qualifications	3.13	1.82	.16	1.01
	(24.69)	(17.34)	(4.02)	(11.54)
Campaign	5.56	1.45	.07	1.26
	(29.08)	(17.89)	(1.14)	(10.96)
Administration	.19	.50	.18	.25
	(1.66)	(8.03)	(7.96)	(6.76)
Issues	1.69	2.45	.03	.84
	(6.56)	(13.88)	(.89)	(5.43)
Horse race	.31	1.55	.25	.55
	(1.21)	(11.62)	(3.28)	(5.09)
Ideology	1.00	.05	.07	.21
	(5.96)	(.15)	(3.78)	(3.24)
Endorsements	.75	.32	.02	.20
	(3.92)	(6.42)	(.56)	(2.76)
Mudslinging	.38	.82	.00	.24
	(2.05)	(8.42)	(.00)	(2.62)
Scandals	.69	.14	.00	.14
	(3.04)	(.86)	(.00)	(.81)
Average	16.31	12.09	3.10	7.23

Note.—Average number of stories in which a content area appeared in the 6 months before an election. Values in parentheses are the average percentage of all race stories that contain one of the content areas.

a candidate's behavior. Nevertheless, there are stark institutional differences in this type of coverage. Such content appears in approximately three-fourths of articles covering retention elections but only about one-fourth of articles covering competitive elections ($t = 6.97$).

States that use competitive—particularly partisan—judicial elections see greater types of coverage related to their expense or tone. For example, 29.1% of stories in partisan races and 17.9% in nonpartisan races mention the campaign activity of the candidates for judicial office.[31] These figures significantly outweigh those for retention elections ($t = 9.60$ and $t = 4.67$, respectively). Similarly, 27.1% of stories covering partisan races mention the involvement of special interests or political actions committees (PACs), compared to only about 10.8% of nonpartisan or retention elections ($t = 2.27$).

31. Campaign activity includes raising money, engaging in speaking tours, advertising, etc.

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Local media also help to convey candidates' policy positions by discussing their partisan orientations, their stances on specific issues, their ideological predispositions, or the endorsements of other individuals. Among partisan contests, local media make nearly unanimous reference to the party identification of the candidates (84.9% of all stories), which, by no surprise, dwarfs that for other types of judicial elections ($t = 13.78$). Other types of cues get somewhat less coverage. Only about 5.4% of news stories mention candidates' positions on specific issues; 3.2% mention their ideology; and 2.8% mention endorsements. The media are slightly more likely to mention nonpartisan candidates' positions on issues ($t = 3.80$) and their endorsements ($t = 1.70$) compared to other types of courts.

Local media can also help to build popular interest around judicial campaigns by drawing greater attention to them. Horse-race coverage, for example, makes up about 5.1% of local coverage of judicial elections. The bulk of this goes to nonpartisan elections, where 11.6% of all stories mention the horse race—significantly more than other types of elections ($t = 3.64$). Relatively few stories cover some of the more sensational types of campaign activity such as mudslinging or scandals. Only 2.6% of stories covering judicial elections were devoted to mudslinging, and less than 1% discussed a scandal. Neither attribute appeared in any of the retention elections under analysis, and the bulk of all scandal coverage is attributable to the highly salient judicial elections in Alabama.

Local media also provide voters with other types of useful, if not sensational, information in the months leading up to an election. In about 14.1% of news stories do the media make announcements that remind voters of an upcoming election.[32] In only about 11.5% of all stories are candidates' qualifications discussed, but this figure is due to poor rates of coverage among retention contests. In 24.7% of partisan contests, and in 17.3% of nonpartisan contests, are the candidates' qualifications discussed. In only 4% of all retention elections is an incumbent's qualifications mentioned—significantly less than in contested races ($t = -4.91$). News outlets also remind their subscribers about the types of administrative duties courts perform.[33] In only about 6.8% of stories do the media discuss courts' administrative responsibilities.

4. *A Robustness Check on the Validity of the AP Data*

Does the AP's coverage of state supreme court campaigns accurately reflect the types of information to which voters are likely to have access? It is not to be expected that voters learn about local news by literally reading articles coming across the State and Local Wire. Rather, one would expect that individuals in AP bureaus respond to the same types of

32. Such announcements might include the date of an upcoming election, the times during which the polls will be open, or news that a candidate has cleared a technical hurdle to her candidacy such as qualification.

33. Such duties might relate to swearing in newly elected officials or bar members, making reports to members of the legislature on the state of the judiciary, etc.

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stimuli as do those who work for local newspapers, for example. In this section, I present a robustness check on the validity of this assumption by comparing results from the AP to a sample of stories in local newspapers.

On their face, the new media coverage data appear to tap into concepts of salience. Some of the most highly covered races in the data set include the 2004 West Virginia race between Brent Benjamin and Warren McGraw, the 2012 Alabama race between Roy Moore and Bob Vance, and the 2002 Ohio race between Tim Black and Maureen O'Connor. Some of the least covered states are those without any challengers (i.e., retention elections). As a more rigorous check on robustness, I took a stratified sample of five state supreme courts—one partisan, two nonpartisan, and two merit selection states—and replicate the three aggregate variables from the AP using the most circulated newspapers in those states.[34] In all, these total 50 state supreme court elections.

In table 2, I present Pearson's correlation coefficients between the AP measures of campaign salience and those taken from the five additional printed newspapers. I divide the results across three periods—the last 3 months of the race, the intermediate 3 to 6 months before the race, and the beginning 6 to 12 months before the race. Correlation coefficients show how well the two sources of information covary. As can be seen from the results in table 2, all three periods have high Pearson correlation coefficients between the AP and print newspaper measures, and all three easily reject the null hypothesis that there is no covariance between the two. These results suggest that the AP's coverage of state supreme court elections is a reasonable proxy for more traditional forms of media.

C. Control Variables Relating to Voter Information

The scholarly literature identifies other important sources of information for voters in state supreme court elections. First, institutional methods of electing judges can further voter knowledge. Partisan elections are almost certainly the most informative given the partisan heuristic. Nonpartisan, hybrid, and retention elections offer voters systematically less information given the absence of a party label. I include dichotomous indicators for each type of institution, where partisan elections are the excluded category in the regressions below.

Other electoral features such as campaign salience also affect voter participation. To begin, I collect the total amount of campaign money raised by every candidate in a state supreme court contest. These data are taken from the National Institute for Money in State Politics.[35] To account for the relative spending power of a dollar in a given locale,

34. These newspapers are the *Atlanta Journal-Constitution* (Georgia), the *Minneapolis Star Tribune* (Minnesota), the *St. Louis Post-Dispatch* (Missouri), and the *Charleston Gazette* (West Virginia). I identify these newspapers using data from Vining and Wilhelm (2011). The states in the stratified sample are Georgia (nonpartisan), Minnesota (nonpartisan), Missouri (retention), Oklahoma (retention), and West Virginia (partisan).

35. See https://goo.gl/cqhmgI.

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Table 2. Comparison of AP Stories and Five Printed Newspapers

	Months 0–3	Months 3–6	Months 6–12
Pearson's *r*	.940	.941	.937
p-value	.000	.000	.000

Note.—$N = 50$. Correlation coefficients relate to how well Associated Press coverage and local newspaper coverage covary.

I divide these funds by state population.[36] I adjust these figures into millions of (2016) dollars.[37] As is common practice, I then log the total amount of fundraising in each campaign.

Next, I control for television advertising in state supreme court contests. Television advertising can be an effective way of grabbing voters' attention and alerting them to which candidate best reflects their policy positions. I gather advertising data from the Brennan Center for Justice's biennial series on state supreme court elections, *Buying Time*.[38] The reports provide the number of advertisements aired in a state supreme court race in addition to their tone (attack, promote, or contrast).[39] I gather these data by tone and log these figures.

Another factor affecting voter rolloff in state supreme court elections is timing. Generally, midterm and primary elections attract a different group of voters than do presidential and general elections. Primary elections are those that occur during a general or midterm cycle but before the general election itself.[40] Because presidential and general elections attract larger groups of voters who are mostly engaged by top-ticket contests, I expect that midterm and primary elections should exhibit lower rates of rolloff since participants are more highly motivated. I include dichotomous variables for these midterm and primary elections.[41]

Other institutional factors can affect participation in judicial elections. Hall (2015) shows how a court's professionalism, as measured by Squire (2008), is negatively associated with voter participation.[42] Professionalism is associated with lower rates of voter

36. These data are gathered from the US Census Bureau's website (goo.gl/3DaWS4).

37. I adjust for inflation using the calculator provided by the US Bureau of Labor Statistics (https://goo.gl/ifnCrR).

38. For their series, the Brennan Center for Justice itself collected data from the Campaign Media Analysis Group. See https://goo.gl/ZHTvin.

39. For more in-depth discussions regarding the Campaign Media Analysis Group, *Buying Time*, and television advertising in state supreme courts, see Hall (2015).

40. Four states in the data set pick their state supreme court justices during primary elections. These are Arkansas, Georgia, Idaho, and Tennessee.

41. Primary state supreme court elections constitute only 6% of the contests in the data set, while there are roughly an equal number of midterm vs. presidential elections.

42. Squire's (2008) measure of professionalism largely reflects state supreme courts' institutional comfort. His measure ranges from 0 (least professional) to 1 (most professional) and captures salary, size of staff, and docket control.

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participation because more professional incumbents have the ability to shield themselves from quality challengers by strategically allocating their dockets and avoiding controversy (Brace and Hall 2001). I therefore include Squire's (2008) measure of judicial professionalism in the statistical regressions below.

Candidate characteristics might also affect voter participation. For example, elections with incumbents are likely to exhibit lower levels of participation because challengers will be less likely to enter the race or mount a competitive campaign. Therefore, I include a dichotomous indicator for whether a given race is open. I expect that open elections should exhibit greater competition and, as a result, lower rates of rolloff. Relatedly, incumbents who were appointed to complete the term of a departing justice may not be expected to enjoy all the benefits of the incumbency advantage. Therefore, I also include a dichotomous indicator for whether a contest featured an interim-appointed incumbent.[43] I also control for whether candidates run within discrete geographic districts or at large.[44]

I also control for candidates' demographics. When information is scarce, voters are more likely to cue off of other types of information in deciding how—or whether—to vote. For example, some voters may cue off of a name because they associate it with a particular race or gender (Dubois 1984; Frederick and Streb 2008). I include two dichotomous variables that reflect whether a given state supreme court contest featured at least one nonwhite candidate or at least one female candidate.

Finally, retention elections—while largely inconspicuous—have some additional features that might inform voters. Officially, these contests are all unopposed, but organized opposition efforts can cut into the incumbency advantage (Clopton and Peters 2013; Hughes, forthcoming). Therefore, I include a dichotomous variable that indicates whether an incumbent faced an organized opposition effort during her retention election.[45] Gill (2017) finds that critical judicial performance evaluations (JPEs) can also affect retention outcomes. To account for the potential mobilizing effect of negative evaluations, I include a control variable for the lowest score an incumbent received on her JPE.[46] While

43. Approximately 33% of all elections under analysis featured an interim-appointed incumbent.

44. The logic here is straightforward. State supreme court districts generally group homogeneous blocs of voters together to select a judicial representative. Because these elections likely feature individuals who are well known within their own districts, we might expect to see lower levels of rolloff.

45. I operationalized this variable by content analyzing each of the AP stories published within 3 months of an incumbent's retention election for each of the 153 merit selection contests in the data set. If any of the stories discussed an organized opposition effort (from the grassroots, special interests, other politicians, etc.), then I coded that race as having been opposed.

46. I identify the five merit selection states that use JPEs with data from the University of Denver's Institute for the Advancement of the American Legal System. I collected JPEs from state and bar associations' websites. Other JPE data were obtained via photocopy from evaluation commissions and bar associations. These JPEs are on a scale of 1–5, where higher scores indicate superior performance.

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each of the 31 justices for whom JPE data are available was recommended to be retained, there is some variance in the lowest evaluation scores they received.[47]

D. Statistical Methodology

The dependent variable (rolloff) is measured as a percentage. A linear regression is therefore an appropriate estimator. Nevertheless, the data are hierarchically structured because the unit of analysis, a supreme court election, is nested within states. In cases such as these, error variance is likely to be correlated within panels. For example, voter rolloff in a race in Alabama is likely to be correlated with other elections in that state but less so with elections in, say, Montana. Multilevel modeling is an ideal method by which to address such concerns (Gelman and Hill 2007). Below, I estimate multilevel linear regressions with random slope intercepts and error variance grouped by state.[48] To account for temporal heterogeneity, I also include fixed effects for each year in the data.

V. RESULTS

In this section, I present statistical regression results. I begin with the most parsimonious model, which shows the effect of media coverage on voter participation in state supreme court elections without the effects from campaign expense and advertising included. This may be termed the Baseline Model. Media coverage is slightly collinear with campaign expense and advertising, so it will be useful to the analysis if we separate these effects to begin. I then add these campaign-related factors to the statistical models and compare the results to the Baseline. Finally, I present robustness checks that consider whether the effect of media coverage on voter participation is due to endogeneity stemming from campaign expense and advertising.

A. Baseline Models

I present the results from the Baseline Model in columns 1–3 of table 3. Results are presented across three periods for the media coverage variables of interest. Note that the effect of media coverage on voter rolloff is negative and statistically significant in every model, as hypothesized. This means that as more stories circulate regarding the candidates in a supreme court contest, the more likely voters are to participate, all things being equal. In the 12 months before an election, I find that a change in media coverage from 1 standard deviation below to 1 standard deviation above the average race lowers rolloff from 21.2% to 17.3%, all things being equal—a 3.9-percentage-point decline (or an 18.1% change overall).[49] Finally, observe that longer periods of coverage are associated with greater

47. I provide detailed descriptive statistics for every variable in app. C.

48. Likelihood ratio tests strongly reject the null hypothesis that ordinary least squares better fit the data.

49. Because I have logged the media coverage variable, its coefficient estimates are not themselves directly interpretable.

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rates of participation, suggesting that lengthier exposure to information helps voters to cast their votes compared to what they can learn in the short run.

B. Media and Campaign Effects on Voter Participation

While parsimonious, the Baseline Model assumes that campaign expense and tone are unrelated to participation. Previous scholarship finds that expensive, well-advertised, and even churlish campaigns stimulate the electorate. In this section, I examine the effect of the media on voter rolloff in competitive state supreme court elections. These include partisan, nonpartisan, and hybrid elections that feature at least one challenger. I control for campaign money along with the rate of television advertising in each race. My approach in this section makes the results most comparable to recent analyses of voter participation in state supreme court elections (e.g., Bonneau and Hall 2009; Hall 2015). I present these results in columns 4–6 of table 3.

The media coverage variables remain negative and statistically significant, and their marginal effects are strictly greater than two of their counterparts in the Baseline Models. Even when controlling for campaign expense and advertising, I find that local media coverage has a significant effect on voter participation. In the 12 months preceding a state supreme court election, I find that a change from 1 standard deviation below to 1 standard deviation above the average rate of media coverage lowers predicted rolloff from 20.9% to 14.9%, all things being equal—a 6-percentage-point decline (or a 28.7% change overall).

Consistent with received wisdom, I also find that state supreme court campaigns affect voter participation. As candidates raise increasing sums of money, voters are more likely to participate in competitive judicial elections. A change from 1 standard deviation below to 1 standard deviation above the average expense of a judicial campaign results in a predicted decrease in voter rolloff from 22.2% to 16.1%, all things being equal—a 6.1-percentage-point decline (or a 27.5% change overall). Interestingly, then, the marginal standardized effect of campaign money on voter rolloff is nearly identical to that of local media coverage.

Unlike previous scholarship, however, I find no strong evidence that television advertising generates voter turnout in competitive elections. There are a few possible explanations for these null findings. First, television advertising is somewhat collinear with media coverage and campaign finance. When I omit media coverage from the model, promotional advertising is estimated to have a negative and statistically significant effect on voter rolloff ($p = .04$). Second, Hall (2015) shows that television advertising, particularly attack advertising, most stimulates voting in elections without party labels. When I restrict the analysis to nonpartisan and hybrid elections, both attack advertising and promotional advertising attain statistical significance ($p = .04$ and $p = .01$, respectively).

The differences between the television advertising results in table 3 and those in previous works could also be attributable to sample size. I examined 150 elections in partisan, nonpartisan, and hybrid contests, spanning the years 2002 to 2014. The data set used to estimate the campaign effects in table 3 is 123.9% larger than what is used in

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Table 3. Voter Rolloff and Media Coverage in State Supreme Court Elections (2002–14)

	Baseline: Every Election			Partisan, Nonpartisan, and Hybrid		
	3 Months (1)	6 Months (2)	12 Months (3)	3 Months (4)	6 Months (5)	12 Months (6)
Media coverage:						
AP totals	−.65*	−.87*	−1.09*	−1.09*	−.60*	−1.67*
	(.15)	(.17)	(.34)	(.34)	(.34)	(.58)
Money and ads:						
Campaign money	. . .	. . .	. . .	−2.25*	−2.16*	−2.06*
				(.56)	(.58)	(.56)
Attack ads	. . .	. . .	. . .	.01	−.04	−.04
				(.11)	(.11)	(.10)
Promote ads	. . .	. . .	. . .	−.10	−.13	−.13
				(.08)	(.08)	(.09)
Contrast ads	. . .	. . .	. . .	−.01	−.01	−.03
				(.09)	(.09)	(.09)
Control variables:						
Professionalism	9.45	9.57	8.83	9.53	10.71	10.96
	(7.03)	(6.98)	(6.92)	(8.79)	(9.08)	(9.13)
District	−2.12	−2.17	−2.37	−3.62	−2.99	−3.12
	(2.65)	(2.63)	(2.61)	(2.42)	(2.49)	(2.51)
Open	.00	−.08	−.31	1.27	1.19	.90
	(.98)	(.96)	(.97)	(.91)	(.93)	(.92)
Interim	.67	.38	.40	.28	.45	.21
	(.65)	(.64)	(.64)	(1.04)	(1.07)	(1.05)
Midterm	9.22	9.25	9.10	5.05	6.14	5.58
	(6.08)	(6.01)	(6.01)	(5.14)	(5.25)	(5.18)
Primary	−7.74*	−8.00*	−8.28*	−8.44*	−8.55*	−9.27*
	(2.49)	(2.46)	(2.46)	(2.27)	(2.34)	(2.34)
Female	−.61	−.64	−.74	−1.41	−1.32	−1.26
	(.88)	(.66)	(.66)	(.88)	(.90)	(.88)
Minority	−.61	−.49	−.35	−.55	−.70	−.69
	(.88)	(.87)	(.87)	(1.08)	(1.10)	(1.08)
Nonpartisan	14.19*	14.52*	13.81*	13.05*	12.98*	13.06*
	(2.13)	(2.12)	(2.11)	(1.96)	(2.02)	(2.02)
Hybrid	15.38*	15.66*	14.95*	15.88*	15.58*	15.56*
	(4.57)	(4.54)	(4.51)	(3.37)	(3.49)	(3.52)
Retention	13.86*	14.44*	13.45*	. . .	. . .	. . .
	(2.03)	(1.99)	(2.01)			
Statistical variables:						
$\widehat{\beta_0}$	−5.78	−5.42	−2.74	−7.41	−10.01	−5.00
	(7.78)	(7.70)	(2.70)	(7.71)	(7.90)	(8.17)
$\widehat{\sigma^2_{\beta_0}}$	28.24*	27.92*	27.40*	11.58*	12.47*	12.98*
	(7.66)	(7.55)	(7.44)	(4.97)	(5.32)	(5.52)
$\widehat{\sigma^2_{\varepsilon^{state}}}$	22.81*	22.25*	22.28*	17.08*	17.85*	17.12*
	(1.92)	(1.87)	(1.87)	(2.11)	(2.21)	(2.12)

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Table 3 (*Continued*)

	Baseline: Every Election			Partisan, Nonpartisan, and Hybrid		
	3 Months (1)	6 Months (2)	12 Months (3)	3 Months (4)	6 Months (5)	12 Months (6)
Fixed effects	Included in every model			Included in every model		
Wald χ^2	133.74*	144.43*	144.81*	147.25*	132.91*	140.76*
N	317	317	317	150	150	150

Note.—Multilevel linear regression coefficient estimates with errors grouped on each state court. Standard errors are in parentheses.

*$p < .05$, one-tailed.

Hall and Bonneau (2013) and 57.9% larger than the data set presented in Hall (2015). It is possibly the case that the additional years' worth of advertising data for this study led to the null findings. Indeed, when I restrict the analysis to between 2002 and 2008 (the period examined by Hall [2015]), I find similar results to these earlier studies. Finally, it could also be the case that media coverage is simply a better predictor of voter participation than television advertising, which could also account for the null finding for advertising.

C. Campaign Salience as a Predictor of Media Coverage

Does media coverage independently inform and mobilize voters, or does it simply mirror the types of information individuals are already likely to encounter in expensive, well-advertised elections? After all, previous research finds that local media are attracted to conflict in their coverage of state courts (e.g., Baum and Klein 2007; Vining et al. 2015). And the content analysis presented in table 1 confirms that approximately 11% of all stories focus on the campaign activities of the candidates.[50] If the media provided voters with no new information than what was already on offer from the campaigns, then we run the risk of committing a Type I error.

In table 4, I present results from additional regression models in which the number of news articles covering the 12 months before a state supreme court race is the dependent variable.[51] The results suggest that a campaign's expense likely plays at least some

50. Approximately 14% of all stories focus on the campaign activities of special interests.

51. For these models, I estimate hierarchical, negative binomial regressions. This is because the dependent variable is an event count. Likelihood ratio tests indicate that multilevel negative binomial models fit the data better than do ordinary negative binomial models, and statistical testing demonstrates that the dependent variable is overdispersed, meaning that a Poisson model is inappropriate. Results are highly consistent regardless of which cutoff point for media coverage is used (3, 6, or 12 months). Therefore, I present results that offer the longest snapshot of media coverage. Shortening the time horizon actually leads to an even less significant effect of campaign expense on the predicted likelihood of coverage.

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Table 4. Determinants of Local Media Coverage in State Supreme Court Elections

	Partisan	Nonpartisan	Retention	All
Money and ads:				
Campaign money	.09	.13	.03	.09*
	(.09)	(.09)	(.09)	(.05)
Attack ads	.07*	.02	.10*	.05*
	(.03)	(.02)	(.02)	(.01)
Promote ads	.04*	−.01	.02	.01
	(.02)	(.01)	(.02)	(.01)
Contrast ads	−.04*	−.00	. . .	−.02*
	(.02)	(.01)		(.01)
Control variables:				
Professionalism	. . .	−.51	.62	.27
		(1.15)	(.98)	(.66)
District	. . .	−.26	−5.55	−.40
		(.29)	(.42)	(.25)
Open	−.21	−.15	. . .	−.04
	(.20)	(.13)		(.12)
Interim	−.31	−.31*	−.05	−.22*
	(.22)	(.17)	(.12)	(.09)
Midterm	.76*	.82*	.71*	.82*
	(.30)	(.22)	(.24)	(.14)
Primary	. . .	−.25	.46	−.09
		(.26)	(.68)	(.27)
Female	.22	−.12	.23*	.11
	(.28)	(.12)	(.13)	(.09)
Minority	−.19	.13	.01	.14
	(.24)	(.17)	(.19)	(.12)
Nonpartisan	. . .	. . .	. . .	.09
				(.24)
Hybrid	. . .	. . .	. . .	−.04
				(.44)
Retention	. . .	. . .	. . .	−.54*
				(.26)
Statistical variables:				
$\widehat{\beta_0}$	3.06*	3.63*	2.32*	2.91*
	(.37)	(.82)	(.72)	(.48)
$\widehat{\sigma^2_{\beta_0}}$	.00*	.82	.34*	.21*
	(.00)	(.64)	(.14)	(.12)
$ln(\alpha)$	−1.66*	−1.66*	−1.24*	−1.25*
	(.28)	(.20)	(.19)	(.12)
Fixed effects	Included in every model			
Wald χ^2	116.14*	81.05*	70.42*	186.37*
N	48	102	167	317

Note.—Multilevel negative binomial regression coefficient estimates with errors grouped on each state court. Standard errors are in parentheses. The "Nonpartisan" category in the third column includes hybrid elections.

*$p < .05$, one-tailed.

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role in how the local media cover judicial races, although the effect is occasionally tenuous.[52] Only when every state supreme court election is pooled into a single model are we able to reject the null hypothesis that campaign financing does not garner news coverage.[53] One of the most consistent findings from those presented in table 4, however, is that local media are attracted to attack advertising. A change from 1 standard deviation below to 1 standard deviation above the average campaign's number of attack advertisements results in an estimated 6.2 additional news stories, all things being equal (or a 54.2% increase overall). In some models, promotional advertisements are associated with increased media coverage, but contrast advertisements are actually predicted to depress coverage (particularly in partisan states).[54]

D. Media Coverage and Voter Rolloff in Merit Selection States

The previous section and the content analysis above help to show how local media cue at least some of their coverage off of campaign expense and advertising. If voters are responding to these more salient cues, then the effects attributed to media coverage above are possibly erroneous. To address this concern, I next examine media coverage and voter participation in merit selection states.

Merit selection states offer an ideal robustness check for the results in table 3 given that retention elections are often some of the least salient types of campaigns. Retention elections by default are unopposed, there is no party label, and candidates enjoy a sizable incumbency advantage. Between 2002 and 2014, 88.3% of all supreme court campaigns in merit selection states featured no television advertising, 94.2% featured no candidate fundraising, and incumbents averaged 70.2% support with 22% rolloff. If the media's focus on judicial campaigns is what really drives voter engagement, then we would be unlikely to observe such an effect in states where campaigning is rare. To test this hypothesis, I reestimated the multilevel models of voter rolloff solely with respect to merit selection states.[55]

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52. Because there are only 19 hybrid elections, I classify these as nonpartisan for the reported model in table 4 (see the column headed "Nonpartisan"). I drop the variables Professionalism and District from the analysis of partisan elections in table 4 owing to issues relating to multicollinearity. Because every retention election includes an incumbent, the variable Open is dropped from the model that examines retention elections. For the model with retention elections, the variable Attack Ads is dropped because it is multicollinear with the variable PACs.

53. In this model, a change from 1 standard deviation below to 1 standard deviation above the average campaign's expense is predicted to garner 3.8 additional news stories, all things being equal.

54. Other results stemming from the models in table 4 indicate that media coverage of judicial elections is increasing during midterm elections and decreasing for interim-appointed justices. I find that female justices are more likely to garner coverage than male justices in retention elections. No other control variable attains statistical significance.

55. Hughes (forthcoming) finds some evidence that retention elections in states that use competitive selection techniques such as Montana attract greater amounts of money on average compared to merit selection states, which may help to drive voter turnout. To prevent such bias from affecting the models' results, I restrict the analysis in this section to retention elections in merit selection states.

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I present results from these robustness checks in table 5.[56] The results are divided into four groups. The first includes every retention election in every merit selection state. The second major group omits every retention election in which some candidate either raised money for her retention or in which television advertisements were aired by any organization. This helps to further eliminate the possibility that campaign expense or advertising does not bias the results.[57] Finally, I separate the results to either include or exclude the variable JPE.[58]

Note right away that the media coverage variable is negative and statistically significant, as hypothesized, in each of the four multilevel models presented in table 5. It is worth pointing out that the marginal effect for media coverage is strictly smaller in the model that omits retention campaigns with fundraising and advertising, which supports the idea that at least some of the information the media conveys to voters simply reinforces that contained in judicial spending and advertising. Indeed, consistent with previous work, the models that examine all retention elections find strong evidence that expensive, well-advertised retention elections help to mobilize voters in traditionally inconspicuous campaigns (Hughes, forthcoming).

Even when we control for the presence of opposition campaigns or performance evaluations, we see that greater media coverage significantly reduces voter rolloff. For all retention elections in which no money was raised and no advertisements were aired, a 1 standard deviation change from below to a 1 standard deviation above the average rate of media coverage results in a decrease in predicted rolloff from 24.2% to 22.9%—a 1.3-percentage-point change (or a 5.7% total change). In the model without judicial spending or advertising but including JPEs, media coverage is predicted to lower rolloff by 11.9%, all things being equal. Opposition campaigns and JPEs each attained statistical significance but in the opposite direction as hypothesized. Even still, these results derive from only 31 observations.

E. Coverage Content and Voter Rolloff in Judicial Elections

In the previous section, I found that media coverage of judicial campaigns increases voter participation even when incumbents are unopposed or raise no money to support their incumbency, or when neither they nor their surrogates air any television advertisements. What kinds of coverage, then, are likely to motivate such participation? In this section,

56. For these regressions, I use AP coverage data from the 12-month period preceding the retention election.

57. Retention elections that are opposed by outside groups also garner more media coverage. Opposed retention campaigns average 14.0 stories in the 12 months preceding an election compared to 7.4 among the unopposed ($t = 3.20$). But when we restrict our analysis to opposed retentions in which no money was raised or advertisements were aired, the difference virtually disappears—opposed campaigns attract 7.8 stories on average compared to 7.4 for unopposed ones ($t = 0.15$).

58. Because only 31 retention elections were identified with JPEs, it will be useful to omit this variable to examine the effect of the media on the remaining 122 contests.

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Table 5. Voter Rolloff and Media Coverage in Merit Selection States

	All Retentions		Nonsalient	
	No JPE	JPE	No JPE	JPE
Media coverage:				
AP totals	−.45*	−.65*	−.36*	−.66*
	(.17)	(.12)	(.19)	(.14)
Money and ads:				
Campaign money	−.50	−1.22	. . .	. . .
	(.49)	(.40)		
Attack ads	−.97*	−1.14*	. . .	. . .
	(.12)	(.14)		
Promote ads	−.04	−.46	. . .	. . .
	(.09)	(.10)		
Control variables:				
Lowest JPE	. . .	−8.01*	. . .	−7.86*
		(1.54)		(1.17)
Opposed	−.84	3.47*	−1.03	3.52*
	(.94)	(.95)	(1.11)	(1.06)
Professionalism	6.04	. . .	4.66	. . .
	(11.70)		(12.01)	
District	.62	. . .	.50	. . .
	(5.70)		(5.84)	
Interim	−.38	−.69*	−.33	−.69*
	(.55)	(.33)	(.59)	(.36)
Midterm	3.73*	.67	4.64*	.64
	(1.14)	(.77)	(1.32)	(.86)
Primary	−3.19	. . .	−4.23	. . .
	(7.40)		(7.59)	
Female	.19	−.46	.23	−.52
	(.63)	(.34)	(.73)	(.42)
Minority	.59	.32	.59	.21
	(.90)	(.49)	(1.00)	(.67)
Statistical variables:				
$\widehat{\beta_0}$	9.86	36.63*	18.83*	52.76*
	(7.44)	(5.75)	(7.27)	(6.55)
$\widehat{\sigma^2_{\beta_0}}$	46.52*	25.55*	48.70*	25.79
	(17.41)	(16.49)	(18.28)	(16.75)
$\widehat{\sigma^2_{\varepsilon^{state}}}$	9.67*	.40*	10.01*	.49*
	(1.16)	(.11)	(1.31)	(.15)
Fixed effects	Included in every model		Included in every model	
Wald χ^2	272.44*	529.59*	73.06*	182.98*
N	153	31	132	26

Note.—Multilevel linear regression coefficient estimates with errors grouped on each state court. Standard errors are in parentheses.

*$p < .05$, one-tailed.

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I examine voter rolloff in response to media content of judicial elections. I reestimate multilevel regression models and present media effects in table 6 by content type.[59]

As anticipated, I find that media coverage of candidates' and special interests' activities is associated with greater rates of voter participation. This is good evidence that the media help to reinforce messages already presented by the campaigns themselves. Nevertheless, the models in table 6 also show how the media inform voters with other types of coverage. First, content relating to candidates' voting behavior in court cases is associated with greater rates of participation in competitive elections.[60] Among these states, a change from 1 standard deviation below to 1 standard deviation above the average campaign's case coverage is predicted to lower rolloff from 17% to 12.3%, all things being equal (a 27.6% decline). Interestingly, stories about candidates' qualifications are also predicted to boost voter participation, especially in retention elections. Among all judicial elections, a change from 1 standard deviation below to 1 above the average number of stories about candidates' qualifications is predicted to lower voter rolloff by 14.4%, all things being equal.

Similar to other types of elections, I find that horse-race coverage of judicial elections is also likely to increase voter participation. A change from 1 standard deviation below to 1 standard deviation above the average amount of horse-race coverage is predicted to decrease voter rolloff across all types of institutions by 2.8 percentage points (or 12.8%), all things being equal. Horse-race coverage rarely contains issue-specific information but helps to highlight the relative competitiveness of a given race or the likelihood that an individual's vote will prove critical. A similar trend is evidenced for content relating to announcements and mudslinging. Therefore, it is interesting to compare the results from these types of issueless coverage to those relating to actual issues, ideology, partisanship, and endorsements. None of these variables are significantly associated with greater rates of voter engagement.

F. Other Control Variables Related to Voter Rolloff

I conclude this section with a brief discussion of the models' other variables. First, note that controls for institutional design performed as anticipated throughout. All things being equal, when voters have access to candidates' partisan affiliations, they are more likely to vote. An election's timing can also affect voter participation. In some of the models, primary elections exhibited lower rates of rolloff, as hypothesized. But contrary to expectations, presidential elections were associated with greater rates of participation than were midterm elections. District elections also provided some mixed results. In only one model relating to competitive elections in a sample of 10 states did I find significant evidence

59. For these regressions, media content is coded using the data from the analysis in Sec. IV.B.2. I dropped the variable Professionalism owing to issues relating to multicollinearity.

60. Recall that the vast majority of all coverage of retention elections revolved around their votes in cases. Furthermore, recall that voter rolloff is highest among retention elections. Therefore, it is unsurprising to see that media coverage of candidates' behavior in court cases is not predicted to increase voter participation in retention elections.

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Table 6. Media Content and Voter Rolloff in State Supreme Court Elections (2002–2014)

	Baseline	Competitive	Retention	All
Media content:				
Cases	−.41*	−.93*	.24*	−.25*
	(.14)	(.20)	(.14)	(.14)
Party	1.18*	.86*	2.74*	1.01*
	(.30)	(.50)	(.36)	(.28)
Announcement	.08	−1.10*	3.06*	.11
	(.25)	(.41)	(.47)	(.28)
PACs	−1.48*	−1.46*	−4.06*	−1.41*
	(.24)	(.30)	(.63)	(.27)
Qualifications	−.72*	.49	−4.07*	−.62*
	(.32)	(.36)	(.63)	(.32)
Campaign	.04	−1.14*	.85	.35
	(.29)	(.35)	(.59)	(.29)
Administration	.09	.49	−.22	.17
	(.20)	(.37)	(.17)	(.19)
Issues	.27	.47*	.45	.25
	(.22)	(.22)	(.63)	(.22)
Horse race	−1.06*	−.58*	−1.97*	−.96*
	(.23)	(.24)	(.33)	(.22)
Ideology	−.31	1.17*	.30	−.29
	(.31)	(.36)	(.29)	(.29)
Endorsements	.73*	−.00	1.03	.76*
	(.33)	(.37)	(.73)	(.31)
Mudslinging	−.63*	.08	. . .	−.35
	(.25)	(.18)		(.25)
Scandals	.57	.45	. . .	.89
	(.37)	(.47)		(.36)
Money and ads:				
Campaign money	. . .	−1.51*	−.06	.76*
		(.88)	(.29)	(.40)
Attack ads	. . .	.23	. . .	−.24*
		(.16)		(.14)
Promote ads	. . .	.25	.42*	−.16
		(.21)	(.11)	(.10)
Contrast ads	. . .	−.21*	. . .	−.03
		(.12)		(.14)
Control variables:				
District	−3.47	−9.72*	−5.64	−3.59
	(4.97)	(4.87)	(7.04)	(4.97)
Open	−.68	.65	. . .	−.55
	(1.20)	(.80)		(1.14)
Interim	.38	−3.97	.06	.62
	(.78)	(2.54)	(.57)	(1.14)
Midterm	6.62*	3.63*	10.75*	5.63*
	(1.28)	(2.12)	(1.10)	(1.34)
Primary	−12.13*	−13.01*	. . .	−12.44*
	(2.61)	(1.69)		(2.52)
Female	1.22	1.20	−.59	.98
	(.88)	(1.17)	(.89)	(.83)

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Table 6 (*Continued*)

	Baseline	Competitive	Retention	All
Minority	−1.79	.63	−1.53*	−2.29*
	(1.09)	(1.53)	(.87)	(1.03)
Nonpartisan	20.50*	23.74*	. . .	20.69*
	(5.92)	(5.42)		(5.80)
Retention	19.23*	. . .	. . .	18.10*
	(3.98)			(3.87)
Statistical variables:				
$\widehat{\beta_0}$	−1.82	2.26	25.34*	−.74
	(4.30)	(4.10)	(5.62)	(4.34)
$\widehat{\sigma^2_{\beta_0}}$	48.60*	11.41	65.08*	48.80*
	(22.47)	(9.73)	(37.89)	(22.58)
$\widehat{\sigma^2_{\varepsilon^{state}}}$	7.44*	1.46*	2.54*	6.39*
	(1.12)	(.38)	(.49)	(.97)
Fixed effects		Included in every model		
Wald χ^2	312.18*	412.11*	784.93*	376.85*
N	98	38	60	98

Note.—Multilevel linear regression coefficients with errors grouped on each state court. Standard errors are in parentheses.

*$p < .05$, one-tailed.

that geographic districts increase voter participation. Despite the fact that institutional professionalism was signed appropriately in nearly every model, in none was it able to reject the null hypothesis. Elections featuring interim-appointed incumbents were associated with slightly greater rates of participation in merit selection states. I found no evidence that open elections featured greater rates of participation. I also found no evidence that voters cue off of candidates' race in their voting, although at least one model in table 6 found that female candidates attract greater participation in a sample of 10 state supreme court elections.

VI. CONCLUSION

This research makes important new insights into the scholarly debate surrounding judicial elections, the public's capacity to participate in them, and the media's ability to facilitate that participation. The press is an important political intermediary in American politics, and yet virtually nothing is known about how the news media influence voter engagement in judicial elections. To address these shortcomings, I gathered new data relating to local media coverage of state supreme court campaigns. These data measure the volume of coverage in every type of judicial election across 34 states, 13 years, and 317 total state supreme court contests. Along with these new data, I also coded the content of over 700 news articles. The result is one of the most comprehensive analyses of media coverage of state supreme court elections to date.

I examined the effect of media coverage on voter participation in state supreme court elections. I found that increasing rates of coverage had a mobilizing effect on voters that

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was comparable to that of expensive campaigns. Additional analyses found that part of this effect was likely attributable to campaign expense and advertising rather than to the media itself. Nevertheless, robustness checks on merit selection races without any spending or advertising showed an independent effect of media coverage on voter participation. Additional tests showed that specific media content such as candidates' voting behavior, qualifications, mudslinging, and the horse race were also likely to increase voter participation. Therefore, this research not only contributes to our understanding of how voters engage in judicial elections (e.g., Bonneau and Hall 2009; Hall 2015) but also why supreme court justices might pander to popular preferences in response to increasing media coverage (Cann and Wilhelm 2011).

This research points to causal links between media coverage and voter participation, but without experimental methods, it is nearly impossible to eliminate altogether alternative explanations of voter participation. While subsequent work will need to take up this research agenda, others should consider the myriad ways in which media coverage might also affect judicial elections. For example, does greater transparency in the media hinder the incumbency advantage as campaign expense and advertising have been found to? And how has a receding news industry affected principal-agency in judicial elections? Finally, while I have briefly considered how the media choose to cover judicial campaigns, nothing approaching a full-blown theoretical or empirical model was advanced herein. Future scholarship will need to take up this task.

REFERENCES

Ansolabehere, Stephen, and Shanto Iyengar. 1994. "Of Horseshoes and Horse Races: Experimental Studies of the Impact of Poll Results on Electoral Behavior." *Political Communication* 11:413–30.

Badertscher, Nancy. 2004a. "High Court Race as Hot as Partisan Battle." *Atlanta Journal-Constitution*, July 17.

———. 2004b. "Justice Candidates Trade Blows on TV." *Atlanta Journal-Constitution*, July 17.

Baum, Lawrence, and David Klein. 2007. "Voter Responses to High-Visibility Judicial Campaigns." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb, 140–64. New York: New York University Press.

Baxter, Tom, and Jim Galloway. 2004a. "Bonds Linking Court Race, Gay Marriage War Tighten." *Atlanta Journal-Constitution*, July 17.

———. 2004b. "Cain Hits Isakson's Stand on Abortion." *Atlanta Journal-Constitution*, June 15.

———. 2004c. "Majette Blasts 'Rich' Opponent." *Atlanta Journal-Constitution*, May 28.

———. 2004d. "Perdue Takes Aim at Justice Sears." *Atlanta Journal-Constitution*, July 1.

———. 2004e. "Running for District 4? Join the Growing Crowd." *Atlanta Journal-Constitution*, February 2.

———. 2004f. "With Time to Kill, More Bid Farewell." *Atlanta Journal-Constitution*, April 26.

Bond, Robert M., Christopher J. Fariss, Jason J. Jones, Adam D. I. Kramer, Cameron Marlow, Jaime E. Settle, and James H. Fowler. 2012. "A 61 Million-Person Experiment in Social Influence and Political Mobilization." *Nature* 489:295–98.

Bonneau, Chris W. 2005. "What Price Justice(s)? Understanding Campaign Spending in State Supreme Court Elections." *State Politics and Policy Quarterly* 5:107–25.

https://doi.org/10.1086/704742 Published online by Cambridge University Press

Bonneau, Chris W., and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. New York: Routledge.

Brace, Paul, and Brent D. Boyea. 2008. "State Public Opinion, the Death Penalty, and the Practice of Electing Judges." *American Journal of Political Science* 52:360–72.

Brace, Paul, and Melinda Gann Hall. 2001. "'Haves' versus 'Have-Nots' in State Supreme Courts: Allocating Docket Space and Wins in Power Asymmetric Cases." *Law and Society Review* 35:393–417.

Cann, Damon M., and Teena Wilhelm. 2011. "Case Visibility and the Electoral Connection in State Supreme Courts." *American Politics Research* 39:557–81.

Caufield, Rachel P. 2007. "The Changing Tone of Judicial Election Campaigns as a Result of *White*." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb, 34–58. New York: New York University Press.

Chong, Dennis, and James N. Druckman. 2007. "Framing Public Opinion in Competitive Democracies." *American Political Science Review* 101:637–55.

Clayman, Steven E., and Ann Reisner. 1998. "Gatekeeping in Action: Editorial Conferences and Assessments of Newsworthiness." *American Sociological Review* 63:178–99.

Clopton, Andrew J., and C. Scott Peters. 2013. "Justices Denied: A County-Level Analysis of the 2010 Iowa Supreme Court Retention Election." *Justice System Journal* 34:321–44.

DellaVigna, Stefano, and Ethan Kaplan. 2007. "The Fox News Effect: Media Bias and Voting." *Quarterly Journal of Economics* 122:1187–234.

Downs, Anthony. 1957. "An Economic Theory of Political Action in a Democracy." *Journal of Political Economy* 2:135–50.

Druckman, James N. 2005. "Media Matter: How Newspapers and Television News Cover Campaigns and Influence Voters." *Political Communication* 22:463–81.

Dubois, Philip L. 1984. "Voting Cues in Nonpartisan Trial Court Elections: A Multivariate Assessment." *Law and Society Review* 18:395–436.

Fadness, Gene. 1999. "Wilderness Area Water Rights: Opinions Varied on Impact of Court Ruling." *Idaho Falls Post Register*, A4.

———. 2000. "Republicans Unveil Choice for State's Supreme Court." *Idaho Falls Post Register*, B1.

Ferejohn, John. 1986. "Incumbent Performance and Electoral Control." *Public Choice* 50:5–25.

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* 89:937–54.

Gelman, Andrew, and Jennifer Hill. 2007. *Data Analysis Using Regression and Multilevel Hierarchical Models*. New York: Cambridge University Press.

Geyh, Charles Gardner. 2003. "Why Judicial Elections Stink." *Ohio State Law Journal* 64:43–79.

Gill, Rebecca D. 2017. "Do Judicial Performance Evaluations Influence Retention Election Results?" In *Judicial Elections in the 21st Century*, ed. Chris W. Bonneau and Melinda Gann Hall, 175–92. New York: Routledge.

Goldberg, Deborah. 2007. "Interest Group Participation in Judicial Elections." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb, 73–95. New York: New York University Press.

Hale, F. Dennis. 2006. "Newspaper Coverage Limited for State Supreme Court Cases." *Newspaper Research Journal* 27:6–17.

Hall, Melinda Gann. 1987. "Constituent Influence in State Supreme Courts: Conceptual Notes and a Case Study." *Journal of Politics* 49:1117–24.

———. 2007. "Voting in State Supreme Court Elections: Competition and Context as Democratic Incentives." *Journal of Politics* 69:1147–59.

https://doi.org/10.1086/704742 Published online by Cambridge University Press

———. 2015. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford, CA: Stanford University Press.

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.

———. 2008. "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections." *American Journal of Political Science* 52:457–70.

———. 2013. "Attack Advertising, the *White* Decision, and Voter Participation in State Supreme Court Elections." *Political Research Quarterly* 66:115–26.

Hughes, David A. Forthcoming. "New-Style Campaigns in State Supreme Court Retention Elections." *State Politics and Policy Quarterly*.

Iyengar, Shanto, and Donald R. Kinder. 2010. *News That Matters: Television and American Opinion*. 2nd ed. Chicago: Chicago University Press.

Iyengar, Shanto, Helmut Norpoth, and Kyu S. Hahn. 2004. "Consumer Demand for Election News: The Horserace Sells." *Journal of Politics* 66:157–75.

Johnson, Charles A., Roger C. Schaefer, and R. Neal McKnight. 1978. "The Salience of Judicial Candidates and Elections." *Social Science Quarterly* 59:371–78.

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

Kritzer, Herbert M. 2015. *Justices on the Ballot: Continuity and Change in State Supreme Court Elections*. New York: Cambridge University Press.

Lueders, Bill. 2011. "Sources: Justices' Argument Boils Over, They Say before the Collective Bargaining Decision Was Released, Prosser and Bradley Had a Physical Altercation, Supreme Court." *Wisconsin State Journal*, June 26.

Marley, Patrick. 2011. "Supreme Court Tensions Boil Over." *Milwaukee Journal Sentinel*, March 19. http://archive.jsonline.com/news/statepolitics/118310479.html/.

Mondak, Jeffery J. 1995. "Newspapers and Political Awareness." *American Journal of Political Science* 39:513–27.

Mutz, Diana C. 1995. "Effects of Horse-Race Coverage on Campaign Coffers: Strategic Contributing in Presidential Primaries." *Journal of Politics* 57:1015–42.

———. 1997. "Mechanisms of Momentum: Does Thinking Make It So?" *Journal of Politics* 59:104–25.

Norris, Pipp, and David Sanders. 2003. "Message or Medium? Campaign Learning during the 2001 British General Election." *Political Communication* 20:233–62.

Prior, Markus. 2005. "News vs. Entertainment: How Increasing Media Choice Widens Gaps in Political Knowledge and Turnout." *American Journal of Political Science* 49:5777–92.

Rankin, Bill. 2004. "Justice Hopeful Retracts Claim." *Atlanta Journal-Constitution*, June 19.

Schaffner, Brian F., and Jennifer Segal Diascro. 2007. "Judicial Elections in the News." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. Matthew J. Streb, 115–39. New York: New York University Press.

Schaffner, Brian F., and Matthew J. Streb. 2002. "The Partisan Heuristic in Low-Information Elections." *Public Opinion Quarterly* 66:559–81.

Schotland, Roy A. 1998. "Comment: Judicial Independence and Accountability." *Law and Contemporary Problems* 621:149–55.

Silak, Cathy. 2000. "Everybody Is in a Minority Sometime." *Idaho Falls Post Register*, May 21.

Snyder, James M., Jr., and David Strömberg. 2010. "Press Coverage and Political Accountability." *Journal of Political Economy* 118:355–408.

Squire, Peverill. 2008. "Measuring the Professionalization of the U.S. State Courts of Last Resort." *State Politics and Policy Quarterly* 8:223–38.

https://doi.org/10.1086/704742 Published online by Cambridge University Press

Tharpe, Jim. 2004. "Democrat Crosses the Aisle." *Atlanta Journal-Constitution*, April 28.
Vining, Richard L., Jr., and Phil Marcin. 2014. "An Economic Theory of Supreme Court News." *Political Communications* 31:94–111.
Vining, Richard L., Jr., and Teena Wilhelm. 2010. "Explaining High-Profile Coverage of State Supreme Court Decisions." *Social Science Quarterly* 91:704–23.
———. 2011. "Measuring Case Salience in State Courts of Last Resort." *Political Research Quarterly* 64:559–72.
Vining, Richard L., Jr., Teena Wilhelm, and Jack D. Collens. 2015. "A Market-Based Model of State Supreme Court News: Lessons from Capital Cases." *State Politics & Policy Quarterly*, 15: 3–23.
Vining, Richard L., Jr., Teena Wilhelm, Sara E. Hiers, and Phil Marcin. 2010. "Patterns of Newspaper Reporting on State Supreme Courts." *Justice System Journal* 31:273–89.
Vitak, Jessica, Paul Zube, Andrew Smock, Caleb T. Carr, Nicole Ellison, and Cliff Lampe. 2011. "It's Complicated: Facebook Users' Political Participation in the 2008 Election." *Cyberpsychology, Behavior, and Social Networking* 14:107–14.
Yanus, Alixandra B. 2009. "Full-Court Press: An Examination of Media Coverage of State Supreme Courts." *Justice System Journal* 30:180–95.
Zhao, Xinshu, and Steven H. Chaffee. 1995. "Campaign Advertisements versus Television News as Sources of Political Issue Information." *Public Opinion Quarterly* 59:41–65.

https://doi.org/10.1086/704742 Published online by Cambridge University Press