

STATE JUDICIAL ELECTIONS' IMPACT ON PARTICIPATION IN DIRECT DEMOCRACY*

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This article examines how the presence of judicial elections on the ballot impacts voter participation on direct democracy measures affecting justice. Ballot roll-off occurs on judicial elections and direct democracy measures for similar reasons. We explore the linkage between judicial elections and direct democracy measures based on theory indicating that ballot measures affect other races on the ballot, particularly when these measures involve specific issues, and the impact of different selection methods on ballot roll-off. To explore this relationship, we analyze 1,259 different ballot propositions from 1998 to 2007 in forty-one different states, with varying judicial selection methods. We find there is increased roll-off for direct democracy measures when there are judicial elections on the ballot, but less ballot roll-off for direct democracy measures when these measures have connecting topics. Further, because of the impact and electoral consequences of different judicial selection methods we expect differences in roll-off for these different selection methods.

How does the presence of judicial elections impact participation in direct democracy measures? How is participation impacted when direct democracy measures concerning the judiciary are on the same ballot as a judicial election? Previous research explored citizen participation and levels of ballot roll-off for judicial elections and direct democracy measures independent of one another (Dubois, 1979; Taebel, 1975; Darcy and Schneider, 1989; Bullock and Dunn, 1996; Hall, 1999). The same factors contribute to ballot roll-off on judicial elections and direct democracy measures; however, there have been no studies to determine if there exists an interconnected relationship between these types of ballot measures to voters. Judicial elections and direct democracy generally suffer from high occurrences of ballot roll-off, and the reasons voters fail to make a selection on these measures are similar. Both elections offer few partisan cues and generally low-salience issues while receiving low placement on the ballot.

Both judicial and direct democracy elections require more knowledge and engagement of the citizen for participation (Klein and Baum, 1988; Sheldon and Lovrich, 1999) than traditional representative elections. These additional requirements on the voter place a burden that dissuades many from voting on these measures, resulting in ballot roll-off. Ballot roll-off is the difference in the votes cast for major offices and for those further down the ballot, in this case judicial elections and propositions. Ballot propositions allow the public to participate directly in the lawmaking process.

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However, propositions generally suffer from high levels of ballot roll-off as there is a significant decrease in votes cast as one moves down the ballot, and ballot propositions are traditionally located at the bottom of electoral ballots.

Direct democracy elections are a subset of elections that are subject to the same limitations as other elections (campaigns, financial components, sponsorship, etc.). They also provide an additional dilemma to the electoral agenda as the repercussions of these elections can be substantial but their salience low. Citizens must live with the consequences, yet few are aware of the issue or the consequences of the matter at hand. Direct democracy, in its ideal, provides the citizenry the opportunity to voice their opinions and directly contribute to the operation of state government.

This study seeks to explore ballot roll-off from an institutional perspective. Central to democratic theory is that voting increases government accountability to the people. Judicial elections and direct democracy measures exist to enhance voter engagement in these areas of government. However, even when voters head to the polls, they often fail to cast a ballot on these measures, weakening their contribution to democratic participation. To address ballot roll-off concerns, it may be necessary to consider judicial elections and certain direct democracy measures in conjunction as there may be overlap on the issues when they appear on the same ballot.

Ballot measures can be connected to judicial elections in more than just position and voter engagement requirements; they can be connected by topic. The connection of topic intrinsically places a relationship between these two elections. When the topic of ballot measure involves the judiciary or crime, we are going to see an increase in participation when they are combined with judicial elections on the same ballot because of the interconnectivity of these elections (Nicholson, 2005). We expect that the connection of these elections allows voters to create heuristics and fight through to complete the ballot.

LITERATURE AND THEORY

There is a large body of literature on the topic of roll-off among democratic scholars; many of these studies focus on the roll-off witnessed in judicial elections (Klein and Baum, 2001; Hall, 1999; Sheldon and Lovrich, 1999; Darcy and Schneider, 1989; Dubois, 1979). Explanations for the phenomenon have been suggested in areas such as limited information, poor media coverage, racial composition of the state (Vanderleeuw and Engstrom, 1987; Bullock and Dunn, 1996), length of ballot (Taebel, 1975; Walker, 1966), and characteristics of the election technology (Nichols, 1998; Nichols and Strizek, 1995). Over half the states allow judicial elections as means of selecting their judges. Presumably, use of this method aims to increase democratic representation within the state and the involvement of the citizenry with their government. This is something that direct democracy also seeks to develop, further demonstrating the similarities in these elections.

Different electoral situations result in different levels of participation across elections. This is especially true for different times in the election cycle (primary, midterm,

and general elections), as well as elections on the same ballot. There are differences in national and state elections (Kelley, Ayres, and Bowen, 1967; Kim, Petrocik, and Enokson, 1975; Milbrath and Goel, 1977; Ranney, 1968, 1972; Salisbury and Black, 1963; Verba and Nie, 1972; Wolfinger and Rosenstone, 1978, 1980). National elections have more salience resulting in higher turnout. On the contrary, state elections, particularly statewide propositions, deal with lower-salience issues that have a lower placement on the ballot. This is especially true of most statewide propositions because of complex and technical issues of direct democracy that do not have the traditional cues of regular elections (Magleby, 1984; Reilly, 2009). Important cues, such as political party, are lacking from ballot proposition voting (Lee, 1960; Hawley, 1973). Further, there is evidence that voters experience fatigue, even in the presence of heuristics to cue the public about voting preferences, when long ballots are involved (Kimball and Kropf, 2006; Brockington, 2003; Nichols and Strizek, 1995; Darcy and Schneider, 1989; Magleby, 1984; Taebel, 1975; Walker, 1966). This is particularly a concern when dealing with voter awareness, because a more crowded ballot means that voters are going to be less aware of individual races, which will likely lead to less participation (Nicholson, 2005).

Ballot fatigue from a lengthy ballot (Kimball and Kropf, 2006; Brockington, 2003; Nichols and Strizek, 1995; Bowler, Donovan and Happ, 1992; Darcy and Schneider, 1989; Magleby, 1984; Taebel, 1975; Walker, 1966) and difficult questions (Magleby, 1984; Reilly and Richey, 2008) have resulted in decreased turnout. In fact, Magleby's research goes beyond that previously discussed to focus on voter fatigue, demonstrating that lengthy ballots are a plausible explanation for decreased participation and roll-off from the top of the ballot to lower races on the ballot in California (Magleby, 1984).

Direct democracy has been accused of complicating the ballot, further supporting the idea that citizens are not knowledgeable about direct democracy proposals (Schmidt, 1989; Magleby, 1984; Lipow, 1973; Pillsbury, 1931). Previous studies have attempted to connect a citizen's lack of education with participation on complex and technical issues (Magleby, 1984) demonstrating that only some opinions are represented through direct democracy. This complex readability has also been demonstrated to increase roll-off (Reilly and Richey, 2008), demonstrating the importance not only of accessible ballot language but also of the topics of these ballot propositions to voter participation.

Ballot propositions have some of the lowest participation rates in the United States and are managed on a state level in the same way as judicial elections. The low rate of voter participation in such elections is a substantial concern if we are looking to increase civic engagement through voter participation. Some scholars may argue that there are benefits for limited participation on races down ballot, namely, that only those that are educated about the issue participate. Are votes on these propositions reflective of the public's political wishes, or are these only the demonstration of elite preferences, who for some reason or another are able to participate down ballot (more knowledge or perhaps disproportionate influence in getting those initiatives on the

ballot)? If there are factors (Nicholson, 2005) that stimulate greater participation down ballot or factors such as additional elections that can lead to higher participation rates, then we as a democratic society need to identify those factors. It would seem that these elections, which are supposed to be more democratic, in reality decrease democratic participation by increasing roll-off.

We further develop Nicholson's (2005) theory that the topic of the ballot measure affects other races on the ballot. While Nicholson does not specifically address judicial elections or criminal justice ballot measures, we can expand his theory to this area of research. We suggest that the inclusion of ballot measures on the ballot changes how voters evaluate judicial candidates; ballot measures can affect information and engagement with these judicial elections when the topic connects these two races. This interconnectivity between judicial and crime ballot measures and judicial elections substantiates arguments that ballot measures affect up-ticket races. Thus, the topic of the ballot measure is paramount when investigating the relationship between ballot measures and judicial elections. We demonstrate that there may, in fact, be an opposing effect when moving down the ballot as voters are motivated and more knowledgeable about these issues because of the connection to one or more elections. One could suggest that justices running for election or reelection are likely campaigning on issues of law and order, which necessarily connects ballot measures on these issues to judicial elections. Failing to connect these races means that the ballot measures of different topics when combined with judicial elections will face further roll-off.

Aside from topic, we can expect larger roll-off for ballot measures in general when there is a judicial election for two separate reasons. First, the addition of judicial elections increases the length of the ballot and, according to the literature, a longer ballot leads to higher levels of roll-off (Kimball and Kropf, 2006; Brockington, 2003; Nichols and Strizek, 1995; Darcy and Schneider, 1989; Magleby, 1984; Taebel, 1975; Walker, 1966). The length of the ballot or position has an impact on voter roll-off. Judicial elections, like ballot propositions, are typically at the end of the ballot and feature complex information. Participation is traditionally low for judicial elections, at least in some measures because of their location on the ballot (Dubois, 1979; Taebel, 1975). Additionally, there are aspects of the ballot that contribute to low participation—the longer the ballot, the higher the roll-off (Walker, 1966). Therefore, the further down the ballot a proposition is the more likely it is to suffer from roll-off due to voter fatigue. The connection of judicial elections and ballot measures contributes to longer ballots. Both are also complex matters, which ultimately results in higher levels of ballot roll-off.

Second, we expect more roll-off for judicial elections and everything below because of the intricacies of judicial elections. Judicial elections are often complex, some selection methods lack cues, and are low salience—all factors that do not serve to encourage voter participation. Judicial elections rarely have the heated campaigns to draw voter attention as those elections higher on the ballot, such as gubernatorial, congressional, or presidential races (Dubois, 1979). Candidates generally focus on

their legal résumés and discuss court administration or certain matters of judicial reform (Dubois, 1980; Baum, 1994). This can be important if the issues they are campaigning on relate to the direct democracy issues on the ballot. Since there are not often heated campaigns to provide voters with information, voters must rely on other cues. Voters can rely on partisan cues in states with partisan judicial elections (Dubois, 1979; Champagne, 1986). However, some states select justices through nonpartisan elections. In this case, voters can rely on incumbency, name recognition (Dubois, 1979, 1980), or gender, race, or any other individual traits if they can identify them from the candidates' names on the ballot (Bain and Hecock, 1957; Nagel, 1973; Byrne and Pueschel, 1974; Dubois, 1980). Studies of judicial elections in certain states find voters make a random selection based on no information or find the absence of negative information about a candidate a good reason for reelection (Griffin and Horan, 1983; Champagne and Thielemann, 1991).

The second component of this analysis deals with the intricacies of judicial elections. These elections have many similar characteristics to ballot proposition elections. They are typically located at the bottom of the ballot and they are less salient than other elections. Studying these two elections in conjunction provides evidence about the impact less salient elections have on one another and the nature of any interdependent relationship. As we will demonstrate, judicial elections increase roll-off for ballot propositions; therefore, it is vital to understand what contributes to this roll-off and what we can do to facilitate higher participation in both these elections and limit the impact on ballot propositions.

Methods of state judicial recruitment are of interest to scholars because of the variation of selection methods employed. Though less explored, this variation in methods can influence voters. A total of nine states use partisan elections, twenty-three states use a merit commission, twelve states rely on nonpartisan elections, four states rely on governor appointment, and two states rely on legislative appointments. Once selected, many justices must face retention elections. Overall, thirty-eight states select their supreme court justices through some form of an election (Hall, 1992, 2001). Thus, the impact of different selection methods on judicial behavior often comes into play in the literature on judicial politics in the state. However, the impact of the selection method on the voting citizenry receives much less attention in comparison despite the fact so many states choose to employ election as a means of judicial selection.

Different types of elections require different actions and levels of information on behalf of the voters. States that hold partisan elections provide voters with partisan cues to use when deciding whom to vote for in judicial races. Nonpartisan elections do not provide voters with the same level of information; consequently, voters need to acquire more information to make an informed choice. Many states also hold retention elections, in which voters must vote yes or no as to whether justices already in office should retain their position. To vote for or against retention, a voter would need to form an opinion on the job performance of the sitting justice. In most cases, state

judges garner very little name recognition from voters. Information is clearly needed in judicial elections, as it is clear that many voters abstain from voting because such information is not readily available to them.

Considerable scholarly debate exists regarding the influence of judicial elections on the quality of the judiciary, which can influence a voter's decision. Partisan elections, and to some extent nonpartisan elections, are seen as an ineffective means of selecting justices by advocates of judicial reform. Their principal concern lies in the fact that the vast majority of voters are uninformed about candidates and the issues at play in judicial races. On the aggregate, judicial elections are almost always low-information elections for the voters (Sheldon and Lovrich, 1983; Dubois, 1980; Mathias, 1990; Hall, 1999). Some voters are not even aware that they will be voting for judges until they reach the ballot on Election Day. Once judges are in office, the voting public rarely tracks the justices' behavior and actions, hence allowing many incumbent justices to retain their positions.

While the typical judicial race may entail low-salience electoral contests, some studies of individual elections show that voters actually can become quite involved (Baum, 1997; Hojnacki and Baum, 1992; Lovrich and Sheldon, 1984, 1985). However, this is not the norm in these situations though it is a trend shown to be increasing in recent years. Certain judicial elections can spike the interest of the public (Hall, 2007). Nonetheless, studies have shown that electoral considerations are still of concern to justices who must face an election during their careers. Research suggests reaching a balance between their policy goals against policy preference and career needs, such as reelection, are extremely important concerns for a justice retained by electoral vote, for both nonpartisan and partisan elections (Hall, 1987, 1992, 1995, 2001).

Enticing voters to cast votes in judicial elections is generally a problem. Voters' face many disincentives since judicial elections are generally low-information races and low on the ballot (Walker, 1966; Wattenberg, 2000). Due to low information and disadvantageous ballot position, voter roll-off is extremely common in judicial elections. Approximately 25 percent of voters fail to vote for any judicial seat, including state supreme court seats for the period from 1980 through 1995 (Hall, 1999). This contributes to the roll-off for ballot measures and elections lower on the ballot. According to ballot information, ballot measures are typically lower on the ballot than judicial elections. However, those that do vote may not be making the most informed choice. Many voters are inclined to cast ballots in judicial elections, even if their information levels are low (Baum, 1989; Champagne and Thielemann, 1991). These can be just as concerning to proponents of democracy as a lack of participation.

Judicial selection methods make a difference when it comes to ballot roll-off. Providing low-information voters with cues (such as partisan cues) are a means of enticing participation. Partisan elections are more likely to encourage participation, with a roll-off rate of about 22 percent compared to 29 percent for nonpartisan elections and 28 percent for retention elections during the same period (Dubois, 1979;

Hall 1999, 2007).¹ Partisan elections serve to facilitate voting since voters receive an additional piece of knowledge on the ballot. Seemingly, decision making in retention elections is simplified by having the choice of only yes or no and a voter simply voting yes in a retention election if he or she is unaware of any negative information about a judge. Thus, it would seem retention elections also require lower levels of knowledge than nonpartisan elections, though this surprisingly has little impact on ballot roll-off.

HYPOTHESES

Our focus is on American states, using an expansive data set including ten years of ballot measures and judicial elections. First, we examine the differences in roll-off in states that have judicial elections and those that do not to assess the impact of judicial selection processes on direct democracy roll-off. Second, this data set looks at states that have ballot measures concerning the judiciary during this time period to include 1,259 propositions. This provides many opportunities to explore our three hypotheses.

Hypothesis 1—There will be increased roll-off for measures of direct democracy when there are judicial elections on the ballot.

We expect to find that there has been an increase in ballot roll-off because of longer ballots (Walker, 1966) with the addition of judicial elections, lack of cues (for example, partisanship), and complex judicial elections. The addition of other less-salient elections and lengthening of the ballot increases roll-off on individual ballot questions; because of this additional complexity voters will decrease their participation in propositions. Therefore, when confronted with these multiple complex and less-salient elections, voters will simply choose to skip some voting questions or stop voting altogether.

Hypothesis 2—There is less ballot roll-off for direct democracy measures concerning the judiciary when there are judicial elections on the ballot.

We expect to find this inverse relationship because of the connection between direct democracy and judicial elections when the direct democracy measure deals directly with the judiciary as citizens. This interconnection of elections and topics will allow voters to overcome ballot complexities by creating a connection between two or more elections on the same ballot. This will lead to higher relevance of these ballot propositions and judicial elections at the ballot box. We anticipate this finding because of the familiarity and attention brought to judicial elections when there is a connecting topic in ballot measures. Criminal justice issues on the ballot emphasize many of the same issues that are incorporated into a judicial campaign; thus, there is an expected relationship between these races that will lead to less roll-off for ballot measures.

Hypothesis 3—Judicial selection methods will impact ballot roll-off.

Given the differences in judicial selection methods and the different requirements on voters, we expect to find differences dependent upon the election type. Retention elections require the lowest levels of voter engagement, so we expect to find lower lev-

¹For the fifteen-year period from 1980 to 1995.

els of roll-off. Since partisan elections provide voters with an additional cue not provided in nonpartisan elections, we also expect to find less roll-off for partisan elections in comparison to nonpartisan elections. We expect to find less ballot roll-off for judicial and crime-related ballot measures when there are partisan elections since those election campaigns can help provide an issue linkage for voters.

METHODS AND DATA

The data set for this analysis is complex, drawing in information from a variety of sources, namely, individual secretaries of state, Census information and the National Council of State Legislatures. Our dependent variable *roll* is derived from the difference of the total vote for the highest race on the ballot from the individual ballot proposition, presented in the form of percent to standardize the variable. This is calculated for each ballot proposition in the data set. This variable is derived from information available on the individual Web sites of secretaries of state or election boards. The majority of the highest races are for these offices: president, U.S. senator, or governor. However, in special elections the highest ballot is often more difficult to generalize. House elections, judicial elections, and even the first ballot measure can often be the highest race on the ballot. For non-statewide races, the collective votes across districts/counties for individual races are used as the highest race. This has resulted in sixty-eight ballot measures having slightly higher vote totals than the highest races (see Table 1).

To determine judicial races and what kind appears on each ballot, first we determined what type of races each state had and whether those were partisan, nonpartisan or merit from the American Judicature Society Web site. Then to properly code each of these elections we examined which elections occurred on each ballot, using information available from the Web sites of the secretaries of state. A variable *judicial* is created to indicate that there is a judicial election on the same ballot as the proposition. These are judicial elections that occur in every district statewide on the same ballot (this includes supreme, appellate, circuit, and county as long as they are on the ballots consistently across the state). These were then broken into *partisan*, *nonpartisan*, and *merit* categories for a more detailed analysis.

Characteristics of the population are an excellent explanation for turnout and vote choice and can even influence ballot roll-off. Several of these are used as control variables for this analysis. Racial composition of the population can influence the amount of roll-off during an election. There are differences in turnout and electoral preferences among racial groups. This is most pronounced in the differences between minorities (namely, blacks) and the white majority. Minority populations vote less than the white population does on ballot propositions (Verba and Nie, 1972; Bullock and Dunn, 1996; Darcy and Schneider, 1989; Vanderleeuw and Engstrom, 1987; Magleby, 1985). There is a greater tendency for minorities to “roll-off rather than vote for candidates for lesser offices or on referendum questions” (Vanderleeuw and Engstrom, 1987:1091). This racial difference is evident even when controlling for

factors such as education (Bullock and Dunn, 1996; Darcy and Schneider, 1989; Vanderleeuw and Engstrom, 1987). Thus, the difference in voting is not just a socioeconomic factor as there is strong evidence that the race of the voter can lead to roll-off on the ballot. We have included *black* and *Hispanic* percents of the population, according to the Census Bureau, as a proxy for this racial composition of the public.

Education is noted as an important contributing factor to ballot roll-off and is therefore included as a control in this analysis, measured by looking at the percent of *high school* graduates. Citizens with lower levels of formal education are less likely to cast a vote in low-salience races or issues, possibly because their education level indicates they are less informed about politics (Walker, 1966). Furthermore, highly educated people are more likely to use ballot pamphlets and newspaper editorials than lower educated people are (Bowler and Donovan, 1994). Therefore, there is a link between education and ballot roll-off.

The *position* on the ballot variable is the number of races on the ballot before the propositions on each state ballot. This information was gathered from the individual secretaries of state and state board of elections Web sites. Races included in this count were statewide elections. Local elections, while important, vary across counties and districts and, thus, are not included when looking at ballot roll-off because these cannot be standardized across districts. When the ballot is not accessible, the position on the ballot is estimated by counting the number of election results reported before the question.

Economic issues can also contribute to political engagement. Individuals with higher income levels are generally more engaged in politics (Verba and Nie, 1972). This higher engagement can contribute to lower levels of ballot roll-off. Hence, other control variables include standard socioeconomic variables (Rosenstone and Hansen, 2003) collected from the census, including *income* (annual household income inflated to 2006 dollars) and *unemployment* rates. Further, we included a variable of *density* (the number of people per square mile).

Voters who are "issue voters" are attracted to the polls not only because of partisan loyalties but also because of issues that are important to them. Further, issues that are controversial can also lead to an increase in participation for ballot propositions (Magleby, 1984). There is evidence of controversial issues driving participation in the 2004 election where the religious right turned out in droves to ban gay marriage and support George W. Bush (Jackman, 2004; Lewis, 2005; Donovan, Smith, and Tolbert, 2005). Thus, certain issues can lead to increased or decreased ballot roll-off depending on their controversy or ease of comprehension. We have included a dummy variable for issues, particularly for gay marriage because of its impact on election turnout in elections (Jackman, 2004; Lewis, 2005; Donovan, Smith, and Tolbert, 2005). Further, we have included two different issue variables, *crime* and *justice*, for ballot measures to determine if the inclusion of a judicial election impacts roll-off on ballot measures that involve criminal justice or any judiciary components (e.g., salaries, term limits).

Table 1
Descriptive Statistics

	Mean	Standard Deviation	Min	Max
Roll-Off	.117	.146	-.093	.961
General	.85	.357	0	1
Judicial	.608	.488	0	1
Persons per sq mile	141	222	1	1,134
High school	.813	.044	.729	.883
Age	36.3	2.19	28.4	41
Income	46,886	7,921	26,919	65,144
Unemployment	34.76	3.15	28.2	44.3
Hispanic	14.08	12.92	.8	44
Black	9.44	9.65	.5	37.4
Position	13	7	1	36
Gay marriage	.020	.142	0	1
Justice	.033	.179	0	1
Crime	.038	.192	0	1

RESULTS AND ANALYSIS

Table 1 sets forth a descriptive look at each of the important variables in the data set. In this data set there are 1,259 different ballot propositions from 41 different states (including those that have judicial elections and those that do not). These ballot propositions come from primary, general, and special elections conducted between 1998 and 2007. Table 2 provides a breakdown of what states are included in each category of this analysis.

Table 3 reports the results of a full model regression, including all ballot propositions. The judicial variable is positive and significant, indicating judicial elections on the ballot increase ballot roll-off for ballot propositions appearing on the same ballot. In addition, the data analysis shows that general elections experience higher ballot roll-off, while primary elections experience even greater levels of roll-off.

As expected states with a larger black population are more likely to experience higher ballot roll-off. Likewise, when there is a higher number of high-school graduates ballot measures are less likely to experience lower ballot roll-off. Position also has a significant impact on roll-off, the further down the ballot a proposition is the more likely that voters are to roll-off on that measure (although this is a minimal effect).

When there is a judicial election and a ballot measure on a judicial topic, our findings show there is higher roll-off, but when there is a judicial election and a ballot measure on a criminal justice topic, there is lower roll-off. This result is somewhat confusing, but does provide insight that particular issues may prevent roll-off when they are connected to judicial elections. One possible explanation for the result is that

Table 2
State Elections and Ballot States

Ballot Only	Partisan	Merit	Nonpartisan
Colorado	Indiana	Alaska	Arkansas
Hawaii	Kansas	Arizona	Florida
Massachusetts	Louisiana	California	Georgia
New Hampshire	Missouri	Florida	Idaho
New Jersey	New Mexico	Indiana	Kentucky
Rhode Island	New York	Iowa	Maryland
South Carolina	Pennsylvania	Kansas	Michigan
Tennessee	Texas	Maryland	Minnesota
Virginia	West Virginia	Missouri	Mississippi
		Nebraska	Montana
		Oklahoma	Nevada
		South Dakota	North Carolina
		Utah	North Dakota
		Wyoming	Ohio
			Oklahoma
			Oregon
			South Dakota
			Washington
			Wisconsin

voters feel more connected to matters of the criminal justice system than to matters of the intricate state court system, which many voters are often ill-informed about. However, only the presence of a ballot proposition concerning a judicial system topic reaches the level of statistical significance, as criminal justice ballot propositions failed to reach statistical significance. It also seems that criminal justice ballot measures are more highly correlated with other factors that influence roll-off. Less ballot roll-off occurred when the gay-marriage issue appeared on the ballot, as that was an issue that seemed to attract voters' attention to the ballot.

The findings reported in Table 3 also indicate that the presence of judicial elections on the ballot affect roll-off. It seems judicial elections increase ballot roll-off, which is consistent with our expectations. Judicial elections are low information and lengthen the ballot. Still, this finding requires further investigation—namely, looking at different types of judicial elections with respect to roll-off phenomena.

Table 4 sets forth a breakdown of the results in Table 3 by different types of judicial election. Of particular interest is the relationship between ballot topic and judicial elections. For retention elections there is less roll-off in general elections; however, roll-off increases for both partisan and nonpartisan elections in general elections. On the other hand, in partisan elections, when there are cues in the judicial elections, there is a decrease in roll-off on both criminal justice and judicial ballot issues. Further, the presence of a gay-marriage measure decreases roll-off in all three types of elections, consistent with previous findings. When looking specifically at the topic of

Table 3
Full Regression Model of Ballot Roll-off

	Model 1	Model 2
General	.033* (.014)	.033* (.016)
Primary	.113** (.024)	.113** (.020)
Judicial	.049** (.014)	.047** (.014)
Presidential	.006 (.008)	.005 (.008)
Persons per sq mile	.000** (.000)	.000** (.000)
High-school grads	-.466** (.171)	-.454** (.209)
Age	.007** (.002)	.006** (.002)
Household income	-.000 (.000)	.000 (.000)
Unemployment	.002 (.002)	.002 (.001)
Hispanic	-.001 (.001)	-.001 (.001)
Black	.002** (.001)	.002** (.001)
Position	-.002** (.001)	-.002** (.001)
Gay marriage	-.068* (.033)	-.068* (.033)
Justice		.020 (.027)
Crime		-.016 (.262)
	.075 (.186)	.069 (.211)
	N = 1,259 R ² = 16.3**	N = 1,259 R ² = 16.0**

*p < .05

** p < .01

Robust standard errors are shown in brackets.

the ballot measure, when combining a retention or nonpartisan election with a ballot measure on the topic of criminal justice, it is more likely that roll-off will decrease. While not statistically significant, this is also true for partisan elections. This relationship across election types demonstrates the power of connecting judicial elections with relevant topical ballot measures.

Table 4
Ballot Roll-Off in Different Types of Judicial Elections

	Retention	Nonpartisan	Partisan
General	-.099 (.092)	.048* (.020)	.163** (.042)
Primary		.229** (.048)	.160** (.035)
President	.025* (.010)	.022 (.012)	-.021 (.020)
Persons per sq mile	.000 (.000)	.000** (.000)	-.000 (.001)
High-school grads	-.342 (.522)	-1.12** (.309)	-1.58 (1.55)
Age	-.001 (.002)	-.010 (.007)	.050 (.036)
Household income	-.000** (.000)	.000 (.000)	.000 (.000)
Unemployment	-.003 (.005)	-.000 (.004)	.036 (.049)
Hispanic	.000 (.001)	-.003* (.001)	.005 (.004)
Black	.003 (.002)	-.003* (.002)	.014** (.003)
Position	-.002** (.001)	-.000 (.001)	.005 (.003)
Gay marriage	-.074** (.022)	-.077** (.017)	-.136 (.075)
Judicial	.036 (.049)	.030 (.036)	-.025 (.033)
Crime	-.018* (.011)	-.019* (.008)	-.041 (.046)
	.502 (.621)	1.34** (.234)	-4.81 (3.88)
	N = 324 R2= 20.4**	N=391 R2= 31.8	N=171 R2= 64.9

*p < .05

** p < .01

Robust standard errors are shown in brackets.

CONCLUSION

These findings support both of the hypotheses postulated at the onset. First, ballot roll-off is higher when there is the presence of a judicial election. Second, the interaction terms of judicial election and criminal justice ballot issues decreases ballot roll-off—yet, ballots with judicial elections and measures dealing with judicial topics lessen roll-off in certain circumstances (namely, partisan elections). This confirms our first hypothesis and supports the conceptual basis of our second hypothesis—that certain

ballot issues (when combined with judicial elections) result in less roll-off. This research sheds light on the interaction of direct democracy elections and judicial elections and contributes to research on participation in both judicial and direct democracy elections.

Any democracy requires the active participation of its citizens. States have the power to take actions to ensure citizens are more actively engaged in their government. Taking measures to ease ballot roll-off in these types of direct democracy elections will increase citizen involvement. The information regarding the selection method of justices and ballot roll-off adds an interesting angle to the debate of selection type. Considerations regarding democratic participation are related to how a state chooses judges for the bench.

The American public when discussing American politics rarely considers judicial politics. Many consider the judiciary to be controlled by law and not politics. Recent scholarship has shown otherwise. Although Alexander Hamilton in the *Federalist Papers* saw the judicial branch as being the “least dangerous branch,” today we have seen the long-lasting impact and the important role the judicial branch can play in policymaking. Thus, when citizens have the opportunity to become more involved in the judiciary at the state level, it is important for democratic principles for them to take an active, informed role.

At the federal level, there is not much experimenting with how judges get their jobs, and there are no options for the federal voting public to amend operating aspects of the judiciary directly. Justices who serve in the judicial branch at the federal level are nominated for appointments and then confirmed by the Senate. Once they complete the confirmation process, they will have their jobs for life, given they continue to participate in good behavior. However, when one looks at the variety of ways justices reach their positions at the state level, they will find few similarities.

Democratic participation is an important element of state court composition and the nature of state government. This study examined the important link between direct democracy and judicial elections. When states make decisions to create or change their judicial system, they can consider the impact this will have on direct democracy participation. There are important implications for judicial ballot propositions as well, which states could consider when creating ballots and determining when measures will reach the ballot. This study provided the basis for more studies on the relationship of the state judiciary, as well as other state elections, and measures of direct democracy. **jsj**

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