VOTING CUES IN NONPARTISAN TRIAL COURT ELECTIONS: A MULTIVARIATE ASSESSMENT

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Despite a number of valuable scholarly contributions made in recent years, we still lack a precise understanding of the determinants of voter choice in low salience nonpartisan judicial elections. Utilizing a multivariate technique that controls for the varying numbers of candidates frequently found in judicial elections, this analysis examines the contributions of incumbency, occupational ballot labels, campaign spending, newspaper and bar association endorsements, voter information pamphlets, and the ethnic and sexual voting cues provided by candidate surnames to the outcomes of the 123 contested primary and run-off elections held for California's major trial court from 1976 to 1980.

The results suggest that the determinants of voter choice are quite different in the relatively well-publicized run-off elections than they are in the low visibility primary races. Additionally, judicial voters in the less populated California counties were found to rely upon different guides to voting than voters in California's metropolitan counties. The reasons for and implications of these differences are explored.

I. INTRODUCTION

One of the most significant and lasting of the governmental reforms inspired by the Progressives was the nonpartisan system for nominating and electing candidates to local office. Although it is often thought that the nonpartisan ballot was adopted initially in response to the role played by partisan political machines in local governments, it was in fact first used in the selection of local judges (Adrian, 1952: 766). Reformers hoped that removal of the party label and partisanship from the

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process of judicial selection would "free voters to give more sober and thoughtful consideration to the qualifications and qualities" of candidates competing for positions regarded as "nonpolitical" (Dubois, 1980a: 79-80; Adrian, 1952: 766). Extension of the nonpartisan ballot to the election of local officials was motivated by similar desires to take "politics" out of local government, promote voter rationality, and raise the caliber of candidates willing to seek local leadership positions (Lee, 1960: 3, 28-38).

Because of their widespread use for the selection of local officials (see Karnig and Walter, 1977: 69), nonpartisan elections have been the focus of a considerable amount of research. Attempts to assess the consequences of the nonpartisan ballot have considered its impact on the size (see, e.g., Lee, 1960: 134-46; Alford and Lee, 1968), composition (Williams and Adrian, 1959; Lineberry and Sharkansky, 1971: 85-91), and behavior of the local electorate (see, e.g., Pomper, 1966); the patterns of political campaigning (Adrian, 1952); the influence of party and nonparty organizations (Freeman, 1958; Hawley, 1973: 97; Salisbury and Black, 1963: 591); the kinds of candidates elected (Hawley, 1973: 31-33; Rogers and Arman, 1971; Hagensick, 1964); and the direction of public policy (Hawley, 1973: 107-32; Gilbert, 1962: 357-60; Lineberry and Fowler, 1967: 701-16).

This interest in nonpartisan elections has not, however, extended to the nonpartisan judicial ballot even though it continues to be used in seventeen states for the selection of all or nearly all judgeships and selectively in three other states (Berkson *et al.*, 1981: 16-17). While the value of empirical research concerning the actual workings of judicial selection systems has become more generally recognized in the last decade (see Volcansek, 1982: 81-84), we still have a rather limited understanding of how judicial voters make their choices and the consequences of that behavior for the composition, behavior, and stability of the judiciary.

Perhaps some of the initial inattention to judicial elections was understandable. Judicial contests did not seem to be particularly interesting to study. Two observers who undertook the enterprise were led to the seemingly paradoxical remark that "[w]hat is most obviously interesting about judicial elections . . . is that they seem so very uninteresting. They are typically placid affairs of low salience, involving men usually obscure to the general public" (Ladinsky and Silver, 1967: 132).

Despite, or perhaps because of, this seemingly vapid electoral environment, interest developed in understanding the

judicial electorate. In the absence of visible candidates and controversial issues, just how were voters making their choices in these elections? Surveys confirmed that voters did not have much interest in, or information about, the candidates for judicial office (see, e.g., Klots, 1973; Johnson *et al.*, 1978). Critics charged that judicial elections could thus neither recruit high quality judges nor hold judges accountable as the elective method of judicial selection was intended to do (see Dubois, 1980a: 6-20, 28-34).

Primarily through aggregate analyses, scholars were gradually able to learn more about the behavior of the judicial electorate. Voters' lack of concern about judicial contests seemed to contribute to a lower level of voter participation than was typical of major executive and legislative races (Barber, 1971; Adamany and Dubois, 1976: 742-45; Dubois, 1979b; Berg and Flynn, 1980; Dubois, 1980a: 36-63).[1] Participation was also found to be greater in partisan than in nonpartisan judicial races (Adamany and Dubois, 1976: 745-46; Dubois, 1979b: 871-76; Dubois, 1980a: 47-52). Research on voters in sub-presidential elections suggested that this difference could be attributed

> to the positive effect the party label has in providing voters with a familiar *voting cue*, one which touches upon the psychological identification most voters to some degree have with one of the major parties. When the party label is not present, a larger portion of voters find themselves with no meaningful guide to voting and thus fail to participate (Dubois, 1980b: 135, emphasis added).

The concept of "voting cues" also seemed to be a useful way to explain the behavior of those who *did* vote in judicial elections. The low level of information possessed by the judicial electorate was thought to force voters to look for those convenient guides to voting found "within the four corners of the ballot, that trigger a decision" (Cheit and Golzé, 1980: 417).

An analysis of state supreme court contests seemed to suggest that party labels strongly influenced voter choices in partisan judicial elections (Dubois, 1979a; 1980a: 70-79). Judicial candidates and issues are typically of such low visibility that there are no powerful short-term stimuli "that would move the voter to temporarily abandon a long-standing partisan allegiance" (Dubois, 1979a: 761). In nonpartisan judicial elections, however, voters were found not to demonstrate

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[1] Among other things, turnout in judicial elections was also found to depend upon scheduling, ballot forms (see Dubois, 1979b: 869-71, 876-83), and even the method of balloting used (Dubois, 1980b: 144-46).

partisan patterns of voting (Dubois, 1979a; 1980a: 70-79; see also Barber, 1971; Adamany and Dubois, 1976: 756-60). Logic suggested that these voters, stripped of the guidance of the party label, had to be basing their choices upon some other sources of guidance, assuming their behavior was not purely random.

Initial research confirmed this simple logic. An analysis of nonpartisan state supreme court elections from 1948 to 1974 showed that incumbency and name familiarity were among the important nonparty guides to voter choice (Dubois, 1979a: 771-75; 1980a: 79-82). Other studies suggested that judicial voters occasionally react to religious-ethnic cues apparent from candidate surnames (Nagel, 1973: 20-21, 23), while research on low salience nonjudicial elections suggested that some vote choices are based upon a candidate's sex, occupation, or even relative position on the ballot (see Dubois, 1980a: 81).

Despite this improved understanding of judicial elections, we still lack a precise assessment of the contribution of the various factors or voting cues that might influence the outcome of nonpartisan judicial elections. Two important recent studies (Goldstein, 1980; Volcansek, 1981) have offered the first multivariate analyses of judicial elections. However, as we shall see, each study is limited in its own way—one by its narrow applicability to other settings (Goldstein, 1980), the other by its methodology (Volcansek, 1981). More importantly, there still exists no comprehensive theoretical perspective on the relative importance of the various nonparty cues that might influence voter behavior in nonpartisan judicial contests. Drawing from the large body of existing research on voting behavior in other kinds of low salience contests and the more limited literature on judicial elections, this paper develops several hypotheses that state why, to what extent, and under what conditions each of several nonparty voting cues should or should not be expected to be an important guide to voter choice. These hypotheses are then tested with data drawn from the contested nonpartisan judicial elections conducted in California between 1976 and 1980.

II. SETTING AND DATA

California is an ideal setting for the analysis of nonpartisan judicial elections. On the one hand, the electoral landscape possesses most of the features characteristic of this method of judicial selection: frequently uncontested or weakly contested elections, entrenched incumbents, and low visibility campaigns

that seldom attract much attention. Voter turnout in contested judicial elections has lagged far behind turnout in concurrent partisan primaries and general elections (Dubois, 1980b; Berg and Flynn, 1980).[2] As in other states employing elective judicial selection, the vast majority of judges have initially reached the bench not by election but by gubernatorial appointment to mid-term vacancies (see Herndon, 1962; Dubois, 1980a: 101-43).[3] Further, although the appointed judges are required to face the voters to renew their terms in office, nearly all (99.4 percent) of those seeking re-election are successful in their first attempts following appointment.

Incumbent Superior Court judges have been similarly secure. From 1958 to 1980, 92.9 percent (1,587 of 1,714) of the incumbents won re-election without opposition while 82.7 percent (105 of 127) of the challenged incumbents survived re-election. Overall, incumbents have enjoyed a re-election success rate of 98.7 percent (1,692 of 1,714), a rate exceeding that of the heavily advantaged incumbents of most partisan legislative offices.[4] In short, as in other states employing nonpartisan judicial elections, most of California's Superior Court judges have neither reached nor left the bench by this route.

On the other hand, the character of California judicial elections has undergone a gradual transformation in recent years, causing concern among the state's judges, within the legal community, in the media, and among some community groups. First, the likelihood of competition has increased. Almost as many Superior Court incumbents (61) drew opposition from 1976 to 1980 as had for all of the elections from 1958 to 1974 combined (66). More importantly, the competition produced was more threatening to incumbents than ever before; 26.2 percent (16 of 61) of the incumbents challenged between 1976 and 1980 lost their seats, compared to just 9.1 percent (6 of 66) of those challenged from 1958 to 1974.

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[2] California's judicial elections are held concurrently with the biennial primary elections in June of each even-numbered year. Should no candidate receive a majority of the votes cast at the June balloting, the two top vote-getters compete in a run-off on the November general election ballot.

[3] The security of incumbents has meant that judges are able to serve until retirement or death, thereby necessitating mid-term vacancy appointments by the governor. In California, 84.3% of the individuals selected from 1959 to 1977 to fill existing Superior Court positions were appointed.

[4] Incumbents of the U.S. House of Representatives are usually re-elected about 90% of the time. U.S. senators have enjoyed a more variable rate of success, ranging from 55% to 97% in the post-War period (see Jacobson, 1983: 27).

Judicial campaigns also appear to be changing. Instead of placid noncontroversial campaigns, judicial races have become occasionally heated and acrimonious, as challengers criticize incumbents' sentencing of criminal defendants and raise questions concerning their views on controversial social issues such as capital punishment, abortion, and school desegregation. Several conservative citizen groups have attempted to unseat judges whom they regard as too lenient in the treatment of criminal offenders (see Turney, 1981), and local bar associations and newspapers have become more active in issuing endorsements. Even the usually reserved corps of California judges has mobilized, with the California Judges Association (CJA) offering to help incumbent judges wage successful re-election campaigns in what one CJA leader has called "the state's largest growth industry—running for judge."[5]

As judicial campaigns increased in intensity, the cost of these campaigns also rose to levels some observers considered alarming. The mean cost per candidate of a contested Superior Court election in 1978 ($18,605) was nearly double what it had been just four years earlier ($9,866) (Slead, 1981: Table 1). This has not only led people to wonder whether election outcomes are being unduly influenced by campaign spending, but it has also generated concern for the conflict of interest problems that can arise when candidates solicit financial support from attorneys who might later appear before them on the bench (Cochran, 1981: 219-20).

In sum, events since 1976 have signaled a change in California's judicial elections. A gradual rise in competition, an apparent (albeit slight) cracking in the armor of incumbency, a shift in the nature of judicial campaigning, the swift growth in the cost of these elections, and a rising clamor for "judicial accountability" have combined to draw greater attention to the judicial election and raise questions about what factors determine electoral success. How important is incumbency, the candidate's occupation, or the candidate's sex or ethnic identification? How influential are endorsements issued by local bar associations or local newspapers? What are the returns on campaign spending? The purpose of this research is to attempt to answer these questions.

The data analyzed include 92 contested California primary elections involving 256 candidates and 31 contested run-off

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[5] The comment was made by Judge Robert I. Weil of the Los Angeles Superior Court at the 1978 Annual Meeting of the California Judges Association, which I attended.

elections between 62 hopefuls. Uncontested elections are not studied since under California law unopposed candidates do not appear on the ballot but are simply "declared elected" on election day in November.

III. NONPARTISAN JUDICIAL ELECTIONS: WHAT MOVES THE VOTER AND WHY?

Many factors or voting cues might affect voter choices in nonpartisan judicial elections, but it cannot be assumed that all factors have explanatory power in every electoral setting. This section draws on the large body of research on American elections to formulate hypotheses about the impact that different factors may be expected to have on voter choices in nonpartisan judicial elections, the reasons for the expected impacts, and the conditions under which the importance of particular factors will vary. An initial examination of how each factor relates to the outcomes of the California judicial elections studied here suggests the value of including that factor in the larger multivariate analysis that follows.

The Impact of Incumbency

It is an unquestioned maxim of American elections that incumbents are favored over challengers. Even in highly partisan contests, the advantages of incumbency are clear. "Incumbents find it easier to acquire campaign resources, such as party support, issue information, group endorsements, money, and campaign workers" (Abramowitz, 1975: 668). They are also well situated to keep their names before the electorate between elections (Cover, 1977: 536-40).

What is not clear is how these advantages are specifically converted into votes. Why do voters prefer incumbents over their challengers? Incumbents may be preferred because their names are more familiar and, particularly in a low visibility election, "any information about a candidate predisposes voters toward that candidate" (Abramowitz, 1975: 669). The incumbency advantage may also reflect incumbents' ability to show through their performance that they have personal qualities, political values, or abilities that voters admire (Abramowitz, 1975: 671).[6]

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[6] Of course, it might be argued that a large portion of the advantage of incumbency is attributable to the same qualities that get a candidate elected in the first instance. Name identification, family wealth, political compatibility with one's district, and the like usually remain relatively stable from one election to the next. The possibility that incumbency is a spurious correlate of these other determinants of political success rather than a true cause is a

Incumbency has been found to vary in importance depending upon the kind of election involved and the characteristics of individual voters. Incumbency is most powerful when short-term perturbations introduced by highly visible candidates and controversial issues are not paramount, as in the less visible off-year elections when the tumult surrounding the presidential race is absent (Nelson, 1978: 668). And although incumbency is less important than party affiliation in partisan elections (Nelson, 1978; but see Cover, 1977), survey evidence shows that ". . . incumbency is more important to voters who lack strong party affiliations" and most important to those with no partisan inclinations (Nelson, 1978: 668-70).

These analyses suggest that the absence of the party cue and the low visibility of judicial contests should combine to make incumbency an important factor in nonpartisan judicial elections. Moreover, because nonpartisan judicial elections are proportionately less likely than partisan contests to draw the attention of strong partisan identifiers and more likely to draw voters only weakly identified with the major parties (Adamany and Dubois, 1976: 751), the judicial electorate as a whole contains a larger proportion of those voters most likely to be influenced by the factor of incumbency. Certainly, the results of contested nonpartisan elections and of uncontested retention elections suggest that incumbency is an overwhelmingly positive voter cue (Jacob, 1966; Griffin and Horan, 1979; Carbon, 1980).[7]

Why incumbency is such a powerful force in judicial elections can only be surmised. Like other officeholders, incumbent judges are better able than nonincumbents to collect resources useful to re-election: campaign support, endorsements, money, and manpower. These resources should make incumbents' names more familiar to the voters than their opponents', at least in the immediate pre-election period. Judges with long tenure on the bench and congenial relations with court users (attorneys, litigants, jurors) and the media

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potentially less serious problem in the study of nonpartisan judicial elections than it is in other settings because most judicial incumbents are initially appointed to their positions and the time between elections is comparatively long.

    [7] Throughout this paper, reference will be made to research completed on voter behavior in uncontested merit retention elections. Although this ballot form does not pose one candidate against another, it resembles the contested nonpartisan format in that it too has "strain[ed] out the influence of partisanship, personalities, and campaigning upon the voter's decisional behavior" (Griffin and Horan, 1981: 4).

should also enjoy a positive voter image even though they engage in none of the inter-election activities that other elected officials use to enhance their reputations (see Mayhew, 1974).

Yet little of the evidence collected about judicial elections suggests that either the name familiarity or reputational advantages of incumbency could inspire voter devotion on election day. There is substantial research to suggest that an incumbent's presence in an election is revealed to most voters "only after they have stepped inside the voting booth" and are able to identify the incumbent from among the other labels attached to the various candidates on the ballot (Dubois, 1980a: 81). With but few exceptions, most studies have shown that judicial voters have very little awareness of courts, judicial contests, or the identity of specific candidates (Klots, 1973; Jacob, 1966; Ladinsky and Silver, 1967; Adamany and Dubois, 1976; Johnson *et al.*, 1978; Roper, 1981. But cf. Lovrich and Sheldon, 1983: 245-46; and Philip *et al.*, 1976). Similarly, in uncontested retention elections, incumbents are consistently favored by wide margins, but there appears to be no relationship between the amount of information possessed by voters about the incumbent and the decision to vote for or against retention. Nevertheless, most voters vote to retain. As Griffin and Horan suggest, the incumbency designation

> informs the voter that it is, after all, an *experienced* and, *presumably qualified judge* whose future is being decided. . . . [I]t is not difficult to appreciate why lack of information (especially a lack of *unfavorable* information) and indifference also contribute to a voter inertia essentially favoring [the incumbent] (1981: 22-23).

Incumbency's edge can cut the other way, of course, and there is some anti-incumbent voting, presumably motivated by voter discontent with the judicial system generally. Nevertheless, voters who view incumbency favorably consistently outnumber those who don't by a margin of four to one (Griffin and Horan, 1979: 80, 83; Jenkins, 1977: 86).

Despite its apparent advantage, however, it is difficult to say whether incumbency serves as a favorable voter cue in California under all circumstances. Simple statistics from the 1976-1980 period suggest that this is the case. Challenged judges won re-election outright in 84 percent of their primary races by collecting a majority of the votes cast. Such success is consistent with the idea that voters place heavy reliance upon the label of incumbency in the absence of other information about contending candidates. On the other hand, when

incumbent judges have been forced into a run-off by their failure to collect a majority at the primary stage, they have not fared as well. Only two of nine incumbents involved in run-offs managed to win re-election. Here the value of the ballot label is more in question. It may be that these defeats result entirely from the factors that led to the run-off in the first instance, and the incumbency label may serve to hold down the margin of defeat. It may also be the case that when the voters know a run-off has been forced, the label "incumbent" acquires a negative connotation.

Other Occupational Ballot Labels

Incumbency, of course, is just one of the voting guides to be found on the ballot. Ballot labels indicating a candidate's current occupation and/or past experience may also influence some voters, particularly if no incumbent is seeking re-election (Byrne and Pueschel, 1974: 781).

In California, candidates for the Superior Court may employ a three-word ballot designation indicating their principal profession, vocation, or occupation. Thus, in addition to "Incumbent" or "Superior Court Judge," typical ballot designations include those of "Municipal Court Judge," "Deputy District Attorney," and "Attorney at Law."

An initial inspection of California's recent Superior Court elections suggests that these ballot labels do influence results. Ballot labels indicating that the candidate is a municipal or justice court judge are associated with a very high rate of electoral success: 76.1 percent of the candidates bearing these "judicial" labels were successful in those primary races in which they were entered, a percentage that improved slightly (to 81.1 percent) in races not involving incumbents. Candidates wearing a "judicial" ballot tag were also victorious in 90 percent of those run-off contests in which they did not have to face incumbents or other judges seeking election.

Other ballot labels have not been as valuable. Publicly employed lawyers (bearing labels such as "District Attorney," "Deputy District Attorney," "County Counsel," etc.) were successful in only 36.9 percent of their races, a rate of success that actually dropped (to 28.0 percent) when the races involving incumbents were excluded. Candidates identifying themselves as "Attorney at Law" or just plain "Lawyer" also did not enjoy high rates of success, winning just 22.9 percent of all the races and 28.3 percent of the races not involving

incumbents.[8] In short, California voters appear to value a ballot label which indicates that the candidate has had some prior judicial experience at the municipal or justice court level.

Campaign Spending

Name familiarity may also be an important factor in determining judicial election outcomes. Absent other information or more powerful cues upon which to base a vote, voters who see a familiar name may experience that "warmth of recognition" thought to be so important to guiding electoral behavior in low salience elections (Barber, 1971: 776). Campaign spending to support the costs of mass media advertising, bulk mailings of campaign literature, and billboard displays constitutes the primary means by which a candidacy is made known to the voters. Money "buys access to the means of reaching voters . . ." (Jacobson, 1980: 37).

Prior research on Congressional (Jacobson, 1980) and state legislative races (Welch, 1976) has confirmed that spending positively affects election outcomes even when the effects of other powerful determinants of the vote (such as party and incumbency) are controlled statistically (see also Owens and Olson, 1977). The relationship appears to be especially pronounced when voter recognition of the candidates' identities would otherwise be low (Adamany, 1969: 268; see especially Rothschild, 1978; Swinyard and Coney, 1978).

Of course, a finding that campaign spending is positively related to election outcomes must be considered with caution. Because campaign spending usually depends in large measure upon campaign contributions, a high level of spending may merely reflect a candidate's prior voter appeal (see Jacobson, 1980: 49-50). However, one study which controlled for this simultaneity found that campaign spending has an independent effect on candidates' vote totals even though candidates are in fact given money in some measure according to how well they are expected to do (Jacobson, 1980: 136-62). Moreover, this analytical problem is probably less important in judicial elections than in other kinds of elections. Although judicial candidates could collect funds from many sources (i.e., attorneys, law enforcement groups, labor and business groups, etc.), it appears that many judicial campaigns (including those in California) are financed personally by the candidates and

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[8] These figures combine the results of the primary and run-off elections; the election totals considered separately are similar.

their families and do not depend heavily upon contributors (see also Cochran, 1981: 220).

The relationship of campaign spending to California's judicial election results is not entirely clear.[9] The data suggest that differences in the amounts candidates spend do little to affect the advantages that incumbents already enjoy either by virtue of superior name recognition or by their identification on the ballot. Although incumbents outspent all of their challengers in most primary races (65.6 percent) and won the vast majority (85.5 percent) of these, incumbents also won a comparable proportion (81.0 percent) of the races in which they were outspent by one or more challengers. On the other hand, incumbents continued to outspend their opposition in most run-off elections (62.5 percent), but they won only 40 percent of these races. And in the run-off elections in which the challengers spent more money, incumbents were always defeated.

As Jacobson found (1980: 146), campaign spending may be more important to the electoral fortunes of nonincumbents than incumbents. In the "open" races featuring no incumbents, top spenders won their primary races outright (or reached a run-off) 76.6 percent of the time and won 81.0 percent of the run-offs:

> Nonincumbents . . . usually begin the race in obscurity; the campaign is crucial because it is the only means for grabbing the attention of voters. An effective campaign costs money; the more nonincumbents spend, the better they are known, and the better they do on election day (Jacobson, 1980: 146).

Endorsements, Voter Information Pamphlets, and Other Variables

Prior research on American judicial and nonjudicial elections suggests that a number of other factors in some way and under certain conditions may influence voters in nonpartisan judicial elections: bar association and newspaper endorsements, voter information pamphlets, and candidate surnames. The relative importance of each in affecting election outcomes, however, appears to depend upon a variety of factors, not the least of which is the presence or absence of the other relevant voting cues. These variables are not only

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9 Data on campaign spending by judicial candidates were collected from the reports filed by candidates with the California Fair Political Practices Commission (FPPC). Some county clerks were contacted to supply reports that candidates had failed to file with the FPPC but had filed locally.

correlated with the variables already introduced and with one another, but the association between these variables and electoral success is in most instances equivocal after controlling for incumbency and the type of election. Thus, it makes little sense to look at the effects of these variables except in a multivariate framework. Accordingly, in introducing these factors, I shall not discuss the bivariate relationship between each variable and electoral success,[10] but shall instead focus on the literature that suggests their potential importance and note how these variables are measured in the larger multivariate analysis that follows.

Bar Endorsements. A key source of potential guidance for the judicial voter may be the legal profession. Because lawyers are thought to be particularly well-situated to assess the qualifications of candidates seeking judicial office, voters might be expected to look eagerly to the opinion of the legal community as expressed in official bar endorsements, candidate ratings, or bar association membership polls for clues as to how they should vote.

Although bar endorsements and plebiscites are intended to influence voters, the evidence concerning their effects is inconclusive. Surveys of voters in partisan judicial races show that the low visibility of the elections and the tendency of voters to misinterpret campaign information combine to prevent bar endorsements from having a major direct effect upon voter behavior (Philip *et al.*, 1976; Johnson *et al.*, 1978). Additionally, competing with such powerful psychological and continually reinforced cues as partisan affiliation, "[r]ecommendations from the bar may well become lost in the maze of inputs to the voter" (Guterman and Meidinger, 1977: 13). Of course, when the party cue is removed, bar recommendations should be able to compete more favorably for voter attention. However, the evidence of bar influence in nonpartisan and uncontested merit retention elections is inconclusive (Volcansek, 1981; Carbon, 1980; Jenkins, 1977; Rubenstein, 1977).

The most frequent and visible bar activity in California is by the county bar associations, invariably the largest and most stable local bar organizations. Many of the smaller bar groups have eschewed active involvement in local judicial campaigns, fearing that any action they might take on behalf of a particular candidate would be excessively divisive within their small

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[10] These relationships are reported in detail in Dubois, 1983: 21-39.

organizations or anger a nonendorsed candidate who nevertheless was elected. These considerations guided the decision to examine only the endorsement activities of the county bar associations and not those of numerous smaller and less visible bar groups.[11] Furthermore, because of the countywide nature of Superior Court elections, focus on the county bar associations seemed particularly appropriate.

Although it appears that a bar association that backs its recommendation with financial support and manpower is more likely to be successful than an association that takes a more passive posture (Stookey and Watson, 1980), this case study approach was not possible for each of the 123 contested elections studied here.[12] Nevertheless, from contacts with bar association officials and from an examination of newspaper clippings of the various judicial campaigns, few, if any, of the bar associations appear to have followed what has been called the "special interest group" approach to bar activity. Rather, most bar groups adopt the contrasting "public service" orientation in which the ". . . emphasis is on providing the maximum amount of useful information [to the voters] in order to assist the deliberations rather than determine the result" (Guterman and Meidinger, 1977: 9).

Newspaper Endorsements.   In addition to reporting the infrequent newsworthy events in judicial campaigns (such as bar association endorsements), local newspapers may affect judicial races through their own candidate endorsements. In the absence of other information about judicial candidates, such endorsements might well prove influential as voters turn to their local newspaper for guidance. This is likely because

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[11] Approximately one-third (30%) of California's Superior Court elections (primaries and run-offs) from 1976 to 1980 were conducted with no formal involvement by the county bar association. Endorsements, reached either by an executive committee or as the result of a plebiscite of association members, were issued in only about one-fifth (19.5%) of the elections. One-third of the elections (33.3%) featured ratings of the candidates issued without endorsement, while the results of bar association plebiscites were released without comment by the sponsoring associations in 17.1% of the elections. These data were collected through direct written and telephone communication with county bar association officials.

[12] In addition, no distinction is made here among bar association endorsements, ratings, or plebiscite results. All of these methods announce to the electorate either the "favored" candidate of the official association of the county's lawyers or their assessment of the relative qualifications of those competing for the bench. Moreover, a survey of state bar leaders revealed virtually no difference in the perceived effectiveness of bar polls, candidate ratings, and bar endorsements in placing the bar's preferred candidates on the bench (Sheldon, 1977: 399). All of these practices will be labeled as "bar endorsements" for purposes of discussion, even though endorsements *per se* are issued by relatively few of the county bar associations (see note 11, *supra*).

newspapers reach nearly all American households and are particularly important as a source of information about local politics (Blume and Lyons, 1968; Vinyard and Sigel, 1971; Conway, 1968).

Indeed, despite the overwhelming importance of party affiliation, research has found that endorsements may swing anywhere from 5 to 7 percent of the total vote in partisan elections after the other factors known to affect vote choices (including party) have been controlled statistically (Erikson, 1976; Robinson, 1972; 1974). While most studies have found that the impact of newspaper endorsements dwindles in low visibility partisan contests (Blume and Lyons, 1968: 289; see also McCombs, 1967; Rothschild, 1978; but cf. Vinyard and Sigel, 1971), they appear to retain their importance in nonpartisan elections, where the guidance of party affiliation is not present (McClenghan, 1973; Gregg, 1965; Hain, 1975). Significantly, voters identifying themselves as "independent," with little or no psychological attachment to the major parties, appear to be especially influenced by local newspaper endorsements (Robinson, 1972: 243-44; 1974: 592-93).

This research suggests that a newspaper's editorial position should have some influence upon the results of a nonpartisan judicial election. Indeed, one survey of voters in two states revealed that newspaper editorials ranked third or fourth in preference among fourteen possible sources of information concerning nonpartisan judicial races, trailing only the voters' pamphlet, discussions with family and friends, and bar association polls (Sheldon and Lovrich, 1982: 474). On the other hand, Volcansek's multivariate analysis of nonpartisan judicial contests found that newspaper endorsements explained only 2 percent of the variance in the proportion of the vote received by winning candidates (1981: 576; see also Carbon and Berkson, 1980: 56; but cf. Stookey and Watson, 1980: 240-41).

If newspaper endorsements have any impact upon judicial elections, then the newspapers that are most likely to have such an influence would be those local papers most likely to cover the races and issue endorsements. For this study, I canvassed the endorsement practices of local newspapers by writing to that daily newspaper which is based locally within each county and which has the largest daily circulation within that county. Although in some large counties the metropolitan newspaper has a circulation in adjacent counties which exceeds that of the locally-based daily paper, in only one

instance was it found that a metropolitan paper issued endorsements in judicial elections located outside its "home" county. Further, research has shown that local weekly newspapers provide more extensive coverage of local elections than that provided by the metropolitan daily and that voter interest in a local election is more likely to be stimulated by the local paper than by the metropolitan one (Conway, 1968).[13]

This approach did not allow me to measure the effects of some potentially important differences in newspaper endorsement practices, such as the frequency of endorsement editorials or the location of the endorsements within the paper (see, e.g., Scarrow and Borman, 1979: 393). Fortunately, most judicial endorsements by the press in California follow a pattern. They are typically made at least a week before the election, accompanied by at least one supporting editorial, and reprinted on the days immediately preceding the election in an "editorial box" that contains the paper's recommendations for all national, state, and local races.

The Voters' Pamphlet. In some states, the judicial voter may have another potential source of guidance in materials distributed with a sample ballot in advance of the election. These materials typically include statements from each of the candidates describing their academic background, previous experience, and campaign positions.

Voter information pamphlets have been shown to influence voter decisions in partisan statewide and Congressional contests and on ballot measures (see Dubois, 1980a: 69). A survey of Washington and Oregon voters also found the voters' pamphlet to be the source of information that voters most value in judicial elections, exceeding the perceived value of bar association polls, newspaper editorials, and other sources (Sheldon and Lovrich, 1982: 474). The only study of the specific impact of candidate statements upon judicial elections found that candidates filing statements "fare[d] significantly better than those who did not" (Beechen, 1974: 244).

California law (ELECTIONS CODE § 10012) provides that each candidate in a nonpartisan election may prepare a statement of qualifications for distribution with the sample ballot. The combined costs of printing and mailing the statements are divided among the candidates in each race who

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[13] For the 1976-1980 period, 75% (69 of 92) of the primary contests and 84% (26 of 31) of the run-offs featured an editorial endorsement from the local newspaper.

choose to file them. Because not all candidates are financially willing or able to file statements, however, whatever benefits the statements might yield should be unequally distributed. Presumably, those candidates appearing in the voters' pamphlet enjoy greater name recognition than those candidates who do not.

What's in a Name? The Influence of Sex and Ethnicity. Should a voter be unmoved by any of the voting cues found in incumbency, occupational ballot labels, a candidate's campaign spending efforts, bar association or newspaper endorsements, or candidate qualification statements, there may be additional guidance in the first and last names of the candidates—sex and ethnic identification. Prior research on judicial (Nagel, 1973) and nonjudicial elections (Byrne and Pueschel, 1974) suggests that ethnic cues may serve as the basis for some voters' choices, especially "where more personalized knowledge of the candidates is lacking, . . . [and] where there are nonpartisan ballots" (Nagel, 1973: 20-21, 23). With respect to the influence of a candidate's sex, prior studies of nonjudicial elections have been inconclusive. While aggregate analyses show a slight advantage for males over females (Byrne and Pueschel, 1974: 783; Bernstein and Polly, 1975), surveys and experimental studies do not provide convincing evidence that female candidates are disadvantaged (Ferree, 1974; Darcy and Schramm, 1977; Ekstrand and Eckert, 1981).

For this study, cues to sex and ethnicity were derived from the first and last names of the candidates.[14] With respect to ethnicity, the decision was made to examine only the effects of Spanish surnames. This cue is clear from the ballot and there have been widely published reports that certain California judicial races were determined by adverse voter reactions to Mexican-American and Hispanic-American candidates.[15]

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[14] In the case of the cue of sex, one of the candidates counted as a female was a male named "Carol" who, according to newspaper reports, received several invitations from women's civic groups for campaign speaking engagements because he was thought to be female (*Los Angeles Daily Journal,* May 22, 1980: 1).

[15] There may be other factors not considered in this article that serve as cues in nonpartisan judicial elections. For example, a candidate's race might provide guidance for some voters. This factor was not included here, however, because the race of the candidates could often not be determined. Similarly, prior research has shown that the relative position of the candidates on the ballot influences some voters in some kinds of low salience elections. Appearing first on a ballot has been thought to carry an advantage, while being listed lower on the ballot has been thought a disadvantage (see generally, Bain and Hecock, 1957; Byrne and Pueschel, 1974; Volcansek, 1981). In California, however, the influence of ballot position is probably minimized by a statutory procedure for rotation of names on the ballot. After an initial ballot order is

IV. JUDICIAL ELECTIONS IN CALIFORNIA: A MULTIVARIATE APPROACH

Thus, prior research suggests that voters may call upon various sources of guidance for voting in low salience nonpartisan judicial elections. However, only two studies (Goldstein, 1980; Volcansek, 1981) have employed multivariate statistical methods in the analysis of such elections. Each study allows a more precise understanding of the role played by the factors that influence judicial voters, but each is limited in its own way—one by its narrow applicability to other settings, the other by its methodology.

Goldstein (1980) examined a large number of contested elections held in Jefferson County, Kentucky, in 1977 to fill new "district" judgeships created by a consolidation of several local-level courts (1980: 378). Because these positions were being filled for the first time, however, Goldstein could not consider the effects of incumbency even though prior research points to incumbency as one of the most important determinants of nonpartisan judicial elections.

Volcansek (1981), looking at trial court elections conducted in Dade County, Florida, from 1962 to 1978, regressed the percentage of the vote captured by winning candidates against the number of candidates in each race, their ballot positions, incumbency status, newspaper endorsements, and bar poll ratings. The number of candidates was found to account for 37 percent of the variance in the vote while the remaining variables together added only 13 percent to the explained variance (1981: 576).

The central problem with Volcansek's study is its use of the number of candidates as an independent variable. Of course, in purely mathematical terms, the number of candidates should influence the proportion of votes received by the winner. In a two-candidate race, for example, a random distribution of votes would yield each candidate approximately 50 percent of the votes. With five candidates, however, each candidate can only "expect" about 20 percent of the votes cast. It is not surprising, therefore, that the number of candidates was found to be the most powerful independent predictor of the vote. Conceptually, however, it is not appropriate to think of the number of candidates as an independent variable in a

determined by the drawing of a randomized alphabet, the order of the candidates on the ballots is rotated by supervisorial district in the smaller counties and by assembly districts in the larger counties. (See CAL. ELEC. CODE §§ 10216 and 10217.)

model of voting behavior. The number of contestants is not in any sense a "voting cue" or a candidate attribute that might guide voter choice. Rather, the number of candidates is more properly considered as a variable that must be controlled in the measurement of the dependent variable—the proportion of the total vote received by each candidate.

A related problem can arise if one focuses only upon the cues and attributes of winning candidates. This focus assumes that no challenger ever possesses any of the vote-gathering characteristics possessed by the winner. With respect to some variables, this is a safe assumption; only one candidate in each race, for example, can run as an incumbent. But other attributes that favorably influence voters, such as positive ratings from the local bar association or a "favored" ethnic identity, may be shared by more than one candidate. And, as Nakanishi *et al.* have shown, "the extent an attribute would add to or subtract from the number of votes received by a candidate is dependent on how many others possess the same attribute" (1974: 37). If a particular voting cue or attribute adds votes, the electoral benefit must be shared among all the candidates possessing that attribute. If all of the candidates in a contest share the same attribute, one can presume that this is not a factor determining voter choice in that election.

A remedy for these problems is suggested by the work of Nakanishi *et al.* (1974). In attempting to develop a model to explain why consumers select particular products given the minimum amount of information found on the packages of goods or in advertisements, Nakanishi *et al.* argued that "isolating the determinants of voting behavior under minimum information is essentially identical to finding the determinants of market shares for products which are not very salient to the consumer" (1974: 37).

The statistical model they developed, which they termed a "multiplicative-competitive interaction model," is expressed mathematically as:

$$\pi_i = \frac{X_{i1}^{\alpha 1} \cdot X_{i2}^{\alpha 2} \cdots X_{iq}^{\alpha q}}{\sum\limits_{i=1}^{m} (X_{i1}^{\alpha 1} \cdot X_{i2}^{\alpha 2} \cdots X_{iq}^{\alpha q})} \qquad (\underline{\text{Equation \#1}})$$

where:

π_i = the probability that a voter chooses candidate i (i=1,2,...m)

X_{ik} = the kth explanatory attribute or cue, such as incumbency, ballot label, endorsement, etc. ($k=1,2,...q$) possessed by candidate i. To control or account for the fact that more than one candidate may share the same cue or attribute, X_{ik} is calculated using an "index of distinctiveness." The formula for calculating this index depends on whether or not the candidate possesses the attribute in question. If candidate i possesses a particular attribute or cue, the index of distinctiveness (X_{ik}) is equal to m/c_k, where m is the total number of candidates and c_k is the number of candidates in that race possessing that attribute. If candidate i does not possess the particular attribute or cue, the value of X_{ik} is $1 - c_k/m$. Thus, the index of distinctiveness is largest when a candidate is the only one in the race possessing that attribute. It is smallest when a candidate is the only one in a contest not possessing an attribute. If all of the candidates possess the attribute or cue, then $c_k = m$ and the index consequently assumes the value X_{ik} = 1, making the attribute essentially irrelevant for that contest.

α_k = the coefficient reflecting the importance of the kth attribute or cue. The size of α affects the probability of receiving votes. If α for a particular attribute k is large and positive, having that attribute will increase the probability of receiving votes. Lower positive coefficient values are less advantageous while negative values of α reduce the probability of receiving votes.[16]

In this model, the numerator of Equation #1 can be thought of as a score for each candidate (i) that is the product of each of the attributes possessed by that candidate. The denominator is the sum of those scores computed for each of the candidates in a particular race. The denominator thus normalizes the set of scores for all candidates into a set of probabilities which can be expressed as an expected percentage share of the vote for each candidate in each contest.

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[16] This can be most easily understood in mathematical terms. Note that a positive value of α always results in a value of $X_{ik}^{\alpha} \geq 1.0$ and that any such value inserted into Equation #1 has the effect of increasing π_i. In contrast, a negative value of α results in a value of $X_{ik}^{\alpha k} < 1.0$ and thus reduces the probability π_i.

The key advantages of this model are several. First, unlike standard regression, the model easily manages the different number of candidates competing in different contests. Because the denominator of the model increases with the number of candidates (i = 1, 2,...m), the probability that a voter will choose any particular candidate (π_i) is reduced as the number of candidates increases. Secondly, the "index of distinctiveness" (X_{ik}) serves to divide the benefit of possessing any particular voting cue or attribute among all of the candidates in each race sharing that attribute. Third, the multiplicative aspect of the model allows it to incorporate the interaction among a large number of voting cues or candidate attributes. Finally, the model is designed to utilize the proportion of the total vote received by each candidate, thereby allowing the contribution of particular cues or attributes to be precisely estimated, regardless of whether a candidate wins the election or not.[17]

Although I shall focus here upon the estimation of the coefficients that measure the importance of each voting cue to votes received, a simple example should help the reader gain a better understanding of how the model works. For purposes of illustration, assume a three-candidate race that features one incumbent judge "A" challenged by two lawyers, "B" and "C." Suppose also that voters know nothing more about this race than what they can observe from the ballot labels of "Incumbent" (I) and "Attorney at Law" (L). Finally, suppose for this example that the value of α is .9 for the cue provided by the incumbency label (α_{iI}) and .5 for the attorney label (α_{iL}).

The model first requires that an index of distinctiveness X_{ik} be calculated for each candidate i and each voting cue or attribute k. Thus, for incumbency, the index value is:

$X_{AI} = m/c_k = 3/1 = 3.0$
$X_{BI} = 1 - c_k/m = 2/3 = 0.67$
$X_{CI} = 1 - c_k/m = 2/3 = 0.67$

where m = the total number of candidates (in this case, m = 3) and c_k = the number of candidates possessing the cue (in this case, only candidate "A" possesses the label as the incumbent).

Similarly, for the ballot label of "Attorney at Law," the index of distinctiveness is:

$X_{AL} = 1 - c_k/m = 1-2/3 = 0.33$
$X_{BL} = m/c_k = 3/2 = 1.50$

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[17] Nakanishi *et al.* (1974: 39-41) have demonstrated that, because of these properties, the multiplicative-competitive interaction model is superior to the standard linear multiple regression model as a statistical predictor of the vote.

$$X_{CL} = m/c_k = 3/2 = 1.50$$

In this case, candidates "B" and "C" must split whatever benefit they receive from sharing the same ballot label.

When the assumed values for the α_k and the calculated values for the X_{ik} have been inserted directly into the model, the numerator for Equation #1 for candidate "A" becomes:

$$X_{AI}^{\alpha I} \cdot X_{AL}^{\alpha L} = 3.0^{.9} \cdot .33^{.5} = 1.54$$

Similarly, we get .85 for candidate "B" and .85 for candidate "C." Thus $\pi_A = 1.54 / (1.54 + .85 + .85) = 47.5$ percent, while $\pi_B = \pi_C = 26.2$ percent. In other words, should voters know no more about a race than that an incumbent is being challenged by two attorneys, the incumbent would be expected to collect 47.5 percent of the total vote, with his opponents splitting the balance of votes evenly. Since a random distribution of votes among three persons would lead each candidate to "expect" 33.3 percent of the vote, the incumbent here gains a large advantage over his challengers, both because the "incumbency cue" is relatively more valuable than the "lawyer cue" (.9 to .5) and because the two attorneys share any votes that may have been elicited by the label "attorney." Add an additional voting cue bearing a coefficient that reflects its importance and this expected division of votes would change, depending upon both the size of the coefficient and the extent to which the voting cue or attribute was shared by two or more candidates. Should either all or none of the candidates in a particular race possess a particular attribute, the index of distinctiveness assumes a value of 1.0, thereby rendering that cue irrelevant for that contest (since 1.0 raised to any exponential power of α retains the value of 1.0).

This example of the use of the multiplicative-competitive interaction model has assumed certain values of α_k. In fact, only the X_{ik} and π_i (the proportion of votes received by each candidate) are known. The value of the model is that from this known information one can by multiple regression derive estimates for the coefficients that reflect the importance of each voting cue or candidate attribute to the outcome of a group of elections. Since the model as expressed in Equation #1 is nonlinear, however, we can use a logarithmic transformation (Nakanishi, 1972) to yield an equivalent linear model:

$$\log(\pi_i/\pi) = \sum_{k=1}^{q} \alpha_k \cdot \log(X_{ik}/X_k) \qquad \text{(\underline{Equation \#2})}$$

where π and X_k are the geometric means of π_i and X_{ik} over all candidates i in each race. Since the attributes of each candidate are known, as are the corresponding percentages of votes received by each candidate in each election, we can find a least squares solution to the set of equations:

$$\log(p_{ij}/p_j) = \sum_{k=1}^{q} \alpha_k \cdot \log(X_{ijk}/X_{jk}) \qquad \text{(\underline{Equation \#3})}$$

where:

p_{ij} = the proportion of votes received by each candidate i running for office j

p_j = the geometric mean of p_{ij} for office j

X_{ijk} = the index of distinctiveness score of the kth attribute of candidate i running for office j

X_{jk} = the geometric mean of X_{ijk} for the candidates running for office j.

The voting cues and candidate attributes used in this analysis of the California data are:

BALLOT LABELS:

Incumbent (whether the candidate was in some way identified on the ballot as the incumbent. Typical designations included "Incumbent," "Incumbent Judge," and "Superior Court Judge");

Municipal Court Judge (whether the candidate was designated on the ballot as a municipal or justice court judge);

Public Lawyer (whether the candidate listed his/her occupation as district attorney, deputy district attorney, county counsel, etc.);

Commissioner (whether the candidate listed his/her occupation as superior or municipal court commissioner, workmen's compensation referee, etc.);

Attorney (whether the candidate listed his/her occupation as attorney at law, lawyer, trial attorney, etc.).

NEWSPAPER ENDORSEMENT (whether the candidate received the endorsement of the daily newspaper located in the county of the election and having the largest circulation).

BAR ENDORSEMENT (whether the candidate received the endorsement of the county bar association; where bar polls or candidate ratings were issued by the bar association, a ratio reflecting differences in candidate preferences or

ratings was employed).[18]

VOTERS' PAMPHLET (whether the candidate submitted a "Statement of Qualifications" for distribution to all registered voters before the election).

CAMPAIGN SPENDING (a ratio reflecting each candidate's spending relative to that of opponents in the election).[19]

TOTAL CAMPAIGN SPENDING (for run-off elections only, the campaign spending variable recalculated to combine primary and run-off election spending).

SEX (whether the first name of the candidate indicated that the candidate was a female).

ETHNICITY (whether the last name of the candidate was of Spanish origin).

The dependent variable ($\log (p_{ij}/p_j)$) was calculated using the proportion of votes received by each candidate in each race. Estimates for each coefficient were found using a multiple regression solution to Equation #3. For all analytical purposes, the primary and run-off elections were separately considered.

Table 1 presents the results. Again, positive coefficients indicate attributes that increase the probability (π_i) that a candidate will receive votes. The greater the positive coefficient, the greater the apparent value of the attribute. Negative coefficients characterize attributes that are associated with reduced probabilities of receiving votes. How much a candidate stands to gain (or lose) from having or not having a particular attribute depends not only on the value of the attribute but also on how many competing candidates share the trait.

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[18] See note 11, *supra.* Where a county bar association did not specifically "endorse" a candidate but instead issued comparative ratings, a ratio was devised to distinguish the candidates' relative esteem among members of the local bar. For instance, if candidates were rated as being "well qualified," "qualified," or "not qualified," a value of 3.0, 2.0, or 1.0, respectively, was assigned to each candidate depending upon his or her rating. This value was then divided by the mean rating for all candidates, producing a value equivalent to the "index of distinctiveness" calculated for other variables. Similarly, where the county bar reported the results of a poll of the preferences of the bar association membership, each candidate's votes were divided by the mean number of votes received by all candidates in the race.

[19] This ratio was computed by dividing each candidate's spending by the mean campaign spending total for all of the candidates in each race. This value then served as the "index of distinctiveness" for the campaign spending variable. It has the added virtue of controlling for differences in county size and population, which affect the amount of campaign spending required of judicial candidates in different locales.

Table 1.   Coefficient Weights Derived from the Multiplicative-
           Competitive Interaction Model for Contested
           California Superior Court Elections, 1976-1980

Variables[a]	Primary Elections (N=256)[b]	Run-off Elections (N=62)[b]
BALLOT LABELS		
Municipal Court Judge	.958**	.378**
Incumbent	.937**	−.340**
Public Lawyer	.821**	.210
Attorney	.757**	−.069
Commissioner	.428*	−.195
CAMPAIGN SPENDING	.235**	.535**
TOTAL CAMPAIGN SPENDING	N/A	−.282
VOTERS' PAMPHLET	.164**	.451**
NEWSPAPER ENDORSEMENT	.149*	.299**
BAR ASSOCIATION ENDORSEMENT	.105*	.314**
SEX (Female)	.093*	−.354**
ETHNICITY (Spanish)	−.043	.177
R^2	.526**	.752**
$\bar{R}^2$	.505[c]	.697[c]

*   Significant at .05.
** Significant at .01.
a. Variables are listed in descending order of the values obtained for the
    primary elections.
b. The primary elections involved 256 candidates (N) in 92 elections, with
    the number of candidates varying from 2 to 8. The run-offs featured 62
    candidates (N) seeking 31 positions.
c. $\bar{R}^2$ is the Adjusted R^2, a statistic that corrects for differences in the
    number of cases (N) and the number of independent variables (k).
$$\bar{R}^2 = R^2 - \left(\frac{k-1}{N-k}\right)(1 - R^2).$$
See Nie *et al.*, 1975: 358.

The Primary Elections

Column 1 of Table 1 confirms a number of the hypotheses I
offered to explain the behavior of the judicial electorate in low
salience nonpartisan judicial elections. The fact that nearly all
of the coefficient values are statistically different from zero
suggests that voters call upon a wide variety of voting cues in
casting their judicial ballots. Ballot labels, campaign spending,
the voters' pamphlet, newspaper and bar endorsements, and
even the sex of the candidates have to some extent affected the
overall vote totals of California's Superior Court candidates.
Only the ethnicity of the candidates' surnames appears
unrelated to primary voters' choices. Since these various
voting cues and candidate attributes were selected as
independent variables for this analysis because prior research
had indicated that they might be important factors influencing

voter choice, these results are not particularly surprising. It is, however, comforting to find the results of earlier research confirmed in a multivariate framework.

The results also make it clear that some voting cues and candidate attributes are more helpful in attracting primary votes than others. All other things being equal, candidates benefit much more from the occupational labels attached to their names on the ballot than they do from campaign spending, inclusion in the voters' pamphlet, and newspaper or bar endorsements. For instance, in a purely theoretical race between two candidates, an incumbent facing an opponent without an occupational label could anticipate an increase of 30 percentage points in the expected share of the vote (which, in a two-candidate race, is initially 50 percent). Outspending one's sole opponent by a margin of two to one, however, yields only a 4 percent increase in the expected share of the vote. Of course, few candidates are so foolish as to fail to take advantage of the opportunity to embellish their names on the ballot. Indeed, only one of the 256 candidates in this study failed to use an occupational ballot label. Thus, other cues and attributes may hold the key to the difference between winning and losing.

Among the occupational labels, those which indicate that the candidate is either an incumbent Superior Court judge or a municipal or justice court judge are the most powerful elicitors of votes. Perhaps, as Griffin and Horan (1981: 22-23) have suggested, these labels suggest to the voters "that it is . . . an experienced, and presumably qualified" candidate seeking election or re-election to the bench.[20] Similarly, candidates appearing on the ballot with such labels as "District Attorney," "Deputy District Attorney," or "County Counsel" may signal to voters the relevance of their public legal experience to the tasks of trial court judging. Such labels are far more valuable to the candidates bearing them than the labels used by candidates listing their occupations merely as "Attorney at Law," "Lawyer," "Court Commissioner," or the like. Although the positive value of the coefficients for these latter ballot

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[20] Of course, we can only speculate about the relative attractiveness of particular ballot designations. It is conceivable that voters also react negatively to particular voting cues. For example, a ballot label designating incumbency may provide a negative stimulus for the voter who is disaffected with government in general or the judiciary in particular and lead that voter to look for guidance to the labels possessed by other candidates. The results here, produced from aggregate election data, can tell us nothing conclusive about the motivations of individual voters. All the coefficients indicate is that certain labels are associated with an increased probability of receiving votes. In the aggregate, the coefficients indicate that, compared to the alternative ballot labels, the "judicial" labels increase the probability of receiving votes.

labels suggests that it is better to wear some label than none at all, it is clear that the bearers of these labels are relatively disadvantaged when they compete with candidates sporting such labels as incumbent Superior Court Judge, Municipal and Justice Court Judge, and Deputy District Attorney.

These results also help explain the apparently overwhelming electoral edge that incumbent judges enjoy. A large part of that edge, of course, attaches to the ballot label itself. In addition, incumbents are more likely than their opponents to receive the endorsements of the local newspaper and the county bar association, and to spend more money during the campaign.[21] The coefficient values attached to each of these advantages enjoyed by incumbents are small in comparison to the value attached to the ballot label, but they add to the incumbent's advantage. When incumbents fail to receive endorsements or to devote sufficient resources to publicizing their candidacy, they may be courting electoral disaster, particularly if opposed by candidates bearing equally powerful ballot labels, such as municipal or justice court judges.

One possibly surprising result from Table 1 is that lower court judges apparently derive at least as much benefit from their labels as incumbent Superior Court judges gain from theirs. The data suggest, in fact, that a lower court judge might beat an incumbent judge if ballot labels were the only cues made available to the voters. However, in almost all races, cues other than ballot labels play a part. Few municipal and justice court judges have been willing or able to overcome the various other advantages of incumbency in order to mount successful challenges for incumbents' seats. Of the 61 incumbents seeking re-election between 1976 and 1980, only 7 (or 11.5 percent) faced a challenge from a lower court judge; of the 45 lower court judges seeking election to the Superior Court bench during this period, only 9 (20.0 percent) dared to take on an incumbent, and only 3 of these were successful.

Among the factors other than ballot labels that might affect the outcome of these elections, campaign spending produced the highest coefficient value under the multiplicative-competitive interaction model. As noted earlier, campaign spending is an indirect measure of candidates' attempts to

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[21] Incumbents earned unequivocal endorsements from the county bar in 79% of the primary races in which they were involved and in which endorsements were issued. Newspapers supported incumbents in 92% of the primary contests. Incumbents outspent all of their primary challengers in 65.6% of the races.

make their candidacies better known to voters through media advertising and mass mailings. Another analysis I am currently working on shows that judicial candidates in California try to make a very small amount of money go a long way, expending only about $0.05 per vote compared to nearly $1.00 for gubernatorial candidates and between $0.80 and $1.10 for state legislative candidates. The analysis here suggests that this modest expenditure of campaign funds produces a modest number of additional votes. Although this analysis provides no indication of how campaign dollars might be spent most efficiently, the coefficient value attached to the voters' pamphlet suggests that some of those campaign dollars might well be spent on filing a statement of qualifications for inclusion with sample ballots.

By comparison, it appears that receiving the endorsement of the local newspaper, while helpful, is not as valuable as campaign spending or being included in the voters' pamphlet. Similarly, as some prior studies have suggested, endorsement by the local bar appears to add comparatively little to a candidate's vote total, all other things being equal. Because the county bar associations in California have assumed a passive role in Superior Court election campaigns, their views have received little media attention and, consequently, have had little positive impact upon the electorate at large. Finally, neither sex nor ethnicity appears to have much influence in affecting the primary vote totals of California's Superior Court candidates.

The Run-Off Elections

Of the 92 primary judicial elections conducted in California between 1976 and 1980, approximately two-thirds (61 of 92) resulted in the selection of a final winner since one candidate achieved a majority of the primary votes cast. In 31 other cases, however, the primary election merely established the right of two candidates to compete in a run-off election held concurrently with the partisan general election in November. Most of these run-offs (21) occurred because a large number of candidates competing in the primary for an "open" position vacated by a retiring or deceased incumbent split the vote and prevented any one candidate from achieving a majority. In 10 other races, however, an incumbent Superior Court judge was challenged and forced to defend his seat in a run-off. Of the 9 incumbents defending their posts in November (one incumbent

assumed a federal judgeship between the elections), 7 met with defeat.

Column 2 of Table 1 presents the coefficients obtained by the application of the multiplicative-competitive interaction model (Equation #3) to the 31 run-off elections. Because the coefficients for the run-off elections were estimated using a different set of elections than those used to estimate the primary election coefficients, a direct comparison of the size of the coefficients in the two different kinds of elections is not especially meaningful. Rather, it is the size of a coefficient relative to the others within each type of election that is important.[22] With this caveat in mind, the results for the run-off elections nevertheless present a dramatic contrast to the results obtained from the analysis of the primary races.

Most striking is the apparent difference in the value of incumbency. Whereas incumbency was one of the most powerful ballot labels in the primary races, it is the least advantageous ballot label in the general elections. Its negative value means that it reduces the probability of receiving votes to the point where it is more of an electoral liability than wearing no label at all. Thus, although an incumbent challenged by a municipal court judge in a primary race could expect to receive 49.3 percent of the vote (if no other factors were considered), that proportion would drop to just 27.0 percent in a run-off. Of course, any interpretation with respect to the diminished power of the ballot label of incumbency must be advanced with caution, for there is a potentially substantial problem of selection bias. Incumbents do not find themselves in run-off elections by chance. It is possible that incumbency is a proxy for certain other factors we cannot measure (e.g., publicized incompetency) that would cause voters to vote against a candidate regardless of label. This possibility is explored shortly.

The implications of the other occupational ballot labels are also different from what they were in the primaries. Although a label as a municipal or justice court judge is still the most beneficial, all other labels except incumbency are not related to

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[22] Thus, although the primary election coefficients for the ballot labels of "Municipal Court Judge" and "Public Lawyer" are much higher (.958 and .757, respectively) than they are for the run-offs (.378 and .210), a hypothetical run-off between a municipal court judge and a deputy district attorney using predictions generated by Equation #1 would produce just about the same division of the vote in the run-off (55.8% for the winner, 44.2% for the loser) as it would in a primary (56.9% for the winner, 43.1% for the loser), assuming, of course, that voters had no other information about the contest than that provided by the two ballot labels.

run-off election vote totals at a statistically significant level. Factors that appear relatively unimportant in the primary election contests seem to influence run-off voters more. In particular, campaign spending, appearing in the voters' pamphlet, and receiving the endorsements of the local bar association and the local newspaper are far better predictors of vote-getting in run-off elections than are most of the ballot labels.

Campaign spending appears especially important to the fortunes of candidates in run-off elections. Although in the primary elections it was the most important factor other than the occupational ballot labels, its value was nevertheless relatively unimportant.[23] In the run-off elections, however, outspending one's opponent is the single most beneficial vote-getting attribute, followed by the voters' pamphlet, the bar association's endorsement, and the local newspaper's editorial support. Interestingly, only that spending which occurred in the period between the primary and run-offs (and not total campaign spending) was found to be significantly associated with candidate vote totals. Whatever benefits candidates might receive from spending relatively high amounts in primary campaigns apparently do not carry over to help them in run-off elections.

Other differences from the primary elections are also worthy of mention. Bar association endorsements appear to have increased importance relative to other factors in run-off elections, rising slightly in value above newspaper endorsements. And although the ethnicity of a candidate's surname does not appear to significantly affect candidate vote totals, whether a candidate is male or female can have a major effect upon the vote. The negative coefficient value ($-.354$) for the sex variable means that a female candidate competing with a male would, other things being equal, expect to receive 38 percent of the vote rather than the 50 percent share that would be expected if votes were distributed at random.

How can these contrasting results be explained? At this point, only a tentative hypothesis can be offered. California judicial primaries appear to be the "prototypical" low salience

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[23] One notable variable not included in this analysis concerns direct campaign spending by various political interest groups for or against particular judicial candidates. Well-financed publicity campaigns against certain incumbent judges by independent conservative "law and order" citizen groups have, for example, been cited by some observers as responsible for the defeat or narrow re-election margins of the judges subjected to such attacks (Turney, 1981).

judicial elections so frequently described in the literature on judicial selection. Most voters in these elections rely heavily upon voting cues they can see on the ballot after they enter the voting booth. A smaller number of voters also become aware of candidates' names through campaign advertising and activities, while others rely upon the guidance of the local newspaper or select one of the candidates appearing in the voters' pamphlet. Whatever the source of guidance, the levels of voter information, interest, and involvement required to reach a decision are probably quite low.

Run-off elections are quite different. Because they are unusual events in the counties in which they occur, they naturally attract more media attention than the primary contests that precipitated them. In a large county in which several primary elections may have competed for visibility, public attention now becomes riveted upon a single contest. Additionally, because run-offs accompany partisan general elections, voter turnout and general electoral interest are higher.

In this kind of electoral environment, fewer voters are required to rely solely upon the cues provided in the ballot booth. More voters are paying attention to political events generally and to judicial elections in particular. They are more likely to read their local newspaper's expanded coverage of election events and perhaps to heed that newspaper's opinion should it be offered. More voters are taking time to read the voters' pamphlet and thus are more likely to recognize later the name of the judicial candidate whose statement of qualifications appears there.

Even the surprisingly negative coefficient value attached to the factor of incumbency in run-off elections is consistent with this interpretation. In the primary election, the incumbent is largely obscure; voters may only become aware of the incumbent when they step into the ballot booth. Because in most primaries there is little information that would lead voters to doubt the competence or integrity of a sitting judge, most voters vote to retain the incumbent. Because of the strength of incumbency at the primary stage, incumbents forced into run-offs are often those selected by challengers for their points of vulnerability. In the run-off, these weaknesses become increasingly salient. Challengers' complaints about the incumbent receive more attention. Local newspapers are likely to examine the judicial race in great detail to determine why an incumbent has been placed in jeopardy. A challenger's

campaign spending is likely to be more effective because there are substantial questions of competence or integrity on which the challenger can focus. Good government or other groups may organize to fight the incumbent. These and similar factors may combine to give a negative valence to the label "incumbent" or, more likely, the label may be a proxy for such factors, which we are unable to measure, in the run-off election analysis. If the latter is the case, incumbency may be an advantage even in run-offs since a nonincumbent with the same vulnerability to attack as an incumbent might receive substantially fewer votes.

This analysis is confirmed by the fact that, in all but one of the seven run-off elections that resulted in the defeat of incumbents, the incumbents received great amounts of negative publicity. Two judges were under attack because of their advanced ages. Two others were accused of being incompetent and lacking judicial temperament, while yet another had been censured by the California Supreme Court for "willful misconduct in office." The sixth, although confirmed for the federal bench, remained in a run-off election in order to be able to resign his state post and thus protect the ability of the governor to appoint a successor. Many voters apparently joined in the local newspaper's view that the judge's behavior was "the shabbiest sort of political game-playing." In each of these instances, with doubts instilled by considerable negative publicity and often reinforced by local newspaper endorsements of the challenger, enough voters reacted negatively to remove the incumbent.

The coefficients attached to some of the other variables also deserve comment. The statistically significant and comparatively large positive value of the ballot labels showing lower court experience suggests that even in more publicized elections judicial experience attracts voters. It is at least consistent with the possibility that even in run-offs incumbents are advantaged by their labels. However, the other ballot labels apparently count for little at this stage since the coefficients on them are insignificant. The relatively high values for campaign spending and the voters' pamphlet suggest that name recognition may be an important factor guiding voter choice in run-off elections, and they are also consistent with the possibility that information conveyed by the candidates through the various media actually matters. The relatively high values for the endorsements of the local bar association and the local newspaper suggest continued voter reliance on

sources of information that require little personal involvement or investment of time. They may also be proxies for information on competence and temperament which would influence voters regardless of endorsement.

The large negative coefficient value that attaches to female candidates has several possible explanations. In the less visible primary campaigns in which the sex of the candidates is not heavily publicized, sex as ascertained from an inspection of candidates' first names on the ballot appears not to be a major determinant of voter choice ($\alpha = .097$). The glare of run-off publicity may, however, alert voters to the fact that a female is seeking a judgeship, and thus stimulate some voters to vote against female candidates. Whether these voters are responding negatively to female candidacies because they resist the idea of women serving as judges or because they perceive or believe female candidates to be less qualified with respect to criteria not measured by this analysis cannot be known for sure.

In sum, the results of the multiplicative-competitive interaction model applied to California's judicial elections suggest that the determinants of voter choice are different in the relatively well-publicized run-off elections than they are in the low visibility primary races. Because of the attention devoted by the media and by voters to the run-off elections, voters rely less upon ballot labels alone and more upon other sources of guidance. The greater salience of run-offs may help to increase the level of voter information about the campaign and the candidates. Although the aggregate data used here can provide no specific support for this hypothesis, Lovrich and Sheldon's survey of the Oregon electorate found that run-off voters were much more likely than primary election voters to identify judicial candidates correctly (1983: 245). This hypothesis is also consistent with the literature on American judicial and nonjudicial elections and is reinforced by another perspective on the California data.

V. THE IMPACT OF SIZE OF PLACE IN JUDICIAL ELECTIONS

Thus far, this analysis has assumed that the factors influencing voter choice operate uniformly across the state regardless of where races occur. Elections in Los Angeles (with a voting population of 4.99 million in 1982) have been considered together with those held in much less densely populated areas. Although this was a necessary aggregation for

purposes of the exploratory multivariate analysis, it is reasonable to expect that the determinants of voter choice are different in highly populated areas than in less urbanized places. Because individual judicial candidates and elections can achieve greater visibility and more focused public attention in the smaller counties than in the larger ones, the ability of voters to identify and recognize candidates for judicial office should be greater in the smaller counties. As a result, voters in the smaller locales should be less likely to rely heavily upon the guidance provided by the voting cues that appear on the ballot and more likely to call upon the sources of guidance made available during the campaign (e.g., newspaper and bar endorsements, voters' pamphlets, etc.).

The salience of Superior Court elections should be greater for voters in smaller, less complex electoral environments than for voters in larger, more complex ones. In heavily populated counties, there may be several judicial races, including contests for the municipal courts, that simultaneously demand voter attention. As the number of electoral contests increases, voters may be less willing and less able to sort out the various candidacies and thereby forced to rely upon the most convenient voting cues that present themselves—those appearing on the ballot itself. In smaller counties, the smaller number of judicial races competing for public attention should allow for greater voter attention and involvement.

Smaller counties also afford greater opportunities for interpersonal campaign contacts and what Key called a "friends and neighbors" approach to political campaigning (Key, 1949: 37-41). Citizens in smaller communities are also generally better informed about local politics and more often belong to political and community organizations that provide the kind of guidance on public issues that is usually supplied in partisan settings by the major political parties (Dahl and Tufte, 1973: 62-65). In sum, voters in smaller counties should be better able to focus their attention on the judicial campaigns and more likely to utilize guides to voting not found on the ballot.

Prior research on participation in California's contested judicial elections from 1958 to 1978 partially confirmed these hypotheses with the finding that voting participation dropped significantly as the size of county increased (Dubois, 1980b: 141-43). Additionally, for elections held within Los Angeles County, there was a strong inverse relationship between the number of contests on the ballot and the mean rate of participation (Dubois, 1980b: 147-50). These results suggest that

the smaller number of contests in less populated counties and the less complex electoral environment present there generally serve to heighten voter interest in judicial races. By implication, the more attentive and interested voters in the smaller counties should be relying upon different sources of voting guidance than those utilized by voters in the largest counties.

To test this possibility, the multiplicative-competitive interaction coefficients were calculated after the counties had been divided into three groups. Because of Los Angeles County's high population, its elections were considered as one group.[24] The elections in all other counties with populations above 500,000 were grouped into a second category ("Large Counties"), and elections in counties with populations of less than 500,000 formed a third category ("Medium and Small Counties"). Only the primary elections are examined because, once the elections are classified by county size, there are too few run-offs to allow for a multivariate analysis. The results are presented in Table 2. To a remarkable extent, considering the crudeness of the categories employed, the results are consistent with prior expectations.

Elections in Los Angeles County are dominated by the effects of ballot labels. The cues provided by the occupational ballot labels are far more important than those provided by newspaper and bar endorsements, the voters' pamphlet, or by the candidates through campaign spending. Indeed, newspaper endorsements (in this case, by the *Los Angeles Times*) are the only factor other than the ballot label that had a statistically significant impact on voter choice.

These results are not surprising. Judicial elections in Los Angeles present voters with a baffling array of contests and candidacies. In both 1978 and 1980, ten separate posts for the Superior Court were contested; the 1980 races attracted 30 candidates, while the 1978 contests drew 32 competitors. Five seats up for election in 1976 attracted 13 candidates. Moreover, these statistics say nothing at all about the municipal court positions that also require voters to exercise a choice. In 1978, for example, voters in the city of Los Angeles were expected to choose from among 35 hopefuls seeking places on the municipal courts. In other cities within the county, 33 candidates vied for 11 municipal court positions. Under these

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[24] Los Angeles County contained a voting age population of 4.79 million in 1980; Orange County, the state's next most populous, had a population of 1.35 million.

Table 2.   Coefficient Weights Derived from the Multiplicative-
Competitive Interaction Model for Contested
California Superior Court Primary
Elections, 1976-1980, Controlling
for Population Size of County of Election

Variables[a]	Los Angeles County (N=75)[b]	Large Counties (N=103)[b]	Medium and Small Counties (N=78)[b]
BALLOT LABELS			
Incumbent	1.486**	.791*	−.075
Municipal Court Judge	1.410**	1.054**	.023
Attorney	1.151*	.635	−.216
Commissioner	.961*	.300	−.049
Public Lawyer	.900**	.957**	−.098
NEWSPAPER ENDORSEMENT	.206*	.104	.257*
VOTERS' PAMPHLET	.124	.151	.185*
SEX (Female)	.117	.058	.021
BAR ASSOCIATION ENDORSEMENT	.097	.037	.108
CAMPAIGN SPENDING	.095	.311**	.501**
ETHNICITY (Spanish)	−.107	.064	−.115
R^2	.710**	.649**	.516*
$\hat{R}_2$	.660[c]	.607[c]	.436[c]

*   Significant at .05.
** Significant at .01.
a. Variables are listed in descending order of the coefficient values obtained for Los Angeles County.
b. The races in Los Angeles County involved 75 candidates seeking 25 positions. In the "Large Counties," 39 posts were sought after by 103 candidates. In the "Medium and Small Counties," 78 candidates competed for 28 places on the bench.
c. For the definition of $\hat{R}^2$ (Adjusted R^2), see note c to Table 1.

circumstances, it is small wonder that voters relied most heavily upon ballot labels in making their choices. The convenient guidance provided by the *Times'* editorial endorsements was also probably welcomed by the otherwise bewildered voters.

Occupational ballot labels are also important to securing votes in the "Large Counties." These labels apparently outstrip the value of winning endorsements, appearing in the voters' pamphlet, or spending campaign dollars. The value of the ballot label cues in relation to the other variables is much lower than in Los Angeles, but the ballot labels as a group remain more powerful than the other guides to voting that are made available during the campaign. On the other hand, the campaign spending variable is considerably more important than it was in Los Angeles.

The hypothesized diminution in the role of the ballot labels and the heightened importance of various other factors can be seen quite clearly in the results for the grouping of "Medium and Small Counties." In fact, the effects of the occupational

ballot label are no longer statistically significant. What appears to matter is campaign spending, the local newspaper endorsement, and inclusion in the voters' pamphlet, with campaign spending, an apparently irrelevant variable in Los Angeles, being the most important. This difference suggests the possibility that per capita spending must reach a certain level—one that is difficult to attain in highly populated counties—before the level of campaign spending makes a difference in election results.[25]

VI.   CONCLUSION

This lengthy exploration of the judicial election process in California may conclude with a comparatively brief assessment of what the analysis has accomplished and what remains to be done.

First, this study has confirmed the value of the multiplicative-competitive interaction model for the analysis of contested nonpartisan judicial elections. Its key advantages over other multivariate models are the control it provides for the number of candidates involved in different races and its ability to divide the benefit of particular voting cues or attributes among all the candidates in each race who share a cue or attribute. It appears also to have substantial predictive power. Following the completion of the multivariate analysis and the generation of the coefficient values reported in Tables 1 and 2, data were collected on the contested Superior Court elections conducted in Los Angeles County in 1982. The races considered included seven primary and three run-off elections involving 29 candidates, with the number of candidates per race varying from two to six. "Postdictions" were made of the 1982 results, using the coefficient values from Table 1 and data on the variables included in the model. These "postdictions" correctly identified seven of the ten winning candidates, a result likely to occur by chance less than 5 percent of the time. Using the primary coefficients for Los Angeles County from Table 2 resulted in the identification of eight of the ten actual winners, a result that might be expected by chance less than 1 percent of the time.[26]

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[25] This speculation is partially supported by my preliminary analysis of the relationship between per capita spending and county size. For the years 1976-1980, per capita campaign spending in Los Angeles County was just $0.02, compared to a mean of $0.13 in the "Large Counties" and $0.64 in the "Medium and Small Counties."

[26] Although there are some substantial variations between the actual and predicted proportions of the vote received by each candidate, particularly in the multi-candidate races, using the presumably more precise coefficients for

Secondly, this analysis has confirmed the importance of voting cues to voter choice in nonpartisan judicial elections. The low visibility of judicial elections, low levels of voter awareness, minimal information on judicial candidates and issues, and the absence of the partisan cue combine to maximize the importance of numerous "shorthand" guides to voting.

Third, the analysis has established that not all voting cues are equally important. In particular, incumbency's value in low salience judicial elections has been clarified. As with other candidates, the chief advantage of incumbents appears to stem from the label they wear on the ballot, an advantage reinforced marginally but importantly by their superior command of other electoral advantages.

Fourth, the study has demonstrated that not all nonpartisan judicial elections are alike: primary elections differ from run-offs, and elections in small counties differ from those conducted in large metropolitan areas. The results buttress the wisdom of Baum's recent observation that "the existence of so many sources of potential variation means that conclusions about judicial election as a system should not be based on a limited investigation of its operation" (1983: 430).

The fifth conclusion follows from the fourth. The results from California must be extended to other nonpartisan judicial election settings. Special attention should be devoted to determining how the importance of possible voting guides varies with different electoral conditions. What is the precise relationship of campaign spending to election success and when, if ever, do election outcomes hinge too heavily upon the number of dollars expended by candidates? When and under what circumstances are the endorsement practices of local newspapers important influences on judicial election outcomes? Can the role of the local bar association be made more valuable in helping voters make judicial election choices? Can the voters' pamphlet be made a more useful device for assisting voters?

Answers to these and other questions will further inform the debate over judicial elections (see Baum, 1983: 430). At this point, the existing research has demonstrated that not all judicial elections are alike and that the accountability function of elections appears to be better served in some electoral

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Los Angeles County from Table 2 reduced the mean percentage point prediction error per candidate for all of the primary elections from 7.85% to 6.79%.

circumstances than in others (see Dubois, 1980a: 242-49; 1980b: 152-57; Baum, 1983: 429-30). Certainly, the results here would disappoint Progressive reformers who had hoped that the nonpartisan ballot would necessarily promote voter rationality in the selection of judges. On the other hand, perhaps the Progressives were better social scientists than we think, for counties in their day were far more sparsely populated than the counties of today.

On a more optimistic note, this research has underscored "the need for sensitivity to the context in which selection systems operate. . . . [O]ur limited knowledge on the workings of the elective system should counsel against hasty judgments about its merits . . ." (Baum, 1983: 430), one way or the other. Under certain conditions, it may be possible to involve the voters in considerations of substantive issues and the qualifications of competing candidates in nonpartisan judicial elections. Opponents and supporters of judicial elections should be heartened to know that the conditions under which these elections are conducted might be altered to improve the quality of voter participation. Moreover, as Lovrich and Sheldon report, voters who are best informed about judicial elections are not only the most likely to vote (1983: 247) but may also be among those citizens who have the most respect for the value of judicial independence (1983: 250). Although it has been argued that institutional legitimacy can just as easily be accomplished by an ignorant citizenry as by an attentive and informed one (Berelson *et al.*, 1954), the delicate balance to be struck between judicial accountability and judicial independence suggests the desirability of reform efforts that enhance the general public's knowledge about judges (cf. Lovrich and Sheldon, 1983).

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