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A MULTIVARIATE ANALYSIS OF VOTER TURNOUT IN LOUISIANA
CONTESTED NONPARTISAN JUDICIAL ELECTIONS,
1981-1988

A Dissertation

Submitted to the Graduate Faculty of the
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in

The Department of Political Science

by

Olethia Davis
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M.A., Louisiana State University, 1988
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Abstract

The purpose of this dissertation is to determine what factors account for variations in voter turnout in Louisiana contested nonpartisan trial and intermediate appellate court elections. The central questions to be addressed are: (1) what is the precise relationship between incumbency or prior judicial experience, campaign spending, and the race of judicial candidates, ceteris paribus (with all else remaining the same), on electoral participation in judicial elections in the State of Louisiana from 1981 to 1988 and (2) is the electorate that participates in judicial elections typical or atypical of the electorate that participates in presidential general races in terms of their demographic characteristics?

Based upon my assessment of existing literature on state nonpartisan judicial elections, the present research adds considerably to what has not been explained with regards to factors which may influence voter turnout in these elections. Existing literature indicate that much research needs to be conducted on the subject of state judicial elections. Voter turnout in judicial elections has almost been ignored by scholars who have focused their attentions on electoral participation in major partisan contests such as presidential, congressional, or gubernatorial. Furthermore, researchers who have considered voter turnout in judicial elections have focused their
attentions on electoral participation in state supreme court elections. This dissertation represents my attempt to fill the void which exists in the literature on voter turnout in state trial and intermediate appellate court elections.
Chapter One
Introduction

With but a few exceptions, scholars have not conducted research to explain variations in electoral participation or voter turnout in judicial elections. Instead scholars have devoted their attentions to analyzing voter participation in congressional and presidential elections (Verba and Nie 1972; Niemi and Weisberg 1976; Nie et al. 1976; Wolfinger and Rosenstone 1980; Shaffer 1981; Conway 1981; Hinkley 1981a, 1981b; Caldeira and Patterson 1982; Burnham 1982; Abramson and Aldrich 1982; Copeland 1983). These scholars have examined the effects of motivational, contextual, and legal factors on whether or not a person votes.

Scholars have also devised rational actor models to explain variations in voter turnout in elections (Downs 1957; Riker and Oidershook 1968; Cyr 1975; Kastosh and Traugott 1982; Foster 1984). These researchers sought to explain why people choose to vote or not to vote in American elections. Of these models, the rational actor model of Downs (1957) is most well-known. According to Downs, people choose to vote because they perceive their vote as having an impact on the outcome of elections. In a similar vein, Riker and Oidershook (1968) devised the calculus of voting model in which they argued that people are rational actors who weigh the benefits and costs of voting before deciding
to participate in elections. In other words, if voters believe the benefits of voting outweigh the costs of voting, they are more likely to go to the polls and vote. Not only has research revealed that voters do a cost-benefit analysis when deciding whether or not to vote, voting has also been examined in terms of its instrumental and expressive benefits. According to Wolfinger and Rosenstone (1980, 76), "an example of an instrumental benefit is those people who vote because they are paid to do so. Expressive benefits involve equating voting with a feeling of carrying out one's civic duty."

Other scholars have disputed the findings of Downs and Riker and Oidershock. Ferejohn and Fiorina (1974) introduced the "paradox of not voting" in their research. According to these researchers, it is negligible that a single vote will be decisive in even competitive elections. They also emphasize that a direct relationship does not exist between the closeness of elections and turnout.

Despite the findings revealed in these studies of turnout for national offices, little research has been devoted to explaining variations in electoral participation in judicial elections. For this reason, the present study is devoted to examining the factors which may stimulate or depress voter turnout in judicial elections.
Importance of Judicial Election Studies

The lack of scholarly attention devoted to analyzing judicial elections cannot be attributed to the traditional view held by Alexander Hamilton in the *Federalist Papers*, No. 78 (1788) that the Supreme Court or the judiciary would be the "least dangerous branch" of the federal government. Alexis de Tocqueville (1961, 2) provided a more accurate view of the role of the judiciary when he stated that "scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question."

It is important to emphasize that researchers have not completely ignored the importance of the judiciary in American society. For example, scholars have examined judicial behavior or decision-making (Nagel 1962; Woodford 1977; Goldman and Sarat 1978; Miller 1978; Spaeth 1979; Tate 1981) and its impact on public policy. The previous comment requires one to differentiate between research on judicial behavior, in general, and that of judicial elections.

As previously stated, the role of the judiciary in the American political system has not been completely ignored by scholars. The argument I put forward is that trial and intermediate appellate judicial elections, particularly nonpartisan district court elections, have for the most part not received scholarly attention because they have not been
viewed in the same light as legislative races for four main reasons.

The first explanation has to do with the view that legislators represent the people and judges may not. Two of the main functions of members of Congress are providing services to constituents and the representation of diverse interests (Fiorina 1977; Arnold 1979; Parker 1980; Bond 1985; Parker and Parker 1985). Services to constituents are considered casework or personal work members of Congress perform for their constituents. The importance of casework to the elections of Congresspersons has been pointed out by Fenno (1978). Like Fenno, Fiorina (1974) and Bond (1985) argue that the activities or services members of Congress, particularly House members, provide for their constituents help to build a relationship of trust between the legislators and their constituents.

Another role of members of Congress is representation of the views of their constituents. Wahlke et al. (1962) coined terms to explain the representational function of legislators. According to these scholars, legislators' perceptions of their role determine how they carry out their duties. The first view of representation, according to the authors, is the trustee view—the legislator "claims to rely on his own conscience on what he thinks is right" (286-87). In contrast to the trustee view is the instructed-delegate view of representation. This view is based on legislators
"seek(ing) and follow(ing) instructions from his constituents or other clienteles" (1962, 286). Wahlke et al. (1962) concluded that legislators did not perceive their roles as a pure trustee nor a pure instructed-delegate. The authors referred to this representational role as politico in which the legislator "claim that he will adopt one or the other orientation (trustee or instructed-delegate) as conditions call for, and that he must balance one against the other (Wahlke et al. 1962, 286).

According to Jewell (1969, 1982) in his examination of state legislatures, "role is defined by the total pattern of expectations concerning a position, including those of the person occupying that position. The role of a legislator is defined by his own belief about what the job requires and also by the expectations of all others who make demands on him" (1969, 84). The author referred to Wahlke et al. (1962) concepts of "trustee" and "delegate." Jewell considered these concepts part of the representational role of legislators. He defined the representational role as "the degree to which they (legislators) feel obliged to rely on their own judgment in making decisions" (1969, 90). Jewell also defined the "client" role of legislators. The "client" role defines his (legislator) relationship with the various groups that make demands on him—including his party, the executive branch, his constituents, and interest groups (1969, 90).
Davidson's (1969, 117) sampling of members of Congress demonstrated that about the same proportion endorsed the trustee (28 percent) and delegate (23 percent) approaches to representation, but the clear preference was for the politico position—which combines the perspectives of both the trustee and the delegate in a pragmatic mix.

The question of representation by judges surfaced as a result of challenges to judicial election systems. The important question is: are judges actually representatives of the people or do they serve different functions than that of other elected officials? Because judges rely upon written laws and statutes when reaching their decisions, judges may be viewed as being different from other public officials. Judges have not been traditionally viewed as representatives of the people (Vines 1969; Flango et al. 1975; Abraham 1975; Goldman and Sarat 1978; White 1978; Ely 1980; Pruet and Click 1986; Haydel 1989; Hickok 1990).

According to Pitkin (1967), there are two types of representation. Descriptive representation refers to the election of public officials who reflect the ethnic, racial, and socioeconomic characteristics of the election district. Substantive representation refers to the policy alternatives preferred by these elected officials and whether they reflect the needs and demands of the voters (Pitkin 1967, 60-91). Minorities who have challenged state election systems contend that "elected black officials supposedly
will be more responsive to the needs and demands of the black electorate than white elected officials can be” (Fainstein and Fainstein 1974; Engstrom and McDonald 1986).

In addition to differentiating between two types of representation, Pitkin (1967) also addressed the issue of judges as representatives. According to Hogan (1945), Bentley (1949), and Pitkin (1967), judges are representatives. Pitkin (1967) distinguishes between judges as representatives of the state and as representatives of societal pressures, thus the people. According to this scholar, "a judge is an agent of the state like all government officials. His pronouncements are not private expressions of opinions, but official utterances of the state. Hence he represents the state" (Pitkin 1967, 117).

Pitkin (1967) cites the work of Bentley (1949) for a discussion of judges as representatives of societal pressures. Bentley (1949) views judges as representatives because their decisions are influenced by societal pressures and popular demands. Bentley states as follows:

so far from being a sort of legal machine, they are a functioning part of this government, responsive to the group pressures within it, representatives of all sorts of pressures, and using their representative judgment to bring these pressures to balance, not indeed in just the same way, but on just the same basis, that any other agency or government does (1949, 393).
In other words, judges do not merely interpret the law. Other factors play major roles in judicial decision-making (Nagel 1962; Woodford 1977; Goldman and Sarat 1978; Miller 1978; Spaeth 1979; Tate 1981). Among these factors are group pressures and popular demands or public opinion.

When Chief Justice John Marshall established the principle of judicial review in the case of Marbury v. Madison (1803), he changed the direction and role of the American judiciary as a mere interpreter of law or the meaning of the United States Constitution. The United States Supreme Court's decisions in Marbury and in later cases have led to judicial activism on the part of the Supreme Court as well as other federal courts. Judicial activism involves the role of judges as policymakers. Judicial activism means "the propensity of federal judges, mainly but not always on the Supreme Court, to intervene in the governing process, so as to substitute their judgment for that of federal and state political officers" (Miller 1982, 6). On the other hand, judicial restraint focuses on judges as interpreters of law.

Obviously judges no longer simply say what the law is; instead they make and influence public policy as a result of their decisions. This statement in addition to the arguments of those who contend that judges are actually represents of the people (Hogan 1945; Bentley 1949; Pitkin 1967) may be substantiated by works focusing on the role of
judges in the anti-drug crusades in the United States (Hagan 1980; Himmelstein 1983; Wisotsky 1986; Myers 1989). The most recent work is that of Myers (1989) in which she focuses on the sentencing patterns of judges in cases involving drug offenders.

According to Myers (1989), the severity of sentences imposed on those found guilty of drug trafficking is influenced by the context in which the decisions are made, the involvement of the legislature in anti-drug crusades as a response to constituents wishes, and the race of the offenders. This researcher concludes that the harshness of sentences is affected by popular demands. This scholar analyzes the behaviors of judges serving on Georgia state courts from January 1977 through May 1985.

Myers (1989) found that after President Ronald Reagan revealed his "war on drugs" crusade, the severity of sentences for drug offenders became harsher in Georgia. In comparison with pre-1980 sentences, drug users and those convicted of sale or distribution were most likely to be incarcerated in 1980, the year when comprehensive legislation was passed (Myers 1989, 308).

One interesting finding of Myers (1989) was that black offenders received harsher sentences at the height of the anti-drug crusade. This finding is consistent with Peterson and Hagan’s (1984) findings that the differences in sentencing on the basis of race were functions of the
offense as well as the political and social context when sentencing occurred. In other words, public opinion affects the sentencing behavior of judges.

The judiciary has assumed a similar posture in other controversial matters. For example, in 1914 the United States Supreme Court established the exclusionary rule. According to this rule, those accused of criminal activities were granted specific rights. Among these rights was the provision that inadmissible evidence or evidence acquired without a search warrant or a coerced confession could not be used by prosecutors in criminal trials.

After much public pressure based on the belief that too many "criminals" were being freed as a result of legal technicalities, the United States Supreme Court established exceptions to the exclusionary rule, the very rule the Court devised years earlier. In *U.S. v. Payner* (1980) the Court ruled that searchers of third parties to obtain evidence against another individual is constitutional and does not violate the rights of the third party, since the evidence relates to another party rather than the person or possessions of the person being searched. In *U.S. v. Leon* (1984) the Court devised the "good faith" exception to the exclusionary rule. According to the "good faith" exception, if police officers make a "good faith" effort to acquire a search warrant, the evidence the police find during a search may be admissible in a court trial even if the warrant is
later found to be defective. Another exception the Court established is the third party search.

The judiciary may be said to be responding to an increase in criminal behavior in American cities as well as public intolerance for such deviant behavior. Thus the United State Supreme Court is willing to make exceptions to its own precedents in an effort to deal with societal pressures and problems. Clearly the Court is creating law rather than merely reaching decisions based on past rulings or precedents.

The above discussion exemplifies the impact changes in public opinion may have on the decision-making of judges. Not only do judges say what the law is, they also make law or public policy which affect the lives of citizens. Whereas judges may not be viewed as representatives in the traditional sense as legislators are, it is obvious that judges do take into consideration the public will and good when reaching decisions. It may be contended that judges make decisions based upon their knowledge of what the law is and the impact their decisions will have on public policy.

Justice William Brennan (1982) and Pitkin (1967) summed up the representative role of judges best in following statements, respectively:

Under our system, judges are not mere umpires, but, in their sphere, lawmakers—a coordinate branch of government (See Miller 1982, 1).
Anyone in charge of another or (make) decisions that affect him is his representative.... If a trustee can represent, and a guardian his ward, then parents "really" represent their children, and anyone in charge of another or making decisions that affect him is his representative. Or again, if a substitute or deputy represents, then a physician represents his patients and an engineer his clients, and indeed "any specialization of function involves the idea of representation" (Pitkin 1967, 120).

The findings of Welch et al. (1988) on black judges provide evidence which suggest that black judges do make a difference. They found that black judges do provide both a descriptive and substantive form of representation. The authors analyzed the decisions of ten black judges and 130 white judges from 1968 to 1979. They were interested in the sentencing patterns of black and white judges. Their sample population consisted of 3,418 male defendants convicted of felonies during this time period in a large northeastern city, which they refer to as "Metro City." Welch et al. found that "black judges are more likely than white judges to sentence white defendants to prison and to give less severe sentences to black defendants" (1988, 134). On the other hand, white judges were more lenient on white defendants and harsher in their sentencing of black defendants. According to the authors, "black judges tend to treat black and white defendants more equally than do white judges" (1988, 134). Welch et al. concluded
thus, black judges provide more than symbolic representation. At least those in Metro City also provide substantive representation for black defendants and presumably the black community. To the extent they equalize the criminal justice system's treatment of black and white defendants, as they seem to for the crucial decision to incarcerate, they thwart discrimination against black defendants. In fact, the quality of justice received by both black and white defendants may be improved (1988, 134).

Similarly, Smith (1983, 18) in his analysis of the voting behavior of black judges serving on courts throughout the United States found that "about one-third of black judges believe that providing symbolic pride, inspiration, and status for blacks is an important function of their service on the bench." Additionally, almost 40 percent of the black judges in his study believed an important function of black judges is to behave in a manner to reduce racism in the legal system.

Despite the findings of Welch et al. (1988) and Smith (1983), those challenging judicial election schemes base their arguments on allegations of violation of Section 2 of the Voting Rights Act, the Fourteenth Amendment (Equal Protection Clause), and the Fifteenth Amendment (Right to Vote). The issue of representation has arisen as a response to the plaintiffs' lawsuits.

A second factor which has resulted in more attention being focused on legislative races rather than judicial
elections is gerrymandering, which is the drawing of legislative district lines for the purpose of obtaining partisan or factional advantage. Gerrymandering may occur as a result of "reapportionment, or the allocation of seats in the House of each state after the Census, and redistricting, the redrawing of the boundaries of legislative districts within each state (Keefe and Ogul 1964, 68-85)."

Challenges to the reapportionment of legislative districts resulted in the United States Supreme Court invoking the "one-man, one-vote" principle of Article I, Section 2 of the United States Constitution. Another issue involved in the reapportionment of legislative districts is the issue of at-large versus single-member districts. Challenges to the issue of reapportionment of legislative districts began in the early 1960s with the landmark case of Baker v. Carr (1962). Earlier research indicated that at-large districts dilute the voting strengths of minority voters (Jones 1976; Taebel 1978; Robinson and Dye 1978; Latimer 1979; Engstrom and McDonald 1982; Karnig and Welch 1982).

Welch (1990) contended that at-large election schemes no longer result in the underrepresentation of minorities. MacManus (1978, 1979) and Bullock and MacManus (1987) agreed with Welch's contention. According to these scholars, social scientists who have concluded that at-large
election systems dilute minority voting strength base their arguments on data collected in the middle to late 1970s (Svara 1977; Karnig and Welch 1982; Engstrom and McDonald 1982). Welch (1990) stated that these studies have ignored the growth in black local representation since the 1970s.

Welch's (1990, 1053) study "is based on a survey of every U.S. city which had a 1984 population of at least 50 thousand and which had a minimum of 5 percent Hispanic or 5 percent black population in 1980." The author conducted mail questionnaires with city clerks employed in these cities. The number of clerks responding to the questionnaire was 314 (100% of the respondents). The clerks provided information on "the number of council members elected at-large, the number elected in single-member districts or wards, and the number chosen in districts or wards electing more than one member" (Welch 1990, 1053). The author also requested the race or ethnicity and gender of council members elected at-large.

Despite her contention that at-large election structures no longer lead to an underrepresentation of minorities, Welch (1990) concluded that "although at-large elections represent blacks much better than a decade ago, there is still a small gap between the representation afforded by at-large and district systems. On the other hand, the impact of local election structures on Hispanic
representation is less clearcut and seems to vary from region to region" (1990, 1050).

Those challenging judicial election systems in Louisiana and in at least six other states would disagree with Welch’s contention that at-large election structures no longer result in the underrepresentation of minorities. They would probably argue that the "gap" Welch referred to still dilutes the voting strength of minorities.

The first case in Louisiana involving the issue of minority vote dilution in judicial elections occurred in 1972 with Wells v. Edwards (1973). The issues involved in this case were reapportionment as well as representation.

The Louisiana Federal District Court’s distinction between the role of judges and legislators supported the traditional view that judges are not actually representatives of the people. In Wells v. Edwards the Federal District Court held that the concept of one-person, one-vote does not apply to judicial elections because judges do not represent the electorate in the same sense as do legislators and members of the executive branch. According to Federal District Judges Ainsworth, Gordon, and West, judges interpret the laws, they do not make them.

Two lawsuits involving challenges to the at-large system for electing city and state judges were filed in 1980. These two cases were Voter Information Project, Inc. v. City of Baton Rouge and Eames v. Edwards. The plaintiffs
in these cases contended that the at-large electoral system violated provisions of the Fourteenth and Fifteenth Amendments. As a result of the heavy burden of proof required by plaintiffs in such cases, both cases were dismissed. Plaintiffs were required to prove discriminatory intent (Mobile v. Bolden 1980).

In 1982 the burden of proof or the showing of discriminatory intent by plaintiffs was lessened when Congress amended Section 2 of the Voting Rights Act of 1965. The U.S. Supreme Court also set the standard for demonstrating vote dilution as a violation of Section 2 in its decision in Thornburg v. Gingles (1986). In response to the amending of Section 2 and the Court's Thornburg decision, three lawsuits challenging Louisiana's judicial election structure were filed by those acting on behalf of black voters.

Chisom v. Edwards (1987) commenced in the U.S. District Court for the Eastern District of Louisiana. The plaintiffs in this case alleged that Louisiana's at-large judicial election scheme violated Section 2 of the Voting Rights Act as well as the Fourteenth and Fifteenth Amendments. The case was dismissed, since the district court agreed with the defendants' claim that Congress did not include the election of judges when it enacted Section 2 of the Voting Rights Act of 1965 because judges are not representatives.
The plaintiffs appealed the case to the U.S. Court of Appeals for the Fifth Circuit. The Court reversed the ruling of the district court and remanded the case. The Fifth Circuit interpreted Section 2 of the Voting Rights Act as including judges, who are elected officials.

In 1988 Governor Charles Roemer became a party to the lawsuit in his capacity as Louisiana’s chief executive. The statutory and constitutional claims advanced in *Chisom v. Roemer* were dismissed by the district court. The plaintiffs appealed the district court’s decision once again. The Fifth Circuit remanded the case once again to the district court. The case was later dismissed. The Fifth Circuit dismissed the appeal by relying upon its decision in *Latin American Citizens Council #4434 v. Clements* (1990) in which the court held that judges are not representatives and therefore were not included within the protections provided by Congress in Section 2 of the Voting Rights Act of 1965, as amended in 1982.

To support its contention that judges are not "representatives", the Fifth Circuit referred to the case of *Buchanan v. Rhodes* (1960) in which the U.S. Supreme Court concluded that "judges do not represent the people, they serve the people" (385 U.S. 3).

In 1990 the U.S. Supreme Court granted a writ of certiorari to the plaintiffs in *Chisom v. Roemer*. The Court granted certiorari because the Fifth Circuit’s ruling in
Chisom conflicted with the Sixth Circuit’s decision in Mallory v. Evrich (1988). Unlike the Fifth Circuit, the Sixth Circuit ruled that Congress’ inclusion of the word "representatives" in Section 2 of the Voting Rights Act of 1965, as amended 1982, was not an intentional attempt to exclude the election of judicial candidates. According to the Sixth Circuit, challenges to judicial election structures were within the scope of the provisions of Section 2.

The U.S. Supreme Court’s resolution of the dispute between the Fifth and Sixth Circuits in their interpretations of the meaning of the word "representatives" in Section 2 of the Voting Right Act is pending. An interesting factor in the district as well as U.S. Supreme Court judges preoccupation with the word "representative" in Section 2 of the Voting Rights Act is that legislative material which accompanied the amendment of Section 2 in 1982 contained nine factors which should be considered when deciding Section 2 violations. Judges who have ruled on cases involving vote dilution in judicial elections, in addition to, voting rights violations have chosen to ignore these factors. These nine factors are contained in Appendix One.

A third reason judicial elections have not been researched to the same degree as legislative races has to do with the role of political parties or partisanship in state
legislative races versus the role of parties in state judicial contests. Political parties play a greater role in legislative contests than they do in state judicial races. Whereas persons seeking legislative offices may campaign upon the differing political philosophies of their parties, judicial candidates must adhere to the American Bar Association's Code of Judicial Conduct. This Code places limits on judicial candidates who may wish to express their opinions on public policy issues. A candidate for judicial office is instructed by the Code to "not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office" and not to "announce his views on disputed legal or political issues" (Code Canon 7 (B)(1)(C)). As a result of the limitations placed upon judicial candidates by the Code, "judicial candidates stress their personal qualifications for the bench and their views on such subjects as the administration of justice and court reform. If judicial candidates compete on partisan ballots, they are permitted by the Code to acknowledge a connection with a political party, but the campaign necessarily must remain formally nonprogrammatic. And in states utilizing the nonpartisan nomination and election method of selection, state law usually prohibits political party organizations from offering endorsements to candidates and from engaging in direct or indirect campaign activity on behalf of a
candidate" (Dubois 1980, 66). In short, partisanship does not serve the function of a voting cue in state judicial elections as opposed to its role in the nomination and election of legislators.

A final explanation for a lower level of research on judicial elections when compared to legislative ones is the saliency of legislative races. Because of the prestige and media attention given to members of Congress, congressional office may be viewed as a more desirable and popular office than a judgeship. Furthermore, the incumbents of judicial office are usually uncontested. In fact, judges serve longer terms in office than other officeholders. On the other hand, legislators are contested for their seats which result in political campaigns in an effort to win public office. Also "due to the issueless and lackluster campaigns, critics argue that public attention to judicial election contest is low. And due to this lack of interest, it is argued that the public is not interested in informing itself about the qualifications of those candidates seeking judicial office" (Dubois 1980, 32-33).

Furthermore, voters are more likely to vote in legislative races, since they believe the policy initiatives of these officeholders affect their daily lives. In contrast, most voters never come in contact with members of the judiciary. Legislators represent and promote policies which are in the best interest of their constituents. As a
result, constituencies represented by particular legislators are more likely to re-elect them based upon the "benefits" the legislators are perceived to have provided for their respective districts or states (Davidson 1969; Fiorina 1974). When people vote for legislators or choose to participate in such elections, they do so because they believe these candidates will act in their best interest.

Events of the late 1980s have resulted in judicial election systems receiving a considerable amount of attention. As a result of these events, it is my opinion that more research effort must be devoted to analyzing judicial elections. The events I am referring to are the growing number of court cases challenging such elections (Clark v. Edwards 1988; Chisom v. Edwards 1987; Chisom v. Roemer 1990; Arnold v. Roemer 1988; LULAC v. Clements 1990; Rangel v. Mattox 1988; Brooks v. Glynn County, Georgia Board of Election 1988; Williams v. State Board of Elections 1988; Southern Christian Leadership Conference of Alabama v. Siegelman 1989; Mallory v. Eyrich 1988; Martin v. Mabus 1988; Al-Hakim et al. v. State of Florida 1988). These lawsuits are similar to lawsuits which have been filed challenging legislative districts. They have been brought alleging that minorities do not have an equal opportunity to participate in elections and elect candidates of choice as a result of discriminatory state judicial election systems.
Minorities in Louisiana have based their arguments on the fact that as recent as 1989, of the 239 judges serving on courts of general jurisdiction, there were only nine black state court judges. Additionally, only one black judge sat on the Louisiana Court of Appeals and none on the state Supreme Court. The small number of black judges in Louisiana and other states and the lawsuits involving allegations of violations of Section 2 of the Voting Rights Act of 1965 as well as the Fourteenth and Fifteenth Amendments have increased the attention of scholars, laymen, and federal judges to the impact of electoral participation in state judicial elections.

Importance of Analyzing Voter Turnout in State Judicial Elections

Researchers who have focused their attentions on judicial elections as a result of recent challenges to such races have limited their analyses largely to vote choice (Weber 1988; Engstrom 1988), minority vote dilution (Engstrom 1988, 1989; Weber 1989), statutory and constitutional claims (Haydel 1989), or whether judges are representatives (Ely 1980; Pruet and Glick 1986; Haydel 1989; Hickok 1990). What these scholars have not considered is: what factors account for variations in voter turnout in state trial and intermediate appellate court elections? Likewise, the question which remains unanswered is: Is the electorate that participates in state judicial elections
different from the electorate that participates in other elections—presidential and congressional? Furthermore, one noteworthy work (Dubois 1980) focused on state supreme court elections as opposed to district court elections.

The main line of argument advanced in this analysis is even if district lines are redrawn to change the composition of judicial districts into ones with an overwhelming number of a certain race, particularly blacks or whites, will such a change make state judicial election results more democratic? The likelihood of this occurring is very unlikely, particularly if the people do not choose to participate in such elections. In other words, if the racial factor which results in racial polarization in voting is remedied by changing the composition of districts, will minorities choose to vote in such elections in reformed systems?

In my opinion, an examination of voter turnout in state judicial elections should be treated with equal importance as constitutional and racial polarization or minority vote dilution issues. A focus upon the legal and constitutional questions involved in challenges to state judicial elections without emphasizing the fact that minorities are challenging the drawing of district lines which have the effect of diluting their voting strength, not the fact that the size of the white population exceeds the black or minority population. Emphasizing the former may eventually result in
a backlash for minorities, particularly in states such as Louisiana with major cities consisting of large minority populations. I argue that just as affirmative action policies and programs have led to reverse discrimination cases (Regents of the University of California v. Bakke 1978; United Steelworkers v. Weber 1979; Firefighters Local Union No. 1784 v. Stotts 1984; Wygant v. Jackson Board of Education 1986), challenges to state judicial election structures and particularly the fact that researchers have not conducted studies on the major issue—gerrymandered and at-large as opposed to single-member districts—will eventually lead to whites challenging the composition of election structures which allegedly dilute their voting strength. For example, in 1987 white citizens in Birmingham, Alabama filed a lawsuit challenging the election process of selecting council members. The plaintiffs alleged that the votes of white citizens were being diluted as the result of the present majority black population in Birmingham.

To support my contention, I turn attention to mayoral races in United States' cities. The successes of black mayoral candidates in the United States' cities have been attributed to the large minority populations in such cities. The victories of Coleman Young in Detroit, Ernest Morial and Sidney Bartholomey in New Orleans, Harold Washington in Chicago, and Maynard Jackson and Andrew Young in Atlanta...
occurred because of the support they received from the majority black populations within their respective cities. Rich (1987) discussed the shifts in population in Detroit during the Young administration. The author presented an analysis of Detroit's changing population which may be generalized to explain transitions in the populations of other American cities, thus accounting for the victories enjoyed by mayoral candidates in these cities. According to Rich (1987, 201), "the flow of escaping white residents, which began in the 1960s with the rise of racial tensions, approached a floodtide in the 1970s when both middle and working class whites began to move out. Detroit's white population in 1970 was 838,877. By 1980 it had diminished to 444,730. Between 1970 and 1988 Detroit's black population had actually increased from 672,602 to 758,939." In other words, what has been referred to as "white flight" from the cities account for the transition in the populations of some American cities. This has resulted in electoral successes for black candidates, specifically mayoral candidates.

Unless judicial scholars provide research on the impact previously drawn district lines may have on the successful election of minority candidates to the bench, it is my belief that many frivolous lawsuits will eventually be filed by white voters residing in U.S. cities with majority black populations contending vote dilution on the basis of the
size of the black population. I refer to such lawsuits as frivolous, since most would correctly argue that a minority, specifically an African-American, will never become President of the United States for the simple reason that such a candidate would have a difficult time encouraging crossover voting. Despite this fact, blacks have not filed lawsuits challenging the election of the President on the basis that the white population in the United States is larger than the black population. Additionally, whites have not challenged electoral structures on the basis of white vote dilution as a result of district lines which have been redrawn by minority officeholders. Instead whites have challenged electoral structures which have been in place for years only after blacks gain a majority within a particular area. Once again, scholars' emphases on constitutional, statutory, and representational claims without focusing on the impact gerrymandered and at-large districts may have on the successes of minority candidates does not provide laymen nor federal judges with a holistic nor accurate view of what is actually occurring in terms of challenges to judicial election systems.

The present study's emphasis on voter turnout in state judicial elections is only one step in the direction of providing much needed information on the judicial election process. Just as researchers have examined and provided explanations for variations in voter turnout in
presidential, congressional, and other elections
(Ashenfelter and Kelley 1975; Nie et al. 1976; Wolfinger and Rosenstone 1980; Shaffer 1981; Caldeira and Patterson 1982; Beyle 1983; Copeland 1983; Kenney 1983), this research represents an attempt to provide an understanding of the behavior of the electorate, the type of election environment which stimulates voter participation, as well as which candidate attributes are more likely to motivate people to vote in judicial elections.

Summary

As a result of legal challenges to state judicial election structures, scholars can no longer limit their research agendas mainly to providing analyses of voter behavior in highly contested races such as presidential, congressional, and gubernatorial elections. The willingness of plaintiffs to bring lawsuits challenging judicial election structures demonstrates that the electorate is cognitive of the impact the judiciary or judges, specifically state judges, have on public policies in American society.

Political scientists attempt to interpret or explain what occurs in the political arena on an international, national, state, and local government basis. Therefore, judicial scholars should include in their research efforts examinations of electoral participation in judicial elections. Furthermore, the recent lawsuits challenging
judicial election processes indicate that a body of literature explaining the processes involved in such elections is necessary. A reliance upon legislative and presidential literature cannot adequately explain what occurs in state judicial elections.

A final observation involving the need for more research on state judicial elections is the emphasis on constitutional claims. A preoccupation with the legalities involved in such elections divert attention away from electoral behavior in judicial elections. Just as voter behavior has been analyzed in presidential and congressional races, electoral behavior in state judicial elections should be given similar scholarly attention. Additionally, a focus on the constitutional and statutory claims involved in challenges to state judicial elections without devoting equal attention to the issue of at-large versus single-member districts may result in white voters challenging election structures they believe dilute their voting strength. To prevent the backlash which may result from whatever changes are put in place to remedy minority vote dilution in judicial races, scholars should educate voters and judicial candidates on the factors which serve as catalysts to encourage electoral participation as well as crossover voting in state judicial contests. An examination of factors which stimulate voter turnout in these elections should provide an understanding of and information on which
factors increase voter turnout as well as the electability of judicial candidates. Such research may reveal that black judicial candidates might increase their chances of winning contests against white candidates if they (black candidates) possess certain traits. For example, black candidates who are able to raise and attract campaign expenditures may have greater chances of drawing voters to the polls than black candidates who do not have access to the funding necessary to inform voters of their candidacy or the judicial election. Supporting judicial candidates who are most likely to encourage crossover voting and attract campaign expenditures is as important as changing the composition of judicial districts. In short, aiding in the understanding of the game of politicking is equally important to the success of judicial candidates as examining lawsuits challenging such elections.
Chapter Two
Voter Turnout in State Judicial Elections

Understanding the dynamics of voter turnout in state judicial elections is important in order to make the election of state judges a more democratic process. Providing analyses of the factors which might encourage electoral participation in such elections are crucial, particularly in light of recent challenges to judicial elections structures. Furthermore, because of the lack of scholarly attention devoted to examining judicial elections, in most cases the only reference point available for determining the impact of various factors on voter turnout in state judicial elections is research which has focused on non-judicial elections.

The works of scholars who have focused their attentions on judicial elections may be divided into two main categories. The first category includes those scholars who have examined the impact contextual variables or the judicial election context may have on voter turnout in state judicial elections. The contextual factors these scholars have considered in their research efforts are the scheduling of judicial elections (Hannah 1972; Adamany and Dubois 1976; Dubois 1980), the competitiveness of these elections (Hannah 1972; Dubois 1980), type of election systems (Dubois 1980), and ballot format (Dubois 1980).
The second category consists of the characteristics of judicial candidates. These scholars are interested in the influence candidate attributes may have on stimulating electoral participation in state judicial elections. This category includes the works of Dubois (1984) on the gender of judicial candidates; Collins (1980), Atkins et al. (1984), and Alozie (1988) on the race of these candidates; Dubois (1986) on the campaign expenditure of judicial candidates; and Dubois (1980) on incumbency or prior judicial experience.

Both of these categories will be discussed in depth in the following sections.

Impact of Contextual Variables

Election Scheduling

Scholars analyzing the effects of election scheduling on electoral participation in state judicial elections have found evidence which suggest similar findings as researchers who have contended that general elections occurring during presidential election years are characterized by an increase in voter turnout. For example, Angus Campbell (1966) distinguished between "core" and "peripheral" voters. Campbell coined these terms to explain short-term variations in voter turnout. According to Campbell (1966, 42-43), "core" voters are those whose level of political interest is sufficiently high to take them to the polls in all national elections, even those held in
mid-term where the amount of stimulation is low. The "core" voters are joined in the presidential years by the "peripheral" voters whose level of political interest is lower but whose motivation to vote has been sufficiently increased by the stimulation of the election to carry them to the polls.

Campbell's distinction between "core" and "peripheral" voters indicates that the scheduling of elections does have an impact on electoral participation. This is evident by the fact that high saliency races such as presidential general elections encourage electoral participation.

One pioneering research effort involving state judicial elections is that of Hannah (1972) who examined the levels of voter participation, electoral competition, and the political and socioeconomic basis of voting patterns in Michigan's nonpartisan elections for supreme court and circuit court judges from 1948 to 1968. Hannah measured turnout as a percentage of the votes cast in the top partisan race. She found evidence which suggest that the scheduling of judicial elections affects participation or turnout in such elections. Dubois (1980, 41-42) summed up Hannah's results by stating that "judicial elections held concurrently with the quadrennial presidential election had the highest turnout, followed by those held concurrently with the biennial gubernatorial elections in the mid-term years, with the lowest turnout observed in the spring elections." Her results also indicated that judicial
Election turnout in any given election year was considerably lower than turnout for more salient races at the top of the ballot (e.g., president, governor, or U.S. congressperson). In other words, Hannah found that rolloff occurred when judicial elections were scheduled concurrently with more salient races such as presidential, gubernatorial, or state legislators. Rolloff occurs when voters participate in "major partisan offices" at the top of the ballot but fail to cast ballots in the judicial elections (Dubois 1979, 871).

Adamany and Dubois (1976) analyzed Wisconsin supreme court elections and confirmed Hannah's findings on Michigan supreme court elections that election scheduling has an impact on electoral turnout in judicial elections. Dubois (1980) also confirmed the earlier findings of Campbell (1966) by conducting a state-by-state inspection of the effects of election scheduling on voter participation or turnout in state supreme court elections. The author found that voter turnout was greatest in presidential years, with the exception of one state (Nevada). Voter turnout was also found to be higher during mid-term election years than in judicial elections scheduled in off-years. Dubois (1980, 45) concluded as follows:

Election scheduling, therefore, explains a great deal about judicial election turnout. Indeed, it is logical to assume that the overall level of participation in a state's judicial
elections is largely a reflection of turnout for the major statewide and national contests which pull voters to the polls in the first place. It is also true, however, that those states with high levels of participation in the major races of president, governor, and United States Senator are not necessarily the same as those with high judicial election turnout.

Boyd (1986) analyzed the effects of election calendars as well as ballot forms on voter turnout in primaries and statewide races held concurrently with 1976, 1980, and 1984 presidential elections. According to Boyd, voter turnout is effected by the type of races placed on the ballot which increase the attractiveness of the ballot for voters. For example, he found that the occurrence of a gubernatorial race during the presidential year increases ballot attractiveness thus increasing the likelihood that an individual would vote. Similarly, Hannah (1972) and Dubois (1980) found that judicial elections placed on the ballot during presidential elections were associated with increased turnout. However, these authors attributed an increase in electoral participation to the popularity of the presidential race whereas Boyd associated increased voter turnout to the popularity of gubernatorial or statewide races. Despite this discrepancy, these authors concluded that the presence of a salient race on the ballot will increase overall voter turnout even in less visible races.

According to Boyd (1989, 730), presidential and state
primaries divert resources away from the general election and reduce turnout among the peripheral electorate who are most dependent on a mobilization effort. Whereas, Boyd did not view the frequency of elections as causing voter fatigue, thus decreasing voter turnout, it may be argued that both voter fatigue (Walker 1966; Dubois 1980) and the dissipation of resources as a result of frequent elections account for variations in voter turnout. In other words, as a result of the number of elections scheduled during a given year, voters are more likely to participate in elections they perceive to be the most important. This observation may be a plausible explanation for a decline in electoral participation in less salient judicial elections held during off-years or on schedules different than the regular primary and general elections.

Election Systems

Researchers who have studied the impact of election system types on voter turnout in state judicial elections have focused on differences in electoral participation under partisan, nonpartisan, merit retention, and mixed ballots. The impact of election systems is most evident when voter turnout in judicial elections is measured as a percentage of the vote cast for the "major partisan office" at the top of the ballot in an election year instead of being calculated as a percentage of the total voting age population. Major partisan office include the presidential, gubernatorial, or
United States senatorial races which are the most salient races. Measuring voter turnout in this manner controls for the effects of those races at the top of the ballot on voter turnout.

Dubois (1980, 47) found when analyzing Wisconsin supreme court elections that "the data more clearly suggest that judicial election turnout is not solely the result of election scheduling and turnout at the top of the ballot. It appears that a greater percentage of voters complete their judicial ballots in states utilizing partisan ballots than in those utilizing the nonpartisan or merit retention ballot forms." The partisan election system consists of a ballot which contains information about the party affiliation of candidates. As a result of the low saliency of judicial elections as well as judicial candidates, "the candidates' partisan affiliation is the single most important voting cue in state judicial elections. Moreover, it is clear that if the office being contested is less important to the voter and the candidates competing for such low-salience offices are less familiar and the issues less visible, the voter will rely less upon short-term considerations of particular candidates and issues and more upon long-term psychological attachment to a political party" (Cowart 1973, 835).

A voting cue is removed when the nonpartisan election system is utilized. As a result, the nonpartisan ballot
tends to discourage voter participation. In states employing the nonpartisan ballot, the political parties play no formal role in the nomination and recruitment of judicial candidates. Whereas some voters may complete their ballots because they recognize a familiar name or the name of an incumbent, other voters may not participate in the judicial elections because they do not perceive any recognizable differences among the judicial candidates.

Like the nonpartisan election system, the merit retention ballot lacks the party label. In addition to lacking the cue of political party absent from the nonpartisan ballot, voters in the merit retention states also lack a choice between competing candidates (Dubois 1980, 48). The reason for this is that the candidates of the merit retention ballot are uncontested. The merit retention ballot requires voters to cast either a "yes" or "no" vote. Consequently, "once in the polling booth, many voters may fail to mark the retention ballot believing that their votes will have little impact upon the final result" (Dubois 1980, 49).

An election system which has not attracted much scholarly attention is the mixed partisan nomination—nonpartisan election system. In this type of election system, judicial candidates are nominated by the political parties, however, the party label is excluded from the ballot. According to Dubois (1980, 72), "with the low
visibility and attention attached to supreme court contests. Generally, it is not likely that the party cue in these states which use the system of partisan nomination but nonpartisan election, hereinafter called "mixed" states, is as strong as it is in those partisan states where party is clearly labeled on the general election ballot." Despite this observation, unlike the nonpartisan nomination and election system, the mixed system is more likely to result in voters completing the judicial ballot or a decrease in rolloff, since some voters are able to make a connection between judicial candidates and their partisan affiliations as a result of the partisan nomination process.

Dubois (1980, 244) distinguished between the impact of election systems on voter participation by concluding as follows:

First, partisan judicial elections are more frequently contested than nonpartisan elections or, of course, the uncontested merit retention ballottings.... The second distinction between partisan and nonpartisan merit retention ballots which accounts for variations in the level of voter participation is the presence of a meaningful voter cue on the former and its absence on the latter.

In other words, the partisan ballot provides the voter with a voting cue, political party affiliation. It is this voting cue which aids voters in their attempts to differentiate between opposing judicial candidates whom they
know nothing or very little about. For this reason, the partisan ballot increases voter participation in judicial races, whereas the nonpartisan ballot depresses voter participation.

**Ballot Format**

Three types of ballot formats have been examined to explain variations in voter turnout in state judicial elections. Walker (1966) discussed these three formats when determining the relationship between ballot forms and voter fatigue. According to the author, the three ballot formats are: (1) party column or Indiana, (2) office block or Massachusetts, and (3) Pennsylvania ballots.

Dubois (1980) provided a description of each format. According to Dubois (1980, 53-54),

the party column ballot lists the candidates of each party for all offices in a single column or row. The alternative ballot form, the office block ballot, groups candidates of both major parties by the office which is being contested. A third basic ballot format called the Pennsylvania ballot, is in actuality a hybrid of the two major ballot forms. Voters using a Pennsylvania-type ballot face the typical office block format, but at the same time a party circle or lever is available for those voters who choose to cast a straight party ballot.

In short, this ballot allows for split-ticket voting as well as voting a straight party ticket.
Voter turnout is expected to be greatest in states utilizing the party column ballot and the least in states utilizing the office block ballot. Thus, the partisan judicial ballot encourages voters to participate in the selection of their supreme court justices (judges), particularly when the ballot is equipped with a device which allows the voters to make all of their electoral choices in a single motion (Dubois 1980, 58).

Another issue involved in determining the impact of ballot format on voter turnout is rolloff. Rolloff occurs when voters vote for offices at the top of the ballot, but do not vote for lower offices. According to Walker (1966, 451), "the amount of rolloff is greater in state utilizing the office block ballot than in states utilizing the party column ballot format." This finding may be attributed to voter fatigue, voters using political parties as voting cues, the saliency of offices at the top of the ballot when compared to judicial races, and the convenience of pulling one lever when the party column ballot is used. Similarly, Dubois (1980, 53) contended that:

the office block ballot might contribute to voter fatigue because it requires the voter to express a number of individual choices along a lengthy ballot. For races well down on the ballot and for public measures being decided about which the average voters have not informed themselves, the voter may become frustrated and simply fail to complete the ballot.

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Competitiveness

Campbell et al. (1960) contended that the perceived closeness of an election heightens voter interest thus stimulating voter turnout. The impact of competitiveness of judicial elections on voter turnout may be based on the theoretical premises of the rational-actor model of Downs (1957) and Riker and Oidershook's (1968) calculus of voting. The theory here is that voters are more likely to vote in what they perceive to be a close or competitive election because they believe their votes are likely to affect the outcome of the election.

Scholars have found aggregate level support for the "competitive threat theory" (Key 1949; Gray 1976). Researchers have also shown that inter-party competition is associated with higher rates of voting (Dye 1966; Jones 1964). However, recent studies have questioned the accuracy of the proposition that inter-party competition affects voter turnout. In fact, it has been argued that "the contribution of the degree of interparty competition to turnout may be relatively minor, if not wholly illusory, when the effects of socioeconomic, legal, political, and regional variables upon participation are first considered" (Blank 1974, 732). Even Gray (1976) questioned the validity of the "competitive threat theory" over time.

Cox (1988) went one step further in his argument by contending that the technique which has been utilized to
measure the closeness of election—the percent of the vote received by the winner minus the percent of the vote received by the runner-up—results in a spurious correlation with turnout. The author presented an alternative measure of closeness or the competitiveness of electoral contests. He contended that the raw vote margin is a better measure of closeness than the percentage margin. He did find one difficulty with using the raw vote margin. One drawback in employing the raw vote margin is that "when it becomes very large, it must necessarily have a positive relationship with turnout, as explained earlier; thus, one must include its square which eats up a degree of freedom" (Cox 1988, 774).

Hannah (1972) and Dubois (1980) considered the impact of competitiveness on voter turnout in state judicial elections. Hannah did not find any significant differences in turnout in Michigan’s supreme court races when considering the impact of the competitiveness of these elections. Similarly, Dubois found that competitive judicial races did not increase voter turnout in Wisconsin supreme court races. Instead Dubois found that competitiveness had its greatest influence on presidential primaries which encouraged voters to participate. In other words, the competitiveness of the race at the top of the ballot had a greater impact on electoral participation than did competitive judicial races. It was found that salient races which attract public attention may pull voters to the
polls who then incidentally vote for judicial candidates (Dubois 1980, 42).

Impact of Candidate Variables

Gender of Candidate

Only one scholar has attempted to explain variations in electoral participation in state judicial elections in terms of the gender of the candidates. Dubois (1984) included sex as a voting cue in judicial elections. The author found that electoral participation did not deviate from its usual level in state judicial elections when female candidates were on the ballot. Unlike the race of the candidates, campaign expenditures, election systems, elections scheduling, and other factors previous research revealed as having impacts on voter turnout in judicial elections, the gender of judicial candidates was not found to stimulate or encourage electoral participation.

Race of Candidate

Judicial election research is almost void of any type of research which focuses upon the relationship between the race of judicial candidates and electoral participation. Collins (1980, 334) found that "the appearance of a black candidate in nonpartisan at-large races does not act to stimulate comparatively higher levels of turnout among the black precincts." The only exception Collins found was in the lower category of social class. According to Collins
(1980, 334), "race appears to be a salient factor only in accounting for turnout differences in the lower category of social class." In other words, voter turnout among lower income black voters tends to increase when a black candidate sought judicial office.

This finding may be explained by citing the work of Shingles (1981). Shingles found evidence which suggest that blacks of lower socioeconomic status vote at a higher rate than similarly situated whites. He attributes this difference in turnout between blacks and whites to a sense of black consciousness. According to Shingles (1981, 76), "the primary reason black consciousness has such a dramatic effect on political participation is that it contributes to the combination of a sense of political efficacy and political mistrust which in turn induces political involvement." The line of argument presented by Shingles is that lower income blacks vote because they do not trust government and feel it is their duty to help change government. In other words, the act of voting provides lower income blacks with a feeling of political efficacy and expressive benefits.

A shortcoming of researchers who have focused on the impact of the race of judicial candidates on voter turnout in state judicial elections is that their primary focus has been black voter turnout (Collins 1980; Atkins et al. 1984; Alozie 1988). Instead of analyzing whether the presence of
a black judicial candidate on the ballot increases electoral participation in the total population, these scholars have focused their attentions only on black voter turnout, thus ignoring the larger question: does the race of judicial candidates have an impact on electoral participation in state judicial elections? In other words, is voter turnout greater in contests involving black and white candidates as opposed to electoral contests in which the candidates are of the same race or do white and black voters vote at higher rates when white judicial candidates compete against black candidates?

Atkins et al. (1984) went one step further than Collins (1980) when comparing differences in turnout based on the race of candidates by matching constituents according to their age, education, and nonprofessional occupational status. However, like Collins, the authors analyzed whether black candidates were influential in drawing black voters to the polls in state judicial elections. The data suggested that "voters in predominantly black precincts participated in substantially higher proportions in the race with a black candidate than they did in other races for the Supreme Court" (Atkins et al. 1984, 211). They found that a candidate's racial identity did in fact affect voter turnout in judicial elections. The authors concluded that the presence of black candidates, when socioeconomic variables are controlled for, does increase black voter turnout.
Campaign Spending

Scholars who have analyzed the role of campaign spending in American elections have found that the cost of financing campaigns is directly related to constituency size (Heard 1960; Adamany 1972; Owens 1973). The cost of informing voters is expected to increase as the size of the constituency increases. The cost of mailing campaign literature rises in direct proportion to the number of voters who have to be reached (Dubois 1986, 273).

Additionally, campaign finance literature suggests that the presence of an incumbent in a race will increase campaign expenditures (Heard 1960; Adamany 1972; Owens 1973; Jacobson 1980). The reason for this finding is that incumbents attract contributions and challengers must raise and spend large sums of money in an attempt to overcome the incumbent's advantage of name familiarity and prior experience.

A final factor which has been considered by scholars is the degree of electoral competition on election costs (Adamany 1972; Owens 1973). Competitive races have been found to cost more than noncompetitive races. The candidates involved in competitive races are more likely to raise and spend large sums of money in an attempt to increase their electability.

To test the hypothesis that competitive elections stimulate campaign expenditures, Cox and Munger (1989)
examined the 1982 United States House elections. The authors based their hypothesis on the works of Caldeira and Patterson (1982) and Patterson and Caldeira (1983) in which these scholars found evidence which revealed a positive correlation between total campaign spending and voter turnout. Cox and Munger provided three reasons to explain how competitive races might result in greater expenditures. The authors stated as follows:

First, instrumentally motivated contributors might give more in close elections (because their contributions have a greater chance of affecting the outcome), thereby allowing candidates to spend more. Second, even if no contributors are instrumental and all seek "access" or a specific favor (See Denzau and Munger 1986; Ferejohn and Noll 1985), one might still expect an increase in contributions in closer races.... Third, because candidates value a given amount of money more highly in closer races, they will be more willing to borrow, to use their own financial resources, and to incur debts that they may not be able to pay. All of these financial practices allow greater campaign cost in closer contests (Cox and Munger 1989, 219).

Cox and Munger’s explanations support the proposition that competitive races might stimulate campaign expenditures. Candidates are more likely to seek financial support when their chances of winning public office is greatest. Candidates perceive their electability as being greatest in close contests.

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The authors also examined whether expenditures affect voter turnout. They found that races involving high expenditures were more likely to draw voters to the polls than the closeness of the elections. According to Cox and Munger (1989, 226), "closeness exerts its predominant effect only on participation inside the booth (i.e., rolloff)."

Dubois (1986) argued that there are three aspects of the role of money in financing judicial elections. The first factor is the belief that the cost of financing judicial campaigns may place limitations on competition. According to Dubois (1986, 265),

such reports naturally limit electoral competition by discouraging prospective candidates even if campaign finance levels have not in fact escalated sharply. Another aspect of the role of money that has drawn recent attention has been the reported heavy reliance upon lawyers for the contributions required to finance judicial campaigns.

This particular aspect is believed to result in a conflict of interest for judges. The final aspect is that the amount of campaign spending may influence the electoral success of judicial candidates.

Incumbency or Prior Judicial Experience

A considerable amount of research has been conducted on incumbency advantage in congressional elections (Erikson 1971; Mayhew 1974; Abramowitz 1975; Cover 1977; Parker 1980; Collie 1981; Jacobson 1981; Hibbing and Alford 1981; Garand

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and Gross 1984) and other elections (Caldeira and Patterson 1982; Patterson and Caldeira 1983; Beyle 1983; Jewell and Breaux 1988). For example, Mayhew (1974) argued that incumbents have an information advantage. According to the author, changes in the number of competitive seats in congressional districts may be the result of an increase in the electoral advantage of incumbents. Mayhew (1974, 317) concluded that "incumbency does seem to have increased in electoral value, and it is reasonable to suppose that one effect of this increase has been to boost House members of both parties out of the marginal electoral range." Mayhew also emphasized the growth in the availability of resources for incumbents. Other examples of explanations advanced to explain the increased electoral advantage of incumbents are the works of Erikson (1971), Cover (1977), and Hibbing and Alford (1981) in which these scholars emphasized changes in the electorate. Finally, Abramowitz (1975) and Jacobson (1981) focused on the importance of weak opponents in congressional elections.

Recent studies focusing on incumbency in congressional elections have resulted in conflicting findings (Jacobson 1987; Bauer and Hibbing 1989). Jacobson (1987) concluded that competition in congressional races involving incumbent House members has not declined. Instead he found that incumbent House members must still face competition and that
their margins of victory as well as their success in their bids for reelection have declined over time.

On the other hand, Bauer and Hibbing (1989, 262) concluded that: "(1) there has been no meaningful increase in the chances of big winners subsequently losing and (2) in recent elections the chances of scandal-free, unredistricted, previously safe incumbent losing are practically null." These authors contended that a decline in the margin of victory of incumbent House members is a function of whether they were involved in any type of scandal which may have an impact on public opinion and their success in being reelected. Another factor considered by these authors was a change in the composition of the electorate within previously safe districts as a result of the redrawing of district lines.

Dubois (1980) discussed merit retention elections and incumbency. According to the author, few judges have ever lost during such elections. Merit retention elections require voters to vote "yes" in order for previously appointed judicial candidates to remain on the bench and "no" if they want to remove an appointed candidate from the bench. The merit system of selecting judges consist of an appointment process followed by a performance review of the judge by the electorate during merit retention elections. Dubois (1980, 19) concluded that "voters find it difficult
to vote against someone without a reasonable alternative candidate to vote for."

Despite Dubois' observations, the relationship between incumbency and electoral participation in contested nonpartisan state judicial elections has not been explained. As a result, judicial research is void of an examination of the impact of incumbency on voter turnout in such elections. The question which remains unanswered is: does the presence of an incumbent in contested nonpartisan state judicial elections stimulate or depress electoral participation?

Impact of Sociodemographic Variables

Sociodemographic variables have never been considered as factors which may affect electoral participation in contested nonpartisan state judicial elections. Such variables as the age, educational attainment, income level, occupation, the race of the electorate, and voting age population residing in rural areas are included in this analysis in an attempt to determine to what extent electoral participation in state judicial elections is influenced by the same type of factors that account for participation in other elections (e.g., presidential, congressional, gubernatorial). In other words, an examination of these variables will allow a determination of whether judicial election participation is a function of the same or different variables that affect voter turnout in other races.
The inclusion of specific sociodemographic variables is based on the work of Wolfinger and Rosenstone (1980). A very strong relationship was found between rates of voting and years of education. Individuals with higher levels of education were found to vote more often than those with less education. Wolfinger and Rosenstone (1980, 42) found that "only thirty-eight percent of the respondents with fewer than five years of schooling went to the polls, as compared with sixty-nine percent of those with a high school diploma, and eighty-six percent of those who were college graduates and ninety-one percent of the people with at least a year in graduate school."

The authors provided two reasons to explain the effects of education on voter turnout. The first explanation had to do with social norms and a sense of civic duty. They contended that better educated individuals were more likely to possess these qualities. Secondly, educated persons were better able to inform themselves about politics and to understand the issues involved in political campaigns. The authors concluded that education was the most important socioeconomic variable in explaining voter turnout.

The researchers also found a strong relationship between income and turnout when controlling for the effects of education. They found evidence which suggest that turnout increased with income. Wolfinger and Rosenstone (1980) provided at least four explanations to explain the
relationship between income and voter turnout. First, poor people are believed to vote at a considerably lower rate than "well-to-do" people because the poor are preoccupied with fulfilling their biological needs. According to Maslow's (1981) hierarchy of needs, biological or physiological needs (e.g., food, water, sleep, shelter) are the most important and basic of all needs. He contended that individuals are driven by a desire to fulfill their biological or physiological needs. Individuals who are preoccupied with meeting these daily needs have neither the energy nor the desire to participate in political activities (including voting) (Maslow 1981, 26).

Second, higher incomes allow individuals to live in better neighborhoods and to be exposed to various norms, pressures, and socializations which may encourage political participation—voting. Third, people with higher incomes are more confident and possess a keener sense of civic duty, thus are more likely to vote than poor people. Finally, rich people have more to lose as a result of governmental policies, therefore they are more likely to participate in the political process in an attempt to promote and protect their interests (Frey 1972; Wolfinger and Rosenstone 1980).

Wolfinger and Rosenstone (1980) found that increased job status increased the probability of voting. Their results indicated that white-collar workers (professional and technical; farmers, managers, administrators; and clerks
and salespeople) voted at higher rates (86 percent, 76 percent and 75 percent respectively) than blue-collar workers (skilled workers, 64 percent; nondomestic service workers, 63 percent; unskilled and semiskilled workers, 53 percent; and farm laborers and foremen, 46 percent). The authors explained their findings by suggesting that some jobs bring people into contact with issues involving politics, thus resulting in greater electoral participation. An exception to this is that farmers fluctuate in their electoral participation. To account for this fluctuation, Wolfinger and Rosenstone discussed the changing economic fortunes of farmers which result from government actions or policies and variations in the relationship between farmers and government.

Wolfinger and Rosenstone (1980) found in their analysis of the 1972 presidential election that blacks voted at a slightly higher rate than whites. The impact of the variable race was highest among less educated blacks. The author found a four percent higher probability of voting among blacks who had not attended college. Once again, the work of Shingles (1981) may be used to explain the relationship between race and voter turnout, particularly among lower class blacks.

An inclusion of the variable race is very important particularly in light of the findings of Abramson and Claggett (1989) which differ from those of Wolfinger and
Rosenstone (1980) and Shingles (1981). Abramson and Claggett contended that there are very little, if any, differences in voting between whites and blacks. They argued that any difference which may be indicated is the result of the tendency of blacks to overreport their electoral participation.

The variable white registered voters has also been included in this analysis, since Wolfinger and Rosenstone (1980) found evidence which suggest that white voters were more likely to vote when other demographic factors are controlled for.

Finally, age was found to be the second most important variable in explaining voter turnout. People were found to vote at higher rates as they assumed "adult roles." According to Milbrath and Goel (1977), participation increases steadily with age until it reaches a peak in the middle years and then gradually declines with old age. People between the ages of 39 and 69 were more likely to vote than the youngest adults. The explanation Wolfinger and Rosenstone (1980) provided for this finding is that people have more at stake politically later in life than when they are younger. For example, according to these scholars, individuals with families, homes, and full-time employment were more likely to participate than younger individuals with less at stake.
Also related to the relationship between age and willingness to vote is the fact that younger voters or those younger than the age of 39 are more likely to move or relocate than older voters (Verba and Nie 1972; Wolfinger and Rosenstone 1980; Squire et al. 1987). Squire et al. (1987) examined the impact mobilization may have on voter turnout. According to Squire et al. (1987, 45),

low voter turnout among young voters may be the result of changes in residences and the requirement that people must register before voting. (Additionally), residential mobility has a substantial impact on national voter turnout rates, since nearly one-third of the nation moves ever two years.

An additional variable which has been included as a demographic factor which may influence electoral participation in judicial elections is the percentage of the voting age population residing in rural areas. This variable is included in order to account for the expected differences in voter turnout between people residing in rural and urbanized areas. Key (1949), Campbell et al. (1960), and Blank (1974) found a difference in voter turnout in rural areas and turnout in urban areas. According to these researchers, because of the smaller size of rural areas, elections were found to be more salient, thus accounting for more electoral participation in these areas. They found that people residing in urbanized areas vote at a lower rate than those residing in rural areas because of the
presence of "big government" in urbanized areas. Politics and elections in general are viewed as being more personal to individuals living in rural areas as opposed to those living in urban areas. Furthermore, candidates participating in elections in urban areas must spend more to inform the public than those in rural areas of the state (Blank 1974).

Summary

Of the factors which have been found to have an impact on electoral participation in state judicial elections, the gender of judicial candidates is viewed as having little, if any, influence on voter turnout in judicial contests. A second variable which previous research reveal as having a slight effect on judicial races is the competitiveness of the elections. There are conflicting findings on the relationship between the race of judicial candidates and voter turnout. Additionally, judicial literature is void of examinations on the impact of incumbency on variations in voter turnout in judicial elections. In order to determine whether such a relationship exists, more research is required. The remaining variables—election scheduling, election systems, ballot formats, and campaign expenditures—have been found to influence voter turnout in state judicial elections.
Chapter Three
Data and Methodology

The Louisiana judicial election system has been chosen as the focal point for this research because data on these elections were readily available and allowed the incorporation of the previously discussed factors as well as other relevant variables in a comprehensive model of voter turnout in state judicial elections. The data provided by Weber (1988) and Engstrom (1988) in their examinations of the judicial election system of Louisiana have been employed in this research. Weber and Engstrom compiled data on the number of candidates, the campaign spending of some candidates, the race of each candidate, and the number of votes received by each judicial candidate. Weber (1988, 2) devised a database in his examination of Louisiana’s judicial election processes which is unique, since "no other individual or groups had previously constructed a database of Louisiana’s judicial election results for the contemporary time period."

This aggregate-level analysis includes a total of 94 contested nonpartisan District and Family court and 13 Court of Appeals elections which took place in the State of Louisiana from 1981 to 1988. The years 1981 through 1988 were selected because campaign finance data recorded during this period were found to be more accurate than data
recorded prior to this time. Prior to 1981, it is difficult to accurately determine total campaign expenditures in Louisiana elections. After 1980, there was a change in the forms Louisiana candidates used to report their campaign expenditures, thus making it easier to accurately determine the amount of money spent by each candidate.

The present study is unique, since it represents the first attempt to include and analyze the impact of incumbency, campaign spending, the race of judicial candidates, and socioeconomic factors on voter turnout within the same analysis. In other words, the present study includes an analysis of the impact contextual, candidate attributes, and demographic variables may have on voter turnout in these elections. Appendix Two contains a description of each variable as well as the manner in which each variable has been operationalized.

Finally, this research differs from other research because it focuses on Louisiana district and state intermediate appellate court elections. Scholars who have conducted studies on judicial elections have chosen for one reason or another to exclude Louisiana from their analyses or have concerned themselves with state supreme court elections (Vines and Jacob 1962; Hannah 1972; Atkins 1976; Adamany and Dubois 1976; Dubois 1979, 1980). The major reason may have been a problem with the availability of data on Louisiana judicial election prior to the 1980s.
The units of analysis for this dissertation are the elections themselves. The primary independent variables—incumbency or prior judicial experience, race of the candidate, campaign expenditure, the holding of previous elective office, type of election (primary or general), and sociodemographic characteristics (age, income, education, percentage of white registered voters, percentage of the total population residing in rural areas, and occupation)—are analyzed to determine their impact on electoral participation in Louisiana's judicial elections. The other variables which have been examined in previous works and discussed in Chapter Two are controlled for in this research. The manner in which the primary and control variables are operationalized is discussed in later sections of this chapter.

An examination of the variables included in this study should provide results which answer the following question: What is the precise relationship between contextual variables, candidate characteristic variables, and sociodemographic factors on electoral participation in contested nonpartisan judicial elections in the State of Louisiana from 1981 to 1988 when other factors are controlled for? In other words, this research examines which factors provide the best explanation for variations in voter turnout in Louisiana's judicial elections.
Measuring Voter Turnout

Previous studies have measured voter turnout as the number of individuals casting valid ballots in each election as a proportion of the voting age population (Campbell et al. 1960; Gray 1976; Kim et al. 1975). Therefore voter turnout in judicial elections is calculated as follows:

\[
\frac{\text{# of valid ballots cast in judicial elections}}{\text{total voting age population}} \times 100
\]

This estimate of turnout should allow a determination of the age eligible voters who actually cast ballots in judicial elections.

Population statistics of Louisiana parishes were obtained from the Louisiana Secretary of State Office. The total voting age population was determined by relying upon material from the Louisiana Secretary of State Office as well as the 1980 and 1990 census counts. The U.S. Bureau of Census’ classification for the age range 18 and older was relied upon to measure total voting age population.

Information from the Louisiana Secretary of State Office was employed to control for the impact prison and military populations located in certain parishes may have had on inflating voting age population. The method of measurement utilized to extrapolate voting age population over a seven year period (1981-1988) is as follows:

\[
TVAP = TVAP(1990) - TVAP(1980) = \frac{\text{RESULT}}{\text{TVAP}(1980)}
= \frac{\text{RESULT}}{10} \text{ (represents year range, 1990-1980)}
= \text{RESULT} \times TVAP(n) = \text{RESULT} + TVAP(1980)
\]
Where \( n = \) election year, e.g., \( 1 = 1981, 2 = 1982, 3 = 1983, \) etc.

In addition to measuring overall turnout in judicial elections, Dubois (1979) also measured "rolloff" in state supreme court elections. Rolloff occurs when voters participate in "major partisan offices" at the top of the ballot but fail to cast ballots in the judicial elections. The "major partisan race" is defined as the presidential, gubernatorial, or United States senatorial contest which attracted the most voters in each election year" (Dubois 1979, 871). In other words, voters are more likely to participate in more salient races at the top of ballot. The rationale for this finding is twofold. First, voters may perceive the major office at the top of the ballot as directly affecting their everyday lives. For example, voters may participate in such elections because the issues—taxation or foreign policy—involved in such contests affect them in some way. Second, the issues in the major partisan races are more clear cut than those in judicial races (Kenney 1983).

The present study does not measure rolloff. The reason being that rolloff has customarily been measured to determine the impact ballot format may have on voter turnout. However, Louisiana has exclusively utilized the office-block election ballot during the time period included in this analysis. For this reason, it is not necessary to
measure rolloff in this analysis. Researchers have demonstrated that rolloff does occur in judicial elections, therefore the present study focuses solely on the factors which may account for variations in voter turnout in judicial elections. The variable election scheduling is a more appropriate variable for analysis purposes than ballot format. The inclusion of the variable election scheduling will measure and capture the effect concurrent presidential, congressional, or gubernatorial elections may have on electoral participation in state judicial elections. The variable election scheduling will be discussed in the next section.

**Measurement of Variables in Contextual Model**

**Election Scheduling**

Judicial research scholars have employed the "surge and decline" theory of Angus Campbell (1966) to explain variations in voter turnout. Hannah (1972) and Adamany and Dubois (1976) followed Campbell's example when examining voter turnout in state supreme court elections. The election scheduling theory rests on the assumption that voter turnout in state judicial elections will be highest at presidential general elections, followed by congressional election dates, and high visibility state and local elections (gubernatorial and mayoral) held during off-years. This theory of voter turnout suggests the following hypotheses:
H₁: With all else being equal, state judicial elections held concurrently with presidential general elections will have the highest turnout.

H₂: With all else being equal, state judicial elections held concurrently with mid-term congressional elections will have moderate levels of voter turnout.

H₃: State judicial elections held concurrently with high visibility state and local races, *ceteris paribus*, will have the lowest levels of voter turnout.

The theoretical basis for the above hypotheses rests on the work of Adamany and Dubois (1976) and their reference to the work of Campbell (1966). According to Adamany and Dubois (1976, 743),

the surge and decline theory may also have meaning for concurrent and nonconcurrent state supreme court elections. Core voters may dominate nonconcurrent judicial elections. In concurrent supreme court races peripheral voters join the judicial electorate, drawn to the polls by the presidential primary or perhaps by significant referenda.

The rationale underlying the above hypotheses as well as the work of Adamany and Dubois is that there will be a surge in voter participation in judicial elections held during presidential and congressional election years because such salient races attract core voters as well as peripheral voters. However, judicial elections which occur during off-years or at special elections are dominated by the
participation of core voters. This accounts for the decline in voter participation during off-years.

Judicial election scheduling is captured by the inclusion of a series of dummy variables. Judicial races which occurred during a presidential year are coded "1" and those which did not occur during a presidential general election are scored "0". Elections which occurred during congressional elections are scored "1", those occurring during noncongressional elections are coded "0". Judicial elections scheduled during a high visibility election (e.g., mayoral or gubernatorial race) are scored "1", and "0" otherwise.

**Election Systems**

The variable election systems cannot be theoretically nor empirically included in the present analysis, even though Louisiana is a unique case, with the party affiliation of judicial candidates printed on the ballot in nonpartisan races. It is necessary to exclude the variable election systems because there is no available data from the State of Louisiana which would allow for comparisons among the different types of election systems (nonpartisan, partisan, mixed, and merit retention). Louisiana has relied exclusively upon the nonpartisan election system. As a result, it is impossible to determine whether election systems have had an impact on voter turnout in Louisiana's judicial elections.
Additionally, even the inclusion of a variable scoring party identification (Democrat or Republican) will add little or nothing to this analysis, since the manner in which state trial and intermediate appellate court elections are conducted or the diminished importance of political parties in such elections is different from other elections (e.g., presidential, gubernatorial, mayoral, or senatorial). Judicial candidates must adhere to the American Bar Association’s Code of Judicial Conduct. This Code places restraints on the behaviors of judicial candidates and prevents them from expressing their opinions on public policy issues.

According to Dubois (1980, 66),

if judicial candidates compete on partisan ballots, they are permitted by the Code to acknowledge a connection with a political party, but the campaign necessarily must remain formally nonprogrammatic. And in states utilizing the nonpartisan nomination and election method of selection, state law usually prohibits political party organizations from offering endorsements to candidates and from engaging in direct or indirect campaign activity on behalf of a (judicial) candidate.

In other words, even though the party identifications of candidates are printed on the election ballot, state judicial candidates are not viewed as having or embracing a party platform, therefore, the influence of party affiliation is probably negligible. Following the same line
of argument, the party affiliation of state judicial candidates has not been found to bring voters to the polls or increase voter turnout (Dubois 1980). On the other hand this variable has an impact when serving as a voting cue for voters once they have decided to participate in the election (Dubois 1984).

Finally, states like Louisiana have traditionally been dominated by one of the two major political parties. For this reason, limited competition between the Democrat and Republican parties result in party affiliation playing an insignificant role in drawing voters to the polls. Instead partisanship is expected to serve as a voting cue which affect the outcome of elections rather than a catalyst which draws voters to the polls.

**Ballot Format**

The variable ballot format has been excluded from this analysis because Louisiana has exclusively utilized the office block or Massachusetts ballot. This ballot groups candidates according to the office being contested, regardless of their party identifications. Louisiana's reliance upon one specific type of ballot for many years prevents a determination of the impact different ballot formats might have on electoral participation in judicial elections, particularly during the time period under consideration in the present analysis.
Competitiveness

Previous studies of the relationship between competitiveness and voter turnout in state judicial elections have suggested findings which add little or nothing to the explanatory power of voter turnout models of judicial elections (Hannah 1972; Dubois 1980). Despite the findings of these researchers, the variable competitiveness has been included in this study. The basic argument with regards to this variable is that judicial contests, specifically those which occur in rural areas, are more likely to be competitive races. The rationale underlying this contention is that voters are more familiar with the names as well as policy concerns of judicial candidates as a result of the size of rural districts. In most rural areas, particularly those in Louisiana, everyone knows everyone. As a result, the few lawyers in such areas are well-known, and people view the electoral success of judicial candidates as a form of personal politics. Additionally, a preliminary run of the data revealed that voter turnout was higher in elections held in districts located in rural areas as opposed to those elections held in urban judicial districts. For this reason, competitiveness has been included in this analysis.

The competitive theory of electoral turnout in judicial elections is based on the following hypothesis:
H₄: Ceteris paribus, electoral participation is expected to be greatest in competitive contests.

Competition is measured according to the traditional method (Key 1949; Gray 1976; Hannah 1972) as the total votes received by the winner minus the total votes received by the runner-up as a proportion of the total votes cast in each election. In other words, competition is measured as follows:

\[
\text{COMPETITION} = \frac{\text{total winner votes} - \text{total runner-up votes}}{\text{total votes cast}}
\]

The lower the percentage which results when using this method, the more competitive the judicial election.

Type of Election

A variable which judicial scholars has not considered in their research is type of election—general and primary. Hannah (1972), Dubois and Adamany (1976), and Dubois (1980) have examined the impact election scheduling may have on voter turnout, but these scholars have not included the impact type of election may have on electoral participation in judicial contests.

Existing literature on presidential and congressional races have suggested that whether an election is a primary or general election has an impact on voter turnout (Key 1949; Boyd 1989; Wright 1989). These researchers have found conflicting findings on the impact the type of election may
have on voter turnout. Key concluded that turnout is greater in general elections rather than primary elections. According to Key, the electorate that participates in primary elections is different from the electorate that participates in general elections. Key referred to the former voters as "core" voters and the latter as "peripheral" voters. Core voters possess a high level of interest in politics or issues and are more likely to participate in the electoral process. On the other hand, peripheral voters are drawn to the polls by popular races such as presidential general elections.

In contrast to Key's findings are the findings of Boyd (1989) and Wright (1989). In their respective works, they concluded that electoral participation is higher in primary elections rather than runoff primaries and general elections. Unlike Key's core and peripheral voter theory, Boyd and Wright argue that the electorate is more likely to participate in the first election—primary election, rather than the second election—runoff primary or general election.

Despite the findings of Boyd (1989) and Wright (1989), the work of Key (1949) serves as the theoretical basis for the hypotheses contained in this section. The following hypotheses are contained in the type of election theory of voter turnout in state judicial elections:
H₀: Ceteris paribus, electoral participation will be greater in general elections.

H₁: Ceteris paribus, electoral participation will decrease in primary elections.

The variable type of election is scored "1" for general elections and "0" for primary elections. Even though the variable has been operationalized in this manner, the statistical method employed indicates whether Key’s or Boyd and Wright’s contentions are more accurate in explaining the impact the type of election may have on voter turnout, specifically in judicial races.

Measurement of Variables in Candidate Model

Gender

The gender of judicial candidates has not been found to have a significant impact on voter turnout (Dubois 1980). Unfortunately, the available data on Louisiana does not contain an adequate number of contests in which women were participants to permit a measure of the relationship between gender and electoral participation.

Race

A race-based theory of voter turnout in state judicial elections has as its foundation the work of scholars who have found evidence which suggest that the presence of a black candidate in a judicial contest stimulates electoral participation (Collins 1980; Atkins et al. 1984). This theory of voter turnout suggests the following hypotheses:
With all else being equal, the presence of a black judicial candidate on the ballot will encourage black and overall voter turnout.

The presence of a black candidate in a judicial race, *ceteris paribus*, will make the contest more salient, thus increasing white and overall voter turnout.

The theoretical basis for the above hypotheses rests on the works of Collins (1980) and Atkins et al. (1984). These authors found evidence which suggest that the presence of a black political candidate does increase black voter turnout, particularly among lower income blacks. This observed trend in voter turnout among black voters of lower socioeconomic status may be theoretically explained by the work of Shingles (1981).

According to Shingles, an increase in electoral participation among lower income blacks may be attributed to black consciousness and a feeling of civic duty. In other words, lower income blacks vote, particularly when a black person seeks public office, because they mistrust government and perceive their votes as promoting change and accountability in government. In a similar vein, lower income blacks have high levels of political involvement—voting—because they feel it is their duty to vote, especially after the Civil Rights Movement of the 1960s.

The work of Pitkin also provides an explanation for increased black participation when black candidates seek public office. Pitkin (1967) distinguished between two
types of representation. The first type is descriptive in which voters vote for candidates who possess similar ethnic, racial, or socioeconomic characteristics as themselves. The second type of representation is substantive in which voters vote for public officials they feel have similar policy concerns as themselves. It is the former type of representation which accounts for an increase in black voter turnout when a black person seeks judicial office.

The independent variable race is measured conventionally as a dichotomous dummy variable. This variable is scored "1" for black judicial candidates and "0" for white candidates.

Campaign Spending

Of interest in this analysis is the overall voter turnout in each election. For this reason, the total campaign spending of each election contest is included.

A theory of campaign spending to explain voter turnout in state judicial elections is based on the works of Adamany (1972) and Dubois (1986). The following hypothesis is suggested by such a theory:

\[ H_0: \text{An increase in campaign spending will increase voter participation in judicial elections, ceteris paribus.} \]

The variable campaign spending is calculated in a similar manner as the measurement used by Cox and Munger (1989). In order to control for the effects the size of a
district may have on campaign spending, expenditure is measured as total expenditure in each election as a proportion of the district’s voting age population.

Campaign finance information was drawn from reports filed by each judicial candidate with Louisiana Campaign Finance Office. Appendix Three contains a copy of the form employed to record expenditure data on each judicial candidate. Expenditure data was collected on more than 200 candidates who participated in Louisiana trial and intermediate appellate judicial elections from 1981 through 1988.

Incumbency or Prior Judicial Experience

Judicial election studies are void of an examination of the relationship between incumbency or prior judicial experience and voter turnout in contested nonpartisan races. As a result, an explanatory theory of incumbency must rely upon the works of congressional scholars (Erikson 1971; Abramowitz 1975; Alford and Hibbing 1981; Jacobson 1987; Ansolabehere et al. 1988; Bauer and Hibbing 1989).

An incumbency-based theory of voter turnout in state judicial elections suggests the following hypothesis:

H1: With all else being equal, an election involving an incumbent will stimulate voter turnout.

Incumbency is measured as a dichotomous dummy variable scored "1" for elections in which an incumbent or an
individual with prior judicial experience was seeking reelection and "0" for elections which did not involve an incumbent. Measuring incumbency in this manner differs from studies which have scored incumbency as years of continuous tenure in office (Patterson and Caldeira 1983). Such a measure of incumbency has been excluded from this analysis, since using such a method would add little or nothing to the explanatory power of electoral participation in state judicial elections. Prior judicial experience has been included for analysis purposes instead of incumbency in order to allow for the inclusion of those judges who may have been appointed as a result of a vacancy on the bench, lost the special election, yet were successfully in securing judgeships in subsequent judicial contests.

Elective Office

The theory underlying this variable is that candidates who have previously held elective office (e.g., District Attorney, councilperson) will have an impact on voter turnout in judicial elections. The following hypothesis is suggested by this theory:

H\textsubscript{11}: With all else being equal, elections involving candidates who have previously held elective office will increase voter turnout.

The variable elective office is scored "1" if the candidate has held elective office, excluding a judgeship.
which is captured by the incumbency variable, and "0" if the candidate has not held elective office.

Measurement of Variables in Sociodemographic Model

Sociodemographic Variables

A sociodemographic theory of voter turnout suggests the following hypotheses:

\( H_1 \): With all else being equal, elections held in districts with voters of high levels of educational attainment are more likely to be associated with high levels of voter turnout.

\( H_2 \): With all else being equal, elections held in districts with voters of high incomes should be characterized with high levels of voter turnout.

\( H_3 \): With all else being equal, judicial elections held in districts consisting of professionals or white-collar workers should be associated with high levels of voter turnout.

\( H_4 \): Elections held in districts with large percentages of white voters are expected to have high levels of electoral participation, ceteris paribus.

\( H_5 \): With all being equal, elections held in districts consisting of lower income blacks should be characterized by high levels of voter turnout.

\( H_6 \): With all else being equal, elections held in districts located in rural areas should be characterized by high levels of electoral participation.

\( H_7 \): Ceteris paribus, elections held in districts consisting of voters ranging in age from 35 through 69 should be associated with high levels of electoral participation.
The rationale for the first five hypotheses is based on the work of Wolfinger and Rosenstone (1980). The authors describe and explain which personal characteristics possessed by the electorate are most likely to encourage them to vote in presidential general elections. Wolfinger and Rosenstone classified the electorate on the basis of demographic characteristic (age, income, education, occupation, sex, and race) and contextual variables (state voter registration laws, concurrent elections, political cultures).

Despite the findings of Verba and Nie (1972), Wolfinger and Rosenstone (1980), and Squire et al. (1987); the age range 35 through 69 was examined in this study because the Census Bureau's classification of age is based upon four year periods. For example, the categories for age as classified by the U.S. Census Bureau are 30 to 34, 35 to 39, 40 to 44, etc. Thirty-five through sixty-nine was selected as the age group in the present study because selecting the age range 40 to 69 would ignore the impact "Baby Boomers" (those aged 35 to 40) may have on explaining variations in electoral participation.

The variable rural has been included in this research because the findings of Key (1949), Campbell et al. (1960), and Blank (1974) suggest that voter turnout should be higher in elections held in rural areas rather than in those held in urban areas. To account for this difference in electoral
participation in rural areas, these scholars contend that politics in rural areas is more personal because of the absence of "Big Government."

The variable rural is measured as the percentage of the total population within each district that resides in rural areas. The definition of "rural" and the classification relied upon to code this variable is based on information from the United States Bureau of Census.

The other sociodemographic variables are operationalized either as a percentage or a median representing the overall characteristics of the electorate within the parishes in which judicial elections occurred. Family income will be scored as median family income, education as a percentage of high school graduates in each district, age as the percentage of the population between the ages of 35 and 69, black income as the median family income for blacks, white collar workers as the percentage of workers in each parish who are white collar workers. The operationalization of the variables white collar is based upon the work of Wolfinger and Rosenstone (1980) in which they classified white collar workers as professional and technical workers as well as farmers, managers, administrators, and clerks and salespeople. The variable black median family income has been included to determine whether lower income blacks are more likely to vote.
Finally, the percent of white registered voters in each parish is measured as a proportion of total registered voters. This method of measurement is relied upon in order to eliminate the problem which arises when attempting to calculate white voting age population as a proportion of the total voting age population. The problem with utilizing the latter method is that it is difficult to accurately measure the increase or decrease in the populations within parishes on the basis of race when relying upon estimates of the total voting age population. The presence of prisons and military bases within some parishes also presented a measurement problem. Additionally, providing an accurate count of "other" voters (e.g., Hispanics, Asians, Native Americans, and Blacks) of voting age presented a problem. For these reasons, the variable white registered voters was a better indicator for white voters and allowed the elimination of many inaccuracies which may have occurred had white voting age population been used.

The data provided for the sociodemographic variables were drawn from books published by the United States Bureau of Census. Data on white registered voters were obtained from the Louisiana Office of Secretary of State.

**Summary**

The data were obtained from official documents published by the State of Louisiana and the United States government. Voter registration figures and election
statistics were gathered from publications issued by the Louisiana Office of Secretary of State and the works of Weber (1988, 1989) and Engstrom (1988). Incumbency or prior judicial experience and elective office were drawn from The American Bench: Judges of the Nation. Campaign expenditure information were obtained from official documents available in Louisiana’s Campaign Finance Office. The socioeconomic data were obtained from Census of Population published by the United States Department of Commerce.

The statistical tests utilized to estimate the parameters of my comprehensive model as well as three separate models of voter turnout in Louisiana’s judicial elections are discussed in Chapter Four. The results of the empirical tests for the previously discussed hypotheses are also contained in the following chapter.
Chapter Four
Multivariate Analysis

The dependent variable in this study is turnout percent in each election. Turnout percent is standardized as a proportion of the total vote received by all the candidates competing in each election divided by the total voting age population within each district.

Four separate aggregate-level models have been devised to explain electoral participation in state nonpartisan trial and appellate court elections. The four models contain a contextual component, characteristics of candidates' attributes, the sociodemographic characteristics of the electorate within each district, and an integrated or general model containing variables from the first three models. In other words, the impact of the variables included in each model is measured separately with the use of standardized and unstandardized regression coefficients and in a general multivariate analysis which integrates components of the three models. The Pearson Correlation Coefficient has also been employed to measure the bivariate relationship between the dependent and independent variables.

The model has also been tested for violation of assumptions (multicollinearity, heteroscedasticity, and autocorrelation). These tests have been conducted, since
the data employed in this research resulted in pooled cross-sectional data. Cross-sectional data are data "in which the researcher has observations on a set of variables at a given point in time across many nations, states, counties, cities, or other units of analysis" (Ostrom 1978, 5). In this analysis the independent variables are examined for judicial elections which occurred from 1981 through 1988. In other words, the characteristics of the candidates, attributes of the electorate, and the political environment in which the elections occurred are analyzed in Louisiana nonpartisan contested judicial elections from 1981 through 1988 to determine the impact these factors may have on electoral participation.

Multicollinearity occurs when independent variables in a regression model are intercorrelated. The variables special election, percent black high school graduates, and percent white high school graduates have been excluded from the models because of the presence of multicollinearity.

The first test conducted to test for this problem was to examine the bivariate coefficients to determine the relationship between each independent variable and other variables. The cutoff point employed to eliminate the previously mentioned variables was .80. In short, independent variables yielding bivariate coefficients equal to or exceeding .80 were excluded from the models. It is important to emphasize that there were some variables which
were expected to and did correlate with other independent variables. For example, black median family income was expected to have a high correlation with median family income, since black family income is a subset of overall family income. Similarly, white-collar and blue-collar workers were expected to correlate because both factors are required to determine overall workers in the population. The variable blue-collar worker has not been selected for inclusion in the present study because it was not hypothesized as increasing levels of voter turnout. Since some variables were expected to correlate with other variables, other statistical tests were performed to aid in the determination as to whether multicollinearity was in fact a problem.

A second statistical test which has been performed to detect multicollinearity was to regress each independent variable on the remaining independent variables. The excluded variables had a $R^2$ close to 1.00. This procedure allowed for a determination of which variable was linearly related to other independent variables.

The final test which has been performed to detect the presence of multicollinearity is the examination of the stability of coefficients of the independent variables when placed in different samples or models. The coefficients for the variables which have been excluded indicated a dramatic
change in the magnitude of the coefficient estimates across different specifications of the models.

Since the data analyzed in this research resulted in a pooled cross-sectional time model, the independent variables were tested to detect the presence of heteroscedasticity. Heteroscedasticity refers to the situation in which—contrary to the assumption of homoscedasticity—the error term in a regression model does not have constant variance (Berry and Feldman 1985). In other words, variance in the error term varies as the value of the independent variable increases.

To test for this violation of assumption, a residual variable has been created in which the absolute values of the residual have been regressed on all independent variables. The bivariate correlation coefficients between the residual and the independent variables were examined to determine whether heteroscedasticity was a problem. Table One contains the coefficients of the bivariate correlation of the residual with the independent variable.

Since the independent variables race, campaign expenditure, and white registered voters appeared to correlate with the residual in the bivariate analysis, T-test were conducted to determine the significance of this correlation. The results of the T-test for these variables indicate that their correlation with the residual is not statistically significant. The significance of t for the
variable race yielded a coefficient of +.3012, for campaign expenditure +.2100, and for white registered voters +.1952. These tests indicate that heteroscedasticity was not a problem in this analysis of voter turnout in judicial elections.

Finally, the cross-sectional data relied upon in this study has been tested to determine whether autocorrelation presented a problem. Autocorrelation or serial correlation occurs when observations at different points in time are correlated. The Durbin-Watson d-statistic has been employed to test for autocorrelation. The Durbin test is based on a theoretical distribution. The d-statistic was expected to be small for positive autocorrelation, large for negative autocorrelation, and in the middle range for randomly scattered residuals. To be more specific, "if the residuals are highly positively correlated, the values of d is near zero; if they are uncorrelated it is near 2" (Kendall 1976, 164).

The d-statistic yielded by the residuals in the present research was +1.5971. This statistic indicates that no serial correlation occurred.

In addition to performing the d-statistic test, scatterplots of the residuals against the predicted values were examined. The plots did not reveal a pattern between the residuals and predicted values, instead the values were randomly scattered. The results of the scatterplots were
Table One

Coefficients Resulting from a Test to Detect Heteroscedasticity

<table>
<thead>
<tr>
<th>Variable</th>
<th>Pearson Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>RACE</td>
<td>-.2358*</td>
</tr>
<tr>
<td>PRIOR JUDICIAL EXPERIENCE</td>
<td>-.1696</td>
</tr>
<tr>
<td>PRIOR ELECTIVE OFFICE</td>
<td>+.1773</td>
</tr>
<tr>
<td>CAMPAIGN SPENDING</td>
<td>+.2169*</td>
</tr>
<tr>
<td>HIGH SCHOOL GRADUATES</td>
<td>-.1819</td>
</tr>
<tr>
<td>AGE</td>
<td>+.1667</td>
</tr>
<tr>
<td>RURAL PERCENT</td>
<td>+.0949</td>
</tr>
<tr>
<td>WHITE REGISTERED VOTERS</td>
<td>+.2319*</td>
</tr>
<tr>
<td>COMPETITION</td>
<td>+.0871</td>
</tr>
<tr>
<td>MEDIAN INCOME</td>
<td>+.0302</td>
</tr>
<tr>
<td>HIGH VISIBILITY ELECTION</td>
<td>-.0197</td>
</tr>
<tr>
<td>WHITE-COLLAR WORKERS</td>
<td>-.1645</td>
</tr>
<tr>
<td>BLACK MEDIAN INCOME</td>
<td>+.1178</td>
</tr>
<tr>
<td>PRESIDENTIAL ELECTION</td>
<td>-.1458</td>
</tr>
<tr>
<td>CONGRESSIONAL ELECTION</td>
<td>-.1316</td>
</tr>
<tr>
<td>TYPE OF ELECTION</td>
<td>+.0697</td>
</tr>
</tbody>
</table>

*Significant at .01 level
similar to the results of the d-statistic. It may be concluded that autocorrelation was not present in the data employed in this research.

The purpose of measuring the influence the variables contained in these models may have on voter turnout is to determine the extent to which the present research adds to, supports, or conflicts with existing studies on judicial elections.

Results of Contextual Model

The contextual model contains those independent variables which are indicators of the prevailing political and structural context of each election. This model of voter turnout may be statistically depicted as follows:

\[ \text{TURNOUT} = a + b^1 \text{ (presidential election)} + b^5 \text{ (congressional election)} + b^3 \text{ (high visibility election)} + b^9 \text{ (competitiveness)} + b^9 \text{ (type of election)} \]

The variables presidential election, congressional election, and competitiveness are included in this model because existing research has revealed a relationship between these variables and electoral participation in judicial elections (Hannah 1972; Adamany and Dubois 1976; Dubois 1980). These researchers found evidence which suggest that the variable competitiveness has a slight influence on voter turnout. Competitiveness was also found to have a greater impact on the behaviors of candidates with
regards to seeking campaign funds or the manner in which they conducted their campaigns rather than encouraging people to participate in these election (Boyd 1989). The variable competitiveness has been included to determine whether these findings are valid for state nonpartisan trial and intermediate appellate court elections.

Hannah (1972) and Adamany and Dubois (1976) analyzed election scheduling in their respective works. These researchers found evidence which suggest that voter turnout in judicial elections was greatest in those elections held concurrently with presidential elections followed by congressional elections. Turnout was found to be lowest in off-year elections.

For analyses purposes, the variable election scheduling has been divided into three separate dummy variables to explain variations in voter turnout in state judicial elections. These variables are presidential election, congressional election, and high visibility election (e.g., gubernatorial and mayoral races). The variable off-year election has been excluded from this analysis, since a preliminary run of the data revealed a multicollinearity problem with the variable off-year (special) election and the variables presidential election and congressional election. Furthermore, the effects of this variable will be captured by the inclusion of the variable high visibility election.
The variable type of election has also been included in the contextual model. Previously discussed literature have suggested that whether an election is a primary or general election has an impact on voter turnout (Key 1949; Boyd 1989; Wright 1989).

The following sections contain discussions of the hypotheses presented in Chapter Three and whether the data support or contradict the expected findings. The coefficients for the variables contained in the contextual model are illustrated in Table Two. This model of voter turnout in judicial elections explains 33 percent of the variance in electoral participation in Louisiana contested nonpartisan judicial elections.

Election Scheduling

H₁: With all else being equal, state judicial elections held concurrently with presidential elections will have the highest level of voter turnout.

Of the three variables (high visibility election, presidential election, congressional election) included to explain the relationship between election scheduling and voter turnout, the standardized regression coefficient for the variable presidential election indicates the weakest correlation with voter turnout. Surprisingly, the coefficient for this variable suggest that this variable did not have a significant impact on electoral participation in the judicial elections examined in the present study.
Table Two

Pearson Correlation Coefficients and Standardized and Unstandardized Regression Coefficients for Variables Included in Contextual Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Pearson Correlation</th>
<th>b</th>
<th>Beta</th>
<th>Sig. of T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presidential Election</td>
<td>+.005</td>
<td>-.062</td>
<td>-.093</td>
<td>+.1420</td>
</tr>
<tr>
<td>Congressional Election</td>
<td>+.327**</td>
<td>+.132</td>
<td>+.416</td>
<td>+.0000***</td>
</tr>
<tr>
<td>High Visibility Election</td>
<td>+.352**</td>
<td>+.157</td>
<td>+.429</td>
<td>+.0000***</td>
</tr>
<tr>
<td>Competitiveness</td>
<td>-.246*</td>
<td>-1.420</td>
<td>-.166</td>
<td>+.0302**</td>
</tr>
<tr>
<td>Type of Election</td>
<td>-.110</td>
<td>-.022</td>
<td>-.060</td>
<td>+.2429</td>
</tr>
</tbody>
</table>

R² = +.33

***<.01, one-tail test
**<.05, one-tail test
*<.10, one-tail test
One plausible explanation for the weak correlation between the variable presidential election and electoral participation in the present research and the strong correlation found by Hannah (1972), Adamany and Dubois (1976), and Dubois (1980) may be that the factors which affect state trial and intermediate appellate court elections are different from those which affect state supreme court elections, particularly when the characteristics of the electorate within specific districts are taken into consideration.

The weak correlation between the variable presidential election and voter turnout in judicial elections may also be attributed to the nonpartisan judicial ballot. Even though Louisiana includes the party affiliation of judicial candidates on the judicial ballot, the presence of party identification and the coattail effect has been found to have little significance in explaining voter turnout in Louisiana nonpartisan judicial elections.

Additionally, the performance of the variable presidential election may be explained by "rolloff". Rolloff is defined as "the tendency of weary or confused voters to refrain from voting on offices or measures located near the bottom of a lengthy ballot" (Walker 1966). As a result, rolloff is more likely to occur in less salient contests such as judicial elections which are held concurrently with more salient race such as presidential
general. In other words, in this analysis it is likely that voters who participated in presidential elections did not complete their ballots or participate in the less salient judicial races.

The magnitude of the coefficients suggests that holding judicial elections at the same time as presidential general elections did not encourage voter participation in the judicial elections being analyzed. The performance of this variable supports and conflicts in part with existing studies (Hannah 1972; Adamany and Dubois 1976; Dubois 1980). According to Hannah (1972) and Dubois (1980), in part, in their respective studies, judicial elections held concurrently with presidential general elections are expected to have the greatest influence on voter turnout. Dubois (1980) also concluded that the impact of a concurrent presidential election on nonpartisan judicial elections may be negligible. This finding of Dubois may be used to explain the performance of the variable presidential election in the present study which focuses on nonpartisan judicial contests. The coefficients revealed by this variable validate the exclusion of the partisan identification of judicial candidates, even though Louisiana provides this information on the judicial ballot in nonpartisan races.

Hₐ: With all else being equal, state judicial elections held concurrently with mid-term
congressional elections will have moderate levels of voter turnout.

The explanatory power of the variable congressional election was found to be greater than that of the variable presidential election. This finding differs from the findings of Hannah (1972), Adamany and Dubois (1976), and Dubois (1980). The variable congressional election yielded a statistically significant positive correlation with the dependent variable voter turnout. The coefficients for this variable indicate that state judicial elections held concurrently with congressional races did increase voter participation in the judicial contests.

Like the variable presidential election, the performance of the variable congressional election in the present study as opposed to its performance in existing studies (Hannah 1972; Adamany and Dubois 1976; Dubois 1979, 1980) may be attributed to the units of analysis—nonpartisan contested trial court elections—employed in this research. The units of analysis in existing studies have been state supreme court elections. Therefore, it may be concluded that the factors which influence electoral participation in state nonpartisan trial and intermediate appellate court elections may be different from those influencing participation in state supreme court contests. Additionally, voters may view the election of congressional candidates as having a greater impact on their daily lives and economic well-being than presidential elections. Many

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congressional candidates are incumbents who have established name familiarity with voters and have earned the loyalty of their constituents. On the other hand, most presidential candidates are more likely to be newcomers rather than incumbents. As a result, the choices in congressional races may be clearer to voters than their choices in presidential contests. In fact, voters may be less likely to experience stress when voting for congressional candidates and therefore participate in the judicial contests located at the bottom of the ballot.

Another explanation for the performance of the variable congressional election is that Louisiana judicial elections are usually scheduled to coincide with congressional elections. For this reason, many voters who are drawn to the polls for the salient congressional elections also cast ballots in the judicial races.

Though the magnitude of the relationship between congressional election and voter turnout remained in a positive direction, there was a significant increase in the explanatory power of the variable congressional election once placed in the regression equation. The Pearson correlation coefficient for this variable is +.327. Controlling for other contextual variables enhances the relationship between congressional election and electoral participation. The Beta coefficient for this variable is +.416.
$H_0$: State judicial elections held concurrently with high visibility or off-year races, *ceteris paribus*, will have low levels of voter turnout.

The variable high visibility election was found to have a significant influence on voter turnout in the state nonpartisan trial court elections analyzed in this study. High visibility elections are those gubernatorial and mayoral contests which occurred in Louisiana from 1981 through 1988. These elections were classified as high visibility elections because they occur during nonpresidential and noncongressional elections, yet have the tendency to draw voters to the polls with nearly the same intensity as presidential general elections and U.S. Senatorial races. The performance of this variable in the contextual model indicates that Louisiana voters participated at a higher level in judicial elections when high visibility races were on the ballot. The Pearson correlation coefficient for this variable is $+.352$. The standardized regression coefficient ($Beta$) is $+.429$.

The coefficients for the variable high visibility election captured the effect of Hannah (1972), Adamany and Dubois (1976), Dubois' (1980) variable off-year election. These scholars' off-year elections were those held during nonpresidential and noncongressional elections and are therefore comparable to the variable high visibility election in the present study. The positive Beta coefficient for this variable contradicts the findings of...
these scholars. These researchers found evidence which suggest that electoral participation should be lowest in judicial elections held concurrently with off-year elections.

The significant positive correlation of the variable high visibility election with the dependent variable voter turnout suggests that Louisiana voters were more likely to participate in judicial contests held concurrently with high visibility contests from 1981 to 1988. The explanation for this finding follows the same logic as the one presented to explain the performance of the variable congressional election. In short, voters perceive a personal stake in high visibility elections (gubernatorial or mayoral). Additionally, the name familiarity of the candidates participating in these races and the saliency of the contests at the top of the ballot may encourage voters to participate in the judicial elections.

Another factor which may explain the coefficients yielded for the variable high visibility election is the campaign expenditures of gubernatorial and mayoral candidates. These candidates spend large sums of money during their campaigns, thus making the elections more salient to voters and in turn increase voter turnout (Patterson and Caldeira 1983). This increased voter interest and turnout in the high visibility elections may be
carried over to the judicial races located at the bottom of the ballot.

Finally, the elections of governors and mayors may be viewed by many voters as state and local races. Conversely, voters may view the election of the president as a national election. Voters distinguishing between state and local and national races may result in them not casting ballots in state and local races, specifically judicial contests, which are included on the election ballot for president. Conversely, voters may participate in judicial races held concurrently with congressional, gubernatorial or mayoral races because they view these contests as state or local races. It may be possible that not only are more salient races located at the top of the ballot given preference by voters, but national races may be given higher priority than state and local contests when included on the same ballot.

Boyd’s (1989) ballot attractiveness hypothesis supports the above arguments to some degree. According to the author, an individual is less likely to vote when there is a fewer number of salient statewide contests on a presidential ballot. This hypothesis provides a contrasting argument to those of Campbell (1966), Hannah (1972), Adamany and Dubois (1976), and Dubois (1980) which state that voter turnout increase as a result of presidential elections and mid-term elections. Unlike these researchers, Boyd contended that is local statewide contests such as gubernatorial races which
increase voter turnout in presidential races. According to Boyd (1989, 738), "gubernatorial races on a presidential year ballot increase voting rates by six percentage points, drawing people to the polls who would not otherwise vote in presidential elections." Even though Boyd’s conclusions differ somewhat from the findings of this study, the present research as well Boyd’s suggests that voters do distinguish between a national race (presidential) and state (congressional and gubernatorial) and local (mayoral) races.

Boyd’s ballot attractiveness hypothesis may account for the performances of the variable presidential election and that of the variables congressional and high visibility election. Judicial elections held concurrently with local and statewide races had higher levels of electoral participation than those held during presidential elections.

**Competitiveness**

Hₐ: With all else being equal, electoral participation is expected to be greatest in competitive contests.

The coefficients for the variable competitiveness reveal a positive correlation with the dependent variable voter turnout. The Pearson coefficient yielded by this independent variable was -.246. The standardized regression coefficient for this variable was -.166. The one-tail significance test indicated a statistically significant relationship between competitiveness and voter turnout in Louisiana judicial elections. The negative magnitude of the
standardized coefficient for this variable was expected, since competitiveness was measuring as the percentage which result when dividing the winner votes minus the runner-up votes by the total votes cast in each election. The smaller the percentage which resulted, the more competitive the judicial race. For this reason, in spite of the negative beta coefficient for the independent variable competitiveness, it was found to encourage voter participation in the judicial elections being analyzed.

The results of the coefficients revealed by the variable competitiveness contradicts Dubois' (1980) contention that competition has no effect on voter turnout in nonpartisan judicial elections. The effects of competition on voter turnout in judicial elections may not be as great as its impact in congressional, presidential, or other elections. Despite this observation, it has been found to influence electoral participation in Louisiana's nonpartisan contested judicial contests from 1981 through 1988.

**Type of Election**

**H₃**: With all else being equal, electoral participation will be greater in general elections.

**H₄**: Ceteris paribus, electoral participation will decrease in primary elections.

Since this variable was scored "1" for general elections and "0" for primary elections, the negative
magnitude of the regression coefficient indicates that voter turnout is insignificantly greater in primary judicial elections rather than general elections. The Pearson coefficient for this variable was -.110. The standardized regression coefficient for the variable type of election was -.060. The coefficients yielded by this variable add no explanatory power to the contextual model.

The negative direction of the coefficient supports the findings of Boyd (1989) and Wright (1989) instead of Key (1949). Key (1949) contended that voter turnout should be greater in general elections rather than primary elections in the South. Boyd (1989) and Wright (1989) concluded that voter turnout should be higher in primary elections rather than runoff primaries and general elections. In fact, Dubois (1980, 40) concluded that "turnout decline in nonpartisan general elections."

Upon reflection, the performance of the variable type of election should have been expected. The reason being that given the election system of Louisiana, particularly in such races as gubernatorial, mayoral, and senatorial, voters are more likely to vote in primary elections with the hope that their preferred candidate receives the necessary majority in order to avoid a run-off election. In most cases, if a runoff election is necessary, electoral participation will decrease in the general election. In such instances, many voters make a rational choice not to
participate in the runoff contest based on the belief that their votes will not affect the outcome of the general election.

For example, in most races Republican voters tend to vote in a bloc because this party is the minority political party in the State of Louisiana. This point may be exemplified even more by directing attention to gubernatorial races in Louisiana. The Republican Party usually nominates only one candidate, whereas the Democratic Party may nominate three or more candidates. As a result, the Republican Party as well as voters belonging to this party will attempt to win in the primary election in an attempt to avoid a runoff general election against a Democratic candidate.

Results of Candidate Model

This model of voter turnout contains components of the characteristics of judicial candidates participating in each election. The dimensions of the candidate model are as follows:

\[ \text{TURNOUT} = a + b_1 \text{ (campaign spending)} + b_2 \text{ (prior elective experience)} + b_3 \text{ (race of candidate)} + b_4 \text{ (prior judicial experience)} \]

The variable race of candidates has been examined in existing studies of judicial elections (Collins 1980; Atkins et al. 1984; Alozie 1988). These scholars concluded in
their respective works that the race of judicial candidates did increase voter turnout. An additional finding was that the electoral participation of lower income blacks increased at a higher rate than other blacks or similarly situated whites when black candidates participated in judicial contests.

The variables campaign spending and prior judicial experience have not been examined by judicial scholars to explain variations in voter turnout. The present study seeks to examine the influence these variables may have on voter turnout. The present study also seeks to determine whether the findings of congressional scholars (Erikson 1971; Mayhew 1974; Abramowitz 1975; Cover 1977; Jacobson 1981, 1987; Alford and Hibbing 1981, 1987; Bauer and Hibbing 1989) may be generalized to explain variations in voter turnout in judicial elections on the basis of the campaign expenditure of candidates and incumbency. Finally, the variable prior elective office has been included to determine whether the previous occupation of judicial candidates, specifically those holding elective office, stimulate voter turnout. In short, those judicial candidates who have been successful in their bids for elective offices, excluding judgeships, in the past should increase voter turnout and the saliency of judicial elections in which their names appear on the ballot.
The results of the candidate model are illustrated in Table Three. The candidate model of voter turnout explains 11 percent of the variance in voter turnout in Louisiana trial and intermediate judicial elections from 1981 through 1988.

**Campaign Spending**

H$_0$: High levels of campaign spending will produce high levels of voter participation in judicial elections, *ceteris paribus*.

The variable campaign spending was found to have the greatest explanatory power in relation to the dependent variable voter turnout. The Pearson coefficient yielded by this variable is $+.321$, and the standardized regression coefficient is $+.330$. The magnitude of this variable did not decrease significantly when placed in the regression equation with the other independent variables. High levels of campaign spending are associated with high levels of voter turnout. In other words, judicial elections in which candidates spent more money on their campaigns were characterized by higher levels of voter turnout. To be more specific, for every thousand dollar a candidate spent on his/her campaign, voter turnout increased by $+.027$.

**Prior Elective Office**

H$_0$: With all else being equal, the presence of a candidate who has held prior elective office will be associated with high levels of voter turnout.
The variable prior elective office added nothing to the explanatory power of the candidate model. The Pearson correlation coefficient for this variable is +.048, and the standardized regression coefficient is +.030. This variable had no impact on voter turnout in judicial elections.

The coefficients for this independent variable suggest that judicial candidates who had previously held some type of elective office did not increase voters' interest in judicial elections nor encourage them to participate in these elections. Voters were no more likely to participate in judicial elections when candidates who had previously held elective office sought judgeships than they were in those elections involving candidates who had not previously held any type of elective office.

Race of Judicial Candidates

H₀: With all else being equal, the presence of a black judicial candidate on the ballot will increase black voter turnout and thus turnout overall.

H₁: The presence of a black candidate in a judicial race, ceteris paribus, will increase white voter turnout and thus turnout overall.

A major issue involved in challenges to Louisiana electoral structure for electing judges is the existence of racial polarization in voting. According to Grofman (1989, 1), "racially polarized voting exists where there is a consistent relationship between the race of the voter and
# Table Three

**Pearson Correlation Coefficients and Standardized and Unstandardized Regression Coefficients for Variables Included in Candidate Model**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Pearson Correlation</th>
<th>b</th>
<th>Beta</th>
<th>Sig. of T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campaign Spending</td>
<td>+.321**</td>
<td>+.027</td>
<td>+.330</td>
<td>+.0004***</td>
</tr>
<tr>
<td>Prior Elective Office</td>
<td>+.048</td>
<td>+.014</td>
<td>+.030</td>
<td>+.3755</td>
</tr>
<tr>
<td>Race of Candidate</td>
<td>+.060</td>
<td>+.035</td>
<td>+.098</td>
<td>+.1509</td>
</tr>
<tr>
<td>Prior Judicial Experience</td>
<td>-.008</td>
<td>2.636</td>
<td>8.503</td>
<td>+.4645</td>
</tr>
</tbody>
</table>

$R^2 = +.11$

***<.01, one-tail test  
**<.05, one-tail test  
*<.10, one-tail test
the way in which the voters vote, i.e., where black voters and white voters vote differently."

Because of the presence of racial polarization in voting in those judicial elections in which black candidates compete against white candidates, voter turnout in such elections is expected to increase. According to existing research, (Collins 1980; Atkins et al. 1984; Alozie 1988), blacks are more likely to vote in judicial contests when a black candidate's name is on the ballot. On the other hand, to off-set an increase in black electoral participation which result when black judicial candidates seek judgeships, white voters are expected to vote at higher levels. This phenomenon occurred during the 1984 and 1988 presidential campaigns in which Jesse Jackson sought the presidency. The same thing occurs in school board races, councilperson elections, and in mayoral races when black candidates oppose white office-seekers.

Whereas the whites and blacks who decide to participate in judicial elections vote along racial lines, the variable race of judicial candidates was found to have no impact on increasing voter turnout. The Pearson correlation coefficient for this independent variable is +.060 and the Beta coefficient is +.098. In other words, racial polarization in voting may occur when black and white judicial candidates oppose each other, but this factor does not stimulate voters' interest or motivate them to vote at
higher levels in such elections. This finding conflicts with the findings of existing studies (Collins 1980; Atkins et al. 1984; Alozie 1988) in which scholars have concluded that the presence of black judicial candidates on the ballot has a major impact on electoral participation.

Prior Judicial Experience

H₁: With all else being equal, an election involving an incumbent or a candidate with prior judicial experience will stimulate voter turnout.

The variable prior judicial experience was found to be the least statistically significant independent variable contained in the candidate model. The Pearson coefficient for this variable is −.008 and the standardized regression coefficient is 8.504 (E-03). These coefficients suggest that voter turnout was increased slightly, but insignificantly, when newcomers or challengers competed rather than by the participation of incumbents. In fact, the presence of an incumbent in a judicial contest had no impact on voter turnout.

The expectation was that prior judicial experience would increase the name familiarity of judicial candidates, thus increasing voter turnout. Additionally, incumbents or candidates with prior judicial experience were expected to increase levels of voter participation because they attract greater amounts of campaign finances. For this reason it has been argued that incumbents are able to spend more on
their campaigns which is likely to increase the saliency of the elections as well as voter turnout.

However, the variable did not perform as hypothesized. The actual performance of the independent variable prior judicial experience supports Dubois (1980) contention that name familiarity does not draw voters to the polls or increase voter turnout. Instead this factor has been found to influence vote choice or candidate preference. In fact, "the cue of incumbency may reveal itself to some voters only after they have stepped into the voting booth" (Dubois 1980, 80).

Results of Sociodemographic Model

The sociodemographic model contains variables representing select characteristics of the overall electorate within each judicial district being analyzed. The variables included in this model are as follows:

\[
\text{TURNOUT} = a + b^1 \text{ (black median family income)} + b^2 \text{ (percentage of white registered voters)} + b^3 \text{ (percent population residing in rural areas)} + b^4 \text{ (percentage of population 35-69 year old [age])} + b^5 \text{ (median family income)} + b^6 \text{ (percent of voting age population that has a high school diploma)} + b^7 \text{ (percent white-collar workers)}
\]

The above variables were selected for inclusion in this model because existing research has revealed a correlation between these variables and voter turnout (Collins 1980; Wolfinger and Rosenstone 1980; Atkins et al. 1984). Whereas
Wolfinger and Rosenstone (1980) focused their attentions on electoral participation in presidential elections, the present study like Collins (1980) and Atkins et al. (1984) examines the relationship between voter turnout and sociodemographic factors in state judicial elections. Despite this fact, the present study differs from the works of Collins (1980) and Atkins et al. (1984), since they focused only on black voter turnout instead of overall electoral participation in judicial elections.

The inclusion of sociodemographic variables will allow a determination as to whether the demographic factors that influence electoral participation in presidential elections are typical or atypical of the forces that impact on voter turnout in state judicial elections. The results of the sociodemographic model are illustrated in Table Four. This model explains 16 percent of the variance in voter turnout in Louisiana nonpartisan contested judicial elections held from 1981 through 1988.

\[ H_1 \quad \text{With all else being equal, elections held in districts with voters of high levels of educational attainment should be characterized by high levels of voter turnout.} \]

The variable percent high school graduates was found to have an effect on voter turnout in judicial elections. Even though the negative direction of the coefficients yielded by this variable differ from the positive coefficients revealed in the work of Wolfinger and Rosenstone (1980) in their...
Table Four
Pearson Correlation Coefficients and Standardized and Unstandardized Regression Coefficients for Variables Included in Sociodemographic Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Pearson Correlation</th>
<th>b</th>
<th>Beta</th>
<th>Sig. of T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Median Income</td>
<td>-0.199</td>
<td>4.659E-06</td>
<td>+0.133</td>
<td>+0.2161</td>
</tr>
<tr>
<td>White Registered Voters</td>
<td>-0.065</td>
<td>-0.132</td>
<td>-0.114</td>
<td>+0.1569</td>
</tr>
<tr>
<td>Rural</td>
<td>+0.270*</td>
<td>+0.088</td>
<td>+0.154</td>
<td>+0.2316</td>
</tr>
<tr>
<td>Age</td>
<td>-0.048</td>
<td>-0.191</td>
<td>-0.071</td>
<td>+0.2246</td>
</tr>
<tr>
<td>White-Collar Workers</td>
<td>-0.254</td>
<td>+0.444</td>
<td>+0.207</td>
<td>+0.1676</td>
</tr>
<tr>
<td>Median Income</td>
<td>-0.243</td>
<td>-4.199</td>
<td>-0.155</td>
<td>+0.1259E-06</td>
</tr>
<tr>
<td>Percent of High School Graduates</td>
<td>-0.349**</td>
<td>-0.847</td>
<td>-0.438</td>
<td>+0.0155*</td>
</tr>
</tbody>
</table>

R² = +.16

***<.01, one-tail test
**<.05, one-tail test
*<.10, one-tail test
analysis of presidential elections, the premise remains the same. According to Wolfinger and Rosenstone (1980), education was found to be the most significant demographic variable in explaining voter turnout in presidential elections. This finding also holds true in state judicial elections, specifically Louisiana judicial elections.

The educational attainment of the electorate was found to have an impact on voter turnout. In the present study, judicial elections held in districts consisting of less educated voters were characterized by higher levels of voter turnout than those elections held in districts with voters of higher levels of educational attainment. An explanation which may explain the unpredicted performance of this variable is that most voters do not perceive judges as policymakers (Vines and Jacob 1971; Miller 1978; Haydel 1989). Whereas voters with high levels of education were more likely to participate in presidential elections (Wolfinger and Rosenstone 1980), the same is not true in state judicial elections. A plausible explanation for this is that these voters are likely to have higher incomes and are motivated to vote in presidential races in order to protect or ensure their economic or self-interest (Frey 1972; Wolfinger and Rosenstone 1980). Congress as well as the President are involved in deciding the budget, whether taxes will be increased, and the overall economic well-being of the nation. On the other hand, state judges are not
viewed nor are they active participants in determining economic matters. For this reason, judicial elections held in districts with voters of high levels of education were not found to have high levels of electoral participation.

In other words, the political stakes for educated voters may differ in state trial and appellate court elections as opposed to presidential general elections. Downs (1957) rational actor model may explain the behavior of voters with high levels of educational attainment in judicial elections. These voters may make a rational choice not to participate in these elections because they perceive themselves as receiving less benefits from successful judicial candidates. Similarly, the more educated voters may undergo a cost-benefit analysis (Riker and Oïdershock 1968) in which they perceive the cost (e.g., time required to vote and to inform themselves about the candidates) of participating in judicial elections as exceeding the benefits they will receive if a particular candidate wins.

This finding differ from Wolfinger and Rosenstone's (1980) findings in their examination of voter turnout in presidential contests. These scholars found a positive correlation between high educational attainment and the probability of voting.

The work of Patterson and Caldeira (1983) in which they focused on voter turnout in gubernatorial elections supports the above statements. The results of the socioeconomic and
general models in their study suggested that education does not explain variations in electoral participation to the same degree in other elections as it did in the presidential general elections examined by Wolfinger and Rosenstone (1980).

Additionally, because individuals with less education are more likely to come in contact with members of the judiciary than persons who are better educated (Hindelang 1983; U.S. Department of Justice 1983, 1987; Flowers 1989), the former may view the election of judges as a personal stake for them. Whereas those with higher educational attainment are more likely to participate in presidential and congressional contests because they perceive themselves as having personal stakes in the electoral success of particular candidates, this may well be the case in judicial races for the less educated. For example, if one were to visit any city or district court in Louisiana or any other state, most of the individuals with cases, whether they are misdemeanors or felonies, pending in these courts are "more likely to be poor, uneducated, male, unemployed, and black" (Flowers 1989). For this reason, judicial elections may be more salient to the less educated and their families than to voters with higher levels of educational attainment.

As a result of the following explanation, less educated voters may perceive themselves as having personal stakes in the election of particular judges. These voters may perform
a cost-benefit analysis (Riker and Oidershook 1968) which encourage them to vote, since they perceive the outcome of judicial elections as having an impact on their or their family members daily lives. For example, these voters may believe it is in their best interest to aid in the selection of a judge who is known for his/her fairness when reaching decisions or a judge who does not impose harsh sentences for minor infractions. Therefore, like voters with high levels of educational attainment, voters with less educate make a rational choice to participate in state judicial elections. The political stakes for the latter voters may be argued to be higher in state trial and appellate court elections rather than presidential general elections.

\[ H_1: \text{With all else being equal, elections held in districts with voters of high incomes are expected to have high levels of voter turnout.} \]

The variable included in the sociodemographic model to test this hypothesis is median family income. This variable was found to have no impact on the dependent variable voter turnout. This finding is contrary to that of Wolfinger and Rosenstone (1980). These scholars concluded that voter turnout in presidential elections increased with income. On the other hand, the results of the present study suggest that judicial elections held in districts consisting of low income voters were associated with higher levels of turnout.
than those elections held in districts consisting of voters with high incomes.

The rationale for the above finding is that people with lower levels of income are more likely than those with higher levels of income to come in contact with members of the judiciary (Hindelang 1983; U.S. Department of Justice 1983, 1987; Flowers 1989), therefore the former voters are more likely to participate in judicial races. Whereas judicial races may lack saliency for voters with higher incomes, such races may be salient for lower income voters who are more likely to know the names of lawyers who subsequently become judicial candidates within their districts.

An additional explanation which may be provided to explain the performance of the variable income is Kenney's (1983, 322) findings that "Southern states (Arkansas, Louisiana, Mississippi) have high turnout rates and extremely low per capita income figures." In his analysis of gubernatorial primaries in the United States, the author found a negative statistically significant relationship between income and turnout.

\[ H_i: \text{With all else being equal, elections held in districts consisting of white-collar workers should be characterized by high levels of electoral participation.} \]

Wolfinger and Rosenstone (1980) in their analysis of the impact the occupational level of the electorate may have
on voter turnout in presidential elections found that increased job status increased the probability of voting. These scholars concluded that increased job status or being a white-collar worker increased the likelihood of voting.

However, the relationship between occupational level and the likelihood of voting was not found to be significant in this analysis of voter turnout in judicial elections. Despite the magnitude of the standardized coefficient for this variable, the significance test (+.3352) indicates that the variable white-collar workers did not significantly correlate with the dependent variable—voter turnout.

Elections held in districts with large percentages of white registered voters are expected to have high levels of voter turnout, ceteris paribus.

Wolfinger and Rosenstone (1980) concluded that whites were more likely to vote than blacks in presidential general elections. The only exception these scholars found was that voter turnout among lower income and less educated blacks exceeded that of similarly situated whites. Whites in general were more likely to vote than blacks.

The coefficients yielded for the variable white registered voter percent was found to have no impact on voter turnout in the state trial and intermediate court elections examined in this study. Judicial elections held in districts with larger percentages of white voters were not found to have higher levels of voter turnout than those
elections held in districts with larger percentages of black voters.

The explanatory power of the variable white registered voter percent may be attributed to the low visibility of judicial races as opposed to presidential elections.

H1a: With all else being equal, elections held in districts consisting of low income black voters are expected to be characterized by high levels of voter participation.

The variable black median family income was chosen for inclusion in the sociodemographic model to measure the relationship between lower income blacks and electoral participation in state judicial elections. Shingles (1981) and Wolfinger and Rosenstone (1980) concluded that lower class blacks were more likely to vote than similarly situated whites in presidential general elections.

The coefficients revealed for this variable support the contentions of Verba and Nie (1972) and Abramson and Claggett (1989) that there is no significant difference in black-white electoral participation. According to Verba and Nie (1972) this is especially true when such factors as education, income, and occupational levels are controlled for.

H1a: Ceteris paribus, elections held in districts with voters ranging in age from 35 to 69 are expected to have high levels of voter turnout.
According to Wolfinger and Rosenstone (1980), age was the second most important variable in explaining voter turnout in presidential elections. Despite the findings of these scholars, the variable age was found to have no impact on voter turnout in state judicial elections.

With all else being equal, elections held in districts located in rural areas should be characterized by high levels of electoral participation.

The coefficients for the variable rural indicate that elections held in rural areas did not have higher levels of electoral participation than those held in urban areas. This finding contradicts the works of Key (1949), Campbell et al. (1960), and Blank (1974) in which they concluded that voter turnout was greater in rural areas rather than urban areas.

Results of General Model

Since the three separate models which have been devised do not provide adequate explanations for the relationship between select factors and electoral participation in state judicial elections, a general model which integrates the components of these three models has been devised. The contextual model explained 33 percent, the candidate model 11 percent, and the sociodemographic model explained 16 percent of the variance in electoral participation in state judicial elections. The general model consists of all of the variables contained in the simple models—candidate,
contextual, and sociodemographic factors. This model explains 57 percent of the variance in electoral participation in state trial and intermediate court elections. The general model of voter turnout is as follows:

\[
\text{TURNOUT} = \text{candidate model (race, campaign spending, prior judicial experience, prior elective office)} + \text{contextual model (presidential election, congressional election, high visibility election, type of election, competitiveness)} + \text{sociodemographic model (median family income, age, percent rural, white-collar workers, black median income, education, white registered voters)}
\]

The explanatory power of the general model of voter turnout is much more powerful than the individual models. The explanatory power of the general model indicates that a combination of factors influence voter turnout in judicial elections. This analysis demonstrates that taken separately, the dimensions of candidate attributes, the context of the electoral environment, nor the sociodemographic characteristics of the electorate can sufficiently explain variations in voter turnout in these elections. The coefficients yielded by this model are depicted in Table Five. The results of the general model are significant, since they clearly indicate that a reliance or emphasis on one set of dimensions will dramatically limit the predictability of electoral participation in state judicial elections.
Table Five
Pearson Correlation Coefficients and Standardized and Unstandardized Regression Coefficients for Variables Included in General Model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Pearson Correlation</th>
<th>b</th>
<th>Beta</th>
<th>Sig. of T</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Visibility</td>
<td>+.352**</td>
<td>+.179</td>
<td>+.487</td>
<td>+.0000***</td>
</tr>
<tr>
<td>Percent of High School Graduates</td>
<td>-.349</td>
<td>-.377</td>
<td>-.194</td>
<td>+.1139</td>
</tr>
<tr>
<td>Congressional Election</td>
<td>+.327**</td>
<td>+.132</td>
<td>+.411</td>
<td>+.0000***</td>
</tr>
<tr>
<td>Campaign Spending</td>
<td>+.321**</td>
<td>+.024</td>
<td>+.290</td>
<td>+.0001***</td>
</tr>
<tr>
<td>Competition</td>
<td>-.231</td>
<td>-1.035</td>
<td>-.121</td>
<td>+.0718*</td>
</tr>
<tr>
<td>Rural Percent</td>
<td>+.269</td>
<td>+.158</td>
<td>+.277</td>
<td>+.0544*</td>
</tr>
<tr>
<td>Prior Judicial Office</td>
<td>-.008</td>
<td>-.045</td>
<td>-.146</td>
<td>+.0551*</td>
</tr>
<tr>
<td>White-collar Workers</td>
<td>-.254</td>
<td>+.288</td>
<td>+.134</td>
<td>+.2226</td>
</tr>
<tr>
<td>Race of Candidate</td>
<td>+.060</td>
<td>+.044</td>
<td>+.124</td>
<td>+.0802*</td>
</tr>
<tr>
<td>Median Family Income</td>
<td>-.243</td>
<td>-3.952</td>
<td>-.146</td>
<td>+.0863*</td>
</tr>
<tr>
<td>Presidential Election</td>
<td>+.005</td>
<td>-.080</td>
<td>-.120</td>
<td>+.0650*</td>
</tr>
<tr>
<td>Prior Elective Office</td>
<td>+.048</td>
<td>+.052</td>
<td>+.112</td>
<td>+.0725*</td>
</tr>
<tr>
<td>Type of Election</td>
<td>-.110</td>
<td>-.030</td>
<td>-.080</td>
<td>+.1454</td>
</tr>
<tr>
<td>Age</td>
<td>-.048</td>
<td>-.032</td>
<td>+.032</td>
<td>+.3328</td>
</tr>
<tr>
<td>Black Median Income</td>
<td>-.199</td>
<td>-3.976</td>
<td>+.114</td>
<td>+.2019</td>
</tr>
<tr>
<td>White Registered Voters</td>
<td>-.065</td>
<td>-.063</td>
<td>+.055</td>
<td>+.2893</td>
</tr>
</tbody>
</table>

\[ R^2 = +.57 \]

***<.01, one-tail test
**<.05, one-tail test
*<.10, one-tail test

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The main contribution of the general model to judicial election research is that it demonstrates: (1) election scheduling is the most important factor when explaining differences in levels of voter turnout in judicial elections, (2) the campaign spending of judicial candidates provides the second best explanation, and (3) the sociodemographic variables found to be significant were rural percent and median family income. Voters were more likely to participate in judicial elections which were held concurrently with high visibility elections (e.g., gubernatorial and mayoral races) and those held simultaneously with congressional contests. To a lesser degree the independent variables competition and presidential election were found to increase electoral participation when all other variables are controlled for. Elections in which judicial candidates spent more on their campaigns had higher levels of voter turnout. Other noteworthy findings involving the candidate variables were the performance of the independent variables prior judicial office, race of candidates, and prior elective office. Those elections involving judicial candidates who had previously held judicial office or some type of elective office had higher levels of voter turnout. Additionally, judicial races in which black candidates opposed white candidates had higher levels of electoral participation.
As hypothesized elections held in rural areas and those in which voters had high median family income had higher levels of electoral participation than contests held in urban areas and in districts containing voters with low median family income.

A noteworthy finding which was revealed when the variables scholars (Hannah 1972; Adamany and Dubois 1976; Dubois 1979, 1980) have considered in their research were controlled for was the explanatory power of the variables relied upon to measure the impact of election scheduling. These scholars concluded in their respective works that voter turnout in state supreme court elections was greatest in those elections held concurrently with presidential elections, followed by increased electoral participation in judicial elections held concurrently with congressional races. They also stated that voter turnout should decrease dramatically or be the least in off-year elections. The results of the present analysis indicate that voter turnout was greatest in high visibility (e.g., gubernatorial and mayoral) and congressional elections, followed by increased turnout in those judicial races held concurrently with presidential races.

These researchers accounted for differences in voter turnout when explaining the impact of the variable election scheduling by focusing on the concept of "rolloff." Rolloff occurs when voters cast ballots for salient offices at the
top of the ballot but fail to participate in elections at
the bottom of the ballot (Dubois 1980).

Despite the findings of these scholars, the results of
the present study indicate that voter turnout was greatest
in nonpartisan judicial elections held during off-year or
high visibility elections (e.g., gubernatorial and mayoral
races) and in concurrent congressional elections. This
finding may require a re-examination of the concept
"rolloff." Rolloff has customarily been attributed to the
saliency of offices at the top of the ballot (Hannah 1972;
Adamany and Dubois 1976; Dubois 1980) or voter fatigue
(Walker 1966; Wright 1989) when faced with a lengthy ballot.
Most would argue that the performance of the variable
presidential election in the present research is
predictability, since the units of analysis are nonpartisan
judicial elections. However, both presidential and
congressional races (U.S. senatorial) are partisan events in
which political parties play major roles. In spite of this,
the present study found that judicial races held
concurrently with congressional races had less rolloff than
presidential races, since voter turnout in judicial
elections held concurrently with congressional elections was
higher. Surely, there must be another explanation to
explain this finding rather than relying upon the
differences between nonpartisan and partisan elections.
Additionally, state political party organizations play major roles in gubernatorial elections.

The present study suggests that rolloff may also be the result of voters’ perceiving a difference between ballots containing national elections and those containing state and local races. In other words, another possible explanation for rolloff is the willingness of voters to participate in national elections and not state or local elections. Voters may view the officeholders in Washington, D.C. as representing a different form of politics than state and local officials. Even though U.S. congresspersons occupy offices in Washington, D.C., they are still perceived by the voters to be state officeholders.

Another explanation may be Boyd’s (1989) ballot attractiveness hypothesis in which he contended that it is local statewide contests such as gubernatorial races which increased voter turnout in presidential races. According to Boyd (1989, 739), "gubernatorial races on a presidential year ballot increase voting rates by six percentage points, drawing people to the polls who would not otherwise vote in presidential elections."

Boyd argued that it is the saliency of local and statewide races which bring voters to the polls. Although Boyd’s findings differ somewhat from the conclusions of the present analysis, his findings are relevant because he distinguishes between the saliency of national, state, and
local contests when examining rolloff. Boyd's conclusions suggest that voters do in fact differentiate between national and state or local electoral contests which in turn increases or depresses electoral participation.

The findings of congressional scholars (Erikson 1971; Mayhew 1974; Cover 1977; Parker and Parker 1980; Collie 1981; Garand and Gross 1984; Bauer and Hibbing 1989) on incumbency advantage can, to a certain extent, be generalized when analyzing judicial incumbents. These scholars concluded that congressional incumbents have an information advantage as well as an advantage when raising and attracting campaign resources. The findings of the present study contradict the recent findings of Jacobson (1987) in his examination of congressional incumbency advantage.

Jacobson (1987) found evidence which suggest that congressional races involving incumbents were no less competitive than those which did not involve incumbents. He found that contests involving incumbent House members were still competitive and that their margin of victory as well as their success in their bids for reelection have declined in subsequent elections. Despite Jacobson's contentions, the presence of an incumbent in a judicial contest did have an impact on voter turnout.

The variable campaign spending performed as expected. Relying upon the findings of congressional and gubernatorial
scholars (Heard 1960; Adamany 1972; Owens 1973; Jacobson 1980; Caldeira and Patterson 1983; Patterson and Caldeira 1983) in their analyses of the impact campaign spending may have on voter turnout as a foundation for the hypothesis in the present study reveal that campaign spending also has an impact on electoral participation in judicial elections. Therefore, based upon findings in the present study as well as existing literature on other elections, campaign spending may be said to influence voter participation.

The only sociodemographic variables which performed as hypothesized when placed in the general model were median family income and rural percent. Like Wolfinger and Rosenstone (1980), the results of the present research suggest that electoral participation increases with income. Judicial elections held in districts consisting of voters with high median family income were characterized with higher levels of voter turnout.

Like Key (1949), Campbell et al. (1960), and Blank (1974), this examination of voter turnout reveals that turnout is greater in those elections held in rural areas as opposed to those held in urban areas. The nature of politics in rural areas—being more personal—and the presence of "Big Government" in urban areas may account for this observed difference in electoral participation.

There are several reasons for the performance of the other sociodemographic variables included in this analysis.
as opposed to their performance in the work of Wolfinger and
Rosenstone (1980). First of all, the present study differs
from Wolfinger and Rosenstone's (1980) work, since these
scholars employed self-validated reports of voting in their
analysis of voter turnout in presidential general elections.
This analysis measures voter turnout by relying on the
actual votes cast in judicial elections. The Bureau of
Census' operationalization of specific variables were relied
upon and the turnout percents were calculated instead of
employing turnout reports provided by the U.S. Census
Bureau. Researchers have challenged the validity of using
self-validated reports of voting (Hill 1984; Anderson and
Silver 1986; Silver et al. 1986; and Abramson and Claggett
1989). However, Wolfinger and Rosenstone (1980) contended
that their reports on voter turnout were not distorted by
"misreporting" of voting by the respondents surveyed. They
cited the works of Traugott and Katosh (1979) and Weisberg
(1979) on vote validation to support this contention.

Wolfinger and Rosenstone (1980) did acknowledge
differences in vote percentages revealed by relying upon
survey data as opposed to measuring turnout as a proportion
of the total votes cast by the total voting age population.
According to these scholars (1980, 115),

estimates of turnout in sample surveys
are always somewhat higher than those
based on the total number of ballots
cast by the aggregate voting-age
population. Since 1948, reported
Turnout in sample surveys has ranged between 5 percent and 17 percent higher than the aggregate estimates.... The 1972 election is no exception.... The commonly cited aggregate turnout figure is 55.5 percent while reported turnout from our current population survey sample is 66.7 percent, a gap of 11.2 percent.

Wolfinger and Rosenstone (1980, 115) argued that measuring turnout as a proportion of the total voting age population casting valid ballots results in an underestimation of voting due to the fact that the total voting age population "includes millions of people who are ineligible to vote: aliens, inmates of prisons and mental institutions, and ex-convicts who cannot vote in many states." Despite this observation, extrapolating total voting age population over a period of time eliminates some of these problems. For example, aliens, prisoners, and those confined to mental institutions do not complete census information forms. Therefore, institutionalized individuals are removed from the total voting age population over time. Furthermore, since the Census of Population contains a category listing the number of persons confined to prisons and mental institutions, researchers are able to eliminate these persons from the total voting age population before calculating turnout percents.

Wolfinger and Rosenstone (1980, 116) also stated that "if noncitizens are removed from the denominator (total voting age population) of the aggregate computation, the
turnout estimate rises from 55.5 percent to 56.7 percent." This difference is not as significant as the difference which result when sample surveys are employed to report turnout. Based upon Wolfinger and Rosenstone's observations, the conclusions presented in this analysis, and the works of Anderson and Silver (1986) and Silver et al. (1986); overreporting the estimates of turnout with the use of sample data presents more of a problem than calculating turnout as a proportion of the total voting age population casting valid ballots. According to Silver et al. (1986), because groups with certain demographic traits are more likely to overreport voting, research utilizing individual level data or surveys is more likely to be contaminated by individual motivational biases. For example, Silver et al. (1986, 623) found that "more highly-educated respondents are more likely than less-educated respondents to try to appear to be in conformity with the regime norm of voting, even when their actual behavior is inconsistent with this norm." This observation may provide one explanation for the performance of the variable education in Wolfinger and Rosenstone's (1980) work. These researchers found education to be the most important variable in predicting voter turnout. Wolfinger and Rosenstone concluded that individuals with higher levels of educational attainment were more likely to vote than those with less educational attainment.
Wolfinger and Rosenstone (1980) also argued that computations of voter turnout results in underestimation, since only valid votes are counted. According to these researchers (1980, 116), "the numerator of the aggregate percentage represents the total number of valid counted votes for president. This excludes people who cast a spoiled ballot (they think they vote, but their vote is not counted), those who go to the polls but do not vote for president, and people whose votes for miscellaneous write-in candidates are not tallied." Contrary to this argument, Wolfinger and Rosenstone (1980, 6) excluded from their analysis "all cases where the respondent did not know if a vote had been cast or where this information was not ascertained by the interviewer." These scholars followed, to a certain degree, the measurement technique they criticized in the aggregate measure of voter turnout.

Another explanation which may explain the differences revealed by the sociodemographic variables operationalized in the present study and those included in Wolfinger and Rosenstone's (1980) work is the level of analysis. The present study employs the systemic or aggregate level of analysis whereas Wolfinger and Rosenstone employed the individual level of analysis by relying on survey data. In his discussion of the ecological fallacy, Robinson (1950) demonstrated that there are differences between findings...
obtain with the use of aggregate data and those obtained using individual data.

Third, Wolfinger and Rosenstone's (1980) discussion of the impact of age on electoral participation was not comprehensive enough. These scholars did not take into consideration the fact that eighteen-year-olds were not allowed to vote until 1971 with the ratification of the Twenty-Sixth Amendment. Arterton (1974) demonstrated that major political events (e.g., war, economic depression, or political corruption) have tremendous impacts on political socialization as well as levels of political participation. According to this scholar, the generational effect—when events of a particular era have an enduring effect on political opinions, preferences, and participation—did have an impact on the Vietnam generation. As a result, these individuals were found to have less patriotic views than those older than their group (Arterton 1974, 269). Wolfinger and Rosenstone did not discuss the impact the Vietnam War or the generational effect may have had on depressing voter turnout among those between the ages of 18 and 25 in the 1972 presidential general elections. These individuals were more likely to be drafted to fight in the war than older Americans. Furthermore, the late 1960s and early 1970s were characterized by many protests or demonstrations. As a result, there was a large segment of American society which was apolitical.
Fourth, Congress passed the Voting Rights Act of 1970 to remove barriers to voting for blacks (e.g., literacy tests). It may be argued that some black respondents in Wolfinger and Rosenstone's (1980) research either under-reported voting because of a fear and mistrust of the intentions of the interviewers or overreported as a way to demonstrate they were carrying out their civic duty and deserved the right to vote.

Summary

Most of the variables which indicated a strong correlation with voter turnout when regressed in the simple models performed in similar manners when placed in the general model of voter turnout in judicial elections. In fact, the statistical significance of these variables improved when placed in the overall regression equation.

Of the three independent models, the strongest relationship ($R^2 = .33$) was revealed by the contextual model. The two variables yielding the most statistically significant coefficients in this model were high visibility election and congressional election. These two variables were also found to be significant in the general model. Judicial elections scheduled concurrently with high visibility elections (mayoral or gubernatorial) or congressional elections had the highest levels of electoral participation. The performance of these variables supports Blank (1974) contention that election structure or
contextual factors are the most important factors in explaining variations in electoral participation. Additionally, the explanatory powers of the variables presidential election and competition were not as powerful as the independent variables high visibility and congressional elections, however, judicial elections held concurrently with presidential races and those which were competitive did have increased levels of voter turnout.

Even though the relationship \( R^2 = +.16 \) revealed by the candidate model was not as powerful as that explained by the contextual model \( R^2 = +.33 \), the variable campaign spending was found to be a factor in influencing voter turnout in this model. The coefficient for this variable in the general model suggests that greater campaign spending on the part of judicial candidates increase voter turnout in judicial races. This variable remained significant in explaining variations in voter turnout even when placed in the general model. The independent variables prior judicial office, race of candidate, and prior elective office were also found to influence voter turnout in Louisiana nonpartisan contested judicial elections. Even though the impact of these variables is considerably less than that of the variable campaign spending, their contribution to the general model should not be ignored.

The only sociodemographic variables which explained differences in electoral participation were rural percent
and median family income. Judicial elections held in rural areas had higher levels of voter turnout than those held in urban areas. Likewise, elections held in districts consisting of large percentages of voters with high median family income were characterized by high levels of voter turnout.
Chapter Five
Conclusions

The present study attempts to answer two main questions which have not been examined by judicial scholars. The results revealed by the general model of voter turnout have been analyzed to answer these questions. The first question is: What is the precise relationship between incumbency or prior judicial experience, campaign spending, and the race of judicial candidates and variations in electoral participation when other factors are controlled for? The second question is: Is the electorate that participates in judicial elections typical or atypical of the electorate that participates in presidential contests in terms of their demographic characteristics?

The results of this research suggest that all three of these variables influenced electoral participation in Louisiana judicial elections. The results of the present analysis indicate that of the three variables of interest, campaign spending yielded the strongest correlation with voter turnout in judicial elections. The race of judicial candidates as well as incumbency or prior judicial experience had less of an impact on electoral participation.

The variable campaign spending was found to encourage voter participation. As a result of the low visibility of judicial elections, particularly nonpartisan elections, when
compared to other elections (e.g., presidential, U.S. senatorial, gubernatorial, or mayoral), judicial elections with high levels of candidate expenditure were expected to have high levels of electoral participation. For this reason, a significant positive relationship was expected and revealed between campaign spending and electoral participation in judicial elections.

Whereas scholars have found evidence which suggest the existence of racial polarization in voting in Louisiana nonpartisan judicial elections (Weber 1988, 1989; Engstrom 1988), the present study demonstrates that the race of judicial candidates also affects voting behavior—participation. The race of these candidates may have an impact on the preference of voters who decide to participate in judicial elections as well as increase the saliency of these contests or electoral participation.

Obviously, voters know enough about the judicial candidates to vote along racial lines. Knowledge of the race of these candidates serve as a voting cue and a voting stimulus.

Finally, incumbency advantage was found to influence voter participation in judicial races. Just as congressional incumbents have been found to draw voters to the polls as a result of their name familiarity among voters and their ability to raise large sums of campaign expenditures (Heard 1960; Mayhew 1974; Cover 1977; Jacobson 1980), the
same is true of judicial incumbents. It remains to be
determined whether voters are more likely to vote for
judicial incumbents rather than challengers.

The second question involves determining whether the
characteristics of voters who participate in presidential
elections are similar or different from the characteristics
of the electorate that participates in judicial elections.
Scholars who have explained variations in voter turnout on
the basis of the sociodemographic characteristics of the
electorate have concluded that the variable education should
have the strongest relationship with turnout in presidential
general elections (Wolfinger and Rosenstone 1980). The
demographic variable found to be the second most important
according to these researchers was income.

The results of the present analysis suggest that
education was not important. However, Wolfinger and
Rosenstone (1980) found higher levels of education to
increase the probability of voting. The findings of this
study suggest that judicial elections held in districts
consisting of less educated voters revealed slightly higher
levels of electoral participation than those held in
districts consisting of voters with high levels of
educational attainment. Also elections held in districts
with large percentages of white voters, lower income blacks,
those between the age of 35 and 69, large percentages of
white-collar workers were not found to be characterized by higher levels of voter turnout.

The variable percentage of the total voting age population residing in rural area has been included in this analysis because the results of existing studies (Key 1949; Campbell et al. 1960; Blank 1974) suggested a correlation between rural areas and voter turnout. The results of this analysis indicate that elections held in rural areas had significantly higher levels of voter participation than those occurring in urban areas.

The variable median family income was found to increase electoral participation. However, the explanatory power of this variable with relations to the dependent variable voter turnout was not as significant in judicial races as it was found to be in presidential general elections (Wolfinger and Rosenstone 1980).

The above findings or the relationship between the sociodemographic variables and electoral participation suggest that sociodemographics cannot be relied upon to the same degree when explaining changes in voter turnout in judicial elections as they are in presidential elections. Despite Wolfinger and Rosenstone (1980) reliance on survey or individual level data, the above observations lead one to conclude that the electorate that participates in judicial elections may be somewhat atypical of the electorate that participates in presidential elections. The fact that
electoral participation was higher in judicial races held concurrently with congressional and local and statewide high visibility races (e.g., gubernatorial and mayoral) rather than in judicial contests held concurrently with presidential general elections support the previous statement.

Southwell (1988) concluded in her analysis of congressional elections that Rosenstone’s (1982) "mobilization" hypothesis explains variations in who actually participates in different elections. Rosenstone’s (1982, 26) "mobilization" hypothesis is based upon the assumption that "certain voters are mobilized or encouraged to vote as a result of the contextual environment present during an election." According to Southwell (1988, 285), "group differences in voter turnout are susceptible to change. It appears unlikely that future researchers will be able to predict the turnout levels of blacks, working class individuals, and the unemployed without a full understanding of the immediate situation." The "situation" the author is referring to is the economic and political environment prevalent during particularly elections.

The previous paragraph supports the finding revealed by the results of the general model in the present study. Contextual factors had greater explanatory powers than any of the other independent variables. Other factors, specifically the personal characteristics of the judicial
candidates and of the electorate did not explain variations in voter turnout in the judicial elections to the same degree as the contextual variables. The only exception being campaign spending.

Implications for Future Research

The present research represents an attempt to provide a comprehensive model containing characteristics which may affect electoral participation in judicial elections. Research has been conducted to explain differences in voter turnout in presidential (Verba and Nie 1972; Ashenfelter and Kelley 1975; Wolfinger and Rosenstone 1980; Conway 1981; Shaffer 1981), congressional (Silberman and Durden 1975; Dawson and Zinser 1976; Caldeira and Patterson 1982), and gubernatorial (Jewell and Olson 1982; Patterson and Caldeira 1983) elections. However, the same scholarly attention has not been devoted to explaining variations in electoral participation in judicial elections.

Hannah (1972), Adamany and Dubois (1976), and Dubois (1980) did focus on voter turnout but none of these scholars devised a comprehensive model to explain the impact certain factors may have on voter turnout in judicial elections. As a result, judicial election research lacks an empirical basis. Whereas a theoretical framework has been established by these scholars, empirical testing of these theories has not been conducted.
The present study represents the author's attempt to fill this void. It is the hope that future research efforts will focus on constructing sound empirical models to explain differences in voter turnout in judicial elections. Considerable knowledge has been devoted to presidential and congressional election studies. Researchers have developed a body of knowledge, both theoretically and empirically based, to explain voter turnout in such elections. The same attention needs to be given to examining factors which encourage or depress electoral participation in judicial elections.

Not only should future research focus on factors which stimulate or depress voter turnout in judicial elections, scholars should examine vote choice in these elections. Even though scholars have found evidence which suggest that black voters are more likely to vote for black judicial candidates (Sheffield and Hadley 1984; Lovrich and Sheldon 1988; Weber 1988, 1989; Engstrom 1988) and white voters for white judicial candidates (Weber 1988, 1989; Engstrom 1988), the only study which has been conducted to explain vote choice in nonpartisan judicial elections is Dubois (1984). As a result, Dubois (1984, 395) stated that "the subfield of judicial politics still lacks a precise understanding of determinants of voter choice in low salience nonpartisan judicial elections."
Future research efforts should also be devoted to determining whether voters do not participate in state and local elections placed on the ballot with a national race because they perceive the ballot as consisting of two distinct ballots— one, national and the other, state or local. Some distinction on the part of the electorate is evident, since voters were more likely to participate in judicial elections held concurrently with state (congressional and gubernatorial) and local (mayoral) races rather than those held during presidential elections. It remains to be determined whether there is an across the board decline in electoral participation in state and local races held concurrently with presidential elections as opposed to those held during local, U.S. senatorial, and other statewide elections.

Finally, whereas judicial scholars have analyzed the voting behavior or decision-making patterns of Justices of the United States Supreme Court and Courts of Appeals (Nagel 1962; Woodford 1977; Goldman and Sarat 1978; Miller 1978; Spaeth 1979; Tate 1981), they have not devoted the same attention to the behavior of judges involved in deciding the merits of lawsuits challenging judicial election structures. One question which should be considered is: Why are there differences in the Fifth and Sixth Circuits' interpretation of Section 2 of the Voting Rights Act of 1965, as amended in 1982? Is this difference in interpretation the result of
the Circuits' response to public opinion, the composition of the courts, the personal attributes of the judges, or the result of judges relying on voting cues? Each of these factors have been examined by scholars who have analyzed the decision-making of U.S. Supreme Court and Courts of Appeals judges.

Another important question which has not been raised is: Is it a conflict of interest for members of the judiciary to decide matters which may affect them as well as their colleagues? In terms of the separation of powers and checks and balances, should decisions involving judicial election processes be left in the hands of judges? For example, judicial elections held in the Fifth Circuit have been included in analyses by researchers to determine whether those elections dilute the voting strength of minorities (Weber 1988; Engstrom 1988). Could challenges to the judicial elections held in the Fifth Circuit account for differences in the Fifth and Sixth Circuit judges' interpretations of Section 2 of the Voting Rights Act of 1965, as amended 1982, as well as an avoidance on the part of the Fifth Circuit to address the issue of minority vote dilution? Is there an alternative rather than allowing judges to decide the future of judicial election structures or processes?

Even though the previously posed questions have not been analyzed by judicial scholars, the present analysis
does provide notable implications for future research. A noteworthy finding is the relationship between the scheduling of judicial elections and voter turnout. The present research reveals that judicial elections held concurrently with high visibility elections (gubernatorial or mayoral) and congressional elections (U.S. senatorial) had higher levels of voter turnout than those held simultaneously with presidential general elections. Despite this finding the variable presidential election did increase electoral participation in Louisiana judicial elections. An additional factor was the independent variable competition. More competitive judicial contests were characterized by higher levels of electoral participation.

The policy implication of this finding is that the scheduling or political context in which judicial elections or elections in general occur does affect levels of voter turnout in such elections. Researchers have examined the problems associated with low voter turnout in American elections (Pateman 1970; Burnham 1982, 1987; Nagel 1987; Held 1987). According to these scholars, low voter turnout is contrary to American democratic principles. Despite their concern with low voter turnout and the factors which affect turnout, these scholars have not considered the relationship between judicial election scheduling and voter turnout.
The performance of the variable campaign spending in this analysis has important policy implications. The explanatory power of this variable in the general model suggests that candidates who are able to raise or attract large campaign expenditures are more likely to stimulate voter turnout. Candidates with the availability of funds are able to increase the salience of judicial elections by spending more on informing the electorate, thus giving themselves an electoral advantage as well as an advantage in mobilizing voters.

As a result of the important role campaign spending plays in the judicial election process, one possible policy which may be implemented to aid candidates who are not able to raise large sums of campaign spending, to make acquiring judgeships more accessible, and to make the electoral selection of judges a more democratic process may be to place limitations on the amount of money each judicial candidate receives from public and other donors. Just as expenditure restrictions have been imposed on congressional candidates, such restrictions may be necessary in judicial elections in light of the crucial role such spending has in those elections.

The findings of the present study should allow for the mobilization of voters, thus increasing electoral participation in judicial races. A knowledge of factors which increase voter turnout, specifically in judicial elections,
is very important. The present research reveals that voter turnout in judicial elections is affected by the scheduling of these elections and by the amount of money spent by the candidates. Scheduling judicial contests concurrently with high visibility elections and congressional elections in addition to placing restrictions on the amount of campaign expenditures each candidate may receive may prove to be instrumental in mobilizing voters to participate in these elections.

Furthermore, those judicial candidates with prior judicial experience, who had previously held elective office, or were black did stimulate voter turnout. The policy ramification of this finding is that if judges are in fact representatives and it is in the best interest of particular groups (e.g., racial or ethnic minorities) to have certain candidates win, then these groups should support judicial candidates who are more likely to draw voters to the polls. According to the results of this analysis, the candidates who are more likely to increase the saliency of judicial elections are those with large campaign contributions, prior judicial experience, who have held elective office, or black candidates.

Similarly, it would be wise for persons belonging to the above mentioned groups to support judicial candidates particularly in elections held in rural areas and those held in districts in which median family income is high. The
rationale for the above statement is that voter turnout was found to be higher in elections held in rural areas and in districts consisting of voters with high median family income.

In conclusion, the present study is an attempt to provide insight into the judicial election process. Obviously, much research needs to be conducted to explain what is occurring in terms of challenges to state judicial elections structures. Scholars cannot limit their research efforts to providing mere discussions of lawsuits challenging judicial election processes without providing some type of critical analysis of the entire situation.
Bibliography


*Chisom v. Roemer*. 1990. 917 F. 2d 187 (5th Cir.).


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Jones, Charles O. 1964. "Inter-party Competition for Congressional Seats." Western Political Quarterly 17(3): 461-76.


LULAC et al. v. Clements et al. 1990. 914 F. 2d 620 (5th Cir.).


Marbury v. Madison. 1803. 1 Cranch 137.


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Rangel v. Mattox. 1988. 5th Cir. No. 89-6226.


Voter Information Project, Inc. v. City of Baton Rouge. 1980. 612 F. 2d 208 (5th Cir.).


Appendix One
U.S. Rep. No. 417, 97th Congress, 2d Session 28-29, reprinted in 1982 U.S. Code Congressional and Administrative News 177, 206-7, which accompanied the bill amending Section 2, noted seven typical factors and two additional factors to be considered probative of a Section 2 violation.

1. the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;

2. the extent to which voting in the elections of the state or political subdivision is racially polarized;

3. the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;

4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;

5. the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;

6. whether political campaigns have been characterized by overt or subtle racial appeals; and

7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

Additional factors that in some cases have had probative value as part of plaintiffs' evidence to establish violation are:

A. Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and
B. Whether the policy underlying the state or political subdivision's use of such voting qualifications, prerequisite to voting, or standard, or procedure is tenuous.
Appendix Two
(1) Incumbency or Prior Judicial Experience**
   - Coded 1 = "yes" (Candidates who have previously held judgeships), 0 = "no" (Candidates with no judicial experience).

(2) Race of Candidate**
   - Coded 1 = "Black"  O = "White".

(3) Campaign Spending
   - Total campaign spending in each election
   - Voting age population in each district

   - Measuring campaign expenditure in this manner controls for the impact the size of districts may have on candidates' spending (Dubois, 1980, 1984).

   - Finance information was drawn from official documents filed by candidates with the Louisiana Campaign Finance Office.

(4) Prior Elective Office
   - Coded 1 = "yes" (Candidates who have previously held elective offices, excluding judgeships), 0 = "no" (Candidates with no prior elective experience).

   - This information was drawn from the biographies of judges included in The American Bench.

(5) Type of Election**
   - Coded 1 = "General"  O = "Primary".

(6) Age*
   - Percentage of total population aged 35 through 69.

(7) Income*
   - Median Family Income.

   - For districts containing 2 or more parishes, median family income was computed as a weighted average of family income as a proportion of families in each parish.

(8) Education*
   - Percentage of persons 18 and over within each district who are high school graduates.

(9) White Registered Voters
   - Proportion of total registered voters who are white.
- Measured as follows: \[
\frac{\text{# of white registered voters}}{\text{total registered voters}}
\]

- This information was provided by the Louisiana Office of Secretary of State.

(10) Rural*
- Proportion of total population residing in rural areas.
- Calculated as follows: \[
\frac{\text{rural}}{\text{total population}}
\]

(11) White-collar Workers*
- Percentage of population over 16 years old employed in white-collar occupations.

(12) High Visibility Election***
- Coded: 1 = "yes" (gubernatorial or mayoral election) 0 = "no".

(13) Presidential Election***
- Coded: 1 = "yes" (Presidential election occurring) 0 = "no".

(14) Congressional Election***
- Coded: 1 = "yes" (U.S. Senatorial election occurring) 0 = no.

(15) Competition**
- Total votes received by the winner minus the total votes received by the runner-up as a proportion of the total votes cast.

- The lower the percentage, the more competitive the election.

(16) Black Median Family Income*
- For districts consisting of 2 or more parishes, black family income was calculated as a weighted average of black median income as a proportion of black families in each parish.

*This information was taken from data collected by the U.S. Department of Commerce publication Census of Population.

**This data was drawn from the data compiled by Professor Ronald E. Weber (1988) as an expert witness in Clark v. Edwards.

**This information was obtained by using the Almanac of American Politics.
Appendix Three
CAMPAIGN EXPENDITURE SUMMARY

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Period</th>
<th>Expenditure During Period</th>
<th>Expenditure Aggregating Period</th>
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<td></td>
<td>180th Day Prior to Primary</td>
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<tr>
<td></td>
<td>90th Day Prior to Primary</td>
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<td>30th Day Prior to Primary</td>
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<td>10th Day Prior to Primary</td>
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<td></td>
<td>10th Day Prior to General</td>
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<td></td>
<td>40th Day After General</td>
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<tr>
<td></td>
<td>Annual Report</td>
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<td></td>
<td>Supplemental Report</td>
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<td>Annual Report</td>
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<td></td>
<td>Supplemental Report</td>
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</tr>
</tbody>
</table>

Parish and/or District ____________ Office Sought ________
Date of Primary _________________ Date of General ____________

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Vita

Olethia Davis was born September 15, 1962 in New Orleans, Louisiana. She is the daughter of Reverend Robert Washington and Traviter Jackson Davis. She is the second oldest of three siblings, Robert Calveal, Jr., Lester James, and Adrian Barnabas.

She is a 1980 graduate of Lutcher High School which is located in Lutcher, Louisiana. She received her Bachelor of Arts degree from Louisiana State University, Baton Rouge, Louisiana in 1985 with a major in political science and a minor in sociology. She entered graduate school at Louisiana State University in the fall of 1985. She earned her Master of Arts degree three years later from the Department of Political Science of Louisiana State University. She has completed requirements for the Doctor of Philosophy Degree and will receive this degree in August of 1991.

She accepted a lecturer position at the University of Wisconsin at Milwaukee in May of 1990. She is presently employed as an assistant professor of political science at the University of Wisconsin at Milwaukee.
Candidate: Olethia Davis

Major Field: Political Science


Approved:

[Signature]

Major Professor and Chairman

[Signature]

Dean of the Graduate School

EXAMINING COMMITTEE:

[Signatures]

Date of Examination:

April 12, 1991