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ABSTRACT

Over the past several years, scholars of political behavior have become increasingly interested in the nationalization of U.S. elections. Research has shown that there is now a strong connection between presidential vote patterns and voting in House, Senate, gubernatorial, and state legislative elections. In this article, we extend previous research by examining the role of the presidential vote in state supreme court elections. Using an original dataset containing county-level election results ($N = 15,237$) from 2000-2018 for all states that hold partisan or nonpartisan state supreme court elections, we examine the influence of presidential vote share in state supreme court elections. A number of important findings emerge. First, we find that presidential vote share influences voting in state supreme court contests. There is a statistically significant relationship in both partisan and nonpartisan elections even after controlling for incumbency, though the relationship is much stronger in states with partisan elections. Second, the relationship between presidential vote share and the state supreme court vote has been quite stable over time in states with partisan elections. Third, in states with states with nonpartisan elections, there has been some variability in the relationship between presidential and state supreme court voting patterns, although the data reveal an uptick in the strength of the relationship over time. Future research should continue to track the role of national political forces in state supreme court elections.

KEYWORDS

Nationalization; state supreme court elections; presidential vote; elections

Introduction

In 2018, NPR host Ari Shapiro observed that “... all politics is local, but elections around the country this year are challenging that notion” (Johnson, 2018). Recently, political observers and scholars have started to pay more attention to the role of national political forces (e.g., presidential vote choice or approval ratings) in subpresidential elections. Over the past several years, numerous studies have demonstrated that elections for many offices in the United States have “nationalized” (Sievert and McKee 2019; Hopkins 2018; Abramowitz and Webster 2016; Jacobson 2015). The concept of nationalization “refers to an increasing linkage between presidential voting patterns with subpresidential contests at the federal, state, and local level” (Sievert and McKee 2019, 1056). Thus far, scholars have primarily focused on the role of presidential politics in congressional, gubernatorial, and state legislative elections. One question that remains is the extent to which presidential politics have made their way into state supreme court elections, many of which

are officially nonpartisan.¹ Are these elections nationalizing alongside their congressional, gubernatorial, and state legislative counterparts?

There is now a burgeoning literature on the nationalization of U.S. elections. Nationalization appears to be a widespread phenomenon. Jacobson (2015), for example, finds that there has been a growing nationalization of U.S. House elections and, consequently, a decrease in the electoral value of incumbency. LeVeck and Nail (2016) and Carson, Sievert, and Williamson (2020) report similar findings. There is also growing evidence that Senate and gubernatorial elections have nationalized. Hopkins (2018) shows that there is an incredibly strong connection between voting in presidential and subpresidential elections. In fact, he notes that there is now almost a perfect correlation between county-level presidential and gubernatorial vote share. Sievert and McKee (2019) examine the nationalization of gubernatorial and Senate elections, finding that in both types of elections presidential voting patterns have come to exert greater influence than they have in the past. It appears that nationalization is not just occurring in federal elections, though. It has also been happening in the context of state legislative races. Indeed, Abramowitz and Webster (2016) note that the average correlation between the Democratic presidential vote share and the Democratic share of state legislative seats has increased substantially over time. Relatedly, Zingher and Richman (2019) find that the presidential vote is related to state legislative outcomes, though presidential vote share is a stronger predictor of state legislative election outcomes when polarization is higher at the national level than it is at the state level.

In this research note, we build on recent research on the nationalization of elections by turning to state supreme court contests. To our knowledge, there have not been any studies that have systematically examined the relationship between aggregate presidential and state supreme court voting patterns over time.² Here, we are interested in several questions about the role of national political forces in state supreme court elections. As a starting point, we want to know whether and to what extent presidential vote share, an important measure of nationalization, is related to vote share in state supreme court elections. Hopkins (2018) has noted that “elections for state offices increasingly feel like reruns of the presidential election” (9). How similar are voting patterns in presidential elections and state supreme court races? Given the research outlined above showing that presidential voting patterns influence a wide array of elections, our expectation is that presidential vote share will be related to state supreme court vote share. Importantly, though, we expect the relationship between the presidential vote and state supreme court vote to vary depending on an important electoral institution that differs across states—the use of partisan or nonpartisan ballots. More specifically, our expectation is that the presidential vote will have a stronger connection to the state supreme court vote in states that hold partisan state supreme court elections compared to those with nonpartisan elections. This expectation is based on the idea that in elections where the partisanship of supreme court candidates is on the ballot, voters will have a much easier time connecting presidential and state politics (Schaffner, Streb, and Wright 2001; Burnett and Tiede 2015). Just to be clear, our argument is not that the presidential vote will be unrelated to vote for state supreme court in nonpartisan elections—there is ample evidence that voters still use political factors like party identification in nonpartisan judicial

¹A few pieces of anecdotal evidence suggest that there is a link between presidential politics and state supreme court elections. During the 2016 North Carolina supreme court election, for example, President Barack Obama officially endorsed Judge Mike Morgan. Four years later during the 2020 Wisconsin supreme court race, President Donald Trump endorsed Daniel Kelly and Joe Biden endorsed Jill Karofsky.

²Hopkins (2018) starts his book with an example of national politics being integrated into a state supreme court race: “The health care law played a role even in races as removed from national politics as a 2014 retention election for the Tennessee State supreme court. There, three incumbent justices found themselves targeted by TV advertisements denouncing them because ‘they advanced Obamacare in Tennessee. The justices had not actually heard any cases related to the federal law. But they had appointed the state’s attorney general, and he later chose not to join an anti-Obamacare lawsuit, providing ammunition to their opponents...” (p. 1). This example is largely used to illustrate that national politics can make its way into state-level elections; Hopkins does not analyze the link between presidential vote patterns and voting in state supreme court races.

elections (Bonneau and Cann 2015a; Bonneau and Hall 2009)—but rather that there will be a weaker relationship between the presidential and state supreme court vote in nonpartisan contexts. As the studies described above make clear, the concept of nationalization is about *changes* in the relationship between presidential elections and subnational contests. Thus, we are not just interested in the overall relationship between presidential vote share and state supreme court vote share; we also want to know if the relationship between presidential and state supreme court voting patterns has changed over time. If state supreme court races are nationalizing like House, Senate, gubernatorial, and state legislative contests, we should see a stronger connection between the presidential vote and state supreme court vote over time.

Data and measures

Before gathering election results for state supreme court contests, we identified the states that use partisan or nonpartisan elections³, which has been compiled by the Brennan Center for Justice.⁴ Our dataset contains the following states: Alabama, Arkansas, Georgia, Idaho, Illinois, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Washington, West Virginia, and Wisconsin. We note that four states (IL, KY, MS, LA) elect supreme court justices on a district basis rather than statewide basis (i.e., Kentucky has seven districts, each of which contains a subset of Kentucky's counties). In these states, it is possible to obtain county-level election results when a district has a supreme court election; they can therefore be analyzed alongside states that hold statewide elections. Of the states in our dataset, only a handful (Alabama, Illinois, Louisiana, New Mexico, Pennsylvania, and Texas) have partisan elections. We note that North Carolina was partisan until 2002 but moved to nonpartisan elections from 2004-2017. They now hold partisan state supreme court elections. In addition, West Virginia was partisan until 2012 but shifted to nonpartisan starting with the 2018 election. For the two states that have undergone institutional changes, any elections that occurred when the state was nonpartisan are analyzed along with the other nonpartisan states. Similarly, any elections that occurred when the state was partisan are analyzed alongside the other partisan states.

We compiled state supreme court election returns from the Secretary of State in each state. Given that it is often difficult to obtain election returns prior to 2000 (since many places discard state and local elections data after record keeping requirements have passed), we focused on gathering data on all elections between 2000 and 2018 in each state. Our dependent variable is the county-level Democratic state supreme court candidate share of the two-party vote in each election (total votes for the Democratic court candidate/total votes for Democratic court candidate + total votes for Republican court candidate). Of course, in partisan states it is easy to identify the partisanship of each candidate. However, we also needed to determine the partisanship of candidates in nonpartisan elections. We were able to make educated guesses about the party affiliation of the candidates in nonpartisan elections based on prior office holding, prior campaigns, other public political experience, and endorsements. In general, we gleaned partisanship information from news articles, web searches, and campaign finance information. To find candidate partisanship, our web searches typically included terms like “[candidate's name] + Democrat” or

³We do not analyze states that use gubernatorial or legislative appointment or the Missouri plan/merit selection since there are no statewide elections for the court in those places. In addition, we do not analyze retention elections since they only entail one candidate.

⁴See: <https://www.brennancenter.org/our-work/research-reports/judicial-selection-interactive-map>. We investigated hybrid states (there are only 4 according to the Brennan Center's categorization), but only one of them, New Mexico, holds partisan or nonpartisan elections (in addition to nominating commission and gubernatorial appointment). In New Mexico, a sitting justice must compete in a partisan election during the first general election after her appointment. If she is successful in the partisan election, she serves the remainder of the seat's eight-year term. Our data set includes five such elections that were held during the period we study (2000-2018).

“[candidate’s name] + conservative” or “[candidate’s name] + [state name] + [supreme court] + Republican.” In many states, media coverage of the candidates mentions candidate partisanship (or ideology) directly or indirectly (e.g., the candidate has the backing of the county Republican Party; the candidate touts their conservative background; a liberal PAC has run ads in support of the candidate).⁵ If a candidate is described as conservative (or Republican), we coded them as Republican; if a candidate is described as liberal (or Democratic), we coded them as a Democrat. In addition to information from news articles, we used ideological scores from Bonica and Woodruff (2015), which are based on campaign finance data and place state supreme court candidates on a liberal-conservative continuum (scores above 0 indicate a more conservative-leaning ideology and scores below 0 indicate a more liberal ideology).⁶ We coded those with conservative scores as Republicans and those with liberal scores as Democrats. Our approach is in line with other recent studies on nonpartisan elections, including de Benedictis-Kessner and Warshaw (2016), who “coded candidates’ partisanship based on any clear indicators that candidates’ leaned toward one of the two parties. These indicators included past or future partisan elected offices that a candidate held, mentions in historical newspaper articles of their partisanship, and campaign-donation-based data.” We were able to find the partisanship of candidates in nonpartisan contests in nearly every election in our dataset. In the few instances where we could not find any reliable information on a candidate’s partisan leanings, we omitted the election from our analysis.⁷ In terms of other data considerations, we note that we omitted elections where there was only one candidate (since it is not possible to calculate two-party vote share in such races), where all candidates were of the same party (again, since it is not possible to calculate two-party vote share in such races), and where there were more than two candidates, a fairly uncommon occurrence in state supreme court elections.⁸ In total, our dataset consists of 7,925 county-level data points in partisan elections and 7,312 county-level data points in nonpartisan states ($N = 15,237$).

Our key independent variable is county-level Democratic presidential vote share (total votes for the Democratic presidential candidate/total votes for Democratic presidential candidate + total votes for Republican presidential candidate), which we obtained from the MIT Election Data and Science Lab website.⁹ For each supreme court election, our presidential vote share measure is based on the previous presidential election (i.e., if a state supreme court election was in 2011, we would use data from the 2008 presidential election). This measure enables us to examine the extent to which presidential elections correspond to state supreme court elections.

Beyond Democratic presidential vote share, we gathered data on one additional variable—the incumbency status of each race. This information was collected by examining election returns, state supreme court websites, and local news articles. Most other analyses of nationalization include incumbency as a control variable (see, e.g., Sievert and McKee 2019; Jacobson 2015) given the explanatory power of incumbency in U.S. elections. Given that higher values on our dependent variable indicate greater Democratic support, we code incumbency as +1 if the Democrat is the incumbent, 0 if it is an open seat, and -1 if the Republican is the incumbent.

⁵A few examples help illustrate the types of partisan information that can be found in nonpartisan elections. For instance, in the state of Kentucky, a news story reported the partisanship of candidates directly: “State Appeals Court Judge Larry VanMeter, a registered Republican, defeated another state appellate judge, Glenn Acree, a registered Democrat.” As another example, in an election in the state of Louisiana we were able to find an article listing the partisanship of one of the candidates when they ran for a previous (partisan) elected position (“Candidate for County Attorney: Gene Barton, Democrat”).

⁶These scores are often reported on *Ballotpedia* alongside of other candidate information. They are also available here: https://web.stanford.edu/~bonica/files/bw_ssc_db.zip

⁷The elections where we could not find candidate partisanship were: MN, 2000; MN, 2012; ND, 2016, 2018; WA, 2014; AK, 2014; OR, 2004; MS, 2016; KY, 2008.

⁸Since we also control for incumbency, it would not make sense to include this measure in races with more than two candidates. Indeed, if a race had 2 Democrats (one of whom was the incumbent) and 1 Republican, and we calculated Democratic vote share based on the 2 Democratic candidates, we wouldn’t expect both of the Democrats to get a boost from incumbency (since only one of them is actually the incumbent).

⁹<https://electionlab.mit.edu/data>

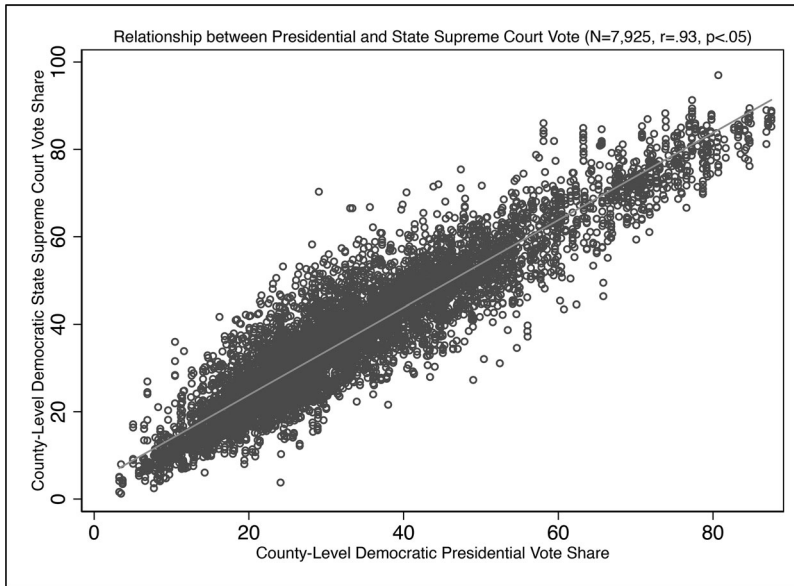


Figure 1. The relationship between presidential and State supreme court elections, partisan states.

Results and analysis

As a starting point for understanding the relationship between presidential and state supreme court elections, we present two scatterplots showing the correlation between county-level Democratic presidential vote share and county-level Democratic supreme court.¹⁰ Figure 1 shows the relationship in states that use partisan elections. Overall, there is a strong, positive relationship between presidential and state supreme court vote share. The Pearson's r value is 0.93, which is statistically significant at the $p < .001$ level. Figure 2 displays the relationship between county-level Democratic supreme court vote share and county-level Democratic presidential vote share in states that hold nonpartisan supreme court elections. Our expectation was that the relationship between Democratic presidential and state supreme court vote share would be weaker in nonpartisan states than in partisan states. The data in Figure 2 confirm this idea. Here, we see that there is a positive relationship between the two measures, although the Pearson's r is 0.30. Even so, the correlation is statistically significantly at the $p < .001$ level. Overall, Figure 2 provides initial evidence that national factors play a role even in nonpartisan elections. This finding fits well with previous studies showing that the nonpartisan ballot generally does not keep political considerations out of elections (Schaffner, Streb, and Wright 2001; Bonneau and Cann 2015a, 2015b; Bonneau and Hall 2009).

In Table 1, we present the results from a regression model where Democratic state supreme court vote share is the dependent variable and the Democratic presidential vote share is included as a predictor. We also include a dummy variable indicating whether a state holds partisan (coded as 1) or nonpartisan (coded as 0) supreme court elections and an interaction between presidential vote share and the partisan/nonpartisan dummy variable.¹¹ The model also includes a control for incumbency, which we expect to be positively signed given our coding of incumbency. Overall, we find that presidential vote has a strong and statistically significant ($p < .001$, one-tailed) effect on state supreme court vote share in partisan elections. Indeed, the

¹⁰Both variables are coded from 0-100%.

¹¹Results are nearly identical to the interaction model results when we estimate two separate models—one for partisan states and one for nonpartisan states (just using presidential vote share and incumbency as independent variables).

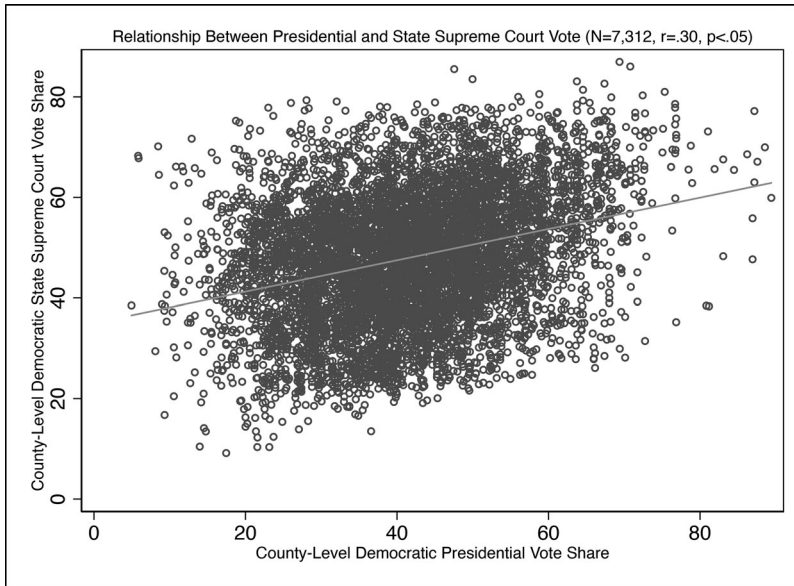


Figure 2. the relationship between presidential and state supreme court elections, nonpartisan states.

Table 1. Regression model of democratic vote share in state supreme court contests.

Variables	Coef.	Std. Err.
Dem. Presidential Vote Share	0.331	0.049*
Partisan Elections	−25.225	2.627*
Incumbency	5.563	1.077*
Dem. Presidential Vote Share * Partisan	0.615	0.062*
Constant	34.207	2.264*
Number of Observations	15,237	
R ²	0.71	

Notes: * indicates $p < .001$ (one-tailed). Standard errors clustered by state. Partisan states coded as 1, nonpartisan states coded as 0.

coefficient is 0.946.¹² This effect holds even after controlling for incumbency, which is positively related to our dependent variable ($b = 5.56$, $p < .001$, one-tailed). The powerful effect of Democratic presidential vote share in partisan elections is not too surprising since partisan labels are on the ballot in these elections, making it easy for voters to connect national politics to state-level elections.

Turning to nonpartisan elections, the results in Table 1 indicate that presidential vote share also has a statistically significant effect on supreme court vote share in nonpartisan elections. Interestingly, the coefficient is much smaller in these elections ($b = 0.331$), though it is still statistically significant at $p < .001$ (one-tailed).¹³ Overall, the results in Table 1

¹²Calculated by adding the coefficient for Presidential Vote Share * Partisan interaction and the coefficient for Presidential Vote Share ($0.615 + 0.331 = 0.946$).

¹³Although not central to our ideas about nationalization, we note that we explored whether the effect of incumbency on vote share varied by election type (partisan or nonpartisan). Thus, we re-estimated the model in Table 1 but added an interaction between incumbency and partisan elections. The results indicated that incumbency has a positive and statistically significant effect on Democratic supreme court vote share in partisan elections ($b = 1.63$, $p < .001$, one-tailed). Interestingly, incumbency has a much larger effect in nonpartisan elections ($b = 7.47$, $p < .001$, one-tailed). This fits nicely with previous studies showing that when partisan cues are absent (or difficult to find), voters rely more heavily on other information cues (Schaffner, Streb, and Wright 2001; Kirkland and Coppock 2018). Thus, our results indicate that there is an incumbency advantage in state supreme court elections—though one that varies by the electoral context—which fits with a great deal of previous research on the role of incumbency in elections (Jacobson and Carson 2016). Full results from this model are available on request.

provide solid evidence that national politics do play a role in nonpartisan state supreme court elections.¹⁴

Although [Table 1](#) demonstrates that presidential vote share is related to state supreme court vote share, by pooling together all elections from 2000-2018 we are not able to see whether and how the relationship between presidential vote share and state supreme court vote share *changes over time*. Although it is interesting to examine the average effect of presidential elections in state supreme court elections, the concept of nationalization centers on the idea that the relationship between presidential voting patterns and voting patterns in subpresidential contests has gotten stronger over time. To examine whether the strength of the relationship has changed over time, we estimated models for different periods of time. Since there are many years in our dataset where just one or two states had an election (i.e., only Wisconsin had an election in 2011 in the nonpartisan dataset), we group the elections into sets of years. We used the following time periods: 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, and 2018. This allows us to make sure that we have a sufficient amount of data for each regression model (as opposed to estimating a model for each year in the dataset). Although we have a fairly short time series relative to other studies on nationalization (some of the congressional studies go back to the antebellum era), we should be able to see evidence of nationalization if it is occurring in state supreme court elections. Indeed, previous scholars have found that from 2000 onward there has been a significant increase in the strength of the relationship between presidential and subpresidential vote patterns (see Sievert and McKee 2019, p. 1063). In short, if nationalization is happening in the context of state supreme court elections, the effect of Democratic presidential vote share on Democratic state supreme court vote share should increase from 2000 to 2018.

In [Figure 3](#), we use the results from each model to plot the coefficient for Democratic presidential vote share for each time period (separately for partisan and nonpartisan elections). For each set of coefficients, we include a line that tracks the change from one year to the next. We also include lines showing the linear fit over time. A number of interesting findings emerge from the figure. First, there is a strong relationship between Democratic presidential vote share and Democratic state supreme court vote share in partisan elections, which has remained quite stable over time (coefficients range from 0.868 to 0.999). Indeed, the linear trend line is flat. This means that in states with partisan elections, there has long been a tight link between presidential and state supreme court voting patterns. Turning to the results for nonpartisan elections, we note that in all of the models except the first two (2000-2001 and 2002-2003), Democratic presidential vote share is a statistically significant (at $p < .05$, one-tailed) predictor of Democratic state supreme court vote share. Not surprisingly, the coefficient for Democratic presidential vote share in nonpartisan elections is always much smaller than it is in partisan elections. Interestingly, although there is some variability in the strength of the relationship (the coefficients range from 0.197 to 0.522), the linear trend line indicates that the relationship has increased a bit over time. The slope of the line does not indicate a dramatic increase over the past two decades, but there does seem to be an uptick. It is interesting to note that the coefficient in the 2018 model ($b = 0.52$) is the largest in the data series. Future research should continue to track the role of national political forces in state supreme court elections.

¹⁴When we estimate separate models for partisan and nonpartisan election (rather than an interaction model with partisan * Democratic vote share), the model fit statistics are quite different. Indeed, for partisan elections, the adjusted R^2 value is 0.87 (just using Democratic presidential vote and incumbency as predictors). In comparison, it is much lower at 0.33 in nonpartisan contests (just using Democratic presidential vote and incumbency as predictors). In other words, presidential vote share and incumbency have more explanatory power in partisan elections. It is worth noting that much of the explanatory power in the models comes from presidential vote share. Indeed, when we just regress Democratic state supreme court vote share on Democratic presidential vote share in partisan elections, the R^2 value is 0.866. In nonpartisan elections, the R^2 value is 0.091 when we just use Democratic presidential vote share to predict Democratic state supreme court vote share.

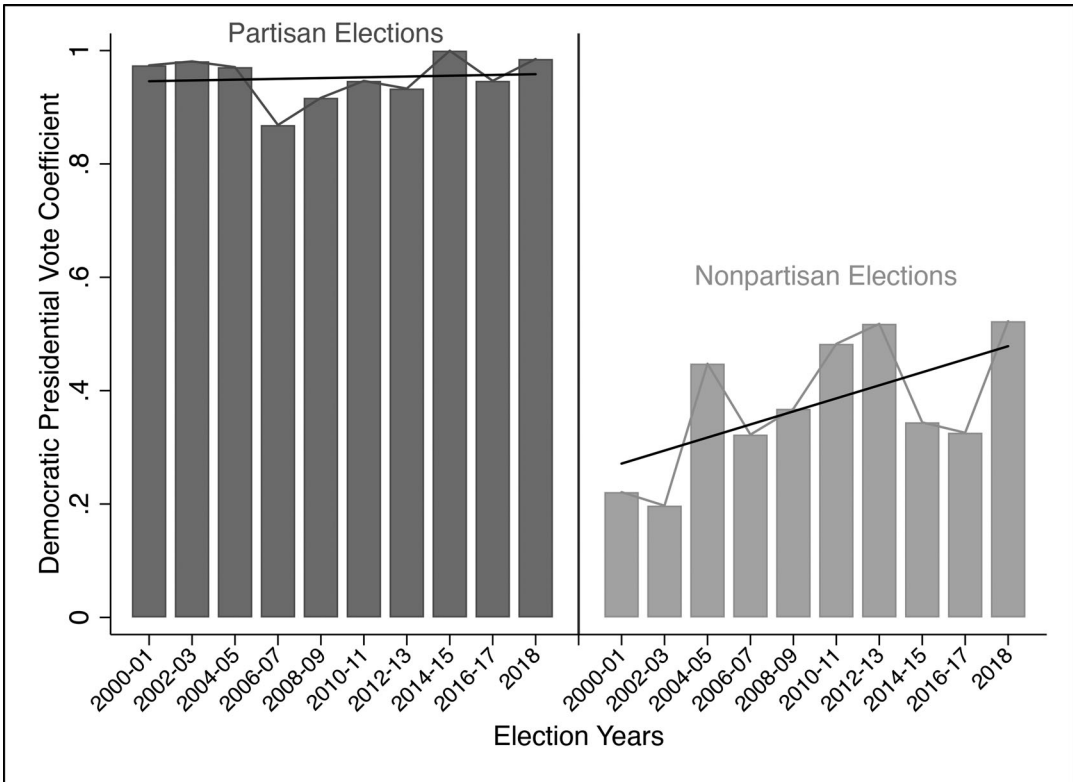


Figure 3. Effect of democratic presidential vote share on democratic state supreme court vote share over time (darker lines represents linear trends).

Conclusion and future research

In this article, we extended research on the nationalization of U.S. elections to state supreme court contests. Using an original dataset containing county-level election results from 2000–2018 for all states that hold partisan or nonpartisan state supreme court elections, we examined the influence of presidential vote share in state supreme court elections. We found that presidential vote share influences voting in state supreme court contests. In both partisan and nonpartisan elections, there is a statistically significant relationship between Democratic presidential vote share and Democratic state supreme court vote share even after controlling for incumbency. As expected, the relationship is stronger in states that use the partisan ballot. In states with partisan elections, there is a tight link between presidential and state supreme court voting patterns, which has been remarkably consistent over time. In states with nonpartisan elections, there has been some variability in the relationship between presidential and supreme court voting patterns, although there has been an uptick in the strength of the relationship over time.

Our research suggests a number of avenues for future scholars. First, researchers could consider extending this study to examine the relationship between presidential and state supreme court voting prior to the year 2000. This would provide an even longer-term look at the role of national factors in state supreme court elections. We focused on elections since 2000 because it is often difficult to obtain elections returns before 2000 in many states. If future researchers wish to extend this study to earlier time periods, they will likely need to contact state and county officials directly in order to obtain older elections data. It could also be interesting for further researchers

to quantify how easy or difficult it is to find the partisanship of candidates in supposedly nonpartisan races. Although we were able to find the partisan leanings of nearly every candidate in our dataset, some were more difficult to find than others. Quantifying the availability of partisan cues could provide a sense of accessibility of candidate partisanship in the electorate. It seems likely that the link between the presidential and state supreme court vote may be shaped by how salient cues like candidate partisanship are to voters.¹⁵ Relatedly, we also encourage research on the influence of media coverage on the nationalization of different types of elections. One would expect media coverage to change as certain types of elections have nationalized. It would be valuable to conduct content analyses of campaign materials and news articles to see when and how national political factors are integrated into elections. Finally, it would be interesting to explore how nationalizing forces may relate to midterm election results. For example, do voters in state supreme court elections respond to trends that manifest during midterm elections? In the end, we encourage additional research aimed at understanding the dynamics of state supreme court elections.

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¹⁵It could be interesting to examine whether and how interest groups provide voters with cues about judicial candidates. See Baum, Klein, and Streb (2017) for an overview of the role of interest groups in state supreme court elections. It could also be interesting to examine the attributes of people who are able to correctly identify the partisanship/ideology of state supreme court candidates in nonpartisan elections (see McKenzie et al. 2017 for an overview of what people know about local judges and what attributes predict knowledge of judges).

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