

CAN VOTERS JUDGE?

VOTING BEHAVIOR AT THE EXTREME OF LOW INFORMATION

Abstract

This study investigates voting behavior at the extreme of low information, using a previously inaccessible set of data to examine a largely ignored set of election choices (judicial retention voting). The paper analyzes nearly a quarter of a million 1994 Los Angeles County general election ballots, which allows an unprecedented look at degree of ballot rolloff, patterns of judicial retention vote choices, and associations between retention voting and voting for ballot measures and partisan offices. Also, Gary King's new method of ecological inference is used to estimate the demographic foundations of low information voting.

The analysis demonstrates that many excuse themselves from this section of the ballot entirely, and that those who do stay on the ballot for retention decisions do not "pick and choose" much among judges. Rather, many seem motivated by a general desire to vote "yes" or "no" for most or all judges. The small amount of "picking and choosing" that does occur seems based on gender and ethnic cues; female and ethnic judges inspire somewhat greater support from liberals and Democrats and somewhat greater opposition from conservatives and Republicans. The consequences of these findings for other low information contests are discussed.

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Nearly every election contest is, for one segment of the population or another, a “low-information” election. Although the sheer volume of activity generated by top-of-the ticket races guarantees that few voters will be left completely ignorant of the candidates and issues at stake, the number of voters remaining relatively “in the dark” increases rapidly as one moves down the ballot. Even the most attentive voter will occasionally confront races about which he or she knows absolutely nothing. Many of these are officially non-partisan, featuring candidates who may not have engaged in any campaign activity. Voters face two fundamental decisions when confronted with such races: (1) To participate or to abstain; and (2) For which candidate to vote. This article explores both of these decisions by examining in detail a set of races at the extreme of low information: judicial retention elections.

A greater understanding of races in which *no* information (apart from what is found on the ballot itself) is available to *any* voters (apart from the candidate’s family and colleagues) would help us understand what influences many voters when they are confronted with objectively higher-salience contests — but about which they themselves still know next to nothing. Although some previous research has provided a number of important insights into low information elections, a dearth of survey data has greatly limited the scope of possible conclusions.

This paper uses an alternative approach, the analysis of nearly a quarter of a million Los Angeles County ballot punch cards, to provide insights into low information voting which are available with no other methodology. Examining actual ballots allows a look at patterns of choices (to retain, reject, or abstain) across a wide variety of judicial retention contests — and relationships between retention choices, partisan office choices, and ballot initiative preferences. Although this paper is unable to answer all of the outstanding questions in the field, its unique approach and set of data provide a considerably more complete understanding of dynamics at work at the extreme of low information. This understanding, in turn, will help us

better comprehend the thought processes at work in voters facing candidates about which they are ill-informed.

The paper is organized as follows. I begin by reviewing briefly some of the recent scholarship concerning low information elections in general and judicial retention elections in particular. After describing my own data, I compare the degree of participation (and the sorts of voters who participate) in retention elections, partisan office contests, and ballot measure decisions. I then examine substantive patterns of votes in judicial elections themselves, and conclude that while few voters use systematic organizing principles to guide their choices in retention elections, some are successfully guided by low information cues (found on the ballot itself) to make sense of these races. I conclude by discussing the ramifications of these findings for low information elections generally.

Judicial Elections: The Extreme of Low Information

In California, Supreme Court justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The appointments are confirmed by the public at the next gubernatorial election; justices also come before voters at the end of their 12-year terms. Each division of the appellate courts has a presiding justice and two or more associate justices, also appointed by the Governor and confirmed by the Commission on Judicial Appointments. The same rules governing the selection of Supreme Court justices apply to those serving on the Courts of Appeal. In 1994, Los Angeles County voters were asked to decide nineteen retention elections, including three associate Supreme Court justices and sixteen appeals court judges¹. All nineteen were retained, with “yes” percentages in Los Angeles County ranging from 59 percent to 68 percent.

Judicial retention elections are usually very low information affairs, with little (if any) active campaigning either for or against sitting judges. Salience of judicial

candidates is often extremely low; even in competitive judicial elections (with multiple candidates vying for the same position), few voters are able to recall the names of candidates for either the state supreme court or state courts of appeals (Johnson, Shaefer & McKnight, 1978). This is not surprising, given the scant publicity which judicial contests usually receive. In 1994, the Los Angeles *Times* did not publish a single story which even discussed the retention of any of the 19 judges facing County voters (let alone offer endorsements). Apart from a handful of stories reporting on court cases and decisions (none of which was controversial), the names of these 19 judges did not even appear in the *Times* between Labor Day and Election Day.² Judicial retention elections therefore seem to be an excellent place to investigate low-information voting behavior.

Thinking about Low Information Voting

The Decision to Participate

When confronted with candidates or ballot measures about which he knows almost nothing, the voter must first decide whether he will participate at all for that race. In the aggregate, roll-off tends to be substantially higher for down-ballot races than it is for higher profile contests, but a lack of data has made it difficult to establish which sorts of voters tend to participate in low-salience elections in general (and judicial elections in particular). Some voting behavior studies (Clubb & Traugott, 1972; Magleby, 1984; Blunt, 1998) have found that minorities are less likely than whites to stay on the ballot for all of the low-information partisan contests and initiative decisions. Similarly, Sheldon and Lovrich (1983) demonstrated that those with more knowledge of the political system are more likely to participate in judicial elections.

Not surprisingly, rolloff is lower when typically low-information elections become hotly contested. Hall and Aspin (1987) found, for example, that when citizen groups

and the media become heavily involved in a retention contest, the average rolloff drops by nearly nine percentage points.

Ballot fatigue is responsible for only a small portion of the roll-off in judicial elections; looking across many states, Hall and Aspin (1987) found that those judicial contests listed near the end of the ballot had only a few percentage points less participation than those listed at the beginning.

Voting Without Information

When only limited information is available, and the cost of compiling additional information is high, previous research has demonstrated that voters economize by making judgments using knowledge they already have about politics (Downs, 1957; Lupia 1994; McDermott 1997 and 1998; Dubois, 1979a). The rational voter uses stereotypes about the little he does know about a candidate or ballot measure to *act as if* he were fully informed about that candidate or ballot measure. Previous research has identified party labels as an important source of political stereotypes for low information races; if a voter knows nothing about a pair of candidates apart from their party affiliations, he can still make a fairly well informed judgment about which of those candidates will best represent him in office. It seems reasonable to hypothesize that when even partisan labels are unavailable, voters will revert to what *is* available (cues derived from the candidates' names) to *infer* partisanship — and thus, indirectly, to make these same kinds of judgments.

In the absence of party labels, previous research suggests that some voters do draw explicit partisan inferences from the names of candidates themselves. Dubois (1979a) found, for example, that a “nonpartisan” judicial candidate who shares the surname of a well-known partisan figure can attract voters from that figure’s party. Voters glean almost no information about sitting judges (apart from candidates’ names) from the ballot itself; judges up for retention are never identified by a

partisan label. In most years, in the absence of controversial judicial decisions concerning divisive issues, the typical voter would have very little information on which to base his retention vote. Indeed, previous research (Dubois, 1979a) has shown that when judges (in competitive elections, not retention) are identified by a party label, voting tends to follow party lines — but in nonpartisan elections (as is the case for all retention decisions), judicial votes are largely unstructured and difficult to predict. Elsewhere, Dubois (1979b) concludes that “voting in nonpartisan or merit retention elections may demand an extraordinary and unrealistic amount of attention and information from the average individual.”

Squire and Smith (1988) used an interesting half-sample survey design to explore the relationship between partisanship and retention voting. When survey respondents were told which governor (Ronald Reagan or Jerry Brown) had appointed each judge who was facing retention, Republicans and Democrats diverged sharply in their preferences. For those not given this information, however, respondent party identification had almost no relationship with retention vote choice. In other words, with even a small amount of information, these nonpartisan races can easily be turned into partisan contests. However, this information would only have been available in 1994 to Los Angeles voters at the extreme high end of attentiveness.

In a study of five Wyoming retention votes in 1978, when (like in 1994 Los Angeles) little if any information was publicly available about the candidates, Griffin and Horan (1982) found few significant correlates between political, demographic, or informational factors and five 1978 Wyoming retention votes. Consistent with what has been found in other studies of nonpartisan contests, even voters' party identification and ideology were completely unrelated to retention voting (despite the fact that all five judges had some prior association with the Republican Party).

Because of the low levels of information available to voters in 1978, few (if any) seemed aware that these judges had Republican ties.

Social Identity Cues

An indirect source of partisan cues may be the gender or ethnicity of the candidate's name itself (Dubois, 1984; Byrne & Pueschel, 1974; McDermott, 1998). Although an exhaustive study of many states (Luskin et al, 1994) showed that black and Latino judges do not receive fewer affirmative votes than non-minorities, black (and certainly Latino) names may provide partisan cues for some voters. Unfortunately, there were no ethnic or female judges up for retention in either of the Wyoming studies, and no survey data exist for retention contests which do include such candidates. As a result, details about how these cues function at the extreme of low information remain largely unknown.

Previous research suggests that female candidates are perceived as more liberal than men (Huddy and Terkildsen, 1993; Alexander and Andersen, 1993). Indeed, Monika McDermott confirmed that in low-information elections which include (1997) and do not include (1998) party labels, candidate gender operates as a social information cue signaling that women candidates are more liberal than male candidates of the same party. As a result, the gender of a candidate affects ideological voting. Women Democratic candidates fare better than men Democratic candidates among more liberal voters and worse among conservative voters, especially those with minimal knowledge of the candidates. In judicial retention elections, female candidates should therefore receive more "yes" votes from Democrats and more "no" votes from Republicans.

Latino candidate surnames should produce a similar effect. Although Latino voters themselves are far from a solidly Democratic bloc, Latino political *elites* in Los Angeles are almost uniformly Democratic in their partisanship — and substantially

more liberal than the median Latino voter (Skerry, 1993). As a result, in the absence of a party label to indicate otherwise, it seems reasonable to expect Los Angeles voters to assume a Latino candidate is politically left of center.

In addition to triggering partisan cues, candidate names can evoke deeper social identifications. In one Los Angeles area Junior College Board election featuring 133 candidates, John Mueller (1970) found that a Spanish surname conferred a distinct advantage, mostly because it primed Mexican-American identification (and some Mexican-American groups worked in Mexican neighborhoods to spread the word about these candidates).

Also, Gerald Pomper (1966) demonstrated that in officially non-partisan city elections, ethnic candidates (in this case black, Italian, and Jewish) tended to do disproportionately well in wards with many members of the candidate's own ethnic group. Furthermore, even when "Italian" candidates in different races had widely varying policy positions, both would tend to do very well in the same Italian wards. Pomper concluded that "where the voters could feel a group kinship, this became more important to them, apparently, than policy considerations."

It stands to reason that in low-information elections generally, candidates with obviously ethnic names should receive greater support from members of those same ethnic groups than from other groups. And to the degree to which those groups are associated with the Democratic Party or a liberal policy agenda (i.e. women, Jews, Latinos), it also stands to reason that such candidates should receive lower net support from conservatives and greater net support from liberals.

Other Attitudes

Finally, additional research suggests that other types of attitudes can influence decisions in low-information contests such as judicial retention voting. In the absence of specific information about the candidates, voters can cast a "yes" or "no"

vote as a way of registering overall satisfaction or frustration with the judicial system (or whatever system is represented by the office in question) generally. Aspin and Hall (1987) detailed a remarkably close association between increasing mistrust of government and declining percentages of affirmative votes cast in judicial retention contests. As trust in government³ fluctuated between 1964 and 1984, the mean percent “yes” in judicial retention contests across the country very closely ($r=.95$) followed suit.

Griffin and Horan (1983) found that more than eight out of ten voters reported identical decisions on the two merit retention contests on the 1980 Wyoming ballot. Voters did not behave randomly, as if flipping a coin, but instead did almost exactly the same thing when considering each judge (i.e. “yes” to both, “no” to both, or abstain for both). When probed in more depth, however, Wyoming voters (and especially “yes” voters) were seldom able to supply substantive reasons for their retention votes (apart from “...liked his work” and “...assumed he was doing a good job.”) “No” voters, by contrast, usually did cite specific criteria for opposing a judge — but these criteria were usually not based on objective facts about the judge. Instead, “no” voters tended to say things like “He’s been in too long” — even when the judge had only been on the bench for less than two years. Others tended to say general things about the system being bad.

Given that frustration with the “liberal judiciary” is an attitude most often ascribed to those most right of center, it seems likely that political conservatives should have somewhat lower levels of affirmative voting; liberals should vote to retain more judges.

Data and Methodology

I compiled electronic images of all 249,461 ballots cast in 868 Los Angeles County precincts for the 1994 general election. These precincts constitute a geographically

and demographically representative sample of the County's 6,109 total precincts. They are drawn from throughout the County, with at least some ballots for even the most obscure local races (from the Antelope Valley and the high desert in the north to Long Beach and even Catalina Island in the south.) More importantly, the racial composition of the sample precincts almost perfectly parallels that of the entire County. As the appendix details, both the sample precincts and the County as a whole have a racial breakdown that is roughly half non-Latino white, one-third Latino, ten percent Asian, and ten percent black. Furthermore, had the 1994 election been held only in these precincts, outcomes for all judicial and partisan races would have been within a few percentage points of the overall County results.

The ballots themselves are a tremendous resource, and truly allow an academic researcher to “look over the shoulder” of hundreds of thousands of voters from across Los Angeles County. Accessing these ballots is quite difficult, however. The County stores ballot images in an obscure COBOL-based column binary format on round-reel magnetic tapes. After translating the punch card images into ASCII (a formidable task), the researcher has 312 variables (one for each of the punch positions on the voter's card) for each of the 249,461 cases.⁴ If a given position was punched, it is recorded as “1”. Unpunched positions are shown as “0.” (An additional variable identifies the precinct in which the ballot was cast.)

From the 312 individual punch positions, new variables can be constructed representing all the races on the ballot. For example, the first five punch positions corresponded to the gubernatorial race; based on which of the holes was punched, voters were assigned a code of 1 (Wilson, Republican), 2 (Brown, Democrat), 3 (Rider, Libertarian), 4 (LaRiva, Peace & Freedom), or 5 (McCready, American Independent) for the gubernatorial vote variable. If no box was punched, the voter is coded as having abstained; if two or more boxes were punched, the voter is coded as “invalid” for that race. This process was then repeated for all of the dozens of races on the

ballot.⁵ From these new variables, it is possible to determine voter patterns across the nineteen judicial retention elections, the ten ballot measures, and the eleven partisan office contests⁶.

For each person, I computed the number of Republicans voted for, the number of Democrats voted for, and built a master index of partisanship by subtracting the number of Democrats from the number of Republicans. This yields a left-right scale running from -11 (straight Democratic) to +11 (straight Republican), with an average of -.94. In other words, the average person supported, on balance, roughly one more Democrat than Republican. (As further examples of how the scale works, a person with a score of +5 supported five more Republicans than Democrats; a person with a score of -7 supported seven more Democrats than Republicans.) Seventeen percent voted straight Democratic, while 15 percent voted straight Republican.

Five 1994 ballot measures included a distinctive liberal-conservative component⁷, and by examining votes across these I could classify each voter's ideological tendencies. This left-right scale runs from -5 (extreme liberals) to +5 (extreme conservatives); the typical voter scored a +.92 (indicating that, on balance, Los Angeles voters cast roughly one more conservative vote than liberal vote). Just under one-fourth (23 percent) scored on the net liberal side; nearly three-fourths (73 percent) fell on the net conservative side — and 22 percent were extreme conservatives. (Just 2 percent were extreme liberals.) Although this may not be a good measure of ideology for all voters, it does capture the degree to which voters mimic or parallel the liberal-conservative discourse of contemporary elites.

Using Ecological Inference

The chief limitation of ballot punch cards is that they contain no demographic information about the voters who cast them. However, census data *are* available for almost all (831) of the 868 precincts from which these ballots were drawn⁸. I built a

precinct-level data set which includes the proportion of voting age population which is Latino, non-Latino white, non-Latino black, and non-Latino Asian/Pacific Islander. It is then a relatively simple matter to compute special vote-pattern variables from the ballots which would not be available from any other source (for example, the proportion in each precinct voting to retain all three Supreme Court justices) and add those new variables to the precinct-level data set.

In the past, it would have been nearly impossible to draw reliable connections between precinct-level voting behavior and the demographic characteristics of those precincts. Even if we know the aggregate votes of two precincts, and know the racial composition of those precincts, we cannot infer a relationship between race and voting behavior simply by correlating these aggregates. This is because the effect of race on voting behavior may itself vary as the precincts' racial composition varies. (Schuessler, 1999; Shively, 1969; Robinson, 1950).

Gary King's (1997) new methodology can be used to overcome many of these limitations, and make reliable ecological inferences from these data. King's method computes the most likely proportion of, say, blacks abstaining in all judicial contests, in each precinct by using as constraints the proportion of blacks and proportion of judicial abstainers in all other precincts. His public-domain software (EI) extracts deterministic information about the precincts to establish possible upper and lower bounds on black judicial abstention. The approach then uses a statistical method to narrow in probabilistically on the quantity of interest (in this case, black abstention) within those bounds. EI computes an estimate of turnout for the blacks, and then in a second step computes a "point estimate" of the proportion of blacks in each precinct who went to the polls but abstained in all judicial elections. These precinct-level point estimates are then summed across all precincts, yielding a final (county-wide) estimate of the proportion of blacks who abstained in all judicial races.⁹ Because these are maximum-likelihood estimates, King's method also produces standard

errors for these estimates. (All of the standard errors in my analyses were very small.)

King's methodology can be tested by using it to predict something for which the "true" answer is available: the proportion of Proposition 187 supporters who also voted for Governor Pete Wilson. King's method of inference, based on precinct-level aggregates, estimates that 69 percent of Proposition 187 supporters would choose Wilson in the gubernatorial contest. This estimate is remarkably accurate: the "true" level of Wilson support, as found in the actual ballots, is 71 percent among Prop 187 supporters. King's methodology also provides estimates that are comparable to what surveys have found. For example, of Latinos who went to the polls in my 1994 precincts, ecological inference estimates that more than two-thirds (69 percent) voted "no" on Proposition 187. According to Los Angeles *Times* exit polls, 77 percent of Latinos statewide voted "no" on this measure. (Exit poll data for Los Angeles County alone were not available.)

Findings: Participation and Roll-off in Judicial Retention Elections

Not surprisingly, many voters skip these extremely low-information races entirely. Table 1 details the percentage of voters who participated in various types of contests (judicial and otherwise) in 1994. Among Los Angeles County voters who turned out, 46 percent participated in all judicial retention decisions — but 28 percent completely skipped this section of the ballot. By contrast, more than two-thirds participated in all partisan office contests or all ballot measure decisions; only a handful neglected either of these two sections entirely. Because part of this differential in complete participation is due to the 1994 ballot including more merit retention decisions (n=19) than ballot measures (n=10) or partisan office contests (n=11), Table 1 also includes the *average* percentage of races voters participated in for each section of the ballot. The average voter participated in 92 percent of

partisan office races and 89 percent of direct legislation contests — but only 61 percent of merit retention decisions.

Importantly, the rank of the judicial office at stake seemed to make little difference for voter participation. The average voter participated in 63 percent (or slightly fewer than two of the three) Supreme Court races — almost indistinguishable from the proportion of Appeals Court judges on which the typical voter expressed a preference. Furthermore, among Appeals judges, the judge’s rank made no difference in attracting voters; the typical voter expressed a preference for or against the retention of 60.1 percent of Presiding judges and 60.9 percent of Associate judges.

	N=	Percent of Voters Participating in:		Average Proportion of Contests Participating in by Ballot Length		
		All	None	All Ballots	Short	Long
Partisan Offices	11	76.8	.7	92.3	92.4	92.3
Ballot Measures	10	69.3	1.2	88.7	88.8	88.2
All State Judges	19	46.4	27.5	61.1	61.2	55.9
Supreme Court	3	58.9	32.1	62.9	63.2	58.5
All Appeals Judges	16	49.6	30.8	60.7	61.2	55.1
Presiding Appeals Judges	3	55.8	36.2	60.1	60.6	54.7
Associate Appeals Judges	13	51	31	60.9	61.3	55.2

Interestingly, the key decision seems to be whether or not to participate for this entire low-information *section* of the ballot, and not whether or not to participate for each individual retention race. Nearly three-fourths participated in *all* or *none* of the merit retention decisions. There seems to have been little “picking and choosing,” with few voters participating only in select contests. It is almost as if there are two types of voters: those who feel they can (or at least should) participate, even at the extreme of low information, and those who opt out of such races entirely.

Ballot fatigue plays only a small part in judicial election abstention. The judges up for retention spanned two pages in the ballot booklet. The average person

participated for 61.4 percent of the twelve judges on the first page, and an almost identical 60.0 percent of the seven judges listed on the second page. While this difference is statistically significant ($t=14.7$), it is not large in absolute terms. More substantial effects of fatigue surfaced among the approximately 6 percent of voters residing in precincts with a large number of local races on the ballot. In these precincts, the judicial decisions (and, of course, the initiatives, which are the last items listed) were bumped one page further back in the booklet. People with these longer ballots tended to participate in considerably fewer ($F=209$) merit retention contests (55.9 percent) than those with shorter ballots (61.2 percent). Interestingly, however, when it came to average participation for direct legislation measures, those with long ballots (88.2 percent) and short ballots (88.8 percent) were nearly indistinguishable ($F=10$). This is interesting, because judges were listed before the initiatives. It appears that if voters are growing fatigued, they are more inclined to skip the judges and go to the propositions than they are to plod through the judges before deciding they have become too fatigued to continue.

Not surprisingly, there is a substantial relationship¹⁰ between degree of participation in judicial retention decisions and degree of participation in both partisan office races ($\gamma=.61$) and ballot measure contests ($\gamma=.62$). Those who participate in a greater number of partisan offices or a greater number of initiative contests also tend to register an opinion in more judicial retention decisions. Those who skip many races in one section of the ballot also tend to skip many races in other sections of the ballot.

Party preference makes little difference in participation in merit retention contests; the “low information electorate” is biased in neither a Republican nor a Democratic direction. Rather, *strength* of preference seems to be the crucial factor. Straight Republican voters participated in 66 percent of the retention elections, versus 68 percent for the strongest Democrats. By contrast, the third of the

electorate with the most “muddled” partisan vote pattern participated in only 52 percent of judicial retention decisions. In other words, those with more of a pure guiding partisan identification stay on the ballot for more judges than those who are less loyal to a particular party. Similarly, extreme liberals (67 percent) and extreme conservatives (58 percent) participated in far more judicial retention decisions than those in the middle of the spectrum (25 percent).

Although I do not have a pure measure of political interest (as would be possible in a survey), all of these results seem to point to an obvious relationship between degree of political interest (whether measured by staying on the ballot for more partisan contests and ballot measures or by stricter loyalty to a party or guiding ideology) and degree of participation in merit retention decisions. Those who are most interested, whether Republican or Democrat, tend to express an opinion about more judges; those who are least interested tend to participate in far fewer of these decisions.

Social Status and Participation in Retention Elections

Most research has found that minorities are less likely than whites to stay on the ballot for all of the low-information partisan contests and initiative decisions. Some of those patterns are confirmed here with ecological inferences; estimates show that minorities were slightly less likely than whites to participate in all of the partisan contests or all of the ballot measures. Remarkably, however, whites were substantially *more* likely than minorities to skip the judicial retention section of the ballot. As Table 2 details, fully one-third of whites skipped *all* of the retention decisions; this was more than double the estimated rate of complete abstention evidenced among blacks and Latinos. Furthermore, whites were just as likely to ignore the Supreme Court justices as they were to skip over the Appeals judges;

blacks and Latinos had high levels of participation for both judicial levels. Asians, interestingly, behaved much like whites.

Table 2
Ecological Inference Estimates of Demographic Participation Patterns in Los Angeles County Election Contests
Standard Errors are in Parentheses

	Total	Supreme/Appeals		Supreme Court		Appeals		Vote on all	
		All	None	All	None	All	None	Partisan Offices	Ballot Measures
All Voters	100%	.464	.275	.588	.323	.497	.311	.768	.695
Race									
White	46.3%	.452 (.002)	.334 (.001)	.556 (.001)	.381 (.002)	.480 (.002)	.379 (.002)	.793 (.002)	.702 (.002)
Non-White	53.7	.484 (.003)	.179 (.002)	.635 (.002)	.229 (.003)	.524 (.003)	.201 (.003)	.719 (.003)	.682 (.004)
Black	10.4	.483 (.006)	.154 (.006)	.653 (.005)	.187 (.007)	.526 (.007)	.180 (.007)	.724 (.006)	.642 (.007)
Latino	32.4	.492 (.006)	.134 (.005)	.652 (.005)	.200 (.007)	.534 (.007)	.149 (.005)	.715 (.008)	.694 (.006)
Asian	10.4	.507 (.02)	.272 (.02)	.607 (.016)	.310 (.018)	.536 (.016)	.295 (.019)	.735 (.019)	.796 (.015)

These racial patterns of participation in judicial retention contests are quite surprising, and an explanation is not immediately evident. One black attorney in Los Angeles speculated that because African Americans have long perceived the judicial branch to be their most reliable ally, and because the criminal justice system is more of an “immediate reality” for a disproportionate number of blacks and Latinos, members of these groups may sense more of a “stake” in the outcome of judicial elections — and therefore feel more compelled to participate in shaping those outcomes. (Davis, 1998).

Findings: Substantive Vote Patterns

Consistent with results from around the state, the typical judge in Los Angeles County won retention in 1994 with just over 60 percent of the yes/no votes cast on his or her name. The typical person voted to retain an average of 38.1 percent judges and reject an average of 23.1 percent (and abstained for the remaining contests).

Voting One Way

These averages, however, mask a considerable degree of yea-saying and nay-saying. Just under one-fifth (19.5 percent) voted to retain all nineteen judges; one in thirteen (8 percent) voted to reject all nineteen judges. Interestingly, this means that well over half (55 percent) of the electorate voted the same way (either yes, no, or abstain) across all nineteen retention decisions. When those who skipped this section of the ballot entirely are excluded, these patterns of “same way” voting are even stronger. Twenty-seven percent voted to retain all judges, while 11 percent voted to reject all. Among those who participated for every retention decision on the ballot, 42 percent voted to retain all and 16 percent voted to reject all.

Such voting was especially common for the three Supreme Court justices, with more than three-fourths voting the same way for all of them — but this slipped only to 62 percent for the 16 Appeals positions. Given the more than five-fold increase in the number of contests, it is remarkable that the percent voting the same way dropped by only thirteen percentage points. In short, regardless of the rank of the office, voters tended to do very little picking and choosing among judges. Much like Griffin and Horan found in Wyoming, most voters marked their ballots the same way for all the names in this section — almost as if registering general satisfaction or dissatisfaction with the judicial system. By contrast, very few voted the same way, either yes (.5 percent) or no (1.0 percent), for all ten ballot measures.

Blacks were considerably more likely than others to vote to retain judges at all levels. As Table 3 shows, ecological inference estimates more than four in ten blacks

voted to retain all three Supreme Court justices, and nearly one-third voted to retain all sixteen Appeals Court judges; very few blacks voted to reject all Supreme Court justices or all Appeals Court judges. By contrast, ecological inference estimates that roughly one-fifth of Latinos and Asians voted to reject all three Supreme Court justices. Fewer than one-fourth of all non-blacks voted to retain all Appeals Court judges.

		All Judges		Supreme Court		Appeals Court	
	Total	Retain All	Reject All	Retain All	Reject All	Retain All	Reject All
Total Electorate	100%	.195	.076	.288	.149	.230	.086
Race							
White	46.3%	.203 (.001)	.082 (.001)	.297 (.002)	.137 (.002)	.241 (.002)	.092 (.001)
Black	10.4	.287 (.006)	.056 (.01)	.409 (.006)	.087 (.05)	.324 (.006)	.066 (.013)
Latino	32.4	.112 (.006)	.069 (.006)	.208 (.007)	.208 (.005)	.139 (.007)	.078 (.004)
Asian	10.4	.182 (.014)	.092 (.107)	.252 (.015)	.195 (.013)	.222 (.013)	.107 (.083)

Organizing Principles

I built a matrix of correlations between votes¹¹ for individual judges, to investigate substantive patterns which might put certain judges together in voters' minds. Uniformly low correlations would indicate voters were "flipping a coin" when deciding how to vote; uniformly high correlations would suggest voters were making similar decisions (retain, reject or abstain) across many judges. A mix of high and low correlations would point to more substantive principles of organization in voters' minds. In fact, the correlations between judicial votes are uniformly very high; almost all of the correlation coefficients are at least $\gamma = .60$, and the average correlation is $\gamma = .72$. Some of the individual correlations are quite strong ($\gamma > .80$) — but there is very little of substance which seems to link these high-correlation judges together. Those with higher correlations had not, for example,

been appointed by the same governor, been in office for a comparable number of years, or shared the same party affiliation¹². (One exception is the highest correlation, which was between votes for the two Latino judges, and will be discussed below.) The best that can be concluded from these universally strong correlations is that voters who chose to retain one judge also tended to retain many judges; those who voted to reject one judge also tended to reject many other judges. Those who abstained also did so often.

There were generally quite weak correlations between votes for individual justices and the overall partisan and ideological vote patterns; voters seemed to use their partisanship and ideology to organize their judicial retention votes to only a small degree. Interestingly, however, there were *negative* correlations between ideology and all judicial retention vote choices; increasing conservatism meant a greater propensity to vote no, almost across the board. This is somewhat surprising, given that all but two of these judges had been appointed by Republican governors. It is possible that conservatives feel more frustration than liberals do with the “liberal judiciary” in general — and translate this frustration into greater anti-retention voting.

A closer examination confirms that Democrats and liberals were somewhat more likely than Republicans and conservatives to retain judges. Straight Republican voters supported 42 percent of the judges and opposed 23 percent (a 19-point spread). Straight Democratic voters supported 49 percent and opposed 20 percent (a 29-point spread). Furthermore, the typical yea-sayer had a net partisan vote pattern of -1.7, considerably Democratic; the typical nay-sayer was +1.2, very much on the net Republican side (F=1537). Ideology was even more closely associated with yea and nay-saying; nay-sayers had an average ideological score of +2.7, which was significantly (F=2570) more conservative than the +1.6 score of the average yea-sayer.

Low Information Cues

Although many people “voted one way” (all yes, all no, or all abstain), a substantial minority did “pick and choose” judges to reject and retain. To what degree did political predispositions interact with low information cues on the ballot to produce distinct patterns of retention and rejection? If voters were using information shortcuts and stereotypes to guide them, supporters of candidates whose names offer clues as to their ideology should differ significantly (in terms of partisanship and ideology) from opponents of those same candidates.

As a more succinct measure of political predispositions, I combined all 16 partisan and initiative votes into a single measure of ideological orientation.¹³ This master index runs from -16 (far left) to +16 (far right), with the average voter scoring +.92. (In other words, the average person cast one more “right” vote than “left” vote.)

Candidates who offered more “liberal” name cues produced a much sharper ideological divergence between supporters and opponents than did candidates whose names offered no such cues. Table 4 summarizes the average net ideological orientation of those who supported and those who opposed each of the nineteen Appeals and Supreme Court candidates; the third column displays the *spread* between supporters’ scores and opponents’ scores. This spread is, essentially, the degree to which each judge’s opponents were farther right than that judge’s supporters. The nineteen candidate names are rank-ordered by degree to which opponents were more conservative than supporters. Notice that all the women and ethnic candidates are near the top of the table, indicating these judges’ opponents were considerably more conservative than their supporters. All of the male and obviously¹⁴ non-ethnic judges are at the bottom of the table, with relatively little ideological divergence between supporters and opponents.

For example, Ramona Perez — a name which includes both ethnic and gender cues — inspired the greatest divergence by ideological orientation. Perez’s

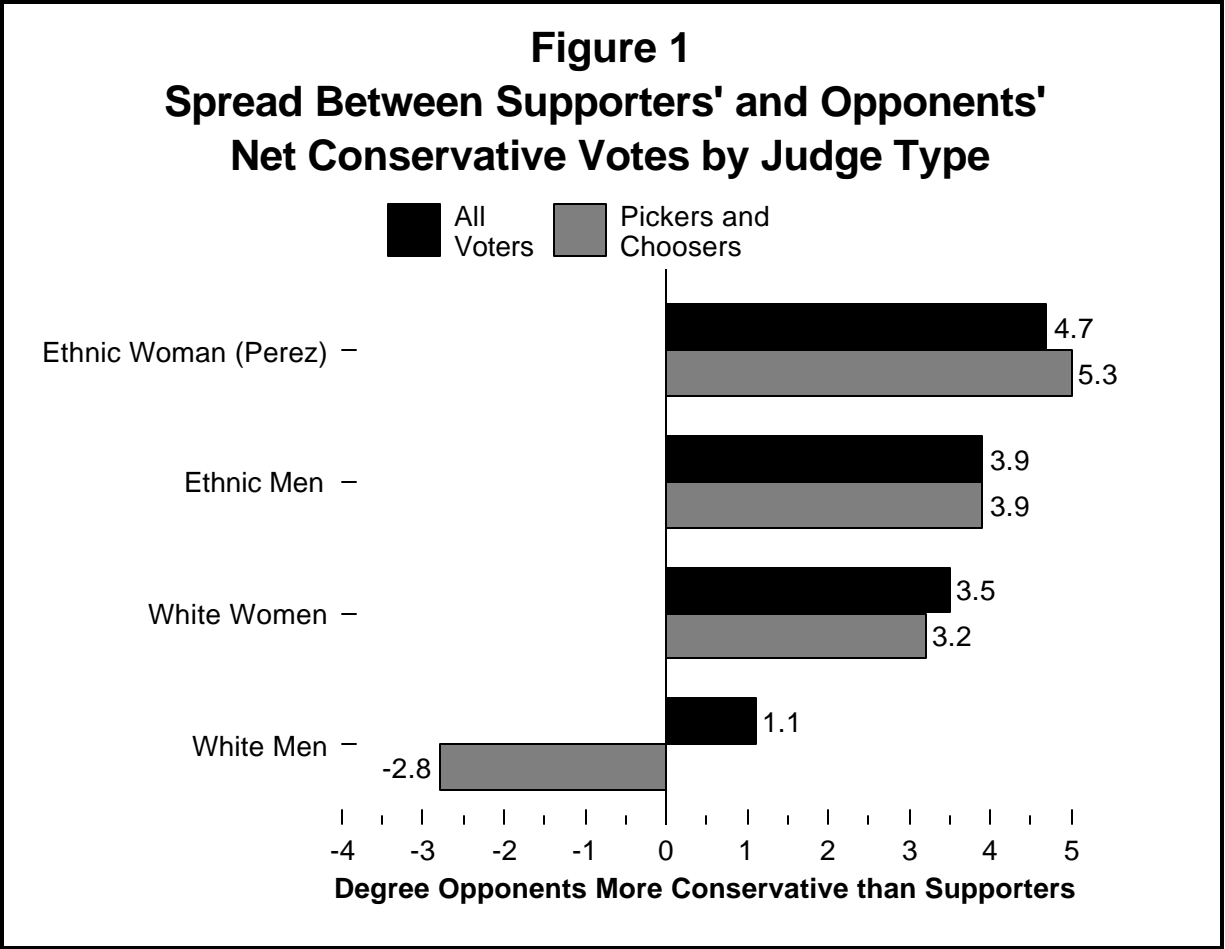
supporters were farther left (average score of $-.93$) and her opponents were farther right ($+3.74$) than the supporters or opponents of any other judge. The *spread* between her opponents' orientation and supporters' orientation is therefore $+4.67$. In other words, Perez's opponents cast (on average) a net five more conservative votes than her supporters did.

Importantly, Reuben Ortega is a registered Republican, was appointed by a Republican, and describes himself as a judicial conservative — but his supporters were only slightly less liberal and his opponents only slightly less conservative than those of Ramona Perez (who is a registered Democrat and a former civil rights attorney). Similarly, although Margaret Gringnon and Kathryn Werdegar are both white Republicans and had been appointed by Republican governors, the ideological orientation of their supporters and opponents was almost indistinguishable from the ideological orientation of supporters and opponents of Arleigh Woods (a liberal Democratic woman appointed by Governor Jerry Brown). Therefore, it seems quite probable that partisan voters were basing their judicial retention choices on gender and ethnic name cues rather than substantive background research.

A slightly different pattern emerges when focusing on only the 45 percent who did not “vote one way” (retain all, reject all, or abstain for all). Among these “pickers and choosers,” opponents of the two Latino judges were even more conservative than supporters — and the spread between opponents and supporters of the white women judges remained substantial. Most interesting, however, are vote patterns for the white male judges. Among all voters, opponents and supporters of white males were nearly indistinguishable. Among “pickers and choosers,” opponents of white male judges were significantly more *liberal* than supporters. In other words, when we eliminate those voters who were largely just ratifying or rejecting the status quo, name cues seem to have motivated ideologues on both the right and the left.

Table 4 Ideological Orientation of Judicial Supporters and Opponents Net Conservative Votes (-16 to +16) among All Voters and Non-Yea/Nay Sayers								
	All Voters N=249,461			"Pickers and Choosers" N=113,249			F-Tests	
	Yes	No	Spread	Yes	No	Spread	All	Pick/Choose
Ramona Perez	-0.93	3.74	4.67	-1.90	3.40	5.30	7823	6326
Reuben Ortega	-0.61	3.30	3.91	-1.20	2.80	4.00	5502	3572
Joyce Kennard	-0.54	2.90	3.44	-1.10	2.20	3.30	4366	2481
Norman Epstein	-0.08	2.49	2.57	-0.18	1.64	1.82	2352	708
Patti Kitching	0.04	2.52	2.48	0.10	1.59	1.49	2113	477
Margaret Gringnon	0.10	2.52	2.42	0.19	1.56	1.37	1973	372
Arleigh Woods	0.11	2.39	2.28	0.23	1.50	1.27	1788	304
Kathryn Werdegar	0.02	2.16	2.14	0.03	1.10	1.07	1600	228
Steven Stone	0.37	2.07	1.70	0.77	0.94	.17	981	5
Orville Armstrong	0.63	1.89	1.26	1.20	0.29	-0.91	498	151
Fred Woods	0.67	1.58	0.91	1.40	0.14	-1.26	276	305
Kenneth Yegan	0.73	1.53	0.80	1.50	-0.03	-1.53	205	451
J Gary Hastings	0.75	1.52	0.77	1.40	-0.30	-1.70	185	557
Richard Aldrich	0.79	1.50	0.71	1.60	0.00	-1.60	166	514
Charles Vogel	0.82	1.44	0.62	1.50	-0.42	-1.92	123	725
Michael Nott	0.90	1.26	0.36	1.90	-0.22	-2.12	46	911
Roger Boren	0.91	1.26	0.35	1.90	-0.25	-2.15	41	944
William Masterson	0.95	1.15	0.20	1.90	-0.50	-2.40	14	1170
Ronald George	1.16	0.61	-0.55	2.50	-0.97	-3.47	107	2631

To further clarify the ideological patterns in retention voting, I combined the judicial candidates into four groups: “White Men,” “White Women,” “Ethnic Men,” and “Ethnic Woman¹⁵.” I then identified the core supporters and opponents¹⁶ of each group of judges and calculated the degree to which core opponents were more conservative than core supporters. As Figure 1 shows, the ideological divergence is greatest when both gender and ethnic cues are salient. However, even when only ethnicity or only gender is available to voters, the spread is still much greater than when neither gender nor ethnic cues are present. (And, among “pickers and choosers,” the spread reverses itself.) In other words, when faced with candidates who offer liberal name cues, opponents are substantially more conservative (by a net 4 or 5 votes) than supporters. When no such cues are present, supporters are more conservative and opponents more liberal.



Because of the similar ideological patterns in voting for all judges with liberal name cues, I further collapsed the nineteen candidates into two groups: “Women/Ethnic¹⁷” and “White Males.” The proportion of the entire electorate voting to retain almost all¹⁸ of the Women/Ethnic judges (26.5 percent) was almost identical to the proportion voting to retain nearly all¹⁹ of the White Male judges (30.7 percent). Similarly, the proportion voting to reject almost all of the Women/Ethnics (14.1 percent) was nearly identical to the proportion voting to reject nearly all of the White Males (15.1 percent). Interestingly, however, those voting against almost all of the Women/Ethnic judges were much farther to the right (+4.0) than those voting to retain them (-.61), for a spread of 4.6. By contrast, opponents of White Male judges were only somewhat farther right (+2.0) than supporters of these judges (+.88), for a

spread of just 1.1. (These spreads were 5.9 and -2.8, respectively, among “pickers and choosers.”)

Overall, taking all yes votes, no votes, and abstentions into account, there were weak (but significant) correlations between support for Women/Ethnic judges and overall ideological orientation ($r=-.14$ among all voters and $r=-.16$ among “pickers and choosers”); in other words, support for these judges decreased somewhat as voters moved farther right. For White Male judges, by contrast, there was almost no relationship between retention votes and ideological orientation among all voters ($r=-.03$). Among “pickers and choosers,” support for White Male judges increased as voters grew more conservative and decreased as voters grew more liberal ($r=+.11$).

Although ideology seems to bear the strongest relationship with retention vote choice, ethnic identification has at least some impact — and especially for Latinos. Table 5 uses ecological inference to estimate the proportion of each racial group supporting and opposing each type of judge. Column 1 shows the estimated proportion of each racial group of voters which can be considered supporters of Women/Ethnic candidates, and column 2 shows the estimated proportion opposing almost all Women/Ethnic candidates. Columns 3 and 4 show the estimated proportions voting to retain nearly all White Males or reject nearly all White Males. Finally, columns 5 and 6 show the estimated proportions voting to retain or reject both of the Latino candidates.

Not surprisingly, a large number (just under half) of Latinos voted to retain both judges with Latino surnames; fewer than one-third of whites did so. Otherwise, however, ethnic groups evidenced little difference in vote patterns for Women/Ethnic judges as a whole versus White Male judges as a whole. For each racial group, roughly the same proportion voted to retain nearly all of both Women/Ethnic judges and White Male judges. More importantly, whites proved to be even bigger supporters of women and ethnic candidates in general than were Latinos. And

although whites were slightly more likely than the average voter to support White Male candidates, the gap was not large.

	Women/Ethnic		White Males		Perez/Ortega Only	
	Supporter	Opponent	Supporter	Opponent	Retain Both	Reject Both
Total	.265	.141	.307	.151	.333	.190
Race of Voter						
White	.262 (.002)	.144 (.002)	.316 (.002)	.136 (.002)	.292 (.002)	.199 (.002)
Black	.404 (.006)	.103 (.005)	.422 (.006)	.117 (.004)	.441 (.005)	.151 (.006)
Latino	.205 (.01)	.152 (.005)	.227 (.006)	.220 (.005)	.438 (.006)	.184 (.006)
Asian	.247 (.013)	.170 (.01)	.281 (.015)	.182 (.014)	.367 (.015)	.186 (.014)

Interestingly, blacks emerged as the biggest ye-a-sayers, regardless of candidate name cues. Relatively large proportions of blacks supported nearly all judges of both types (and very few blacks opposed nearly all judges of either type).

Conclusions

All of these findings underscore the impact of the dearth of information available to voters for judicial retention decisions. Many excuse themselves from this section of the ballot entirely, seemingly conceding that they do not know enough to make informed choices about any of the judges. Those who do stay on the ballot for retention contests do not “pick and choose” much among judges; rather, many seem motivated by a general desire to vote “yes” or “no” for all judges — as if registering a general contentment or protest toward the judicial system as a whole. This is especially true of blacks (who vote to retain a great many judges) and conservatives (who are more inclined than others to reject judges.)

Especially among those who take the trouble to “pick and choose,” low information cues such as gender and ethnicity can serve as low-information cues for both Republicans and Democrats. In voters’ minds, a female, Jew, or Latino with a law

degree *ceteris paribus*, is more likely to be hostile to conservatives and supportive of liberals. In the absence of party labels, many voters appear to use name cues to *infer* the partisan or ideological leanings of judicial candidates.

It should be emphasized, however, that there are otherwise very few substantive patterns in voters' judicial retention votes. Aside from these low-information cues of ethnicity and gender, which partisans and ideologues are the most likely to employ, and apart from "ratifying" or "rejecting" the status quo (yea- or nay-saying), the average voter seems to lack any kind of "guiding principles" around which judicial retention choices are organized.

This research also demonstrates the value of analyzing actual ballot punch cards. The wealth of information available in ballot punch cards has gone largely untapped, in part because of inaccessibility and lack of demographic data. This paper provides suggestions for overcoming these hurdles, and demonstrates that election ballots can add an important perspective to our understanding of voting behavior.

There is some question about the generalizability of these findings. Los Angeles County is in many ways one of the most unique in the country, and these ballots were drawn from only one election. However, support for and opposition to the three Supreme Court justices in Los Angeles County was almost identical to support and opposition for these justices statewide. Furthermore, the ballot patterns I found seemed driven more by low information than anything unique to one particular year in one particular county.

The greater difficulty is in generalizing to other low information contests. This paper does give some confirmation to what we would expect from voters who are confronted, in the polling booth, by candidates about whom they previously knew absolutely nothing. Some (especially those with less of a guiding ideological orientation) abstain, some register general satisfaction or dissatisfaction with the offices those candidates represent, and others (especially the most ideological) work to

glean partisan information from the gender and ethnic cues signaled by the candidates' names. Sometimes voters "guess right" (as in the case of Ramona Perez, Arleigh Woods, and Norman Epstein), but other times these cues can be misleading (as in the case of Reuben Ortega and Katheryn Werdegar).

But how can the effect of name cues be disentangled from the effect of other information available to voters? The analysis in this paper establishes a benchmark, describing in great detail voting behavior when *no* information (apart from that found on the ballot itself) is available to *any* voters. In future research, it would be possible to perform a more thorough investigation the four dozen or so other nonpartisan races across Los Angeles County in 1994 and 1996. (I have also compiled ballots for 1996, but these included no retention races.) These races, which ranged from contests for local water and hospital boards to elections for County Supervisor and State Superintendent of Public Instruction, varied widely in amount of campaign activity and media coverage generated. I would hypothesize that as more money was spent and more media coverage generated, partisan voters should "choose correctly" in greater numbers — and be less distracted by ethnic or gender name cues. A quick preliminary investigation has already yielded some examples of women candidates (even with hyphenated surnames, which is usually a "liberal" cue) in highly contested non-partisan races who attracted strong Republican support.

The present project has established the heavy reliance on name cues and other non-candidate related motivations when voters have zero outside information. Further research should help confirm that greater information leads to less of a reliance on these cues — and help describe with more texture the influence of campaigns on low-information election outcomes.

Appendix

The 1994 ballots are stored on 22 magnetic round-reel tapes. The county registrar’s office²⁰ reads ballots onto these reels one precinct at a time; each reel contains roughly 400 precincts. According to the director of operations, there is no bias whatever to the order in which precincts are read — or which precincts’ ballots end up on which reels. On election night, ballot boxes are stacked haphazardly around a large room, opened in random order, and the punch cards are fed into card readers (which write to the magnetic tape reels).

I used two complete reels: Reel #4 and Reel #14. I selected the reels I did because (1) neither contained any absentee ballots (absentee voters could, conceivably, have done some “homework” when faced with unknown candidates); and (2) these reels contained the largest number of ballots. After compiling all 861 precincts, I confirmed that they were indeed drawn from all over the County (discussed earlier) and closely matched the County’s overall racial profile.

Table A1		
Racial Profile of Full County and Sample Precincts: 1990 Census VAP		
	Sample Precincts	Los Angeles County
Non-Latino White	46.3%	45.6%
Latino	32.4	33.3
Non-Latino Black	10.4	10.8
Non-Latino Asian	10.4	10.8

Furthermore, as Tables A2 and A3 demonstrate, the ballots used in this analysis are highly representative of those cast throughout the County.

Table A2						
Judicial Retention Races: Ballots and Official LA County Results						
<i>"Yes" and "No" are percent of those not abstaining for that race</i>						
Judge	Ballots			Official L.A. County Results		
	Yes	No	Abstain	Yes	No	Abstain
Richard Aldrich	63.3%	36.7	39.6	63.8%	36.2	41.5
Orville Armstrong	67.5%	32.5	40.2	68.1%	31.9	42.0
Roger Boren	61.4%	38.6	39.7	62%	38	41.5
Norman Epstein	60.1%	39.9	38.3	60.8%	39.2	40.0
Ronald George	58.4%	41.6	38.3	59.3%	40.7	39.8
Margaret Gringnon	62.8%	37.2	40.2	63.3%	36.7	41.9
J. Gary Hastings	68.0%	32.0	39.1	68.4%	31.6	41.0
Joyce Kennard	62.6%	37.4	35.8	63.2%	36.8	37.4
Patti Kitching	62.6%	37.4	39.9	63.1%	36.9	41.0
William Masterson	63.3%	36.7	38.2	63.8%	36.2	40.2
Michael Nott	60.8%	39.2	39.9	61.4%	38.6	41.7
Reuben Ortega	62.4%	37.6	37.8	62.8%	37.2	39.7
Ramona Perez	62.1%	37.9	39	62.6%	37.4	40.7
Steven Stone	61.3%	38.7	40.6	62%	38	42.3
Charles Vogel	67.8%	32.2	39.4	68.5%	31.5	41.1
Kathryn Werdegar	63.2%	36.8	37.6	63.9%	36.1	39.1
Arleigh Woods	60.5%	39.5	39.8	61.2%	38.8	41.6
N. Fred Woods	62.9%	37.1	39.9	63.6%	36.5	41.7
Kenneth Yegan	63.7%	36.3	40.7	64.4%	35.6	42.7

Table A3						
Partisan Offices: Ballots and Official LA County Results						
<i>"Other" Includes minor parties, invalid punches, and abstentions</i>						
Office	Ballots in Sample			Official L.A. County Results		
	GOP	Dem	Other	GOP	Dem	Other
Governor	49.8%	46.4	3.8	50.4%	46.1	3.5
Lieutenant Governor	34.7%	58.1	7.2	35.3%	58.1	6.6
Secretary of State	38.7%	50.3	11	39.1%	50.8	10.1
Controller	38.1%	55.9	6	39.2%	55.1	5.7
Treasurer	42.9%	47.2	9.9	44%	46.9	9.1
Attorney General	47.3%	45.9	6.8	48.4%	45.3	6.3
Insurance Commissioner	42.3%	50.7	7	43%	50.2	6.8

Table A4

Background Information for Judicial Retention Candidates

Source: Profiles of judges originally published in the *Daily Journal* and compiled by UCLA Law School Library.

Information on Ballot			Information NOT on Ballot		
Judge	Ballot Order	Position	Party	Year Appointed	Appointed By
Richard Aldrich	8	Div. 3, Associate Justice	R	1994	Wilson (R)
Orville Armstrong	14	Div. 5, Associate Justice	Unknown	1992	Wilson (R)
Roger Boren	6	Div. 2, Presiding Justice	R	1993	Wilson (R)
Norman Epstein	12	Div. 4, Associate Justice	D	1990	Deukmejian (R)
Ronald George	2	Supreme Ct. Assoc. Justice	R	1991	Wilson (R)
Margaret Gringnon	15	Div. 5, Associate Justice	R	1987	Deukmejian (R)
J. Gary Hastings	13	Div. 4, Associate Justice	R	1993	Wilson (R)
Joyce Kennard	1	Supreme Ct. Assoc. Justice	Unknown	1989	Deukmejian (R)
Patti Kitching	9	Div. 3, Associate Justice	Unknown	1993	Wilson (R)
William Masterson	4	Div. 1, Associate Justice	Unknown	1993	Wilson (R)
Michael Nott	7	Div. 2, Associate Justice	R	1990	Deukmejian (R)
Reuben Ortega	5	Div. 1, Associate Justice	R	1988	Deukmejian (R)
Ramona Perez	16	Div. 5, Associate Justice	D	1993	Wilson (R)
Steven Stone	17	Div. 6, Presiding Justice	D	1982	Brown (D)
Charles Vogel	11	Div. 4, Associate Justice	R	1993	Wilson (R)
Kathryn Werdegar	3	Supreme Ct. Assoc. Justice	R	1994	Wilson (R)
Arleigh Woods	10	Div. 4, Presiding Justice	D	1980	Brown (D)
N. Fred Woods	19	Div. 7, Associate Justice	R	1988	Deukmejian (R)
Kenneth Yegan	18	Div. 6, Associate Justice	R	1990	Deukmejian (R)

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Endnotes

¹ These sixteen judges all sit on the Second District of the State Court of Appeal. The sixteen include judges from all seven Divisions within the Second District. All seven Divisions cover the Counties of Los Angeles, San Luis Obispo, Santa Barbara, and Ventura. Los Angeles County accounts for 82 percent of the votes in the Second District.

² The *Times* did run one story (Bray, 1994) reporting Bar evaluations of one of these judges — but only in the Ventura County edition of the newspaper, and only for his performance as a trial court judge.

³ A composite measure based on four National Election Study questions.

⁴ Without the assistance of Peter Saama, a university consultant, none of this data translation would have been possible. Many thanks also to Gretchen Kalsow (University of Virginia) and Gayle Willis, analyst with the LA County Recorder's Office, for their help in understanding these data formats. Any errors remain my own.

⁵ Complicating matters, however, names in all partisan contests are rotated by assembly district; Kathleen Brown might correspond to punch #1 in some precincts but punch #4 in others. In addition, varying numbers of local races (with varying numbers of candidates) also made the precise ballot layout vary from precinct to precinct. All told, there are hundreds of versions of the ballot across Los Angeles County, and building a final data file from these ballots was an enormous undertaking.

⁶ Races used, in ballot order: Governor, Lt. Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, State Board of Equalization, U.S. Senator, U.S. Congress, and State Assembly. State Senate was excluded because only half of the voters had a State Senate election.

⁷ Propositions 181 (Rail/Clean Air bond), 184 (Three Strikes), 185 (gas tax increase), 186 (state-run health care), and 187 (deny public services to illegal immigrants). Conservative votes coded +1, liberal votes coded -1, abstentions coded 0. In classifying votes as "liberal" or "conservative," I use contemporary elite discourse and endorsements as the objective standard. Conservative votes are No on 181, Yes on 184, No on 185, No on 186, and Yes on 187. Liberal votes are the inverse.

⁸ Compiled from U.S. Census data by the Institute of Governmental Studies, U.C. Berkeley. Data and documentation available from <http://www.igs.berkeley.edu:8880/>

⁹ Details about this methodology, and public domain software, are available from Professor King's web site, <http://gking.harvard.edu>. Section III of King's book provides a much more complete technical explanation of this methodology than is possible here.

¹⁰ Because of the highly skewed distributions of these variables, Gamma is a more appropriate measure of association than Pearson's *r*. When the distribution of either variable is far from normal, Pearson's *r* is limited in its ability to detect relationships.

As MacRae (1970) shows, however, Gamma is an excellent measure of association for these situations; it can be thought of as the probability that a random pair of observations is concordant minus the probability that the pair is discordant. Gamma is symmetric and ranges between -1 and +1.

¹¹ Judicial votes coded -1 (No), 0 (abstain) and +1 (Yes). Correlation matrix is available from the author upon request.

¹² Table A3, in the appendix, supplies these background characteristics. Note that party affiliations were *not* listed on the ballot, but I have gathered these from published interviews with the candidates.

¹³ For this index, votes for all right-wing or right-leaning parties (Republican, Libertarian, and American Independent) are treated as “conservative.” Likewise, votes for left-wing or left-leaning parties (Democrat, Green, and Peace & Freedom) are considered “liberal.” In the one assembly district and one congressional district with no opposition on the Right, abstention is considered a “conservative” vote.

¹⁴ Although Steven Stone is Jewish, voters almost certainly did not recognize that name as such. Interestingly, however, among White Males, Stone’s supporters and opponents most closely resemble those of Women/Ethnic judges.

¹⁵ Although Arleigh Woods is black and Joyce Kennard is of mixed Asian/European ancestry, voters almost certainly would not have recognized those names as “ethnic.” For this reason, Ramona Perez is the only judge I included in the “Ethnic Woman” category.

¹⁶ “Supporters” and “opponents” defined slightly differently for each group of judges. Ethnic men: voted to retain both Norman Epstein and Reuben Ortega (supporter, 31.4 percent of the electorate) or to reject both of them (opponent, 18.4 percent of the electorate). White Women: voted to retain at least four of the five candidates (supporter, 31.5 percent of the electorate) or voted to reject at least four of the five (opponent, 17.6 percent of the electorate). White Men: voted to retain at least nine of the eleven candidates (supporter, 30.7 percent of the electorate) or to reject at least nine of the eleven (opponent, 15.1 percent of the electorate). Ethnic Woman: Voted to retain Ramona Perez (37.9 percent) or reject Ramona Perez (23.1 percent).

¹⁷ Ramona Perez, Reuben Ortega, Joyce Kennard, Margaret Gringnon, Patti Kitching, Norman Epstein, Arleigh Woods, and Kathryn Werdegar.

¹⁸ Defined as at least seven of the eight candidates.

¹⁹ Defined as at least nine of the eleven candidates.

²⁰ The Los Angeles County Registrar’s office can be contacted at 562/462-2748. It is located at 12400 Imperial Hwy., Norwalk, CA 90651.