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Peeverill Squire

Eric R. A. N. Smith

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The Effect of Partisan Information on Voters in Nonpartisan Elections

Peeverill Squire
University of Iowa

Eric R. A. N. Smith
University of California, Santa Barbara

How does partisan information affect individual voting behavior in nonpartisan elections? Using data from a 1982 California Poll survey on state supreme court confirmation elections we demonstrate that nonpartisan elections are easily turned into partisan contests in the minds of voters. Partisan information increases the probability of an individual holding an opinion on the elections, and results in votes which are based on the respondent's partisan identification and opinion of the governor who appointed the justice. The implications of these results for nonpartisan elections in general and merit retention contests in particular are also discussed.

Political scientists do not know a great deal about individual voting behavior in nonpartisan elections. In such contests voters must decide for whom to cast their ballots without the benefit of partisan labels, usually the most important bit of information. Much of what we do know about voting behavior in these elections has been generated by analyses of aggregate level data (e.g. Lee, 1960; Salisbury and Black, 1963; Hawley, 1973). Among other things, these studies have suggested that not all voters in nonpartisan contests lack partisan information about the candidates.

In this paper we concern ourselves with how the introduction of partisan cues affects individual voter behavior in nonpartisan elections. Survey data collected on the November 1982 California state supreme court confirmation contests present an excellent opportunity to investigate this question.¹ In August 1982, the California Poll asked 1007 respondents whether they would vote to keep or remove each of four justices on the bench. What makes these data most useful for our investigation is that the Field organization split their sample. Roughly half of the respondents ($N = 502$) were asked simply if they would vote to confirm or remove each individual justice.² The other half of

* We thank Gregory Caldeira, Robert Y. Shapiro and John Wright for their comments on various drafts of this paper. As always, any errors are our responsibility.

¹Data for this study, originally collected by the Field Research Corporation, were provided by the University of California State Data Program, Berkeley. These organizations are not responsible for the analysis and interpretation of the data appearing here.

²The wording of question 24b of California Poll 8205 is: "In the November election voters will be asked to vote for or against a number of State Supreme Court Justices who are now serving in

the sample ($N = 505$) was asked the same question but also told whether then Governor Jerry Brown or his immediate predecessor, Ronald Reagan, appointed the justice.³ Given the partisan information contained in the second question we might expect the responses it elicits to differ from those given to the first one. But in what ways do the two contrast?

The quasi-experimental nature of this survey allows us to demonstrate that nonpartisan elections are easily turned into partisan contests in the minds of voters. We find that the provision of partisan information increases the probability of an individual's holding an opinion on the election. Moreover, where a respondent's education level largely determines whether an opinion is held or not with no information given, partisan variables become most important when partisan information is present. A similar relationship holds with support or opposition to confirmation. Providing partisan information turns a previously unstructured response into one which is dominated by a respondent's party identification and, in this particular case, opinion of the appointing official.

VOTERS AND MERIT RETENTION ELECTIONS

The elections under examination are nonpartisan, uncontested confirmation contests. Voters are presented with the choice of confirming or removing a justice. The voting decision is not between two or more candidates.⁴

Almost all candidates in merit retention elections are retained, usually by substantial margins (Griffin and Horan, 1979, pp. 79–80; Jenkins, 1977). But most judges receive some negative votes, typically between 20 and 30 percent of the total, regardless of their record (Griffin and Horan, 1979, p. 80). It may be that negative ballots are just protests against an incumbent, that people evaluate judicial candidates on their records and arrive at different conclusions, or that some are voting on the basis of partisan information.

Most voters in any sort of judicial election know very little about the candi-

office. As I read each one please tell me as of now whether you would vote to have that person remain on the court or be removed. The first is (READ NAME OF PERSON CHECKED). Would you vote to have him stay on the court or be removed?"

³Question 24a is the same as 24b except that the name of the appointing governor is also given. For example, the phrase used under this format was "Justice Cruz Reynoso, appointed by Governor Jerry Brown," or "Justice Frank Richardson, appointed by Ronald Reagan when he was governor."

⁴The California state Supreme Court has a chief justice and six associates, all of whom are appointed by the governor and approved by the Commission on Judicial Appointees. The justices serve twelve year terms. Their appointments are submitted to the voters for approval at the first gubernatorial election following their selection and again at the end of their terms. (Historically justices have little trouble getting electoral approval, although three justices were denied confirmation in the November 1986 election.)

dates (Johnson, Shaefer, and McKnight, 1978; Lovrich and Sheldon, 1983). Lack of knowledge appears to characterize California supreme court confirmation elections. When asked by the California Poll in October 1982 to name the chief justice of the state supreme court, only 43 percent of the respondents correctly stated Rose Bird, despite the fact that she has a memorable name, was the first woman appointed to the court and was very controversial (e.g., Stolz, 1981). This certainly suggests that Bird's less newsworthy colleagues were much less well known.⁵ We can expect that most voters did not know the names of the four justices on the ballot, much less anything substantive about their records.

On what basis, then, do voters make their decisions on such races? Adamany and Dubois (1976, p. 760) report that "where neither formal election arrangements nor political resources are partisan . . . judicial electorates do not divide along party lines." California's merit retention elections are of this sort. What substitutes for partisan information or cues in these elections?

The answers produced by studies point to many different factors: most prominently, bar poll ratings, incumbency, newspaper endorsements and voter pamphlets (Dubois 1979, 1984; Goldstein, 1980; Lovrich and Sheldon, 1982; Volcansek, 1981). All of these cues probably do influence voting decisions, but the relative weight of each varies among elections and electorates. The most important thing from our perspective, however, is that partisan cues are very rarely discussed in the context of nonpartisan judicial elections. The data presented here allow us to examine the influence of partisan cues in a nonpartisan election where voters have only minimal information.

Other aspects of the elections being examined make them of additional interest to our investigation. Of the four justices up for confirmation, three were recent appointees of then Governor Jerry Brown, Jr. The other justice was placed on the bench by Brown's immediate predecessor, Ronald Reagan. The Brown appointees were Cruz Reynoso, the first Hispanic to serve on the state Supreme Court, Allen Broussard, the first Black justice to face the voters, and Otto Kaus. The Reagan selection was Frank Richardson, who had served on the court for eight years. Thus the four justices on the ballot were appointed by prominent partisan politicians about whom people held differing opinions, and represented a varied ethnic and racial mix.

THE EFFECTS OF PARTISAN INFORMATION

What difference does the provision of partisan information make in a nonpartisan election? A first answer to this question is provided in table 1, which

⁵A check of the number of entries under each name in *Bell and Howell's Index to the Los Angeles Times* for 1982 shows 48 stories involving Bird, 31 on Reynoso, 24 on Broussard, 24 on Kaus, and 16 on Richardson.

TABLE 1
SUPPORT FOR JUDICIAL CONFIRMATION
WITH AND WITHOUT PARTISAN INFORMATION, IN PERCENT

Justice	Confirm	Remove	No Opinion
Reynoso	31	11	58
Reynoso (Brown)	34	27	39
Kaus	29	7	63
Kaus (Brown)	33	21	45
Broussard	31	8	61
Broussard (Brown)	32	22	46
Richardson	36	5	59
Richardson (Reagan)	41	15	44
N (no information) = 408			
N (information) = 402			

Source: Data collected by the Field Research Corporation, California Poll 8205, August 23-27, 1982.

shows the simple frequencies for each question.⁶ The addition of partisan information produces a substantial reduction in the number of respondents having no opinion. This drop ranges from 15 to 19 percentage points. While the increase in respondents wishing to confirm the justices rises only between 1 and 5 percentage points, the growth in the numbers seeking removal is more impressive: 10 to 16 points. Thus information about who appointed the justices results in much greater opposition to confirmation, regardless of whether the appointing executive was a liberal Democrat or a conservative Republican.⁷

The evidence from table 1 indicates that partisan information in nonpartisan elections helps crystallize opinion. This finding is interesting, if not surprising. Larger questions, however, still loom. What is it that the partisan information triggers? Do voters take that knowledge and evaluate judicial confirmation in relation to their opinion of the appointing official, their personal political ideology or partisan identification? What role does the respondent's education play in the use of this information?

⁶Only respondents who claim to be registered to vote are used because we are interested in the behavior of voters, not all citizens.

⁷A subsequent survey taken in late October, just before the general election, showed a similar phenomenon. The responses to questions asking whether to confirm or remove each justice—without the provision of additional information—produced a ten-point drop in no opinion for each justice compared to the same questions in the August poll. Like the August results discussed here the increase in opinion was skewed toward removal. We might speculate that this is due to the circulation of partisan information about the nonpartisan election.

The resolution of these questions requires multivariate analysis. Because the dependent variables—opinion holding and position on confirmation—are dichotomous, we have employed probit analysis.

Under any circumstances we would expect the probability of an individual holding an opinion to increase with education, particularly when no information is supplied (Campbell, Converse, Miller and Stokes, 1960, p. 175). Education might also be related to the opinion which is held with better educated people more supportive of the idea of an independent judiciary, less apt to be swayed by partisan concerns and more likely to favor confirmation.

The strength of party identification may be related to opinion holding. Individuals who are strong party identifiers may already be predisposed to support or oppose confirmation based on partisan criteria, without being provided such information. We might also expect that the stronger the party identification the more likely an individual is to cue off partisan information when given.

The direction of party identification should matter on confirmation position. We would certainly expect Democrats to favor confirmation of Brown's appointees and Republicans to be opposed, with the positions reversed on Reagan's justice. With no information provided, however, these relationships may not manifest themselves.

Similarly, evaluation of the appointing politician may determine if an opinion is held and what that opinion is.⁸ Those who rate Brown or Reagan favorably will likely support their appointees; those who do not may oppose them. But these attitudes may not surface without providing information about the appointing official.

It might also be the case that personal ideology, not party identification or opinion on Brown or Reagan proves important. The exact relationship between ideology and opinion holding or confirmation position is not clear. Perhaps liberals may be willing to confirm all four justices and conservatives not because the former are more favorable toward the institution than are the latter. But it might also be the case that liberals, regardless of party identification, will support Brown's judges and not Reagan's while conservatives of any partisan stripe will have the opposite reaction.

Finally, being Hispanic or Black may have an independent effect on opinion holding and support for confirmation. Pomper (1966) has found that ethnic and racial considerations can substitute for party labels in nonpartisan elections. Hispanics, given the ease with which Cruz Reynoso's name can be identified, are likely to have both an opinion on his confirmation and to favor

⁸The questions used to rate Brown and Reagan are, "What kind of job do you think Jerry Brown is doing as Governor of California—an excellent, fair, poor or very poor job?" and "Overall, what kind of job do you think Ronald Reagan is doing as president of the U.S.—an excellent, good, fair, poor or very poor job?"

TABLE 2

PROBIT EQUATIONS WITH AND WITHOUT PARTISAN INFORMATION
DEPENDENT VARIABLE: HOLDING AN OPINION OR NOT

Variables	Reynoso		Broussard	
	No Info ^a	Info	No Info	Info
Education	.217*	.064	.147*	.056
	(.060)	(.060)	(.060)	(.058)
Strength of Party Id	-.099	.060	.186*	.129
	(.074)	(.072)	(.075)	(.071)
Ideology	-.013	-.024	.022	-.011
	(.041)	(.043)	(.041)	(.042)
Reagan Rating	-.060	-.086	-.014	-.047
	(.066)	(.063)	(.066)	(.061)
Brown Rating	-.178*	-.139*	-.158*	-.179*
	(.066)	(.066)	(.067)	(.065)
Hispanic	.725*	.634*	.517*	.182
	(.239)	(.265)	(.232)	(.240)
Black	.376	.038	.310	.235
	(.243)	(.260)	(.243)	(.261)
Constant	-.483	.598	-.925	.205
	(.435)	(.446)	(.438)	(.261)
N	389	384	389	384

Variables	Kaus		Richardson	
	No Info	Info	No Info	Info
Education	.128*	-.026	.116*	.006
	(.059)	(.058)	(.059)	(.058)
Strength of Party Id	.097	.061	.239*	.038
	(.074)	(.071)	(.075)	(.072)
Ideology	-.004	-.049	.005	-.040
	(.041)	(.042)	(.041)	(.042)
Reagan Rating	.018	-.103	-.004	-.038
	(.065)	(.062)	(.065)	(.061)
Brown Rating	-.056	-.128*	-.057	-.146*
	(.066)	(.064)	(.065)	(.064)
Hispanic	.231	.092	.257	.100
	(.230)	(.239)	(.230)	(.239)
Black	.216	.113	.188	.181
	(.243)	(.260)	(.241)	(.260)
Constant	-.908	.585	-1.145	.670
	(.436)	(.440)	(.425)	(.440)
N	389	384	389	384

Source: Data from California Poll 8205.

^aThe column entries are probit coefficients. The numbers in parentheses are standard errors.

* Statistically significant at $p < .05$ or better.

it before being provided with the additional information. These tendencies may not carry over to the other judges on the ballot. Blacks may not be aware of Justice Allen Broussard's race, and consequently may not provide him the same level of support expected from Hispanics for Reynoso.

The probit coefficients for eight separate equations on opinion holding—one on the sample with partisan information and one on the sample without partisan information for each of the four justices—are presented in table 2. (The coding of the independent variables is given in the appendix.) The most striking finding across all four sets of equations involves the role of education. As we expected, education has a large and statistically significant impact on the probability of holding an opinion when no additional information is given. The better educated the respondent, the more likely he or she is to have some position on confirmation. The addition of partisan information, however, almost removes this relationship. In every case the size of the coefficient for education is reduced—in one case it takes the wrong sign—and is statistically insignificant.

On average, an individual who did not graduate from high school has only a 30 percent probability of holding an opinion without additional information, while a college graduate has a 47 percent probability.⁹ Provision of partisan information changes those probabilities to 55% and 58% respectively, reducing the gap from 17 to only 3 points.

In the no-information equations for Reynoso and Broussard a few other variables influence the probability of holding an opinion. Evaluation of Governor Brown is negatively related to opinion holding; those who do not like the governor the most are 19% more likely to have a position on confirmation than those who rate him highly. A similar relationship appears between strength of party identification and opinion holding, particularly in the Broussard and Richardson equations. The strongest party identifiers are 23% more apt to have an opinion than Independents.

As expected, Hispanics are more likely to have a position on Reynoso's confirmation, even without the benefit of partisan information. Indeed, Hispanics have a 68% probability of expressing an opinion while non-Hispanics have only a 42% likelihood. On Justice Broussard, Hispanics are also 20% more likely to have an opinion than non-Hispanics. Blacks come close to exhibiting the same relationships, but the coefficients are both smaller and less significant. In regard to their failure to express opinions on Broussard, these results probably evidence a lack of information about the justice's minority status.

What changes with the addition of partisan information? As noted above, education no longer influences opinion holding. That is, the introduction of partisan information erases the advantage of the better educated. What does

⁹These probabilities and others reported below are calculated from the equations in tables 2 and 3 using the procedure explained in Wolfinger and Rosenstone (1980, p. 123).

TABLE 3

PROBIT EQUATIONS WITH AND WITHOUT PARTISAN INFORMATION
DEPENDENT VARIABLE: POSITION ON CONFIRMATION

Variables	Reynoso		Broussard	
	No Info ^a	Info	No Info	Info
Education	.169 (.109)	.172 (.089)	.059 (.107)	.130 (.091)
Party Id	.122 (.077)	.199* (.058)	-.042 (.077)	.131* (.058)
Ideology	-.014 (.080)	-.019 (.063)	-.022 (.079)	.070 (.064)
Reagan Rating	-.180 (.143)	.066 (.096)	-.165 (.139)	-.094 (.098)
Brown Rating	.423* (.134)	.630* (.105)	.467* (.142)	.419* (.106)
Hispanic	.293 (.397)	.034 (.331)	.239 (.405)	-.135 (.376)
Black	-.375 (.484)	2.913 (4.760)	-.580 (.445)	2.832 (5.345)
Constant	-.546 (.830)	-2.951 (.637)	.360 (.799)	-1.604 (.621)
N	171	236	159	211

Variables	Kaus		Richardson	
	No Info	Info	No Info	Info
Education	.210 (.116)	.016 (.093)	.158 (.118)	.082 (.092)
Party Id	.107 (.079)	.042 (.062)	-.009 (.073)	-.024 (.063)
Ideology	.116 (.089)	.068 (.069)	.046 (.081)	-.110 (.060)
Reagan Rating	-.025 (.161)	-.104 (.101)	-.032 (.145)	.458* (.101)
Brown Rating	.226 (.141)	.614* (.115)	.130 (.139)	.037 (.104)
Hispanic	.363 (.465)	.289 (.447)	.038 (.435)	.324 (.374)
Black	.240 (.610)	2.723 (4.972)	-.373 (.438)	.730 (.375)
Constant	-.973 (.924)	-1.361 (.628)	.376 (.845)	-.475 (.594)
N	150	213	168	218

Source: Data from California Poll 8205.

^aThe column entries are probit coefficients. The numbers in parentheses are standard errors.

*Statistically significant at $p < .05$ or better.

appear to matter is the respondent's opinion of the current governor. In every equation, evaluation of Brown is negatively related to position on confirmation, with those who think the governor is doing a very poor job an average of 23% more likely to have a position on confirmation than those who rate the governor's performance highly.

What determines the content of these opinions? The results of four sets of probit equations addressing this question are reported in table 3. Overall, very little structures the position on confirmation with no additional information. Only 2 of the 28 independent variables in the four no information equations are statistically significant; evaluations of Governor Brown are positively related to confirmation position on his appointees, Reynoso and Broussard. Coefficients for several other variables in the equations approach traditional levels of significance, but they do not fit any recognizable pattern and can be considered flukes.

The addition of information on who appointed the justices provides structure to positions on confirmation. In all four information equations evaluation of the appointing governor is related to support of or opposition to confirmation. Those who gave Brown an excellent rating are 93% likely to favor confirming his appointees, while those who give the governor a very poor evaluation are only 35% likely to support those justices. Moreover, in two of the equations—Reynoso and Broussard—party identification is substantively and statistically significant, and the coefficients are in the right direction in the other two equations. The more Democratic the respondent, the more likely he or she is to favor confirmation of Brown's appointees and to oppose Reagan's selection.

In none of the information equations is education or ideology important. Likewise, being Hispanic or Black fails to matter with other characteristics controlled, a surprising finding. Given that evaluation of the appointing governor and party identification matter and other variables do not, it appears that individuals in low information elections will use available information to structure their position or vote. In this case, indirectly partisan information can be used to key a partisan response to a nonpartisan contest.

CONCLUSION

We have no evidence on how much partisan or other information about nonpartisan candidates voters take with them into the voting booth. We can expect, however, that most voters will know little about the candidates or issues and that some number of them will pick up on partisan cues in the environment, such as the one used in this study. The evidence uncovered and analyzed here suggests strongly that voters will use partisan information to structure their voting decisions on nonpartisan contests. This finding has important implications for nonpartisan elections in general and merit retention elections in particular.

Nonpartisan elections were, of course, instituted as a means of removing political parties from the electoral process. Voters were supposed to make their decisions on the basis of other information; ideally the candidates' qualifications and platforms. This is a rather heavy burden to place on voters because rational behavior dictates that they attempt to minimize information costs (Downs, 1957). Party identification is the most important savings device; consequently, it is not surprising to learn that, when possible, people employ it, even in nonpartisan elections.

Nonpartisan elections do not fulfill their promise if voters approach them with a partisan orientation. This is a particularly serious problem for merit retention elections. Because they are designed to remove the taint of partisan politics from judicial selection, they are failures if it turns out that voters cast their ballot on the basis of evaluation of the appointing official or party identification, not on the justice's merits. Given the low profile of judicial elections, we may have electorates in merit retention contests which have no basis for making decisions. Learning who appointed the justice helps structure their voting response and indeed, may provide them more information about the justice's record and credentials than other cue.

The findings presented here also have implications for practical politics. The data in table 1 show that the provision of partisan information produces a drop in the number of respondents having no opinion and a resulting increase in the number of voters opposed to the justices. The final election results also show this trend; only 52% voted for Reynoso's confirmation, 56% for Broussard, 57% for Kaus, and 76% for Richardson. All three of Brown's appointees had over 40% of the voters opposed to their staying on the bench. The direction of these shifts suggests that an organized campaign opposing confirmation can prove successful. Voters respond to partisan information, and any predisposition toward approving confirmation can be overcome. The recent defeat of Chief Justice Rose Bird and two of her colleagues evidences the power of organized opposition, even in merit retention contests. Consequently, future confirmation elections may be the sort of partisan campaigns we suggest are possible based on the findings reported here.

APPENDIX

CODING OF INDEPENDENT VARIABLES

Black: 0 = non-Black, 1 = Black.

Brown Rating: 1 = very poor, 2 = poor, 3 = fair, 4 = good, 5 = excellent.

Education: 1 = less than high school graduate, 2 = high school or vocational school graduate, 3 = some college, 4 = college graduate, 5 = some graduate education

Hispanic: 0 = non-Hispanic, 1 = Hispanic.

Ideology: 1 = strong conservative, 2 = not very strong conservative, 3 = conservative leaner, 4 = middle-of-the-road, 5 = liberal leaner, 6 = not very strong liberal, 7 = strong liberal.

Party Identification: 1 = strong Republican, 2 = weak Republican, 3 = Republican leaner, 4 = independent, 5 = Democratic leaner, 6 = weak Democrat, 7 = strong Democrat.

Reagan Rating: 1 = very poor, 2 = poor, 3 = fair, 4 = good, 5 = excellent.

Strength of Party Identification: 1 = independent, 2 = Republican or Democratic Leaner, 3 = weak Republican or Democrat, 4 = strong Republican or Democrat.

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