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April 7, 2025

Top of the Ticket to the Bottom of the Ballot:  
Non-Judicial Campaigns Impact on State Supreme Court Elections

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An abstract of  
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## Abstract

### Top of the Ticket to the Bottom of the Ballot:

#### Non-Judicial Campaigns Impact on State Supreme Court Elections

By Maya Rezak

In recent years, the judiciary's role in deciding salient political issues is increasingly evident. As high-profile court cases decide controversial issues such as reproductive rights, election disputes, LGBTQ rights, and gun laws, the electorate's stake in judicial elections increases. While many judges are elected, most of these races are low information, where voters do not know much about the candidates on the ballot. Additionally, judicial elections are often uncontested, and incumbents experience significant advantages. Previous studies have demonstrated that one way that voters make decisions on judicial elections is through other elections on the same ballot. In particular, campaigns disseminate their message through social media, television advertisements, and debates. This study aims to examine what the role of top of ticket campaign activities plays in down-ballot elections. By analyzing the language used in gubernatorial and senatorial debates, this study seeks to determine whether the salience of judiciary-related issues impact competition in State Supreme Court elections on the same ballot. This research will highlight how rhetoric used by campaigns may have a broader impact on elections.

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## Introduction

*Varnum v. Brien*, a 2009 Iowa State Supreme Court case, legalized same-sex marriage in the state. The decision in this case upheld a lower court's decision that declared Iowa's existing law prohibiting same-sex marriage unconstitutional (*Varnum v. Brien* 2009). As a result, Iowa became the third state to legalize same-sex marriage. Prior to Iowa, court decisions legalized same-sex marriage in Massachusetts and Connecticut (*Goodridge v. Department of Public Health* 2003, *Kerrigan v. Commissioner of Public Health* 2008). In the few years that followed, numerous other states instated marriage equality, culminating in the United States Supreme Court decision that federally legalized same-sex marriage (*Obergefell v. Hodges* 2015). In about a decade, court decisions drastically altered the status quo for marriage equality in the United States. State Supreme Courts were at the forefront of this transformation, wielding significant power over the policy direction of their respective states.

Despite that, most voters often overlook State Supreme Court elections relative to other statewide elections on the ballot. While many people know who their governor and senators are, far fewer can name a single member of their state's supreme court. State Supreme Court elections are low-information elections, which refer to when "voters do not have a lot of information about candidates before casting their vote" (Shieh et al. 2024). With limited information, voters must rely on other cues, such as top-of-ticket campaigns, to determine which candidate to vote for.

How do top-of-ticket races impact competition in judicial elections? And how do partisan labels affect voter participation in State Supreme Court Elections? The issue of how judges get elected is critical to the function and direction of the court system. Judges have significant power to make decisions on different policies that affect voters. Despite the immense power granted to

them, relatively few voters actually participate in these elections. By examining rhetoric used in other races, I seek to determine how concurrent campaigns and partisan labels affect voters and their decision-making in judicial elections. These are important questions particularly in light of the increasing scrutiny of and relevance of court decisions regarding major political issues.

As these campaigns increase the salience of judicial issues, more attention will be paid to judicial elections. When top-of-ticket candidates talk about salient judicial issues, their down-ballot counterparts will benefit. Due to the low-information environment of judicial elections, voters look to cues from other elections occurring in the same electoral context. Examining how judiciary-related topics are covered in gubernatorial and senatorial debates and electoral results of the corresponding judicial election can highlight the relationship between top-of-ticket races and elections further down the ballot.

In this paper, I explore how rhetoric in debates for the top-of-ticket races influences down-ballot judicial elections. First, I discuss how certain salient policy issues have become associated with the judiciary. Even though the judiciary plays a role in deciding policy, elections for judicial seats are low information, as voters have far less knowledge of them than other elected offices. I then discuss the existing literature on judicial and other low-information elections, which focuses on party affiliation and advertisements from other campaigns as primary sources of information for voters. Next, I look at how debates can fill a similar role in educating potential voters. The following section examines how incumbency advantage plays a strong role in judicial elections, and what factors tend to allow for the success of challengers. Then, I present the data I collected, covering 66 Gubernatorial and Senatorial debates, as well as 58 judicial elections. I found that Democratic Gubernatorial and Senatorial candidate mentions of LGBTQ issues had a small effect on challenger vote share in State Supreme Court elections. On the other



hand, Republican candidate mentions of gun issues had a small effect on Republican candidate vote share in judicial elections. Overall, I found that the year, state, and whether the election was partisan had statistically significant effects across several models.

### **Judicially Salient Issues**

Over the past decade, many voters have become increasingly aware of the power of judges, especially as the Courts have made monumental decisions on issues such as abortion, same-sex marriage, healthcare, gun rights, and election integrity. Notable cases include *Sistersong v. Georgia*, which upheld the six-week abortion ban in Georgia, *Varnum v. Brien*, an Iowa case that legalized same-sex marriage in the state, and *Rocky Mountain Gun Owners v. Polis*, which upheld Colorado's ban on large-capacity magazines (*Sistersong v. Georgia* 2024, *Varnum v. Brien* 2009, *Rocky Mountain Gun Owners v. Polis* 2022). These examples all demonstrate instances where the judicial branch has significant power over policy, including over electorally salient issues like LGBTQ rights and gun control.

As the electorate sees judges making decisions on issues they care about, they begin to associate these issues with the judiciary. In 2022, the US Supreme Court had made a major gun rights decision in *New York State Rifle Association v. Bruen*. Around that same time, in a September 2022 poll 45% of respondents said that access to guns and gun safety was a critical issue to how they voted in that November's elections (PRRI). While not directly caused by the Supreme Court decision, this polling shows that when gun rights were being considered by the courts, they were also a salient issue for voters. Despite the electorate considering these issues to be salient and related to the judiciary, judicial elections themselves are classified as low-

information elections. This is because voters do not invest time into learning about these elections, and less information is easily available.

### **Party Affiliation**

Voters are typically most aware of electoral races that appear at the top of their ballot, including statewide campaigns for governor and senate. Even for those races, voters are highly dependent on the information that is made available to them by the candidates during electoral campaigns, as they are unlikely to take the time to learn about every single issue and candidate for each office on their own (Jacobson 2015) . One source of information that voters rely on is party affiliation.

Both the role of partisan endorsements and party cues demonstrate how voters affiliate judicial candidates with other political figures, such as elected officials and candidates. State Supreme Court justices are one of only a handful of offices, like Governors and Senators, that are frequently filled through statewide elections. While gubernatorial and senatorial elections are always partisan, that is not the case for State Supreme Court elections. Even when there is a partisan judicial election, voters may still lack the same level of information on the candidates as they would have for top-of-ticket races. In all types of elections, important political figures often weigh in and try to influence voters by endorsing a candidate.

When voters do not have much information, they often look for other cues, such as endorsements and party affiliation. Announcements of governors endorsing candidates to their state's court of last resort have led to increased vote shares for the endorsed candidate (Vining and Wilhelm 2011). The role of endorsements in increasing vote share demonstrates how elected officials and top-of-ticket candidates can influence down-ballot elections. The positive effect of

endorsements is believed to be due to the fact that the public is reliant on such cues in order to learn about otherwise unfamiliar judicial candidates (Vining and Wilhelm 2011). The low-information nature of judicial elections leads to an increase in reliance on such cues for voters who want to make an informed decision.

Similarly, party labels also help the public evaluate candidates. In partisan elections, voters tend to vote for the candidate that shares their party affiliation, and candidate quality is not as influential, while in nonpartisan elections, the absence of party cues leads to candidate quality playing a larger role (Lim and Snyder 2015). Evidently, voters will rely on party cues when that is available to them, as it gives important information on the potential ideology of a candidate. The candidates who represent the top of a given party's ticket may also influence whether a voter chooses to vote down the rest of that party's line on the ballot.

During concurrent elections, voters may evaluate a party's ticket based on only a handful of the races on the ballot. Competitive campaigns for the Senate have been found to increase voters' knowledge of who their congressional district's candidates are (Wolak 2009). On the other hand, gubernatorial campaigns did not have this effect and may have actually had a negative effect on voter recognition of congressional candidates in midterm elections (Wolak 2009). One explanation for this difference may be that voters treat national and state politics separately. Thus, gubernatorial elections may have a more substantive impact on other state level elections, such as for the State Supreme Court.

### **Spillover Ads Effect**

Beyond party affiliation, another way that voters can make decisions for judicial elections is through campaign messages from other races on the same ballot. Campaign messaging, such

as through television advertisements, social media, and public statements, can provide substantial information about both the candidate and the party they are affiliated with. One existing theory is that people use information from one type of political advertisement to evaluate candidates for other offices (Gann-Hall and Bonneau 2013; Gray and Hughes 2022). These studies have focused on the role of television advertisements in influencing other elections occurring during the same cycle. This phenomenon is known as the spillover ads effect, where one candidate's TV ads influence other elections happening at the same time. Ads can impact co-occurring elections in several ways. For example, one study found that attack ads helped mobilize voters and increase participation in State Supreme Court Elections (Gann Hall and Bonneau 2013). This reflects how voters' decisions in an election are shaped by their exposure to information about all the elections that are on the same ballot, rather than considering each one independently.

While campaigns craft and pay for ads, news sources and other media also serve as tools for spreading information about campaigns. Media coverage of campaigns increases the knowledge that voters have about it, which impacts their decisions at the polls, especially when judicial elections have partisan labels (Rock and Baum 2010). This shows how campaign messaging frequently has spillover effects on other races that appear on the same ballot. Advertisements and news media coverage do contribute to much of the TV coverage of campaigns, but they are not the only forms of televised coverage.

### **Gubernatorial and Senatorial Debates**

Televised debates are another form of televised media that voters can get information about candidates from. Unlike advertisements, debates are less scripted, allowing for more back and forth with the candidates. Televised debates allow the candidates to convey their messages to

the public and attack the opposing candidate, which may in turn increase the salience of certain issues in a given election. If advertisements and media coverage have these spillover effects, then it is likely that debates may also have a similar effect.

Debates are one of the most effective tools for shaping political campaigns. Presidential debates have national reach and are the most watched by voters, but many races for statewide offices also feature televised debates. For example, in 2024, nearly 88% of likely voters in Pennsylvania watched at least some of the Presidential debate (USA Today). In New Jersey in 2021, 39% of respondents said they watched the gubernatorial debate (Stockton Polling Institute). While lower than the number of voters who typically watch the presidential debate, that is still a significant percent of potential voters. Similarly, in 2022, 54% of voters polled said that they watched the Pennsylvania Senate debate (USA Today). While far fewer people watch gubernatorial and senatorial debates, they still can serve as an important method of educating voters (Bramlett 2020). Both Senate and Governor debates share many similarities, as they both are nonpresidential and statewide. Due to their shared geographic regions, gubernatorial and senatorial elections in the same state tend to have significant overlap in the issues that they discuss. In both of these types of debates, candidates of both parties tend to cover similar issues, with political party affiliation having little effect on the topics discussed (Benoit, Brazeal, and Airne 2007). Even though candidates cover the same topics, they present different perspectives and positions, and debates provide a forum to highlight how the candidates differ in terms of policy approach. Through presenting different sides of the same issues, candidates are able to make the case for both themselves, as well as their party as a whole.

Televised debates also play a significant role in persuasion of voters. One study found that Senate debates were effective at persuading undecided voters and increasing the overall

political knowledge of viewers (Bramlett 2020). This is an important finding as it indicates that the content of debates can ultimately impact the outcome of an election. An additional effect of senate debates is that voters who watched them reported being more likely to participate in the election (Bramlett 2020). By watching debates, voters are both more knowledgeable about the election and the issues, as well as more motivated to participate in the election. This impact is significant because potential voters report that debates are highly watched, as according to a Bloomberg News Poll, 84% of the individuals polled watched televised debates of some kind (Bloomberg News). This is notable as it shows that debates have wide reach and broad buy-in from voters. If there is in fact a down-ballot effect from such campaigns, then judicial elections may also see increased participation and voter knowledge as a result of debates, since they increase the salience of issues.

However, debates are limited in several ways. Firstly, the number of individuals who report that they watch debates and the true viewership may vary, as individuals are not always truthful on surveys. The respondents in the Bloomberg News poll most likely watch presidential debates, with fewer viewing gubernatorial and senatorial debates. However, even a more limited number of viewers still gives debates an audience to persuade. Debates also serve as a measure of the broader political environment that a particular race is occurring in. Campaign activities are often responsive to other races, as well as current events during a particular election cycle. As a result, debates are limited in what they measure and are a more indirect measure of a campaign environment. The rhetoric and issues discussed in a debate reflect the salient issues relevant to a particular race. Additionally, the content of what candidates speak on during a debate is also influenced heavily by the questions chosen by the moderator. However, the moderator is likely to select questions that are salient and therefore prompt the candidates to discuss issues that matter

to the voters. As a result, debates highlight issues that are relevant and may increase their salience. In regards to judicially salient issues, this could then lead to down-ballot effects.

### **Incumbents and Challengers**

Even if voters know more about judicial candidates, many judicial elections are uncontested. This means that there is often an advantage for incumbents in these races, due to the relative infrequency of challengers, as well as the lack of knowledge by voters. Whether a challenger is successful may be a result of outside factors in the political environment, including whether it is partisan or nonpartisan, whether the incumbent was elected or appointed, and the level of partisan competition present in the state (Bonneau 2005). When challengers have a more favorable political environment, they will be more likely to gain a higher percentage of votes, allowing them to defeat incumbents. One notable factor that impacts the likelihood of incumbent defeat is whether the incumbent is of the same political party as the winners of recent statewide elections (Bonneau 2005). When the incumbent shares the same party affiliation as recent gubernatorial, senatorial, and presidential election winners in the state, their chance of defeat is greatly reduced (Bonneau 2005). This also implies that the opposite is true, and that challengers also benefit from successful top of ticket candidates. The connection between party affiliation and electoral success may indicate a relationship between the top-of-ticket statewide races, and the judicial elections on the same ballot.

In the absence of other cues, party affiliation plays a large role in how voters gather information on low-information, down-ballot elections. The low-information environment means that voters must find other ways to decide, often using information from other campaign activities, such as advertisements and debate rhetoric. The campaign activities from a top-of-

ticket candidate will likely impact the down-ballot candidate from the same party as well. This effect may be seen for judicial elections, such as State Supreme Court elections, when a candidate for a similar statewide race mentions a salient judicial issue, such as LGBTQ rights, in a debate. Specifically, a Gubernatorial or Senatorial Democratic candidate who mentions LGBTQ rights may have an impact on down-ballot races. This effect may be stronger for challengers, as judicially salient issues would benefit challengers more than incumbents. I hypothesize the following:

*H1: If Democratic candidates mention LGBTQ issues during gubernatorial or senatorial debates, State Supreme Court elections on the same ballot will see increased number of votes for Democratic challengers.*

This effect would not just apply to the Democratic party. For the Republican party, one judicially salient issue that has been prevalent in recent years is gun control and protecting the Second Amendment. Republicans often mention guns in the context of protecting the right to bear arms and opposing any regulations or limitations on gun ownership. By mentioning gun rights in a debate, Republican candidates can increase the salience of the issue and mobilize supporters to vote for judicial elections on the same ballot. When the salience of gun rights increases, Republican judicial candidates down the ballot will benefit, as guns are a judicially salient issue. Therefore, I also hypothesize:

*H2: If Republican candidates mention gun rights during gubernatorial or senatorial debates, State Supreme Court elections on the same ballot will see increased number of votes for Republican challengers.*



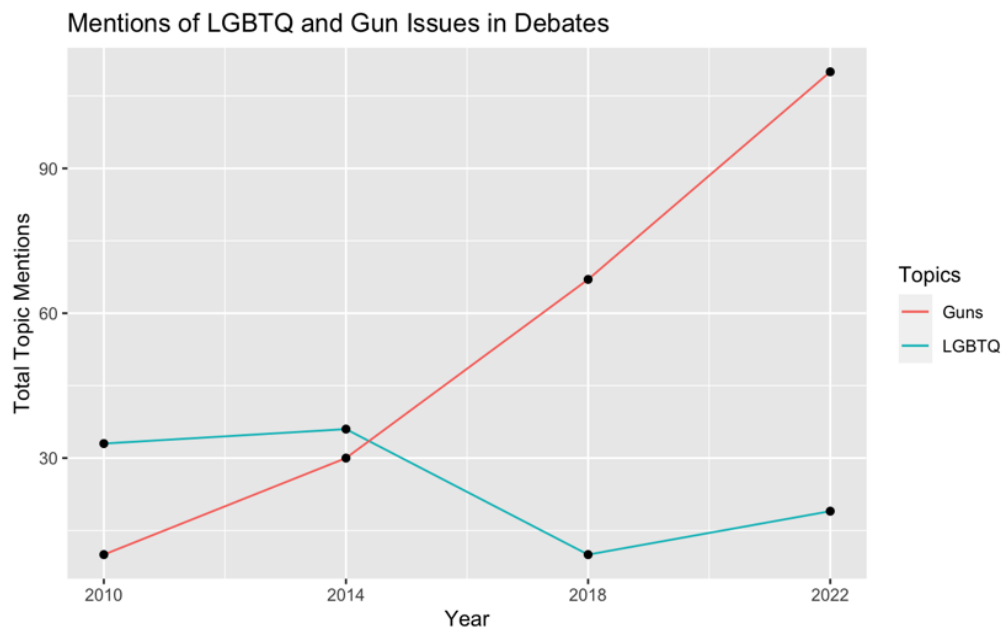
## Data

In order to test these hypotheses, I collected data on gubernatorial and senatorial debates and State Supreme Court elections from seven different states: Georgia, Ohio, Oregon, Illinois, North Carolina, Nevada, and Texas. I chose these states as they all have judicial elections in the same years as gubernatorial and senatorial elections. Out of the 37 states with elections for the State Supreme Court, 21 have elections for a judge's first term, with 14 being partisan and 7 being nonpartisan (Judicial Selection: An Interactive Map | Brennan Center for Justice n.d.). Georgia, Oregon, and Nevada use nonpartisan elections, while Ohio, Illinois, Texas, and North Carolina have partisan elections. Most of these states are considered to be states with competitive races for statewide offices, with the exception of Oregon and Illinois which are widely considered to be safely Democratic, and Texas which is considered to be safely Republican. The data was collected from debates taking place in 2010, 2014, 2018, and 2022, which are all midterm election years. Eight debates from 2010 are excluded due to not being publicly available. Choosing midterm years also excludes any potential impacts from presidential elections.

*Table 1: Variable Descriptions for Debates*

Variable		Variable Descriptions
Year	=	4 digit year for when the debate took place
State	=	Two letter abbreviation of state where the debate took place
Election_type	=	1 if it is gubernatorial, 2 if it is senatorial
Moderator_LGBTQ	=	Number of questions the moderator(s) ask about LGBTQ issues
Moderator_guns	=	Number of questions the moderator(s) ask about gun issues
D_LGBTQ	=	Number of times the Democratic candidate mentions LGBTQ issues
D_guns	=	Number of times the Democratic candidate mentions gun issues
R_LGBTQ	=	Number of times the Republican Candidate mentions LGBTQ issues
R_guns	=	Number of times the Republican candidate mentions gun issues

The variables collected from these debates include the number of times the moderator, Republican candidate, and Democratic candidate mentioned LGBTQ issues or gun rights (*Table 1*). I count a new mention of a topic if the moderator or candidate discusses the topic within a new question, answer, or rebuttal. If a moderator or candidate mentions any of the issues several times within the same speaking segment, it still counts as one mention, as it is still within the same question, answer, or rebuttal. LGBTQ issue mentions include any discussions of same-sex marriage, discrimination against LGBTQ people, gender-affirming healthcare, transgender sports participation, or gender education in schools. Gun issue mentions include discussions of gun control, the Second Amendment, background checks, mental health specifically related to guns, guns for self-defense, or references to previous shootings.



*Figure 1: Mentions of LGBTQ and Gun Issues in Governor and Senate Debates (GA, OH, OR, IL, TX, NC, NV) over Years. Gun mentions increase continuously from 2010-2022, while LGBTQ mentions increase from 2010-2014 and 2018-2022, and decrease between 2014 and 2018.*

As seen in figure 1, the number of times LGBTQ and gun issues were each mentioned in gubernatorial and senatorial debates varied throughout years. This shows how the importance of these two issues to the candidates changed over time, as various influential events in American politics occurred.

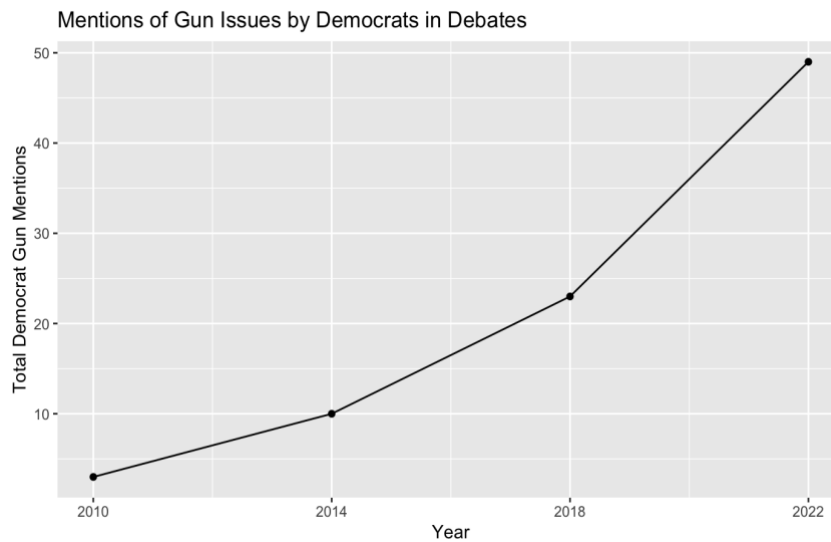


Figure 2: Mentions of Gun Issues by Democratic Candidates in Governor and Senate Debates (GA, OH, OR, IL, TX, NC, NV) over Years. Gun issue mentions increase continuously from 2010-2022.

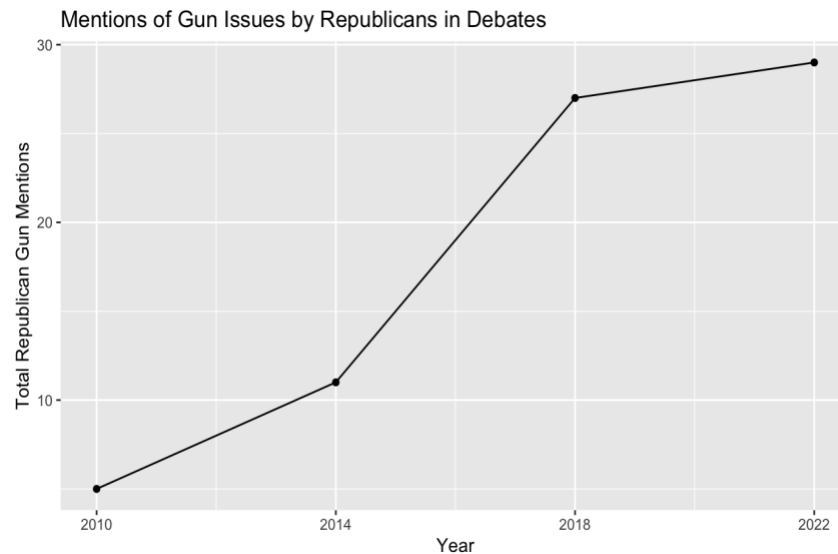
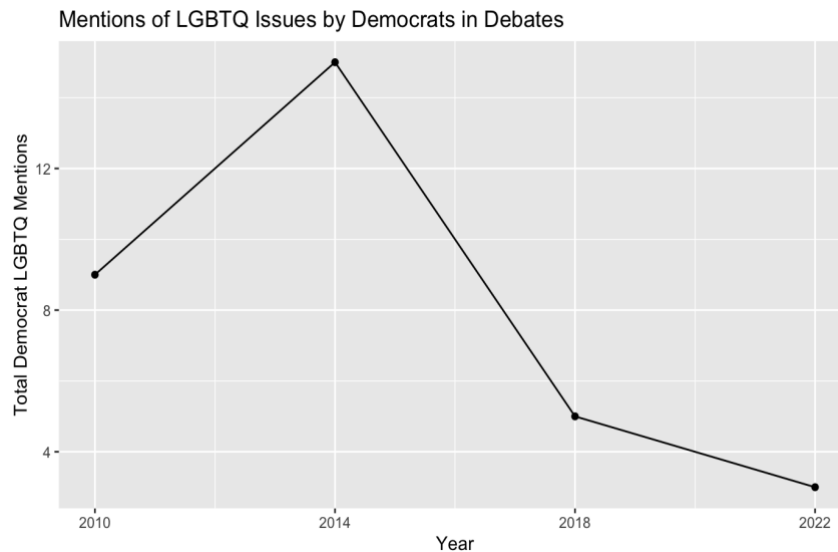
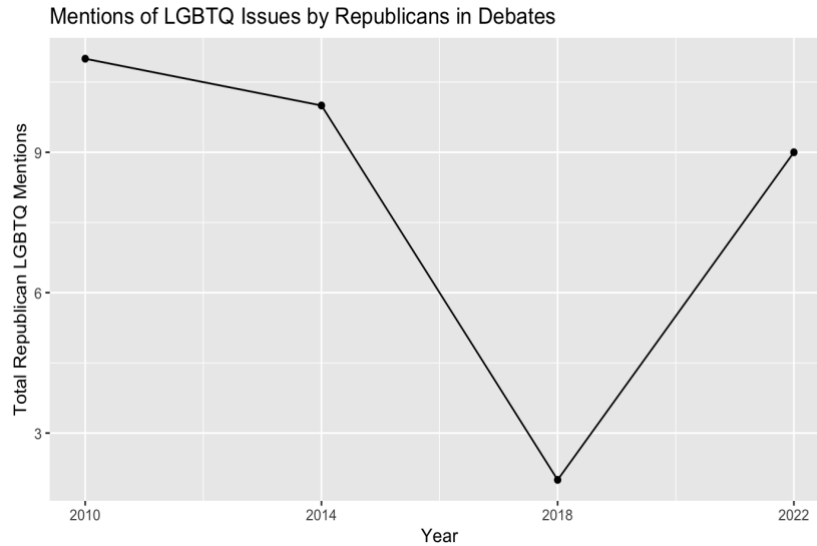


Figure 3: Mentions of Gun Issues by Republican Candidates in Governor and Senate Debates (GA, OH, OR, IL, TX, NC, NV) over Years. Gun issue mentions increase continuously from 2010-2022, but at a lower rate after 2018.

Gun issue mentions in debates greatly increased between 2010 and 2022. Both Democratic and Republican mentions increased during this time frame, although at different rates. Figures 2 and 3 show that Democratic Gun mentions increased at a greater rate after 2018, while Republican mentions increased far less. This may be explained by certain notable mass shootings that occurred in 2018, including the Marjory Stoneman Douglas High School Shooting, where 17 people were killed and which led to mass protests nationally advocating for gun control measures (Muaddi 2018). The public discourse on gun control may have motivated Democratic candidates to speak on Gun issues, while Republican candidates may have not focused as much on it as they mostly oppose gun control measures.



*Figure 4: Mentions of LGBTQ Issues by Democratic Candidates in Governor and Senate Debates (GA, OH, OR, IL, TX, NC, NV) over Years. LGBTQ issue mentions increase until 2014 and then decrease.*



*Figure 5: Mentions of LGBTQ Issues by Republican Candidates in Governor and Senate Debates (GA, OH, OR, IL, TX, NC, NV) over Years. LGBTQ issue mentions decrease until 2018 and then increase.*

On the other hand, mentions of LGBTQ issues see a much clearer difference by party affiliation than gun issue mentions. Figures 4 and 5 show that between 2010 and 2014, LGBTQ issue mentions by Democrats increase, while Republican candidates mentions decrease. In contrast, between 2018 and 2022, Democratic candidate mentions of LGBTQ issues decrease, while Republican mentions increase. Both figure 4 and figure 5 show that between 2014 and 2018 there is a decrease in LGBTQ mentions by candidates of either party. These changes may be attributed to the growing acceptance of same-sex marriage as states gradually allowed them, followed by the Supreme Court legalizing it nationwide (A Brief History of the Path to Securing LGBTQ Rights n.d.). The discourse on both guns and LGBTQ issues were greatly impacted by events such as these, and thus their frequency in debates was likely influenced by the historical moments related to each.

*Table 2: Variable Descriptions for State Supreme Court Elections*

Variable		Variable Descriptions
Year	=	4 digit year for when the election took place
State	=	Two letter abbreviation of state where the election took place
Partisan	=	0 if it is a nonpartisan election 1 if it is a partisan election
Incumbent	=	0 if there is no incumbent candidate 1 if there is an incumbent candidate
Challenger	=	0 if there is no challenger 1 if there is a challenger
Challenger_vote_share	=	Percent of votes that the challenger received
Dem_vote_share	=	Percent of votes that the Democratic candidate received
Rep_vote_share	=	Percent of votes that the Republican candidate received

The data on State Supreme Court Elections is taken from the same states and years as the debates (*Table 2*). Each state treats these elections differently, so they occur at different intervals and have a varied number of seats up for election each year. The dependent variable is challenger vote share, Democratic judicial candidate vote share, and Republican judicial candidate vote share. Control variables include categorical variables for whether the debate was for a senatorial or gubernatorial election (“election type”), whether the State Supreme Court election was partisan or nonpartisan (“partisan”), if there was an incumbent, the party of the candidates, and if the election Senatorial or gubernatorial).

## Results

Variable	Republican Gun Mentions and Republican Challengers	Republican LGBTQ Mentions and Republican Challengers	Democratic LGBTQ Mentions and Democratic Challengers	Democratic Gun Mentions and Democratic Challengers
Intercept	0.520 *** (0.018)	0.520 *** (0.017)	0.561 *** (0.015)	0.549 *** (0.017)
r_guns	0.000 (0.005)	-	-	-
d_guns	-	-	-	0.005 ~ (0.003)
r_LGBTQ	-	0.000 (0.004)	-	-
d_LGBTQ	-	-	-0.011 (0.007)	-
year2010	0.160 *** (0.015)	0.160 *** (0.012)	-0.040 (0.027)	-0.016 (0.028)
year2014	-0.030 ~ (0.013)	-0.030 * (0.010)	0.001 (0.014)	0.022 (0.019)
year2018	-0.050 ** (0.010)	-0.050 ** (0.010)	0.109 *** (0.011)	0.125 *** (0.013)
year2022	-	-	-	-
stateOH	-	-	-0.051 ** (0.014)	-0.058 *** (0.014)
stateNC	-	-	0.020 (0.024)	0.004 (0.025)
stateTX	-	-	-0.154 *** (0.015)	-0.168 ** (0.016)
stateIL	-	--	-	-
election_type	-0.000 (0.007)	-0.000 (0.007)	-0.020 * (0.009)	-0.022 * (0.009)
N	14	14	43	43
R <sup>2</sup>	0.985	0.985	0.914	0.915
Log Lik	50.538	50.538	102.462	102.690
AIC	-87.077	-87.077	-184.925	-185.380

\*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ , ~  $p < 0.1$

Table 3: OLS Regression Results for LGBTQ and Gun mentions and Challenger Vote Share. Dependent variables are State Supreme Court Election Democratic and Republican challenger vote share. The states that were included are: OH, IL, TX, NC.

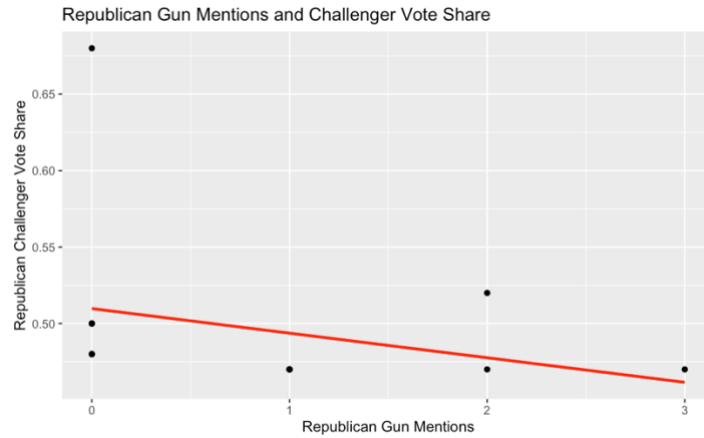


Figure 6: *Republican Gun Mentions and Challenger Vote Share*. Republican candidate mentions of gun issues in debates had an insignificant effect on challenger vote share.

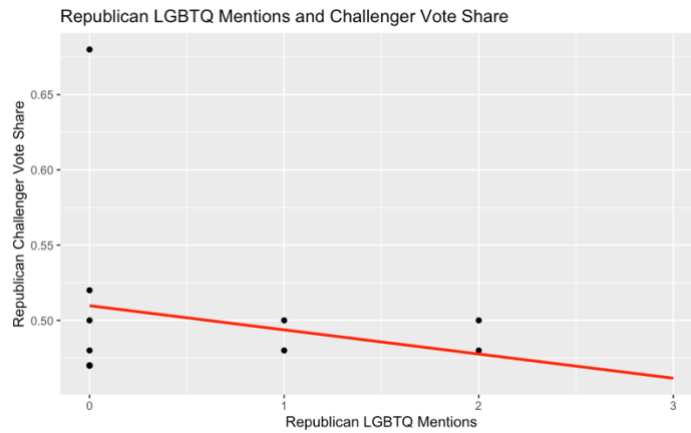


Figure 7: *Republican LGBTQ Mentions and Challenger Vote Share*. Republican candidate mentions of LGBTQ issues in debates had an insignificant effect on challenger vote share.

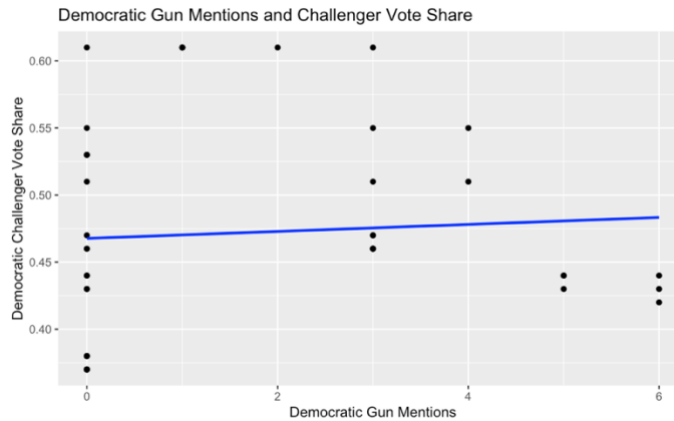


Figure 8: *Democratic Gun Mentions and Challenger Vote Share*. Democratic candidate mentions of gun issues in debates had an insignificant effect on challenger vote share.



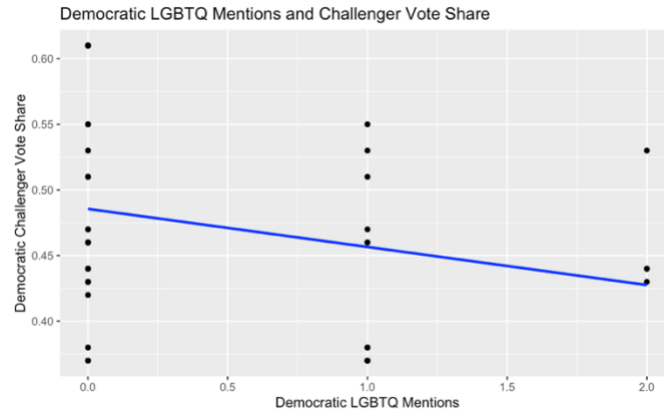


Figure 9: *Democratic LGBTQ Mentions and Challenger Vote Share*. Democratic candidate mentions of LGBTQ issues in debates had an insignificant effect on challenger vote share.

Table 3 above shows the results of an OLS regression model evaluating the effect of LGBTQ and Gun-related statements in debates on challenger vote share for both Democratic and Republican challengers in the corresponding State Supreme Court election. In the model looking at Democratic candidate gun mentions, there was an effect on challenger vote share, with a p-value of 0.08. For every one mention of Gun issues by a Democratic candidate (*d\_guns*), there was a .005 increase in vote share. There are no other significant effects from Republican gun mentions (*r\_guns*), Republican LGBTQ mentions (*r\_LGBTQ*), or Democratic LGBTQ mentions (*d\_LGBTQ*) on challenger vote share in the other models. As a result, I fail to reject the null hypothesis for both hypothesis 1 and 2. However, there were also affects from certain states and years. Both Texas (*stateTX*) and Ohio (*stateOH*) had statistically significant negative effects on Democratic challenger vote share. 2010 (*year2010*) had a positive effect for Republican challengers, while 2018 (*year2018*) had a negative effect for Republicans and a positive effect for Democrats.

Variable	Democratic LGBTQ Mentions and Democratic Vote Share	Republican Gun Mentions and Republican Vote Share
Intercept	0.726 *** (0.119)	0.309 ** (0.096)
d_LGBTQ	-0.031 (0.031)	-
r_guns	-	0.022 ~ (0.012)
year2010	-0.143 (0.105)	0.115 (0.083)
year2014	-0.258 *** (0.063)	0.166 ** (0.057)
year2018	0.056 (0.054)	-0.112 ** (0.041)
stateOH	-0.180 * (0.075)	0.144 * (0.058)
stateIL	-0.107 (0.081)	-0.082 (0.063)
stateTX	-0.198 ** (0.065)	0.157 ** (0.050)
election_type	-0.027 (0.046)	0.035 (0.034)
N	72	72
R <sup>2</sup>	0.462	0.583
LogLik	35.959	54.973
AIC	-51.917	-89.947

\*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ , ~  $p < 0.1$

Table 4: OLS Regression Results for Democratic LGBTQ Mentions and Republican Gun Mentions on Democratic and Republican Vote Shares in Partisan State Supreme Court Elections. Dependent variables are Democratic and Republican State Supreme Court candidate vote shares. The states that were included were the partisan ones, which are: OH, IL, TX, and NC.

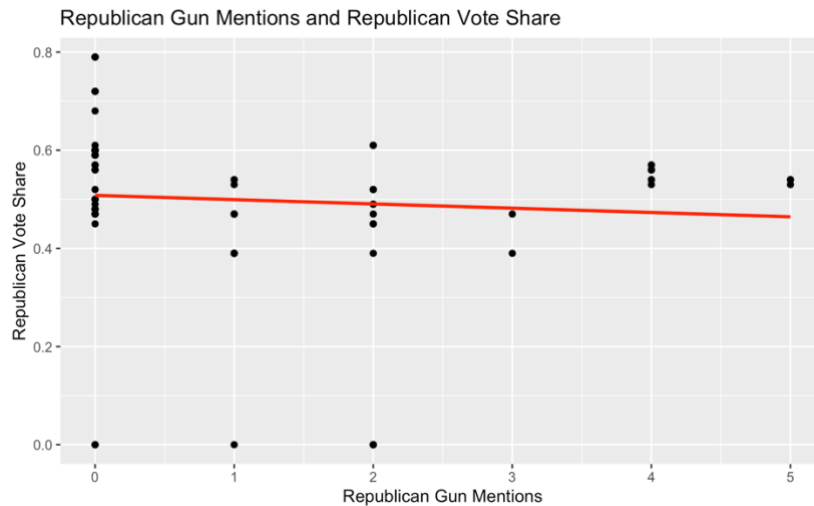


Figure 10: Effect of Republican Gun Mentions on Republican Vote Share. Republican Gun mentions had a statistically insignificant effect on Republican vote share.

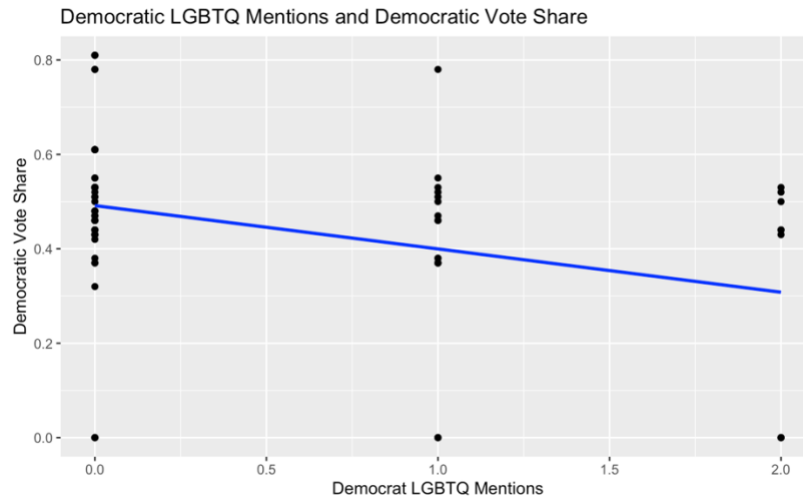


Figure 11: Effect of Democratic LGBTQ Mentions on Democratic Vote Share.  
Democratic LGBTQ mentions had no statistically significant effect on vote share.

Table 4 looks specifically at the states with partisan judicial elections, and considers all Democratic and Republican candidates, regardless of if they are challengers. It shows the results of an OLS regression model evaluating the effects of Democratic candidate LGBTQ mentions ( $d\_LGBTQ$ ) on Democratic vote share ( $dem\_vote\_share$ ) and of Republican candidate gun mentions ( $r\_guns$ ) on Republican vote share ( $rep\_vote\_share$ ). In the model looking at Democratic candidate vote share, there was no statistically significant effect of Democratic LGBTQ mentions. However, there were effects from certain states and years. As in the models in table 3, 2014 ( $year2014$ ) had a significant effect, with a p-value below 0.001. The Democratic Vote Share model predicts that 2014 had a negative effect, leading to a decrease in democratic vote share. Ohio ( $stateOH$ ) and Texas ( $stateTX$ ) both had negative effects on democratic vote share as well.

On the other hand, Republican gun mentions had a statistically significant effect on Republican vote share (Table 4). The model predicts that Republican gun mentions would lead to

a 0.02 increase in Republican vote share. This model also shows that 2014 (year2014) had a significant effect, with Republicans gaining more votes in that year. On the other hand, 2018 (year2018) had a statistically significant negative effect on Republican vote share. Both Ohio (stateOH) and Texas (stateTX) had positive effects for Republican vote share. Figures 10 and 11 show these models as well, with mentions of gun issues by Republicans and mentions of LGBTQ issues by Democrats leading to similar vote share effects for candidates from their respective parties.

Variable	Republican Guns & Challenger Vote Share	Republican LGBTQ & Challenger Vote Share	Democratic LGBTQ & Challenger Vote Share	Democratic Guns & Challenger Vote Share
Intercept	0.548 *** (0.024)	0.536 *** (0.025)	0.555 *** (0.023)	0.544 *** (0.022)
r_guns	-0.001 (0.005)	-	-	-
d_guns	-	-	-	0.003 (0.003)
r_LGBTQ	-	-0.008 (0.006)	-	-
d_LGBTQ	-	-	-0.011 (0.009)	-
year2010	0.049 * (0.025)	0.061 * (0.025)	0.047 * (0.024)	0.050 * (0.021)
year2014	-0.022 (0.025)	-0.005 (0.024)	-0.015 (0.019)	-0.013 (0.019)
year2018	0.088 *** (0.015)	0.095 *** (0.016)	0.083 *** (0.016)	0.085 *** (0.015)
year2022	-	-	-	-
stateGA	-0.225 *** (0.024)	-0.230 *** (0.024)	-0.231 *** (0.024)	-0.228 *** (0.024)
stateOH	-0.055 * (0.022)	-0.059 ** (0.021)	-0.058 ** (0.021)	-0.055 * (0.021)
stateOR	-0.305 *** (0.048)	-0.307 *** (0.048)	-0.310 *** (0.048)	-0.306 *** (0.047)

stateNV	-0.229 *** (0.037)	-0.240 *** (0.038)	-0.235 *** (0.036)	-0.234 *** (0.036)
stateNC	0.001 (0.030)	-0.008 (0.029)	-0.007 (0.028)	-0.002 (0.028)
stateTX	-0.136 *** (0.025)	-0.146 *** (0.023)	-0.146 *** (0.023)	-0.139 *** (0.022)
stateIL	-	-	-	-
partisan	-	-	-	-
election_type	-0.012 (0.012)	-0.010 (0.011)	-0.011 (0.011)	-0.008 (0.012)
N	67	67	67	67
R <sup>2</sup>	0.838	0.839	0.841	0.842
LogLik	128.068	128.414	128.857	128.925
AIC	-230.135	-230.828	-231.704	-231.850

\*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ , ~  $p < 0.1$

Table 5: OLS Regression Results for LGBTQ and Gun Mentions on all Challenger Vote Shares. Dependent variables are State Supreme Court Challenger vote shares. The states that were included are: GA, OH, IL, TX, NV, and NC.

Table 5 looks at the effect of LGBTQ and Gun mentions on challenger vote share, regardless of party affiliation. There are no significant effects from Republican gun mentions (r\_guns), Democratic gun mentions (d\_guns), Republican LGBTQ mentions (r\_LGBTQ), or Democratic LGBTQ mentions (d\_LGBTQ) on challenger vote share. However, whether or not the election was partisan was statistically significant in all models. Additionally, there were several effects from certain states and years. In particular, 2010 (year2010) and 2018 (year2018) had statistically significant positive effects on challenger vote share.

## Discussion

By analyzing the relationship between issues being mentioned in debates and subsequent judicial election results, we can better understand the impacts of top-of-ticket races on down-ballot ones. One of my main findings is that mentions of Gun issues by Democratic candidates

during debates does have an impact on down-ballot challenger vote share. This suggests a relationship between gun issues and judicial elections. This relationship could potentially imply that LGBTQ issues are associated more with the courts than other salient political issues and therefore have more of an impact on judicial election outcomes. On the other hand, Republican mentions of gun issues had no significant effects, indicating that voters are not influenced by Republican mentions of gun issues.

Another notable finding is that Republican mentions of gun issues positively impact Republican vote share, for both challengers and incumbents. This suggests that there is an association between gun issues and voter choice in judicial elections. When mentioning guns in a debate, Republican candidates typically advocate for looser regulations on gun ownership, drawing from the Second Amendment right to bear arms. These results demonstrate that Republican voters may be responsive to rhetoric in favor of gun rights, and candidates who mention this in a debate may increase the salience of the issue. As a result of this increased salience, voters will respond by voting in down-ballot elections accordingly. However, this effect only applied to Republican vote share, and there was no effect on challenger vote share. Additionally, there was no impact by Democratic mentions of gun issues. This indicates that Republicans are more driven by rhetoric on guns than Democrats, and that guns may be a more judicially salient issue for Republican voters.

Another interesting factor to note is that guns were overall mentioned much more than LGBTQ issues by both parties' candidates and the moderators. This indicates that guns were considered to be a more generally salient issue during this time frame. Both Democratic and Republican gubernatorial and senatorial candidates had a consistent increase in the number of

mentions of gun issues in debates. This shows that guns were increasingly salient, and thus their effect may have changed across years. Mentions of LGBTQ issues also saw variation by year. This is reflected in my findings, where 2018 were statistically significant for different models. This may imply that the political environment in 2018 was advantageous to challengers or to one of the political parties.

My findings did not show any significant difference between the effect of senatorial and gubernatorial debates. This seemingly contrasts with a previous study that found that senatorial campaigns have an impact on down-ballot congressional races, while gubernatorial campaigns do not (Wolak 2009). However, the relationship between senatorial and congressional races is likely different than the one between senatorial and State Supreme Court races, as in the former both are for federal offices, while State Supreme Court races are a state-level office. In addition, the Wolak study looked at campaigns more broadly, considering a variety of activities, as opposed to my research which focused solely on debates. Another prior study showed that judicial candidates that were endorsed by a top-of-ticket candidate have an increased vote share (Vining and Wilhelm 2011). My findings did not show as strong of an effect of debate issue mentions on vote share. This may imply that voters are not driven by issues, but more so by the credibility and trust in another candidate or elected official. As a result, an endorsement may be a more effective tool for influencing down-ballot elections than increasing the salience of an issue.

One of the limitations of this study are the limited number of State Supreme Court elections, and the fact that they do not all occur at regular intervals. However, if more states and years are included, it would grow the pool of elections. In addition, this would increase the sample size for the regression models. Another limitation is that this study only looked at two

issues, LGBTQ rights and guns, while there are certainly other issues that would also be important to judicial elections. It is definitely possible that voters in judicial elections consider other issues when deciding who to vote for, so the results could show different findings if other issues were included.

Another major limitation is that races exist in a broader political context. As a result, they are likely to be influenced by the other races and politically relevant events during the same time. This research does not account for all of the other potential factors influencing the success of challengers in judicial elections, which may also have substantial effects. Debates are just a single measure of a campaign environment and show a snapshot of what issues are salient at that given point in a particular race. Despite debates being a limited measure, they do represent what issues are salient more broadly and thus are an important factor in determining how races made more salient by the top of the ticket can impact the down ballot elections.

## **Conclusion**

Despite the large role that courts play in making decisions regarding policy, voters do not take advantage of their ability to participate in judicial elections, particularly at the state level. As judicial elections are often overlooked, they are considered low information, which makes it more difficult for voters to obtain knowledge about the candidates in those elections. This means that voters must look to other sources to guide their choices in judicial elections, in the instances that they do participate in them. One of these sources is the other campaigns that appear on the same ballot as judicial elections, including senatorial and gubernatorial races. These top of ticket races spread a lot more information about the candidates and issues, through advertisements, media coverage, and televised debates. By mentioning judicially salient issues in their



campaigns, such as during debates, senatorial and gubernatorial candidates are able to increase the salience of these issues. As a result of this increased salience, voters may be more likely to vote in the judicial election for candidates of the same party as the top of ticket candidate who spoke about the salient issue.

I hypothesized that increased Democratic candidate mentions of LGBTQ issues would lead to an increase in Democratic judicial candidate vote share. I also hypothesized that increased Republican candidate mentions of gun issues would lead to an increase in Republican judicial candidate vote share. I tested these hypotheses by analyzing data that I collected on 66 gubernatorial and senatorial debates and 58 State Supreme Court elections. While neither of my hypotheses were reflected in the findings, I did find that there was a statistically significant relationship between Democratic mentions of gun issues and Democratic judicial challenger vote share.

Another finding in my research is that partisan elections have a significant impact on challenger vote share. An implication of this is that states with partisan elections for judicial seats may be helping challengers, while states with nonpartisan elections may be hurting their chances. In the past decade, several states such as Ohio and North Carolina have switched between the two types of elections. My research shows that there may be electoral ramifications to such a switch for other states in the future. One way that my research could be expanded in the future is by considering a broader number of issues that are covered in these debates. Another future direction of this research could consider other forms of campaign rhetoric, such as social media presence or website content, as well as whether campaigns for different offices impact judicial elections in unique ways.

## Works Cited

- “A Brief History of the Path to Securing LGBTQ Rights.”  
[https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/intersection-of-lgbtq-rights-and-religious-freedom/a-brief-history-of-the-path-to-securing-lgbtq-rights/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/intersection-of-lgbtq-rights-and-religious-freedom/a-brief-history-of-the-path-to-securing-lgbtq-rights/) (July 25, 2024).
- Benoit, William L., LeAnn M. Brazeal, and David Airne. 2007. “A Functional Analysis of Televised U.S. Senate and Gubernatorial Campaign Debates.” *Argumentation and Advocacy* 44(2): 75–89. doi:10.1080/00028533.2007.11821679.
- Bloomberg News (2016). Bloomberg News Poll: October 2016, Question 49 [USSELZER.101916.R21A]. Selzer & Co.. Cornell University, Ithaca, NY: Roper Center for Public Opinion Research.
- Bonneau, Chris W. 2005. “Electoral Verdicts: Incumbent Defeats in State Supreme Court Elections.” *American Politics Research* 33(6): 818–41. doi:10.1177/1532673X04273414.
- Bramlett, Josh C. 2020. “Examining the Normative and Persuasive Effects of Televised U.S. Senate Debates.”
- “Factbox: List of States That Legalized Gay Marriage | Reuters.”  
<https://www.reuters.com/article/lifestyle/factbox-list-of-states-that-legalized-gay-marriage-idUSBRE95P07A/> (February 19, 2025).
- Gann Hall, Melinda, and Chris W. Bonneau. 2013. “Attack Advertising, the *White* Decision, and Voter Participation in State Supreme Court Elections.” *Political Research Quarterly* 66(1): 115–26. doi:10.1177/1065912911433296.
- Goodridge v. Department of Public Health*, 2003
- Gray, Thomas, and Adam Hughes. 2022. “Spillover Effects in Political Advertising: Evidence from Judicial Elections.” *Journal of Political Marketing*: 1–15. doi:10.1080/15377857.2022.2047136.
- Jacobson, Gary C. 2015. “How Do Campaigns Matter?” *Annual Review of Political Science* 18(1): 31–47. doi:[10.1146/annurev-polisci-072012-113556](https://doi.org/10.1146/annurev-polisci-072012-113556).
- “Judicial Selection: An Interactive Map | Brennan Center for Justice.”  
<https://www.brennancenter.org/judicial-selection-map> (July 22, 2024).
- Kerrigan v. Commissioner of Public Health*, 2008
- Lim, Claire S.H., and James M. Snyder. 2015. “Is More Information Always Better? Party Cues and Candidate Quality in U.S. Judicial Elections.” *Journal of Public Economics* 128: 107–23. doi:10.1016/j.jpubeco.2015.04.006.

Muaddi, Emanuella Grinberg, Nadeem. 2018. “How the Parkland Students Pulled off a Massive National Protest in Only 5 Weeks.” *CNN*. <https://www.cnn.com/2018/03/26/us/march-for-our-lives/index.html> (July 25, 2024).

*New York State Rifle Association v. Bruen*. 2022.

*Obergefell v. Hodges*, 2015.

PRRI (2022). PRRI American Values Survey, Question 29 [31119979.00028]. Ipsos. Cornell University, Ithaca, NY: Roper Center for Public Opinion Research.

Rock, Emily, and Lawrence Baum. 2010. “The Impact of High-Visibility Contests for U.S. State Court Judgeships: Partisan Voting in Nonpartisan Elections.” *State Politics & Policy Quarterly* 10(4): 368–96. doi:10.1177/153244001001000405.

*Rocky Mountain Gun Owners v. Polis*. 2022

*Sistersong v. Georgia*. 2024.

Shieh, Marcy, Hayley Munir, Michael Catalano, and Nathan Henceroth. 2024. “Campaign Endorsements and Election Outcomes in Judicial Elections.” *American Politics Research*: 1532673X241295681. doi:10.1177/1532673X241295681.

Stockton Polling Institute (2021). Stockton University Poll, Question 9 [31120218.00008]. Stockton Polling Institute . Cornell University, Ithaca, NY: Roper Center for Public Opinion Research.

USA Today. (2022). Suffolk University/USA Today Pennsylvania Poll, Question 3 [31119989.00002]. Suffolk University Political Research Center. Roper Center for Public Opinion Research.

USA Today. (2024). Suffolk/USA Today Pennsylvania Poll, Question 7 [31122099.00006]. Suffolk University Political Research Center. Roper Center for Public Opinion Research

*Varnum v. Brien*, 2009

Vining, Richard L., and Teena Wilhelm. 2011. “The Causes and Consequences of Gubernatorial Endorsements: Evidence From State Supreme Court Elections.” *American Politics Research* 39(6): 1072–96. doi:10.1177/1532673X11409666.

Wolak, Jennifer. 2009. “The Consequences of Concurrent Campaigns for Citizen Knowledge of Congressional Candidates.” *Political Behavior* 31(2): 211–29. doi:10.1007/s11109-008-9069-6.