Women Running for Judge: The Impact of Sex on Candidate Success in State Intermediate Appellate Court Elections

Brian Frederick, Bridgewater State College
Matthew J. Streb, Northern Illinois University

Objective. This article will examine whether candidate sex impacts electoral outcomes in judicial elections. Methods. We examine the success of male and female candidates in contested, nonretention elections for state intermediate appellate courts (IACs) from 2000–2006 using OLS and logistic regression analysis. Results. We find that there is no systematic bias against women candidates in IAC races over this period. In fact, there is some evidence that women may actually perform slightly better than men. Conclusions. Contrary to the claims of some scholars, these results suggest judicial elections do not hinder diversity on the state appellate bench.

Although women continue to be numerically underrepresented in elected office in all areas of government at all levels of government, the conventional wisdom in the field of women and politics is that this disparity is not caused by direct discrimination against female politicians by the voters. Most research on the role of sex in campaigns shows that, despite this chronic underrepresentation, when women run for public office they win at the same rate as men, all else equal (Burrell, 1994; Darcy, Welch, and Clark, 1994; Seltzer, Newman, and Leighton, 1997). However, virtually none of this research focuses on the role of sex in judicial elections. The study of the relationship between candidate sex and success in judicial elections is important for two reasons. First, the presence of women on a court may lead to substantive differences in the outcomes of cases (Peresie, 2005; Songer and Crews-Meyer, 2000). Second, judicial candidates may be evaluated differently than candidates for other offices, especially given the low-information environments in which most judicial elections occur. Voters are more likely to rely on heuristics and schema in low-information elections, some of which may benefit and others of which may hurt female judicial candidates. For instance, judges regularly deal with criminal justice issues that in the eyes of many voters are better handled by male politicians (Huddy and Terkilsen,
1993a, 1993b; Lawless, 2004). Therefore, one cannot assume that since female candidates are not disadvantaged because of their sex in other elections, the same can be said for judicial elections.

According to the American Bar Association, as of 2006, women comprised approximately 30 percent of all lawyers in the United States.\(^1\) Moreover, women are steadily increasing their numbers on state courts compared to a generation ago (Bonneau, 2001). As the supply of potential candidates continues to expand and women enter more races for the judiciary, gender parity in states that use an elective system ought to eventually materialize if the electoral playing field is not slanted against women candidates. This study addresses whether female judicial candidates are at a disadvantage by examining the success of male and female candidates in contested, nonretention elections for state intermediate appellate courts (IACs) from 2000–2006. This data set provides an unprecedented comparison of male and female candidacies for state judgeships over several election cycles in a number of different states. We find that there is no systematic bias against women candidates in IAC races over this period, and that there is evidence that women may actually perform slightly better than male candidates. In fact, rather than standing as an impediment to the advancement of women as some have argued (Henry et al., 1985; Bratton and Spill, 2002), systems that elect judges to the bench may help to facilitate increased gender diversity on the courts at the state level.\(^2\)

The remainder of this article proceeds as follows. First, it surveys the literature on women candidates in the electoral arena more generally and in judicial elections more specifically. Second, it provides the aggregate election results in state IAC contests broken down by sex. Next, it presents the results of multivariate models testing the impact of sex on candidate success in IAC races. Finally, it concludes with a discussion of the ramifications of the results for the future electoral prospects of women candidates in judicial elections and whether this instrument of judicial selection stands as a barrier to a more diversified state court system.

**Support for Women Candidates**

Women have made noticeable strides in achieving political representation over the past few decades. Although they still lag far behind their male counterparts, women have steadily made gains in holding elective office at virtually all levels of government. The general scholarly consensus that has emerged is that holding other factors constant, female candidates perform

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\(^1\)As reported by American Bar Association Commission on Women in the Profession (2006).

\(^2\)Whether judicial elections do this better than other selection methods is not of concern to us here.
just as well as their male colleagues when election returns are examined (Burrell, 1994; Darcy, Welch, and Clark, 1994; Seltzer, Newman, and Leighton, 1997). Although Republican women may face a systemic disadvantage at the primary stage (Cooperman and Oppenheimer, 2001; King and Matland, 2003; Matland and King, 2002), and women may be challenged more frequently than men (Lawless and Pearson, 2008; Milyo and Schosberg, 2000; Palmer and Simon, 2006), overall the available evidence indicates that women win about as often as men do when they run for office, all else equal. Absent widespread discrimination against women candidates, as more women run for office and as more male incumbents relinquish their positions, women will continue to increase their presence in elected office. However, most of this research has been conducted for legislative offices where the policy-making responsibilities differ from what is expected of members of the judicial branch. Races for the bench present conditions that do not apply in campaigns for other offices.

Though sex plays a secondary role in most electoral outcomes, voters do possess stereotypes about women candidates that may benefit or harm the candidacies, especially in judicial elections. Although not as potent as factors such as partisanship and incumbency, a vast collection of studies reveal that gender stereotypes influence vote choice and the evaluation of female candidates (Alexander and Anderson, 1993; Dolan, 1998, 2004; Huddy and Terkilsen, 1993a, 1993b; King and Matland, 2003; Koch, 2000; Matland and King, 2002; McDermott, 1997, 1998; Paolino, 1995; Sanbonmatsu, 2002). This research suggests that women candidates and officeholders are perceived as more liberal than are men in the same positions (Alexander and Anderson, 1993; Koch, 2000; McDermott, 1997, 1998). For instance, Koch (2000) compares voters’ perceptions of female U.S. Senate candidates and their ideologies and discovers that these women are considered to be more liberal than their actual records and positions on the issues reflect. In the context of judicial campaigns, this propensity may cast women in a negative light and impair their chances for electoral advancement, particularly among voters who support the death penalty and harsher sentencing or are skeptical of the prospect of a more liberal, activist judicial branch in general.

Another empirical regularity unearthed in studies focusing on gender and elections is that sex differences exist in the traits voters assign to male and female politicians. These distinctions in the qualities voters associate with men and women in the election process could both aid and undermine female judicial candidates. In general, men are thought of as stronger leaders, possessing a higher level of self-confidence and more assertive, while women gain the edge on compassion, empathy, and trustworthiness (Burrell, 1994; Huddy and Terkilsen, 1993a, 1993b; King and Matland, 2003; Lawless, 2004; Leeper, 1991; Matland and King, 2002; Rosenwater and Dean, 1989). In the process of evaluating judicial candidates, voters may see a male judicial candidate as more likely to fit the image of someone with the strength and leadership needed for this position. As one scholar describes it,
“the role of ‘judge’ may be perceived as a ‘man’s job’” by the voters (Reid, 2004b:188). On the other hand, perceptions that women are more trustworthy than men may mean that female candidates are viewed by voters as better suited to be judges because they would administer justice in a more impartial fashion.

Evaluations of which kind of candidates are better suited to deal with certain issues also break down along the lines of sex. Here, the issue environment may not favor female judicial candidates. Women tend to hold an advantage on handling education, social welfare, and gender equity issues in contrast to male candidates, who voters stereotypically see as being stronger in areas such as crime and national security (Burrell, 1994; Huddy and Terkilsen, 1993a, 1993b; Lawless, 2004; Leeper, 1991). Criminal justice issues occupy a central place in contests for seats on most state courts (Caufield, 2007). Furthermore, in judicial elections, higher murder rates tend to depress the vote share of incumbent candidates (Bonneau, 2007b; Hall, 2001). If some voters express misgivings about the ability of women to deal effectively with criminal justice matters, then they may be less successful than male judicial candidates.

Based on this previous research, two theoretical expectations can be applied to the question of how women candidates will fare in judicial elections. First, because they are seen as weaker on candidate traits, such as leadership, and issues like crime that are critical aspects of the policy portfolio for which judges are responsible, female judicial candidates will perform worse than male candidates, all else equal. Second, female candidates will fare better than male candidates in judicial elections since they are perceived as more honest and trustworthy and more likely to be impartial once they reach the bench. Of course, all these factors could cancel each other out and there will be no perceptible differences in the performance of male and female candidates in campaigns for judge. Although our data do not allow us to test the reasons why male or female judicial candidates do better, they do allow us to test whether differences exist in the success rates of these candidates.

Women in Judicial Elections

Before testing these competing hypotheses regarding candidate success, it is necessary to give a brief discussion of the literature that currently exists regarding female judicial candidates. Most of the research on the subject looks at whether different selection methods lead to different outcomes regarding diversity; it does not examine the success rates of potential female judges compared to potential male judges (Alozie, 1990, 1996; Hurwitz and Lanier, 2001, 2003; Bratton and Spill, 2002; Williams, 2007). The typical dependent variable is the percentage of seats on a court held by women; method of selection, then, is used as an independent variable.
Much of the research on the gender composition of state judiciaries has uncovered no significant relationship between the number of women serving on the court and the method of judicial selection (Alozie, 1996; Hurwitz and Lanier, 2001, 2003). As Hurwitz and Lanier (2003:345) note, variations in the means by which judges are selected “do not affect judicial diversity systematically.” Although these findings indicate that a system of electing judges is not any less inimical to women gaining additional opportunities to serve on the judiciary than a strictly appointive system, the results cannot definitively rule out the possibility that women are at a disadvantage in the electoral process. Women may not experience any less success achieving representation on the judiciary in an elective system than in a merit system, but they may still win at lower rates than men. Indeed, women may do equally poorly across all systems.

Two scholars have come closer to our analysis, but both are limited by what they can say regarding the success of female judicial candidates. Hall (2001) has undertaken the most extensive longitudinal analysis of female candidates in judicial elections in her landmark study of state supreme court elections from 1980–1995. This research disclosed that women and minority candidates tended to receive fewer votes, but the relationship did not reach the conventional threshold for statistical significance in any of the model specifications formulated for the study. The problem with drawing inferences about the role of sex in judicial campaigns from Hall’s models is that she did not distinguish between candidates who are women and candidates who are racial minorities. The models combine minority and female candidates into one variable rather than separating the effects of the two groups. Hall’s null finding, then, may be misleading if women tend to fare better than minority candidates or vice versa. Due to this measurement issue, there is simply no way to discern confidently whether there was any meaningful impact of sex in state supreme court elections during this period.

In a pair of more recent studies, Reid (2004a, 2004b) looked directly at the performance of women candidates in North Carolina trial court elections from 1994–1998. Although women tended to raise and spend more money than male candidates in these races, for the most part their vote share was not significantly different than it was for male candidates after controlling for other variables. Whether these findings hold for women running in judicial elections in other states is still an open question. Although each of these studies sheds some light on the influence of sex in judicial elections, they are limited in their utility to enhance scholarly understanding of this question. To fully parse out whether women candidates are less prone to experience electoral success in judicial elections, it is essential to conduct a comparative state analysis of male and female candidates for the bench over a period of time, disaggregating women from other types of candidates.

3 Reid (2004a) does find that status as a female candidate was negatively related to vote share in open-seat races, but this conclusion was based on just 14 cases.
This study fills this empirical void by examining the electoral performance of more than 300 candidates in contested, nonretention state IAC races from 2000–2006. Over this period, 17 states had some form of contested election for an intermediate-level court seat. This data set allows for a cross-state comparison and avoids relying on generalizations from a single-state design, which has been the case in other studies of women and judicial elections (Reid, 2004a, 2004b). Of the 370 candidates running in contested, nonretention IAC elections over this period, 35 percent were female. Candidate sex was determined through searches of IAC websites and state and local media coverage as reported by Lexis-Nexis.

Besides the comparative advantage they provide, state IAC elections occur under conditions where examining sex as a political variable may carry added weight. Due to the meager media coverage they receive, information costs for voters in judicial elections can be quite high (Schaffner and Diascro, 2007). IAC races are classic low-information affairs where voters usually have scant knowledge of who the candidates are and where they stand on the issues. In fact, Baum (2003) has deemed IAC elections to be the least visible of all state court elections. Since voters use sex as a voting cue in more high-profile contests, this kind of low-information environment can create even greater impetus for voters to reach for informational shortcuts like sex to make judgments about the candidates (McDermott, 1997, 1998). Though not as reliable as party affiliation, a candidate’s sex can supply information about the types of policies the candidate would endorse. The stereotypes that voters apply to women candidates may either help or hinder these candidates. Therefore, IAC races are an excellent domain for a robust test of the hypotheses concerning the influence of sex on the outcomes of judicial elections.

Statistics on IAC Candidate Success by Sex, 2000–2006

Before presenting the multivariate results testing for sex effects in IAC races, it is instructive to look at some aggregate data on these contests. Figure 1 displays the contestation rates of incumbent/challenger and

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4 In the multivariate analysis conducted for the study, six candidates in Ohio were not included because campaign finance data were not available. However, all aggregate data on election returns in contested races are included in the analysis.

5 Eighteen states held some form of nonretention elections, but none of the IAC candidates in Idaho faced an opponent over this period. Therefore, the multivariate models tested in this study includes candidates from only 17 states.

6 Nonretention elections were selected for this analysis for two primary reasons. First, there was remarkably little variation in the outcomes of IAC retention elections during the course of this study (see Streb, Frederick, and LaFrance, 2007). Second, nonretention elections more closely resemble elections for other offices, providing a more legitimate test of whether women fare differently in judicial elections than in campaigns for other offices.

7 Women comprised about 32 percent of the candidates in all nonretention IAC elections.
open-seat IAC races by gender. Female incumbents are opposed at a rate of just over six percentage points higher than male candidates, 32.3 percent and 26.0 percent, respectively. The difference in contestation rates for female candidates in open-seat races is about five percentage points. Although the rates of contestation for female candidates are slightly higher, they are not statistically significant. This finding lends limited support to the proposition that female IAC candidates face more challenging electoral environments than do male candidates, as has been documented in U.S. House elections (Lawless and Pearson, 2008; Palmer and Simon, 2006).

Despite being challenged slightly more frequently than male IAC candidates, female judicial candidates at the intermediate appellate court level have higher success rates. According to Figure 2, female incumbents win approximately 95 percent of the time compared to 91 percent for male IAC incumbents, although this difference is not statistically significant. In contested races, the advantage for female incumbents is even greater, with female incumbents winning close to 84 percent of their races compared to 66 percent for males ($p<0.05$). Female challengers emerge victorious at a rate of 32.4 percent compared to 26.9 percent for males, although this difference is statistically insignificant. Particularly striking is the huge sex disparity present when examining the success rates of IAC candidates in open-seat races. Male candidates won 51.8 percent of the races they entered over the period of this study, while female candidates won an impressive 77.6 percent of the races they entered. This gap of nearly 26 percentage points is highly significant at the 0.001 level. In sum, though IAC judges may deal with a variety of criminal justice issues that traditionally favor male candidates, female IAC candidates do not appear to be disadvantaged at the polls.
Female judicial candidates at this level appear to be running credible campaigns, which has translated into an environment where women can achieve impressive success when they do run. Figure 3 provides more evidence that female judicial candidates do not perform worse than their male counterparts. It displays the average percentage of the vote for incumbents, challengers, and open-seat candidates in contested IAC races by sex over the course of this study. In each category, female IAC candidates attract a higher degree of support from the voters than do males running for the bench. Female incumbents perform roughly two points better than male incumbents, 55.6 percent and 53.5 percent, respectively (although the difference is not statistically significant). Female challengers average 47.9 percent of the vote, while male IAC challengers received 45.5 percent of the vote ($p < 0.052$). Once again, the most pronounced difference is found in open seats; women outpace men in this category of races by more than six percentage points, with averages of 54.2 percent and 48.1 percent, respectively ($p < 0.001$). These findings confirm that women in IAC races are, at the very least, not handicapped by their sex.

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Figure 2
Percentage of IAC Candidates Winning by Sex

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8Candidates who ran unopposed are excluded from this analysis. To adjust the results in multimember races so that they are commensurate with the results in single-member races, we employ the method devised by Jewell (1982). This approach involves dividing each candidate’s votes by the total number of votes and then multiplying the result by the total number of seats within the district. This method has been used in previous studies of judicial elections as well (Hall, 2001; Bonneau, 2007b).
The next section of this article investigates the impact of sex with a more extensive set of controls for other variables that shape outcomes in IAC races.

**Multivariate Models Estimating the Impact of Sex**

To better understand the impact of sex in IAC elections, we must estimate this relationship in a more fully specified multivariate model. To do so, it is essential to control for other factors that could determine the electoral fortunes of IAC candidates aside from sex. Although many studies of electoral competition use the seat as the unit of analysis, we select the candidate. This approach is consistent with Bonneau’s (2007a) analysis of campaign fundraising in judicial elections and other studies examining the role of candidate sex in the election process (Hogan, 2007; Werner and Mayer, 2007). The problem with using the seat as the level of analysis is that it is not possible to estimate the probability of candidate victory in open seats. Furthermore, since it is candidate characteristics that we are interested in, specifically the sex of the candidate, the candidate is an appropriate unit of analysis in this type of study. We test two models. In the first model, the dependent variable is the percentage of the vote received by the candidate, while in the second model, the dependent variable is whether the candidate won or lost (coded 1
for victory and 0 for defeat). In the first model, given the continuous nature of the dependent variable, we employ ordinary least squares regression. In the second model, logistic regression is utilized because the dependent variable is a discrete binary outcome. Consistent with other multistate comparative studies of judicial elections (e.g., Hall and Bonneau, 2006), both models presented here are estimated using robust standard errors clustered by state.

The independent variables in the models include a range of institutional and candidate-specific factors that are likely to influence the percentage of the vote a judicial candidate receives, as well as whether he or she wins or loses. Table 1 displays the descriptive statistics for these variables.

### Individual Candidate Characteristics

The primary independent variable in the models, sex, is coded 1 if the IAC candidate was female and 0 if the candidate was male (FEMALE). Other candidate characteristics need to be taken into account as well. Incumbent officeholders tend to hold enormous advantages over other candidates for public office. For instance, reelection rates for U.S. House incumbents have soared to well over 90 percent in the past few decades (Jacobson, 2004). Incumbent reelection rates in nonretention judicial elections are not quite as high, but incumbent judges typically enjoy a tremendous level of electoral success as well (Hall, 2001, 2007; Streb, Frederick, and LaFrance, 2007). Thus, it is necessary in any model of IAC candidate electoral performance to account for incumbency status. Hence, the models include a variable indicating whether the candidate was a sitting incumbent, coded 1; 0 otherwise (INCUMBENT).
Unlike other officeholders, sitting appellate judges are routinely elevated to their position through appointment rather than election. Newly appointed judges are at a distinct disadvantage compared to judges who have been previously elected. New appointees tend to receive a lower percentage of the vote (Bonneau, 2007b; Hall and Bonneau, 2006) and win less frequently (Bonneau, 2005a). To capture the weakened electoral position of this group of candidates, a variable indicating whether the incumbent was newly appointed is entered into each model (NEW APPOINTEE).

Although not as successful as incumbents, open-seat candidates confront an electoral landscape more favorable than challengers (Jacobson, 2004). Indeed, open seats tend to produce more highly competitive elections than incumbent-challenger contests for all types of offices (Bonneau, 2006; Gaddie and Bullock, 2000; Hall, 2001; Streb, Frederick, and LaFrance, 2007). Therefore, the models include a dummy variable coded 1 if the candidate ran in a race absent an incumbent and 0 otherwise (OPEN-SEAT CANDIDATE).

Furthermore, the candidates’ levels of campaign spending have the capacity to shape outcomes of IAC races (Bonneau, 2007b). Though not a linear relationship, as candidates spend more, their odds of victory tend to increase. Conversely, the spending of the opposition candidate corresponds with a decline in support for a candidate. Two variables measure spending effects in these models—the log of spending by the candidate (CANDIDATE SPENDING) and the log of spending by the opposing candidates in the race (OPPONENT SPENDING). A log transformation is the customary approach in most studies estimating spending effects in judicial elections in order to properly model the relationship between spending and electoral success (Bonneau, 2005b).

Institutional Factors

IAC elections can occur in a variety of different institutional contexts. These variations may contribute to an IAC candidate’s vote percentage and likelihood of victory. Two of these variables include whether the race is partisan or nonpartisan and whether it took place in a district or on a statewide basis. Previous studies of judicial elections demonstrate that partisan elections tend to be more competitive than nonpartisan elections (Bonneau, 2004, 2007b; Dubois, 1980; Hall, 2001, 2007). The models here control for this relationship with a dummy variable coded 1 if the IAC candidate was in a partisan race and 0 if the candidate was in a nonpartisan race (PARTISAN). A small percentage of IAC elections occur in multimember districts and in these cases opponent spending includes the total amount of spending by all other candidates in the race divided by the number of opponents.

Though judicial candidates in Michigan are nominated at a party convention and judicial candidates in Ohio are selected in a party primary, both are coded as being nonpartisan since the candidates’ party affiliations are not listed on the ballot in the general election. Tests in which both were coded as partisan yielded substantively similar results.
IAC elections occur in both districts and at the state level. Because they tend to encompass smaller, more politically homogenous territory, judicial elections in districts tend to produce less competition than state-wide contests (Hall and Bonneau, 2006). Hence, IAC candidates running in districts may have an edge over candidates running on a state-wide basis. As a result, we include a variable indicating whether the race occurred in a district, coded 1; 0 otherwise (DISTRICT).

**Temporal Effects**

Finally, since this data set covers more than one election cycle it is vital to capture any temporal variation present in IAC races over this period. Thus, dummy variables representing various election cycles are also included in the models.11

**Results**

Table 2 presents the results of both models. As expected, in the candidate vote share model, incumbents and open-seat candidates outperform challengers ($p < 0.05$). When candidates expend additional sums of money, their vote share improves ($p < 0.01$). Conversely, when their opponents spend more, their vote percentage diminishes ($p < 0.05$). The variables for appointed incumbent, partisan election, and district election are all statistically insignificant.

Turning to the main variable of interest in this study, sex is a statistically significant predictor of candidate vote share ($p < 0.05$). The coefficient for the variable representing female status indicates that after controlling for all other variables in the model, women IAC candidates perform about 3.4 percent better than do their male counterparts. This result confirms the findings presented earlier showing that female candidates tended to have an advantage in IAC races over the course of this study. To put this 3.4 percent gap in perspective, according to this model the impact of incumbency status is just over seven points, all else equal. These results indicate that female candidates in low-profile judicial elections are not at a fundamental disadvantage because of their sex.

Most of the findings of the second model (whether the candidate won or lost) track closely with the results of the first model. Once again, the female variable coefficient is statistically significant and positively related to whether IAC candidates won their races. To measure the magnitude of the effect of candidate sex, Figure 4 plots the predicted probabilities of success for male and female incumbents, male and female challengers, and male and female

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11The 2006 election cycle serves as the reference category in each of the models.
open-seat candidates, holding all the continuous variables in the model at their means and the indicator variables at their modes. The predicted probability of victory for male incumbents in this sample is 0.72 compared to 0.87 for female IAC incumbents. The disparity is even greater in the open-seat context, where the predicted probability of winning for female candidates is 0.65, about 25 percentage points higher than for male open-seat candidates. A similar 22 percentage point edge exists for female challengers. These results illustrate that sex in IAC elections has a substantive impact on whether candidates win. Ceteris paribus, female IAC candidates have a higher probability of victory than do male candidates. These numbers further negate the idea that women face a more treacherous electoral climate in judicial elections than they would in races for other offices.

### TABLE 2

Regression Model Predicting Candidate Success in IAC Races, 2000–2006

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Candidate Vote Share</th>
<th>Candidate Won/Lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>3.433*</td>
<td>0.984***</td>
</tr>
<tr>
<td>(1.208)</td>
<td>(0.206)</td>
<td></td>
</tr>
<tr>
<td>Incumbent</td>
<td>7.166*</td>
<td>1.966***</td>
</tr>
<tr>
<td>(2.825)</td>
<td>(0.521)</td>
<td></td>
</tr>
<tr>
<td>Open-seat candidate</td>
<td>2.651*</td>
<td>0.646*</td>
</tr>
<tr>
<td>(0.815)</td>
<td>(0.298)</td>
<td></td>
</tr>
<tr>
<td>Appointed incumbent</td>
<td>−3.205</td>
<td>−1.277</td>
</tr>
<tr>
<td>(2.200)</td>
<td>(0.740)</td>
<td></td>
</tr>
<tr>
<td>Candidate spending (log)</td>
<td>1.196**</td>
<td>0.525**</td>
</tr>
<tr>
<td>(0.364)</td>
<td>(0.175)</td>
<td></td>
</tr>
<tr>
<td>Opponent spending (log)</td>
<td>−0.992*</td>
<td>−0.495**</td>
</tr>
<tr>
<td>(0.366)</td>
<td>(0.174)</td>
<td></td>
</tr>
<tr>
<td>Partisan</td>
<td>−0.279</td>
<td>−0.076</td>
</tr>
<tr>
<td>(0.407)</td>
<td>(0.113)</td>
<td></td>
</tr>
<tr>
<td>District</td>
<td>−0.081</td>
<td>−0.139</td>
</tr>
<tr>
<td>(0.461)</td>
<td>(0.146)</td>
<td></td>
</tr>
<tr>
<td>2000–2001</td>
<td>0.416</td>
<td>0.040</td>
</tr>
<tr>
<td>(0.297)</td>
<td>(0.086)</td>
<td></td>
</tr>
<tr>
<td>2002–2003</td>
<td>0.546</td>
<td>0.094</td>
</tr>
<tr>
<td>(0.382)</td>
<td>(0.086)</td>
<td></td>
</tr>
<tr>
<td>2004–2005</td>
<td>0.293</td>
<td>0.030</td>
</tr>
<tr>
<td>(0.509)</td>
<td>(0.109)</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>43.923***</td>
<td>−1.192*</td>
</tr>
<tr>
<td>(2.226)</td>
<td>(0.515)</td>
<td></td>
</tr>
<tr>
<td>Adjusted $R^2$</td>
<td>0.225</td>
<td></td>
</tr>
<tr>
<td>Pseudo $R^2$</td>
<td></td>
<td>0.215</td>
</tr>
<tr>
<td>$N$</td>
<td>364</td>
<td>364</td>
</tr>
</tbody>
</table>

*p < 0.05; **p < 0.01; ***p < 0.001.

**NOTE:** In the first column, the dependent variable is the percentage of the vote received by the IAC candidate. In the second column, the dependent variable is coded 1 if the IAC candidate won and 0 if the candidate lost. Robust standard errors clustered by state in parentheses.
Discussion and Conclusion

This study has explored the electoral fate of women candidates in judicial elections. As with other elected positions, candidate sex does not seem to be a hindrance in obtaining office. There does not appear to be anything distinctive about campaigns for the judiciary that inhibits women from sitting on the bench. If any verdict can be reached on the role of sex in the outcomes of judicial elections, then it is that women might receive a modest boost at the polls. In the IAC elections studied here, women candidates actually fared better than male candidates both in terms of vote share and whether they win. Attempts to diversify state court systems can occur through the electoral process as long as women are willing to throw their hats into the ring. As male incumbents retire and more women run for open-court seats, state judiciaries should see an increase in the number of female judges serving on the bench. Although there may be many negative consequences of holding judicial elections, the results here indicate one positive effect of such elections. The concerns of scholars who worry that judicial elections lead to a less diverse court—at least in terms of gender—seem to be misplaced. Of course, given the results of studies finding no significant relationship between gender diversity and method of judicial
selection (Alozie, 1996; Hurwitz and Lanier, 2001, 2003), it is likely that merit selection does not inhibit judicial diversity either (but see Williams, 2007).

The chief constraint of this study is that it can provide only limited empirical insight into why women candidates appear to hold a slight advantage—and certainly are not discriminated against—in judicial elections. Is it because female IAC candidates are perceived to be more ethical and impartial than male candidates by voters in these elections? Since IAC elections usually fly below the radar, voters may be applying a stereotype that female judicial candidates would demonstrate more honesty and integrity if they reached the bench. This relationship seems plausible based on previous research of women candidates. However, to more fully corroborate this hypothesis it would require individual-level survey data to ascertain why voters made their decisions in these elections.

Another explanation is that since women comprise a small share of the candidate pool in IAC elections, there may be a winnowing process where only the strongest female candidates are running in these races. Women may face discrimination from political elites at the entry stage of the campaign process, as they do in state legislative races (Niven, 1998, 2006; Sanbonmatsu, 2006), which leads to a situation where only the most effective female candidates enter IAC races. Therefore, most of the women running have to be better than their male colleagues in the election process (Lawless and Pearson, 2008). Hence, if women did run for judicial offices at the same rate as men, the results in this study may not hold. Further research into the recruitment of judicial candidates is essential to gain further analytical leverage on this question. Overall, however, the state of the political environment for women in appellate court races that emanates from this study is one that is extraordinarily positive if you are committed to diversity on the bench. As the ranks of female attorneys continue to swell, so should the number of female judges in states that hold judicial elections. If political equality between the sexes is to be achieved, then women must make gains in all elected office positions, including the judiciary. The absence of female judges on the bench undermines the policy interests of women. Judges are policymakers and female judges may make a substantive difference in the outcomes of cases that come before the court system (Peresie, 2005; Songer and Crews-Meyer, 2000). Considering that no systematic bias emerged against women running for the state appellate bench in this study, there is the prospect that parity between the sexes can gradually occur as more openings for these positions become available and the qualified pool of women candidates continues to grow. Ultimately, this development will produce greater descriptive representation of women in the judicial branch of government at the state level.

REFERENCES


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