

## Local Media Coverage of Candidates for State Supreme Courts

David A. Hughes, Ph.D.<sup>1</sup>

### Abstract

What explains media coverage of state supreme court candidates? While the scholarly literature thoroughly examines media coverage of judicial decision-making, little is known about how members of the press cover candidates for the bench. This is an important omission as the campaign trail is one of the few places where voters and candidates directly interact with one another. In this research, I present new data regarding local press coverage of candidates for state supreme courts between 2002 and 2014. I find that, similar to coverage of judicial opinions, members of the press are largely drawn to conflict and spectacle. Specifically, journalists are more likely to cover expensive, churlish, and competitive campaigns for the bench. Nevertheless, I also find that the predicted rate of candidate coverage has fallen dramatically between 2002 and 2014 (approximately 62 percent).

---

<sup>1</sup> Associate Professor, Auburn University at Montgomery, Department of Political Science and Public Administration. Contact: [david.hughes@aum.edu](mailto:david.hughes@aum.edu).

## **1. Introduction**

Critics of judicial elections argue that voters are too uninformed to select judges or to hold them democratically accountable (Geyh 2003). Political science scholarship, however, suggests that voters are capable of participating so long as they have information about candidates for the bench (Bonneau and Hall 2009). For example, voters learn about judicial candidates, their qualifications, and policy positions sometimes directly from their campaigns (Hall 2015, Hall and Bonneau 2006, 2008), indirectly from sources such as special interest groups (Hojnacki and Baum 1992, Hughes 2019), or even the party with which candidates choose to affiliate (Klein and Baum 2001, Schaffner and Streb 2002).

Recent work submits that another indirect source of voter information in judicial elections comes from the press (Hughes 2020). As gatekeepers and agenda-setters, the media can help to make candidates for political office salient to the electorate. In the context of state judicial campaigns, local reporters help to convey information to voters such as a candidate's experience, policy positions, rulings in previous cases, or even the expected competitiveness of a given race. Hughes (2020) finds that as local reporting on state supreme court campaigns increases, voters are more likely to learn about and participate in these elections.

While previous works have evaluated the newsworthiness of judicial institutions or the disputes they resolve, few to date have rigorously examined why the media choose to cover some campaigns for the bench over others. In this research, I build upon established theory and test hypotheses using a new dataset of campaign media coverage of state supreme court candidates. The data span the years 2002 to 2014 and includes 561 candidacies across 36 states. Results indicate that when media report on candidates, incumbents enjoy an outsize advantage over challengers, but reporters also prioritize sensational news such as high-priced campaigns and personal attacks. I conclude with a brief discussion of my findings in addition to areas that may prove fruitful for additional research.

## **2. News Coverage of Law and Courts**

Given finite time and resources, members of the press must prioritize which stories merit their attention. The newsworthiness of a given phenomenon often relates to its potential novelty or impact for consumers, in addition to its likelihood of generating revenue via advertisements or investments in the news

organization itself (Graber and Dunaway 2015, Hamilton 2004, McManus 1995). Novel political stories might involve scandals, mudslinging, or other sensational events that are relatively rare compared to the average stream of news. Impactful stories are those that are likely to be most relevant to an outlet's subscribers. This could include stories relevant to the geographic area surrounding a news organization's consumers—stories that are proximate or familiar to audience members. When stories are more novel or impactful, they are more likely to be profitable for the news organization and therefore garner coverage.

With respect to the judicial branch of government, law and courts scholars find broad support for the theoretical perspective of newsworthiness presented above (e.g., Vining and Marcin 2014). First, federal courts are typically more salient than are state courts (cf. Epstein and Segal 2000, Vining and Wilhelm 2010). Their opinions have broader geographic implications, and the substance of their opinions tends to have a greater effect upon American public policy. For these reasons, U.S. Supreme Court cases garner broad media coverage in national outlets such as the *New York Times*, which feature about 15 percent of all cases on their front page the day after they are decided (Epstein and Segal 2000). By contrast, state and local newspapers cover state courts of last resort far less frequently (Vining and Wilhelm 2011, Vining et al. 2010). Less than two percent of all state supreme court opinions receive front-page coverage the day after their announcement.

Despite limited media coverage at the state-level, the vast majority of cases in the United States are disposed there. Examining the content of cases the media chooses to cover helps us better to understand what makes them newsworthy. For example, news organizations are drawn to cases related to civil liberties such as privacy or the First Amendment and less prone to cover economic issues such as torts (Collins and Cooper 2012, Epstein and Segal 2000, Vining and Wilhelm 2010, Yanus 2009). News organizations are also more likely to cover cases that feature declarations of unconstitutionality, dissenting opinions, or criminal appeals such as death sentences (Vining and Wilhelm 2010, 2011, Vining et al. 2010, Yanus 2009).

Even among death penalty cases—arguably the most salient type of case state courts handle—scholars find that the media tend to cover those with facts that are more novel or sensational. According to Vining, Wilhelm, and Collens (2015), newspapers are more likely to cover death penalty cases if the

offender was a woman, if the number of murder victims was high, or if the court invalidated a death conviction or sentence. Conversely, newspapers are less likely to cover death cases that turn on procedural issues (Vining, Wilhelm, and Collens 2015).

The literature on media coverage of courts is largely focused upon the study of decided cases. But this is only one aspect of what can make a court or its members salient to the public. Unlike the federal courts, most state judges must run for election either to earn a seat on a court or to keep it. This involves a different kind of newsworthiness—the salience of judicial candidates and their campaigns for office. Limited scholarship has been devoted to this topic, but from the scant evidence that exists, scholars find that journalists cue off similar types of stories compared to their coverage of the case-law (Hughes 2020, Schaffner and Diascro 2007).

### **3. News Coverage of Judicial Candidates**

Why are some candidates for the bench more newsworthy compared to others? This research question propels the remainder of the present study. In this section, I outline hypotheses for news coverage of candidates for state high courts based upon factors such as their campaign methods, the institutions for which they are running, their personal characteristics, and the health of the news industry that would cover them. As with previous studies centered upon courts and media, I anticipate that local media outlets will rationally respond to political stimuli as they decide which phenomena to lend their coverage. I anticipate that journalists will be drawn to accessible, unusual, or sensational developments on the campaign trail. Below, I outline which factors will be most likely to further local media coverage of state supreme court candidates.

#### **3.1 Judicial Campaigns**

Perhaps the most salient aspects of political campaigns occur on the hustings. To win over voters in a judicial election, candidates need to demonstrate that they have the requisite qualities, experience, temperament, and values voters prefer in a judicial representative (Hall 2001, Dubois 1979, Gill 2017). Voters, however, cannot know which candidate best represents their preferences if the candidates'

qualifications are never made known to them. Therefore, candidates must communicate with voters to share information with them.

One way candidates interact with constituents is by meeting them face-to-face. This can involve the candidate attending community gatherings, giving speeches to civic or religious organizations, or meeting with potential donors. For example, during his first campaign for chief justice, Alabama Republican Roy Moore visited with the Birmingham Kiwanis Club on one of his campaign stops (Reeves 2000). He gave a speech steeped in reverence for the American founders and then took questions from the roomful of business professionals.<sup>2</sup> Engaging in such campaign activities requires funds to pay for fuel, lodging, meals, and so forth. Put simply, the more money candidates can raise, the more they should be able to spread their campaign messages through face-to-face meetings with constituents.

Candidate communication with voters can also take place indirectly. For example, candidates can pay to appear in television, radio, print, or social media advertisements. Mass forms of communication such as these are likely to enhance an individual's exposure to the electorate compared to methods such as face-to-face interactions. Nevertheless, these forms of communication require significantly greater sums of money compared to face-to-face communication.

During the 2014 Tennessee merit retention elections, for example, conservative interests tried to unseat three Democratically appointed Tennessee Supreme Court justices. In part, these groups claimed the justices had "advanced Obamacare."<sup>3</sup> The justices responded by spending \$854,040 for 2,099 television advertisements. With these ads, the justices conducted a counter-campaign, arguing that criticisms related to themselves and the Affordable Care Act were "A complete whopper."<sup>4</sup> Instead, they argued, "Obamacare is a federal law. The Tennessee Supreme Court has nothing to do with that."<sup>5</sup> The three justices won their retention elections.

---

<sup>2</sup> Unfortunately for Roy Moore, the room soon turned hostile, engaging in a biting series of questions about his philosophy regarding the separation of church and state (Reeves 2000).

<sup>3</sup> Storyboards from this campaign are available from the following [address](#) (last accessed 16 December 2019).

<sup>4</sup> This storyboard is available from the following [address](#) (last accessed 16 April 2021).

<sup>5</sup> Data are available from the following [address](#) (last accessed 16 April 2021).

Whether candidates communicate with voters directly or indirectly, they need campaign funds in order to maximize their exposure to prospective voters. The more money candidates can raise, the more they can boost their public profiles, making them a more attractive candidate for media coverage. Conversely, if candidates struggle to raise and spend money, their candidacies should also struggle to garner media attention as journalists would be unable to cover specific campaign messages or events but would need to invest greater time or resources into developing novel stories about the candidate. As such, I suspect that as candidates raise greater sums of money, their coverage in the press will be increasing, all things being equal.

Not only should greater exposure to the electorate increase a candidate's coverage in the press, but so too should the tone of their communication affect their campaign's salience. Previous work on judicial elections identifies three types of messages judicial candidates might disseminate (Hall 2015). One is to promote a candidate's campaign. Messages such as these often tout an individual's experience, values, civic or religious memberships, and so on. For example, in 2006, Georgia Supreme Court justice Carole Hunstein ran for reelection. In promotional campaign messages, she boasted:

With twenty-two years experience, she's one of Georgia's most respected judges...She's tough and fair. Affirming two strikes and you're out. Upholding the death penalty, and affirming tough sentencing for domestic violence, child abuse, and sexual predators....Representing Georgia values, protecting Georgia families, Supreme Court Justice Carole Hunstein.<sup>6</sup>

Unlike other types of campaign messaging, then, promotional forms of communications focus upon candidates themselves and make little or no mention of other candidates vying for the same position.

Standing opposite promotional messaging, contrast and attack advertising draws direct comparisons between a candidate and his or her competitors. The primary difference between contrast and attack messaging relates to tone and subject. Contrast messaging tends to focus more equally upon a candidate and his or her competitors, drawing differences between the two. For example, during the 2012 Kentucky Supreme Court elections, Will Scott contrasted himself with Janet Stumbo in a televised advertisement: "Former Justice Janet Stumbo sided with criminals fifty-nine percent of the time. Current

---

<sup>6</sup> The storyboard for this advertisement is available from the following [address](#) (last accessed 16 April 2021).

Justice Will T. Scott takes a conservative, hardline view on criminal defendants....Liberal Janet Stumbo. Or Conservative Will T. Scott. Reelect Will T. Scott.”<sup>7</sup>

Attack messaging focuses more upon the perceived flaws of an opponent and less upon a candidate’s own qualifications. Naturally, attack advertising tends to be more bellicose than promotional or contrasting messages. Attack messaging might focus upon an opponent’s policy positions, decision-making, endorsements, and so on. For example, during the 2010 Alabama Supreme Court race between Democrat Mac Parsons and Republican Tom Parker, Parsons attacked Parker’s integrity by claiming he didn’t pay his taxes.

Meet Tom Parker. He’s a Supreme Court justice who makes \$160,000 a year. But Tom Parker doesn’t pay his taxes. The authorities hit Parker with thousands in...unpaid taxes while Parker’s been serving on Alabama’s Supreme Court. A supreme court justice who doesn’t pay his taxes. That’s really all you need to know about Tom Parker.<sup>8</sup>

Regardless of tone, I suspect that as candidates increase the frequency of their messaging, media coverage of their campaigns will be increasing. Nevertheless, I suspect that attack advertising will garner greater media coverage compared to other types of messages. If newsworthiness is defined by sensationalism or impact as discussed above, then attacks on one’s competitors is clearly the most newsworthy form of communication. By comparison, promotional or contrasting messages are likely to be less salient to members of the press. Between the two, however, contrast advertising should be more newsworthy as it involves more conflict than promotional advertising does.

### **3.2 Judicial Institutions**

Not only are certain types of campaigns likely to be more salient to the media, but so too should candidates running in particular types of political institutions. For example, scholars find that partisan, competitive judicial elections are more salient both to the public and to the press compared to nonpartisan or uncompetitive ones (Bonneau and Hall 2009, Hughes 2020).<sup>9</sup> Party labels give journalists an easy way to

---

<sup>7</sup> This storyboard is available from the following [address](#) (last accessed 16 April 2021).

<sup>8</sup> This storyboard is available from the following [address](#) (last accessed 16 April 2021).

<sup>9</sup> See, however, work from Vining and Wilhelm (2010), which finds no clear pattern of media reporting across heterogeneous institutional designs.

frame candidates, their judicial philosophies, or even the viability of their campaigns.<sup>10</sup> Therefore, I suspect that candidates running with a party label will receive more news coverage compared to those who do not.<sup>11</sup>

Similarly, elections with more than one candidate should be easier for journalists to cover compared to those with only one candidate (such as retention elections). In contested elections, competitors scrutinize one another's records as they campaign for office. Compare this to uncontested elections where candidates are almost certain to achieve victory. These individuals rarely campaign on their own behalf; outside interests rarely oppose their candidacies; and even when they do they almost always fail in their efforts (Aspin 2017, Hughes 2019). If outside interests don't investigate an uncontested candidate, then members of the press will have to invest in their own research in order to report on these individuals. All things being equal, then, contested elections should receive greater rates of news coverage than uncontested elections.

Another institutional factor likely to affect media coverage of candidates for state high courts relates to the constituencies whose support candidates seek. In most states, candidates for supreme courts run at-large, but in some like Louisiana, candidates run within discrete geographic districts. Previous works find that district elections (particularly those that are nonpartisan) foster the incumbency advantage in part by fending off would-be challengers but also by depressing voter turnout (Hall 2001, 2007, Hall and Bonneau 2006). Because district campaigns are inherently more limited in scope compared to at-large elections, it is likely that reporters will take less notice of them.

Finally, an election's timing might affect media interest in its candidates. While most states select judges at the same time as other state or federal office-holders, others choose these officers during party primaries. These primaries occur months before other state or federal representatives are chosen. Generally speaking, primary elections do not attract the same degree of voter interest compared to general elections. Therefore, I suspect that candidates whose seats are filled during primary elections will receive less coverage compared to those in which winners are chosen with other state or federal office-holders.

---

<sup>10</sup> This is especially true among third-party candidates.

<sup>11</sup> Below, I further differentiate some the different types of judicial elections that occur absent the party label (nonpartisan, hybrid, and retention elections).

### 3.3 Judicial Candidates

Some judicial candidates are likely to be more or less salient compared to others. For example, incumbents are likely to be more newsworthy compared to challengers simply because they have been active in resolving disputes during the period leading up to an election.<sup>12</sup> Covering incumbent candidates for state supreme courts will likely be easier for journalists compared to candidates with no such ready-made track record. Therefore, I suspect that incumbent candidates will garner greater rates of coverage compared to challengers.

Then again, not all incumbents may be created equal. For example, those appointed to their positions but who have yet to stand before the electorate may be less newsworthy compared to their colleagues who have successfully been returned to office. These types of interim appointees will not have served as long as other incumbents, ruled on as many cases, or written as many opinions. For these reasons, research finds that these individuals do not enjoy the same kinds of advantages as other incumbents. They are more likely to be challenged and less likely to win voters' support compared to those who have won their positions previously (Hall 2001, Hall and Bonneau 2006). Therefore, I suspect that interim appointed candidates for state supreme court positions will receive less news coverage compared to others.

Some elections do not feature any incumbents whatsoever. These "open" elections, feature only new candidates for a position and are therefore more frequently competitive than closed ones. Without the incumbency advantage, competitors can compete on a more even footing. Therefore, I suspect that candidates running for open supreme court positions will garner greater news coverage compared to campaigns featuring an incumbent.

Just as not all incumbents are likely to be created equal, so too are challengers likely to differ with respect to their newsworthiness. Specifically, qualified challengers should garner greater media attention compared to unqualified challengers as they should run more competent, competitive campaigns compared

---

<sup>12</sup> A similar logic holds for elections to legislative positions such as the U.S. Senate. For example, Kahn (1991) finds that incumbents in uncompetitive races receive significantly greater newspaper coverage compared to challengers.

to unqualified challengers. Quality challengers are those who have previous judicial experience or name recognition (Hall and Bonneau 2006). Unqualified challengers have little-to-no judicial experience, name recognition (or the campaign funds to generate such recognition), or belong to third-parties that don't enjoy broad public support. I suspect that these less qualified individuals should attract less media attention compared to their more qualified counterparts.

Finally, demographic factors like race and gender might also affect a candidate's newsworthiness. Traditionally, the American bench has been dominated by white males (e.g., Goelzhauser 2016, Haire and Moyer 2015). On the one hand, if the press are drawn to phenomena that are uncommon, they may cover racial minorities or female candidates at greater rates compared to white and male candidates. According to Goelzhauser (2016, p. 102), racial minorities made up just nine percent of all state supreme court justices between 1960 and 2014. During the same period, only 16 percent were female. On the other hand, members of the press could be systematically biased against covering minority candidates. Gill, Lazos, and Waters (2010), for example, find that Nevada attorneys consistently show signs of racial and gender bias such that female and nonwhite judges receive lower performance evaluations compared to white and male judges. It may be the case that reporters suffer from a similar kind of implicit bias.

### **3.4 State of the News Industry**

News delivery and its consumption have undergone significant changes over the past 40 years—first with the introduction of the 24-hour cable news cycle and then with the advent of online, digital news (Miller and Reynolds 2014). These changes have largely come at the expense of daily newspapers. According to the Pew Research Center, advertising revenue among U.S. daily newspapers declined by approximately 62 percent, and employment in daily newsrooms declined by 47 percent between 2008 and 2018.<sup>13</sup> During that same span, newsrooms in general (e.g., television, radio, online, etc.) shed 25 percent of their workforce.<sup>14</sup> Absent requisite human resources, media outlets cannot cover candidates for judicial positions as rigorously as they could were they fully staffed—a problem campaigns can strategically manipulate to earn more

---

<sup>13</sup> Pew data available from the following [address](#) (last accessed 16 April 2021).

<sup>14</sup> Data are available at the following [address](#) (last accessed 16 April 2021).

positive coverage (Darr 2016). Consequently, I anticipate that coverage of judicial candidates will be increasing as the number of employed reporters in a given state also increases.

#### **4. Data and Statistical Methodology**

I examine the newsworthiness of candidates for state courts of last resort between 2002 and 2014. I identify these individuals using data from state secretaries of state websites in addition to data found in Kritzer (2015). This research strategy yields 561 candidacies across 36 state courts of last resort.<sup>15</sup> In what follows, I outline each variable and its operationalization in addition to the statistical methodology employed for the analysis below.

##### **4.1 Dependent Variable**

I operationalize my dependent variable as the amount of news coverage individual candidates for state high courts garner in the year leading up to their election dates. Previous studies such as Schaffner and Diascro (2007) and Vining and Wilhelm (2010, 2011) examine judicial salience with respect to coverage in local newspapers. In a recent work, however, Hughes (2020) argues that operationalizing judicial salience via newspaper coverage could present difficulties. While daily newspapers lost close to half of their workforce between 2008 and 2018, employment figures in other newsrooms such as television and online outlets have remained relatively steady or have increased.<sup>16</sup> Therefore, it is unclear if print news is the best possible measure for state supreme court candidate salience.

Hughes (2020) points out that picking the appropriate newspaper for analysis is itself problematic given the need to draw reasonable comparisons from state-to-state. Vining and Wilhelm (2011), for example, study the most widely circulated newspapers in each state. Some of these newspapers, however, are much larger than others and may not even be owned by in-state interests.<sup>17</sup> Schaffner and Diascro (2007) find that

---

<sup>15</sup> I do not include in this analysis judges on either the Oklahoma or Texas criminal court of appeals. Nor do I include individuals who run uncontested for partisan, nonpartisan, or hybrid positions.

<sup>16</sup> Data are from the Pew Research Center at the following [address](#) (last accessed 16 April 2021).

<sup>17</sup> Consider, for example, the case of the *Los Angeles Times* (*LAT*). In 2000, the Chicago-based Tribune Company acquired the *LAT*, beginning a saga of unrest at the news organization. In 2007, the company sold itself to Sam Zell, who promptly saddled the organization with \$13 billion of debt. Within a year, Tribune Company dismissed scores of reporters and filed for Chapter 11 bankruptcy as it sought to protect itself from the cratering American economy. After emerging from bankruptcy and consolidating its publishing business, Tribune rebranded itself Tronc in what would become a series of public relations disasters. In 2017, the *LAT* fired its senior editors. In 2018, one of its

non-locally owned newspapers publish less local news compared to newspapers owned by local stakeholders. Alternatively, Vining et al. (2010) consider news coverage in capital city newspapers. While they find similar types of coverage compared to a state's most circulated newspaper, they also find significantly less reporting compared to those organizations.

An additional problem with using newspapers to operationalize concepts such as candidate salience relates to where in the newspaper coverage of courts appears. Like Epstein and Segal (2000), Vining and Wilhelm (2010, 2011) restrict their analysis to the front page of a given newspaper such that a case is either coded to have been covered there or not. But as others have pointed out, most court coverage does not appear on the front page (Collins and Cooper 2012, Schaffner and Diascro 2007), and it seems somewhat unrealistic to think that back-matter coverage would go just as unnoticed as stories that were never reported in the first place. According to Schaffner and Diascro (2007), only about 14 percent of state supreme court candidates ever receive front-page coverage.

As a possible solution to these problems, Hughes (2020) proposes a measurement strategy for judicial salience that examines reporting by the Associated Press (AP). The AP employs on-the-ground reporters in 143 bureaus scattered throughout all fifty states. Reporters in these bureaus are exposed to the same political stimuli as are other local reporters such as those for newspapers or television. Indeed, local news outlets affiliated with the AP frequently print stories written by AP bureau reporters and vice versa. Similar to Hughes (2020), then, I measure state supreme court candidate salience as an event count of the number of AP State and Local Wire stories that mentioned a given candidate in the year leading up to an election.<sup>18</sup> I identify these articles by searching for candidates' names and the states in which they are running for office using LexisNexis.<sup>19</sup> I present graphical summaries of this new source of data in Figure 1.

---

senior officials was accused of sexual harassment and anti-Semitism. That year, Tronc unsuccessfully opposed *LAT* employee efforts to unionize. It finally sold *LAT* to a private owner and changed the company name back to Tribune Publishing. The *Chicago Tribune* [provides](#) a detailed chronology of the unrest at Tribune Publishing (last accessed 16 April 2021).

<sup>18</sup> Hughes (2020) finds that news reporting in the 12 months leading up to an election is highly correlated with coverage in the three and six month periods before an election, but the 12 month period offers greater variation.

<sup>19</sup> More specifically, I entered into LexisNexis' search field, "Candidate Name," followed by the Boolean operator "AND," followed by "State Name."

[Figure 1 about Here]

The average state supreme court candidate garnered 14.54 news stories leading up to his or her election date, though there is considerable variance in how these candidates are covered. In the northwest quadrant of Figure 1 is a histogram of candidate coverage. The distribution of coverage is right-skewed, demonstrating that most candidates don't receive much media coverage, but among a select few, coverage is robust. The most widely covered candidate in the dataset (Warren McGraw of West Virginia) garnered 143 stories.<sup>20</sup> Many candidates, however, merited scant attention. In fact, 6.56 percent of all candidates received no coverage whatsoever. Most of these individuals were either third-party candidates in partisan elections (37.83 percent) or judges running in retention elections (35.14 percent).

Indeed, retention eligible incumbents are among the least covered in the dataset. In the northeastern quadrant of Figure 1 appears the coverage rates for supreme court candidates across different institutions. We see that partisan, nonpartisan, and hybrid election candidates receive similar rates of coverage (approximately 17 news stories per candidate).<sup>21</sup> Difference of means testing indicates that these figures are not statistically distinguishable from one another. Now compare candidates in competitive elections to those standing for retention. The average retention candidate garners only 8.77 news stories leading up to an election—nearly half the rate at which candidates in competitive elections are covered by the media.<sup>22</sup>

Finally, note from the southwestern quadrant of Figure 1 the changes in news coverage of state supreme court candidates over time.<sup>23</sup> In the early 2000s, coverage was relatively commonplace as the average candidate attracted 19 news stories leading up to an election. As the decade progressed, however, news coverage tapered off, possibly due to constrictions in the news industry caused by the economic recession of 2008 and the increasing digitization of news consumption (Hughes 2020). While news coverage

---

<sup>20</sup> Warren McGraw, a Democratic incumbent on the West Virginia Supreme Court, faced Republican Brent Benjamin in a highly contested, bitter campaign, which Benjamin ultimately won.

<sup>21</sup> Candidates in partisan elections average 16.40 stories before an election. Candidates in nonpartisan elections average 17.56 stories. And candidates in hybrid elections average 17.05 stories before an election.

<sup>22</sup> This difference of means is statistically significant ( $t = 5.57$ ).

<sup>23</sup> Elections in odd-numbered years are grouped with the even-numbered year following them.

of state supreme court candidates regained some ground in 2012, by 2014, the downward trajectory had resumed such that candidates in 2014 averaged only 8.38 stories leading up to an election.

The new measure of candidate coverage has considerable face validity. The most widely covered candidates represent some of the most salient state supreme court campaigns in recent history. After Warren McGraw, Maureen O'Connor is the second most-widely covered candidate due to her expensive contest against Tim Black for the Ohio Supreme Court in 2002.<sup>24</sup> The candidates raised over \$3 million and aired over 6,000 television advertisements.<sup>25</sup> Ohio candidates in general are relatively newsworthy. Among the 25 most covered candidates in the dataset, three are from Ohio.

The Wisconsin Supreme Court is also well represented among the most highly covered campaigns. Of the ten most salient candidates, five ran in Wisconsin. This includes David Prosser, a justice who was said to have called the court's chief justice, Shirley Abrahamson, "a total bitch" and who is also accused of having attempted to choke another justice, Ann Walsh Bradley.<sup>26</sup> Abrahamson and Bradley also made the list. Alabama's candidates for the bench are also among the most highly covered. Among the 25 most covered candidates, three hail from the Yellowhammer State. These are Roy Moore (the conservative firebrand made infamous for his clashes with the federal government), Tom Parker (a Roy Moore protégé), and Drayton Nabors (the incumbent chief justice who narrowly lost to his Democratic rival, Sue Bell Cobb, in 2006, which was at the time the most expensive judicial campaign in American history).<sup>27</sup>

## 4.2 Campaign Variables

I suspect that more expensive, visible, and churlish campaigns will be more likely to garner the media's attention. Therefore, I include as independent variables measures of campaign expense and tone. First, I measure the amount of money a candidate for a state supreme court raised.<sup>28</sup> Second, because candidate-

---

<sup>24</sup> Baum and Klein (2007) provide an in-depth analysis of this race.

<sup>25</sup> Campaign finance data are available from the National Institute on Money in State Politics at the following [address](#) (last accessed 16 April 2021). Television advertising data are available from the Brennan Center for Justice's annual series on judicial elections, *Buying Time*, available at the following [address](#) (last accessed 16 April 2021).

<sup>26</sup> For a more detailed account of the Wisconsin Supreme Court's scandals, see Caplan (2015).

<sup>27</sup> For a lengthier examination of the politics of the Alabama Supreme Court, see Hughes (2018).

<sup>28</sup> Bonneau (2017) argues that campaign fundraising and spending in state supreme court elections are nearly indistinguishable.

level campaign financing may have spillover effects for other candidates running for the same position, I also measure the amount of money all candidates for a given seat raise. To account for inflation, I adjust all monetary figures into 2018 dollars. I then log this total to account for the diminishing effects additional campaign money is likely to have upon candidate salience. The mean level of money a candidate raised is \$416,481.10. Nevertheless, this distribution is highly right-skewed as the median amount of money raised is only \$108,599.50. The mean level of money all candidates for a given position raised is \$845,667.20, which is also right-skewed.

Next, I account for the tone of judicial campaigns. I gather the total number of television advertisements aired by a candidate or by a group on their behalf by their tone—attack, promote, or contrast.<sup>29</sup> Only 11.52 percent of all candidates aired attack advertisements. As with campaign financing, attack advertising is right-skewed as the mean number of such ads aired by or on behalf of a candidate is 116.94 while the median rate was actually zero. By contrast, promotional advertisements are a more benign form of proselytization. On average, 35.64 percent of all candidacies for state courts of last resort are accompanied by promotional advertisements, and the average number aired for a given candidate is 411.96. As with campaign financing, I again account for potential spillover effects candidate-level advertising might have upon other candidates running for the same seat. At the race-level, the mean level of attack advertising is 244.90, and the mean level of promotional advertising is 1,099.92.

Finally, I control for contrast advertising. Contrast advertising is less common in state supreme court contests—only 10.28 percent of candidates aired any such ads. The average candidate aired only 70.95 contrast advertisements. One reason for this low figure is because no such advertisements are aired in retention elections as there is no candidate with whom to contrast the incumbent. Even still, when we omit these contests, only 14.80 percent of contested elections feature contrasting advertising. At the race-level, we see that the mean level of contrast advertising is 177.06.

---

<sup>29</sup> Advertising data and coding for their tone come from the Brennan Center for Justice’s series on state high courts, *Buying Time*. Data are available [here](#) (last accessed 16 April 2021).

I therefore have six event count variables measuring the volume of television advertisements candidates or their surrogates aired at both the candidate and at the race-levels. To account for the diminishing returns ever greater numbers of advertisements are likely to have on the media's propensity to cover a candidate, I log each of these variables for the statistical regressions below. Below, I present statistical regression results across two sets of output—one using candidate-level variables and another using race-level variables.<sup>30</sup>

### 4.3 Institutional Variables

Next, I control for factors related to state institutions. First, I include dichotomous indicators for the type of election in which candidates run (partisan, nonpartisan, hybrid, or retention) where retention elections are the reference category.<sup>31</sup> The majority of the campaigns for state supreme court positions in this dataset are decided by retention elections (50.44 percent). Nonpartisan elections are the next most common type (26.41 percent), followed by partisan elections (15.73 percent), and then hybrid elections (7.42 percent). I suspect that candidates in competitive elections will not differ much with respect to one another's news coverage but ought to garner more coverage than candidates up for retention.

Next, I control for the type of district in which a candidate runs. In most states, candidates for the supreme court run at-large, but in others, candidates run within discrete geographic districts. I use a

---

<sup>30</sup> It is worth noting that the dependent variable records the total number of news stories covering state supreme court candidates in the 12 months leading up to their elections. But the campaign variables outlined in the section also occur during the year in which stories are recorded. Therefore, there may be an endogeneity concern to the extent that campaign factors like television advertisements could theoretically occur *after* a news story has already appeared. If the dependent variable precedes observations in the independent variables, then we cannot have a causal association. In the supplementary appendix, I provide robustness checks to the results presented in Table 2 and conclude that there is little concern for issues like reverse causality.

<sup>31</sup> Partisan elections are like those for Congress or the presidency—candidates run under a political party's banner and face one another in a competitive general election. Nonpartisan elections are similar insofar as they are competitive, but party labels are removed from the ballot. Hybrid elections blend features of partisan and nonpartisan elections. Political parties select nominees for the bench, but party labels are removed from the ballot. Retention elections are generally associated with states that use merit selection for their judiciaries. Under this scheme, elites appoint judges to the bench for a probationary term. After that term is up, incumbents face a retention election, allowing voters to decide to either return the judge to office or have elites appoint a replacement. Retention elections are nonpartisan and uncompetitive. Voters can merely vote to "retain" or "not retain." They cannot vote for challengers or pick a judge's replacement.

dichotomous variable to indicate whether a candidate ran in a geographic district (1 if yes, 0 otherwise). Only 15.73 percent of all elections occurred in geographic districts.

Finally, I control for the timing of a given state supreme court election. While the majority of states select supreme court justices at the same time as they do other constitutional officers such as the governor, five of the states in my data pick winners during party primaries.<sup>32</sup> I measure whether judicial elections occurred during a primary using a dichotomous variable (1 if yes, 0 otherwise). Only 7.42 percent of all campaigns between 2002 and 2014 were decided during the primaries.

#### **4.4 Candidate Variables**

Next, I account for candidate-specific characteristics. First, I control for whether a candidate is the incumbent using a dichotomous indicator (1 if yes, 0 otherwise). A slight majority of all candidates for state supreme courts are incumbents (52.30 percent). Nevertheless, 38.63 percent of these incumbents ran as interim appointees having yet to win elective office in their own rights. I control for these individuals with a dichotomous variable measuring whether they were interim appointees (1 if yes, 0 otherwise).

Just as certain incumbents are more likely to garner coverage compared to others, so too will some challengers be more likely to attract news coverage, particularly those with previous judicial experience. I operationalize the quality of a challenger consistent with received wisdom (Hall and Bonneau 2006). If a challenger has previous judicial experience, I code them as a quality challenger (1 if yes, 0 otherwise). Approximately 51.67 percent of all challengers in my data are quality challengers. If none of the candidates in a given race are an incumbent, I code that race as open (1 if yes, 0 otherwise). Open seats are somewhat uncommon in state supreme court elections. Only 23.05 percent of all campaigns were open between 2002 and 2014. Finally, I include dichotomous indicators for candidates' race and gender. Only 13.73 percent of all candidates for state supreme courts between 2002 and 2014 were nonwhite while 27.84 percent were women.

---

<sup>32</sup> These states are Arkansas, Georgia, Idaho, Tennessee, and Wisconsin.

## 4.5 News Industry

To account for the health of the news industry, I control for the number of employed reporters in a given state and year per 1,000 residents. The U.S. Bureau of Labor Statistics produces estimates of the number of employed news reporters and correspondents for every American state each year in its series of reports, Occupational Employment Statistics.<sup>33</sup> In order to account for the relative size of a state in a given year, I divide these employment figures by a state's population (in thousands).<sup>34</sup>

[Figure 2 about Here]

Examining the rate of employment among reporters, I find that 0.17 reporters were employed for every 1,000 residents in a given state and year across all periods of analysis. But as Figure 2 makes clear, there are significant trends in this rate over time. In Figure 2, I show the average per capita rate of employed journalists in a state and year between the years 2002 and 2014. The trend line shows a downward trajectory in the rate of employment. In 2002, the average state had 0.24 reporters employed per 1,000 residents, but by 2014, that number had slipped to 0.15—a 39.4 percent decrease in employed journalists per capita.

## 4.6 Fixed Effects

Finally, I control for within-unit temporal and geographic variance using fixed effects at both the year and state-levels. For the analysis that follows, odd-numbered years are grouped with the even-numbered years succeeding them, and the omitted variable for the analysis below is the year 2002. In Table 1, I present descriptions and summary statistics for each variable in the analysis that follows.

[Table 1 about Here]

## 4.7 Statistical Methodology

Because the dependent variable counts the number of news stories covering state supreme court candidates, an event count regression is an appropriate estimation technique. Nevertheless, testing indicates that the dependent variable is overdispersed. This means that there is heterogeneity in observations such that the

---

<sup>33</sup> The data are available from the following internet [address](#) (last visited 16 April 2021).

<sup>34</sup> I gather population figures from the Statistical Abstract of the United States for each year prior to 2010 (data available from the following internet [address](#), last accessed 16 April 2021) and from the U.S. Census Bureau for years 2010 to 2014 (data available from the following internet [address](#), last accessed 16 April 2021).

expected count of news coverage is not equal to its variance (a violation of an assumption in the Poisson regression model).<sup>35</sup> Therefore, I instead present the results from a negative binomial regression, an event count model that allows the researcher directly to model overdispersion in the dependent variable.

## 5 Results

I present coefficient estimates from the negative binomial regression models in Table 2 (standard errors in parentheses). The first column of results uses campaign finance and television advertising data at the candidate-level while the second column of results utilizes campaign finance and television advertising figures aggregated at the level of each state supreme court race. Each regression in Table 2 significantly improves model fit compared to an intercept-only model, so I proceed to interpret the effects individual variables have upon news coverage of candidates for state high courts.

[Table 2 about Here]

We see good evidence from the results in Table 2 that members of the press cue their coverage of state supreme court candidates upon the expense of campaigns. As candidates raise increasing sums of money, they are more likely to receive news coverage in the months leading up to their elections. This effect on candidate coverage is discernable not only for the amount individuals raise for their candidacies but also for the amount raised among all candidates for a given seat. Because I measure Campaign Money on a logged scale, I present graphical results for this variable in Figure 3 that are scaled to 2018 dollars.

[Figure 3 about Here]

In the left-hand pane of Figure 3, I present the predicted effect candidate-level fundraising has upon the newsworthiness of campaigns with 95 percent confidence intervals. We see from the trend-line that the predicted rate of coverage jumps significantly between those raising no money whatsoever to those raising around \$250,000, followed by a tapering-off effect. For example, a candidate who has raised no money for their campaign is predicted to receive coverage in approximately five news stories compared to

---

<sup>35</sup> Specifically, the Poisson regression model assumes a dispersion parameter,  $\alpha$ , equal to zero. Testing, however, indicates a statistically significant dispersion parameter. Because we can reject the null hypothesis that  $\alpha = 0$ , a Poisson regression model is inappropriate.

approximately 20 stories for a candidate raising \$250,000 (a 285.0 percent increase). Candidate fundraising at the race-level has a similar, though marginally smaller, effect on predicted news coverage, as can be seen from the right-hand pane in Figure 3. When no candidate for a given position raises any campaign money, the model predicts the average individual to receive coverage in approximately 9 articles, and for a given race in which all candidates raise a total of \$250,000, any given individual is predicted to receive coverage in approximately 16 articles (a 76.0 percent increase).

The results from the regression models in Table 2 also indicate that the tone of judicial campaigns helps to drive media coverage of candidates. Specifically, attack advertising, one of the most salient forms of judicial advertising, is predicted to increase news coverage of state supreme court candidates. We see that not only is there a predicted increase in candidate coverage as an individual (or their surrogates) airs increasing numbers of attack ads, but so too is there a spillover effect such that as all candidates in a given race air increasing numbers of attack ads, each candidate is predicted to receive greater coverage. Furthermore, race-level attack advertising is predicted to have a greater effect on coverage than candidate-level attack advertising. We also see from Table 2 that, at the race-level, promotional advertising is associated with greater rates of coverage, but this effect is not as large as with attack advertising. For none of the estimates associated with contrast advertising are we able to reject the null hypothesis. Because advertising figures are measured on a logged scale, I present graphical results of the statistically significant effects in Figure 4 using raw advertisement numbers.

[Figure 4 about Here]

In the northwest quadrant of Figure 4, I plot the predicted rate of news coverage for a given state supreme court candidate against the number of attack advertisements that candidate (or their surrogates) aired along with 95 percent confidence intervals. Here, we see a steep increase in predicted coverage for candidates who go from airing no attack ads to those who air a couple of thousand, followed by a tapering-off effect. For example, a candidate who airs no attack ads is predicted to receive coverage in approximately 14 news stories, but a candidate who airs 2,000 such ads is predicted to receive coverage in approximately 20 news stories (a 44.6 percent increase). At the race-level, depicted in the northeastern quadrant of Figure

4, given a contest in which no candidate airs any attack ads, the average individual is predicted to receive coverage in approximately 13 news stories compared to approximately 22 news stories when all candidates air a combined total of 2,000 attack ads (a 67.5 percent increase). And finally, as shown in the southwestern quadrant of Figure 4, we see that when no candidate airs any promotional advertisements, then the average candidate is predicted to receive coverage in approximately 12 news stories compared to approximately 17 news stories when all candidates air a combined total of 2,000 promotional advertisements (a 38.3 percent increase).

The results from the models in Table 2 indicate that local media cue their coverage of state supreme court candidates partially in response to candidate and race-level factors related to campaign expense, salience, and tone. These findings are not only consistent with expectations but also comparable with previous works establishing that media coverage of judicial decision-making is likewise responsive to salient, sensational, or controversial outcomes (e.g., Vining and Wilhelm 2010, 2011, Vining et al. 2010, Yanus 2009). The findings are also consistent with previous works finding that coverage of state supreme court campaigns prioritizes conflict and sensationalism (Hughes 2020, Schaffner and Diascro 2007).

Furthermore, the results from the regressions in Table 2 dovetail nicely with previous works related to state supreme court campaigns. For example, Bonneau and Hall (2009) find that voters are more likely to become informed and participate in state supreme court elections in response to their increasing expense. They also show that expensive campaigns help to combat the incumbency advantage when challengers can close the funding gap between their campaign war chest and that of their opponent. Similarly, Hughes (2019) finds that citizens are less likely to vote in favor of an incumbent's retention in uncompetitive state supreme court elections when incumbents raise large sums of money to offset challenges by organized campaigns against their retention.

The results from the models in Table 2 also pair nicely with previous analyses of television advertising in state supreme court elections. For example, Hall (2015) finds that attack advertising is particularly salient to voters in nonpartisan elections, and Hughes (2019) replicates this result for retention elections. Hughes (2020) furthermore demonstrates that when accounting for the content of media coverage

of judicial campaigns, articles that mention attack advertisements are associated with higher rates of voter participation. Hall (2015) finds no evidence that contrast advertising increases voter engagement in judicial elections. And neither Hall (2015) nor Hughes (2019) find that promotional advertisements increase citizen engagement in state supreme court elections; therefore, it is novel to see that local journalists, at least when aggregated at the race-level, are more likely to cover candidates in response to greater promotional advertising. Finally, Hall (2015) and Hughes (2019) find that attack advertising can influence citizens' vote-choice, diminishing their support for the targets of these attacks, especially in elections without partisan labels. Taken as a whole, then, it appears that members of the press, like voters, prioritize information related to campaign expense and tone, especially churlish tones.

Next, I consider the effect institutional variables have upon state supreme court candidates' news coverage. Recalling that retention elections are the omitted category, we see that according to the candidate-level model in Table 2, candidates running in nonpartisan elections are projected to receive more coverage compared to retention eligible candidates, all things being equal. Furthermore, according to the results from the race-level model, candidates in partisan, nonpartisan, and hybrid elections are all more likely to receive news coverage compared to retention eligible candidates. These results are unsurprising given the raw differences in reporting across institutions (see Figure 1) but are inconsistent with some previous work on state supreme courts and media salience. For example, Vining and Wilhelm (2010) found that local newspaper reporting of state supreme court decision-making was unassociated with institutional design. Nevertheless, competitive state supreme court campaigns typically feature more conflict than either uncompetitive retention elections or the average state supreme court opinion. The two remaining institutional variables, which measure whether winners are chosen via sub-state districts or during primary elections, each fail to attain statistical significance.

Turning now to candidate-specific variables, observe that incumbent candidates receive significantly greater news coverage compared to their challengers in both regressions contained in Table 2. All things being equal, the average incumbent is projected to receive coverage in approximately 26 news stories compared to approximately 10 for challengers (a 164.7 percent difference). That incumbents enjoy

such a media advantage reinforces previous work by Hughes (2020), who demonstrated that local media outlets not only cover incumbents' campaign trail activities but also their behavior on the bench as they fight for reelection.

According to results in the race-level model of Table 2, however, not all incumbents are created equal. Those who are serving on an interim basis are less salient compared to those who are not. Interim appointed candidates are projected to appear in approximately 12 news stories compared to approximately 16 among those who are not (a 20.4 percent decrease). We also see from the race-level model in Table 2 that the average candidate running for an open seat is expected to fair better than when there is an incumbent. All things being equal, a candidate running in an closed election is projected to receive coverage in approximately 14 news stories compared to approximately 18 in an open race (a 30.9 percent difference). Finally, results from the race-level model indicate that some challengers are more newsworthy compared to others. All else equal, challengers with no previous judicial experience are projected to receive coverage in approximately 14 news stories compared to approximately 19 for those with such experience (a 36.6 percent increase).

Other candidate-specific controls, however, fail to reject the null hypothesis. I find little evidence that members of the press cue their coverage off of candidates' race or gender. This is particularly interesting given previous research findings that voters and elites alike look to candidates' demographics when evaluating their qualifications for the bench (e.g., Gill and Eugenis 2019; Gill, Lazos, and Waters 2010). That members of the press do not appear to weigh race or gender when exercising their roles as gatekeepers (to say nothing of the content of such coverage) should be of interest to those examining the difficulties minorities face in winning state supreme court elections.

I conclude this section by discussing how variables related to media employment and temporal dynamics affect local media coverage of state supreme court candidates. In neither model presented in Table 2 are we able to reject the null hypothesis that the per capita rate of employed reporters in a given state affects media coverage of state supreme court candidates. This result is somewhat surprising given the similarities in mean, over-time trends in reporting on state supreme court candidates (see Figure 1) and

employment in state newsrooms (see Figure 2). These yearly figures are moderately-to-strongly correlated with one another ( $r = 0.62$ ). Nevertheless, when the two variables are disaggregated from their yearly means, we find that they poorly correlate with one another at the individual level ( $r = 0.10$ ).

[Figure 5 about Here]

Turning to the yearly fixed effects, however, we find strong support from both models in Table 2 for the idea that coverage of state supreme court justices over time, even if not a function of a shrinking news industry, steadily declined between 2002 and 2014. I present these yearly predicted rates of coverage in Figure 5, which derive from the candidate-level model in Table 2. According to these results, the average candidate for a state supreme court seat is predicted to have garnered approximately 23 news stories during the 2002 election cycle, all things being equal. In 2004, that figure slipped to approximately 19 stories, followed by 16 in 2006 and 11 in 2008. During the 2010 and 2012 cycles, coverage is predicted to have rebounded somewhat to 12 and 16 news articles, respectively. But by 2014, the predicted number of articles covering a state supreme court candidate resumed its downward trajectory to approximately 9.

## **6 Conclusion**

In this research, I asked why local journalists report on some candidates for state supreme courts compared to others. I gathered and analyzed a new dataset of media coverage of state supreme court candidates spanning the years 2002 to 2014. This research strategy yielded reporting figures on 561 candidates for positions on 36 state supreme courts. Consistent with scholarly research on press coverage of judicial decision-making, I find that reporting on judicial campaigns is drawn to conflict and spectacle. Candidates for state courts of last resort are likely to garner press coverage when they raise and spend more money, when they run in competitive elections, and when their campaign messages become increasingly churlish.

That local reporters appear to react to the campaign activities of candidates has important implications for judicial elections. The literature finds linkages among state supreme court candidate campaign activity, media coverage, voter participation and candidates' electoral performance (Bonneau and Hall 2009, Hall 2015, Hughes 2019, Hughes 2020). For example, I here find that local reporters are more likely to cover candidates who attack their opponents; Hughes (2020) finds that such coverage can boost

voter turnout for that election; and Hall (2015) finds that such candidate advertising can weaken the incumbency advantage. Future scholarship should therefore consider the possibility that state supreme court candidates make strategic use of sensational behavior to influence not only their salience in the media but also their performance on election day and pursue research designs that help us to further unravel these causal linkages.

In this research, I also found that reporters condition their coverage of candidates based upon other factors that are specific to the candidates themselves. For example, candidates for open seats receive more coverage compared to candidates—particularly challengers—who run when an incumbent is on the ballot. And while incumbents enjoy an outside advantage in attracting news coverage, interim-appointed incumbents struggle by comparison. Furthermore, quality challengers were observed to receive greater coverage compared to non-quality challengers. Other candidate-specific factors like demographics failed to account for news coverage.

One finding from this research that is likely to be of interest to those studying democratic linkages in American courts relates to the stark decline in state supreme court candidate reporting since the early 2000s. In a little over a decade, reporting on state supreme court candidates more than halved. In this research, I considered whether the dwindling labor market for local journalism had contributed to this evolution in news coverage but found no such evidence. What explains the recent dearth of reporting will therefore require greater scrutiny, but the implications for such a trend are noteworthy.

For example, Hughes (2020) finds that greater rates of reporting in state supreme court elections are associated with greater rates of voter participation. If voters lose a valuable source of information regarding candidates for the bench, they may be less likely to participate in choosing their judges. Future research will need to further assess whether a receding news industry—defined by staff layoffs, the accumulation of local news outlets by national corporations, the scale-back in circulation, or the outright dissolution of local media outlets—decreases voter information or participation in judicial elections.

Declines in media coverage of state supreme court candidates may also have important implications for how judges condition their behavior once on the bench. Incumbents seeking reelection have incentives

to make popular decisions, particularly in cases that involve salient issue areas such as the death penalty (Brace and Boyea 2008, Hall 1987). A limited research agenda finds that judges are more likely to pander to popular preferences when their decisions are covered by the press (Cann and Wilhelm 2011). Nevertheless, these findings are based upon reporting and judicial decision-making from the late 1990s and are in need of an update. It remains an outstanding question in the scholarly literature whether local reporters continue to hold such sway over judicial decision-making. If, as Hughes (2020) argues, it is the case that decreased rates of media coverage are associated with lower rates of voter participation in judicial elections, it stands to reason that declining rates of media coverage could make judicial pandering less rational as voters become less informed regarding judges' decision-making.

## 7 References

- Aspin, Larry T. 2017. "Judicial Retention Elections." In *Judicial Elections in the 21<sup>st</sup> Century*, eds. Chris W. Bonneau and Melinda Gann Hall. New York: Routledge. pp. 93-138.
- Baum, Lawrence and Davis Klein. 2007. "Voter Responses to High-Visibility Judicial Campaigns." In *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*. Ed. Matthew J. Streb. New York: New York University Press.
- Bonneau, Chris W. 2005. "Electoral Verdicts: Incumbent Defeats in State Supreme Court Elections." *American Politics Research*, 33(6): 818-41.
- \_\_\_\_\_. 2017. "Fundraising and Spending in State Supreme Court Elections." In *Judicial Elections in the 21<sup>st</sup> Century*. Eds. Chris W. Bonneau and Melinda Gann Hall. New York: Routledge.
- Bonneau, Chris W. and Melinda Gann Hall. 2006. "Does Quality Matter? Challengers in State Supreme Court Elections." *American Journal of Political Science*, 50(1): 20-33.
- \_\_\_\_\_. 2008. "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections." *American Journal of Political Science*, 52(3): 457-70.
- \_\_\_\_\_. 2009. *In Defense of Judicial Elections*. New York: Routledge.
- Brace, Paul and Brent Boyea. 2008. "State Public Opinion, the Death Penalty, and the Practice of Electing Judges." *American Journal of Political Science*, 52(2): 360-72.
- Cann, Damon and Teena Wilhelm. 2011. "Case Visibility and the Electoral Connection in State Supreme Courts." *American Politics Research*, 39(3): 557-81.
- Caplan, Lincoln. 2015. "The Destruction of the Wisconsin Supreme Court." *The New Yorker*. <https://www.newyorker.com/news/news-desk/the-destruction-of-the-wisconsin-supreme-court> (last accessed 31 December 2019).

- Collins, Todd A. and Christopher A. Cooper. "Case Salience and Media Coverage of Supreme Court Decisions: Toward a New Measure." *Political Research Quarterly*, 65(2): 396-407.
- Darr, Joshua P. 2016. "Presence to Press: How Campaigns Earn Local Media." *Political Communication*, 33(3): 503-22.
- Dubois, Philip L. 1979. "The Significance of Voting Cues in State Supreme Court Elections." *Law & Society Review*, 13(3): 757-79.
- Epstein, Lee and Jeffrey A. Segal. 2000. "Measuring Issue Salience." *American Journal of Political Science*, 44(1): 66-83.
- Geyh, Charles G. 2003. "Why Judicial Elections Stink." *Ohio State Law Journal*, 64: 43-79.
- Gill, Rebecca. 2017. "Do Judicial Performance Evaluations Influence Retention Election Results?" In *Judicial Elections in the 21<sup>st</sup> Century*. Ed. Chris W. Bonneau and Melinda Gann Hall. New York: Routledge, 175-92.
- Gill, Rebecca D. and Kate Eugenis. 2019. "Do Voters Prefer Women Judges? Deconstructing the Competitive Advantage in State Supreme Court Elections." *State Politics & Policy Quarterly*, 19(4): 399-27.
- Gill, Rebecca D., Sylvia R. Lazos and Mallory M. Waters. 2010. "Are Judicial Performance Evaluations Fair to Women and Minorities? A Cautionary Tale from Clark County, Nevada." *Law & Society Review*, 45(3): 731-59.
- Goelzhauser, Greg. 2016. *Choosing State Supreme Court Justices: Merit Selection and the Consequences of Institutional Reform*. Philadelphia: Temple University Press.
- Graber, Doris A and Johanna Dunaway. 2010. *Mass Media and American Politics*. 9<sup>th</sup> ed. Washington, D.C.: Congressional Quarterly Press.
- Haire, Susan B. and Laura P. Moyer. 2015. *Diversity Matters: Judicial Policy Making in the U.S. Courts of Appeals*. Charlottesville: University of Virginia Press.
- Hall, Melinda Gann. 1987. "Constituent Influence in State Supreme Courts: Conceptual Notes and a Case Study." *The Journal of Politics*, 49(4): 1117-24.
- \_\_\_\_\_. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *The American Political Science Review*, 95(2): 315-30.
- \_\_\_\_\_. 2007. "Voting in State Supreme Court Elections: Competition and Context as Democratic Incentives." *The Journal of Politics*, 69(4): 1147-59.
- \_\_\_\_\_. 2015. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford: Stanford University Press.
- Hamilton, James T. 2004. *All the News That's Fit to Sell: How the Market Transforms Information into News*. Princeton: Princeton University Press.

- Hojnacki, Marie and Lawrence Baum. 1992. "New-Style' Judicial Campaigns and the Voters: Economic Issues and Union Members in Ohio." *Western Political Quarterly*, 45(4): 921-48.
- Hughes, David A. 2018. "Alabama: Race, Realignment, and One-Party Politics." In *The New Politics of the Old South: An Introduction to Southern Politics*, 6<sup>th</sup> ed. Eds. Charles S. Bullock, III and Mark J. Rozell. Lanham: Rowman and Littlefield.
- \_\_\_\_\_. 2019. "New-Style Campaigns in State Supreme Court Retention Elections." *State Politics and Policy Quarterly*, 19(2): 127-54.
- \_\_\_\_\_. 2020. "Does Local Journalism Stimulate Voter Participation in State Supreme Courts?" *The Journal of Law and Courts*, 8(1): 95-126.
- Kahn, Kim Fridkin. 1991. "Senate Elections in the News: Examining Campaign Coverage." *Legislative Studies Quarterly*, 16(3): 349-74.
- Klein, David and Lawrence Baum. 2001. "Ballot Information and Voting Decisions in Judicial Elections." *Political Research Quarterly*, 54(4): 709-28.
- Kritzer, Herbert M. 2015. *Justices on the Ballot: Continuity and Change in State Supreme Court Elections*. New York: Cambridge University Press.
- McManus, John. 1995. "A Market-Based Model of News Production." *Communication Theory*, 5(4): 301-38.
- Miller, Andrea and Amy Reynolds. 2014. *News Evolution or Revolution? The Future of Print Journalism in the Digital Age*. New York: Peter Lang.
- Reeves, Jay. 2000. "Moore Gets Grilled During Speech to Birmingham Civic Club." *The Associated Press State & Local Wire*. 20 September.
- Vining, Richard L., Jr. and Phil Marcin. 2014. "An Economic Theory of Supreme Court News." *Political Communication*, 31(1): 94-111.
- Vining, Richard L., Jr. and Teena Wilhelm. 2010. "Explaining High-Profile Coverage of State Supreme Court Decisions." *Social Science Quarterly*, 91(3): 704-23.
- \_\_\_\_\_. 2011. "Measuring Case Salience in State Courts of Last Resort." *Political Research Quarterly*, 64(3): 559-72.
- Vining, Richard L., Jr., Teena Wilhelm, and Jack D. Collens. 2015. "A Market-Based Model of State Supreme Court News: Lessons from Capital Cases." *State Politics and Policy Quarterly*, 15(1): 3-23.
- Vining, Richard L., Jr., Teena Wilhelm, Sara Hiers, and Phil Marcin. 2010. "Patterns of Newspaper Reporting on State Supreme Courts." *Justice System Journal*, 31(3): 125-41.
- Yanus, Alixandra B. 2009. "Full Court Press: An Examination of Media Coverage of State Supreme Courts." *Justice System Journal*, 30(2): 180-95.

Table 1: Descriptive Statistics

Variable	Description	$\bar{X}(\sigma)$
Coverage	Dependent Variable: Total number of A.P. stories covering state supreme court candidate in 12 months before election	14.54 (16.73)
Campaign Money (Candidate-Level)	Total amount of money candidate raised for candidacy, in 2018 dollars, logged	8.27 (6.05)
Campaign Money (Race-Level)	Total amount of money all candidates for a given seat raised, in 2018 dollars, logged	10.23 (6.30)
Attack Ads (Candidate-Level)	Total number of attack ads aired to support candidate, logged	0.71 (2.03)
Attack Ads (Race-Level)	Total number of attack ads aired to support all candidates for a given seat, logged	1.04 (2.45)
Promote Ads (Candidate-Level)	Total number of promote ads aired to support candidate, logged	2.22 (3.12)
Promote Ads (Race-Level)	Total number of promote ads aired to support all candidates for a given seat, logged	3.49 (3.58)
Contrast Ads (Candidate-Level)	Total number of contrast ads aired to support candidate, logged	0.59 (1.81)
Contrast Ads (Race-Level)	Total number of contrast ads aired to support all candidates for a given seat	1.14 (2.48)
Open	Dichotomous: Whether a state supreme court race was open (“1” if yes, “0” otherwise)	0.23 (0.42)
Partisan	Dichotomous: Whether a state supreme court race was a partisan race (“1” if yes, “0” otherwise)	0.23 (0.42)
Nonpartisan	Dichotomous: Whether a state supreme court race was a nonpartisan race (“1” if yes, “0” otherwise)	0.33 (0.47)
Hybrid	Dichotomous: Whether a state supreme court race was a hybrid race (“1” if yes, “0” otherwise)	0.13 (0.34)
Retention	Dichotomous: Whether a state supreme court race was a retention race (“1” if yes, “0” otherwise)	0.30 (0.46)
District	Dichotomous: Whether a state supreme court race was held in a district (“1” if yes, “0” otherwise)	0.14 (0.35)
Primary	Dichotomous: Whether a state supreme court race was held during a primary (“1” if yes, “0” otherwise)	0.07 (0.26)
Incumbent	Dichotomous: Whether a state supreme court candidate was an incumbent (“1” if yes, “0” otherwise)	0.52 (0.50)
Interim Incumbent	Dichotomous: Whether a state supreme court candidate was an interim incumbent (“1” if yes, “0” otherwise)	0.20 (0.40)
Quality Challenger	Dichotomous: Whether a state supreme court candidate was a quality challenger (“1” if yes, “0” otherwise)	0.25 (0.43)
Nonwhite	Dichotomous: Whether a state supreme court candidate was nonwhite (“1” if yes, “0” otherwise)	0.14 (0.34)
Female	Dichotomous: Whether a state supreme court candidate was female (“1” if yes, “0” otherwise)	0.28 (0.45)
Reporters Per Capita	Number of employed reporters in a given state and year per 1,000 residents.	0.17 (0.09)
Year	Dichotomous fixed effects for each even-year election cycle (2002 omitted)	2008 (1.98)

Table 2: Local media coverage of candidates for state supreme courts (2002-2014)

Variable Name	Candidate-Level	Race-Level
Campaign Money	0.11* (0.01)	0.05* (0.02)
Attack Ads	0.05* (0.02)	0.07* (0.02)
Promote Ads	0.01 (0.01)	0.04* (0.02)
Contrast Ads	0.03 (0.02)	0.01 (0.02)
Open	0.14 (0.10)	0.27* (0.10)
Partisan	0.39 (0.30)	0.63* (0.32)
Nonpartisan	0.55* (0.27)	0.68* (0.30)
Hybrid	0.33 (0.44)	0.92* (0.52)
District	0.71 (0.52)	0.54 (0.55)
Primary	-0.18 (0.31)	-0.16 (0.34)
Incumbent	0.55* (0.11)	0.97* (0.10)
Interim Incumbent	-0.23 (0.09)	-0.23* (0.10)
Quality Challenger	0.06 (0.10)	0.31* (0.10)
Nonwhite	0.08 (0.10)	0.06 (0.10)
Female	-0.09 (0.07)	-0.04 (0.07)
Reporters Per Capita	0.38 (0.75)	0.72 (0.83)
Year 2004	-0.21* (0.12)	-0.16 (0.13)
Year 2006	-0.37* (0.13)	-0.34* (0.13)
Year 2008	-0.71* (0.13)	-0.74* (0.14)
Year 2010	-0.66* (0.14)	-0.67* (0.14)
Year 2012	-0.35* (0.13)	-0.37* (0.14)
Year 2014	-0.96* (0.15)	-0.96* (0.16)
State Fixed Effects	<i>Included in each model</i>	
Intercept	1.16* (0.47)	0.70 (0.49)
$\alpha$	0.35 (0.03)	0.42 (0.03)
Likelihood-Ratio $\chi^2$	540.14*	461.85*

Notes: Table entries reflect negative binomial statistical regression estimates (standard errors in parentheses). The dependent variable is a count of news stories covering a candidate for a position on a state supreme court in the 12 months prior to the election date. The first column of results uses candidate level data for the variables, Campaign Money, Attack Ads, Promote Ads, and Contrast Ads, while the second column of results uses race-level data for these variables.  $N = 561$ . Asterisks (\*) indicate  $p < 0.05$  (one-tailed).

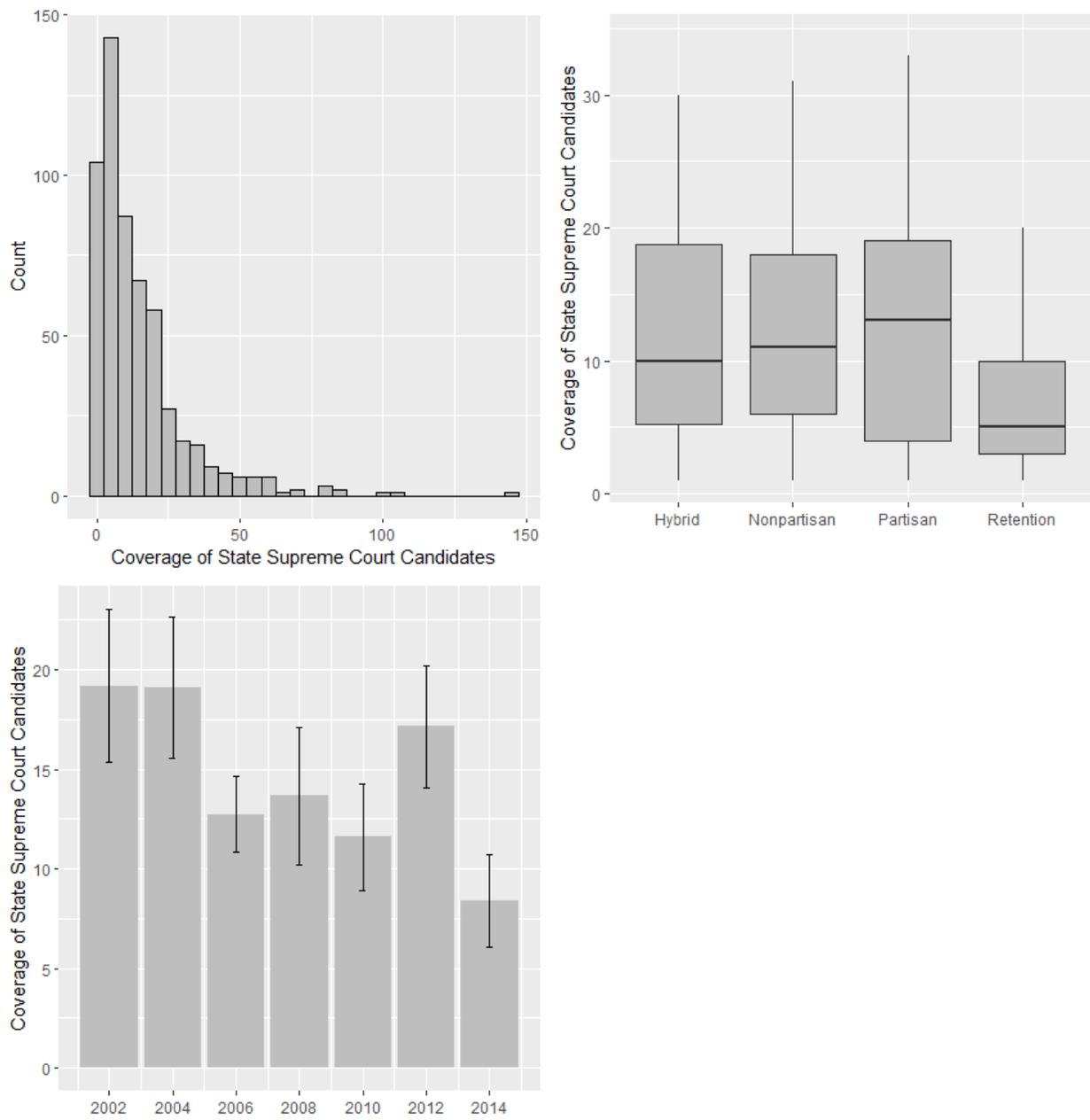


Figure 1: Media coverage of state supreme court candidates

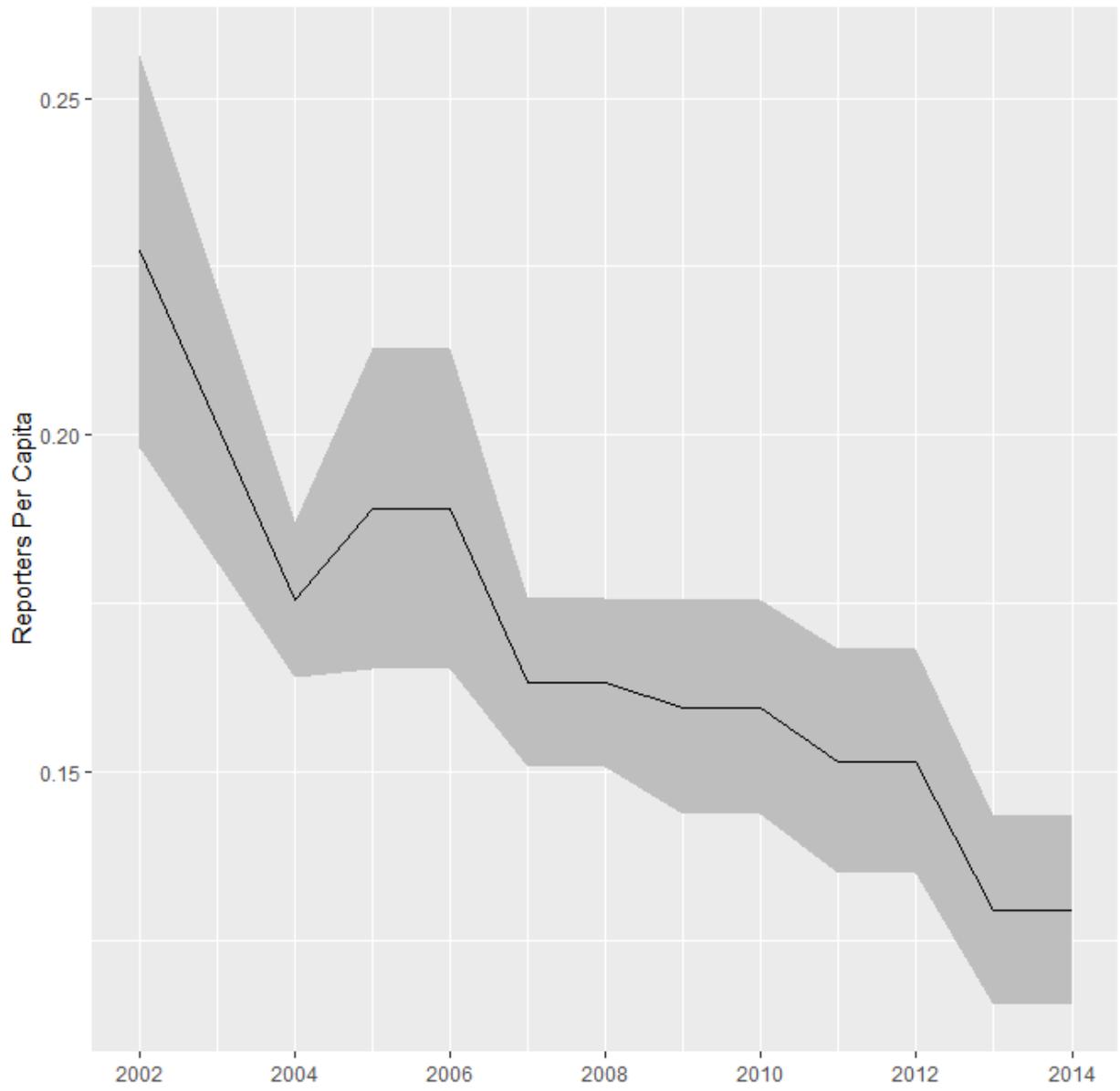


Figure 2: Average rate of employed reporters in a given state and year (per 1,000 residents) with 95 percent confidence intervals

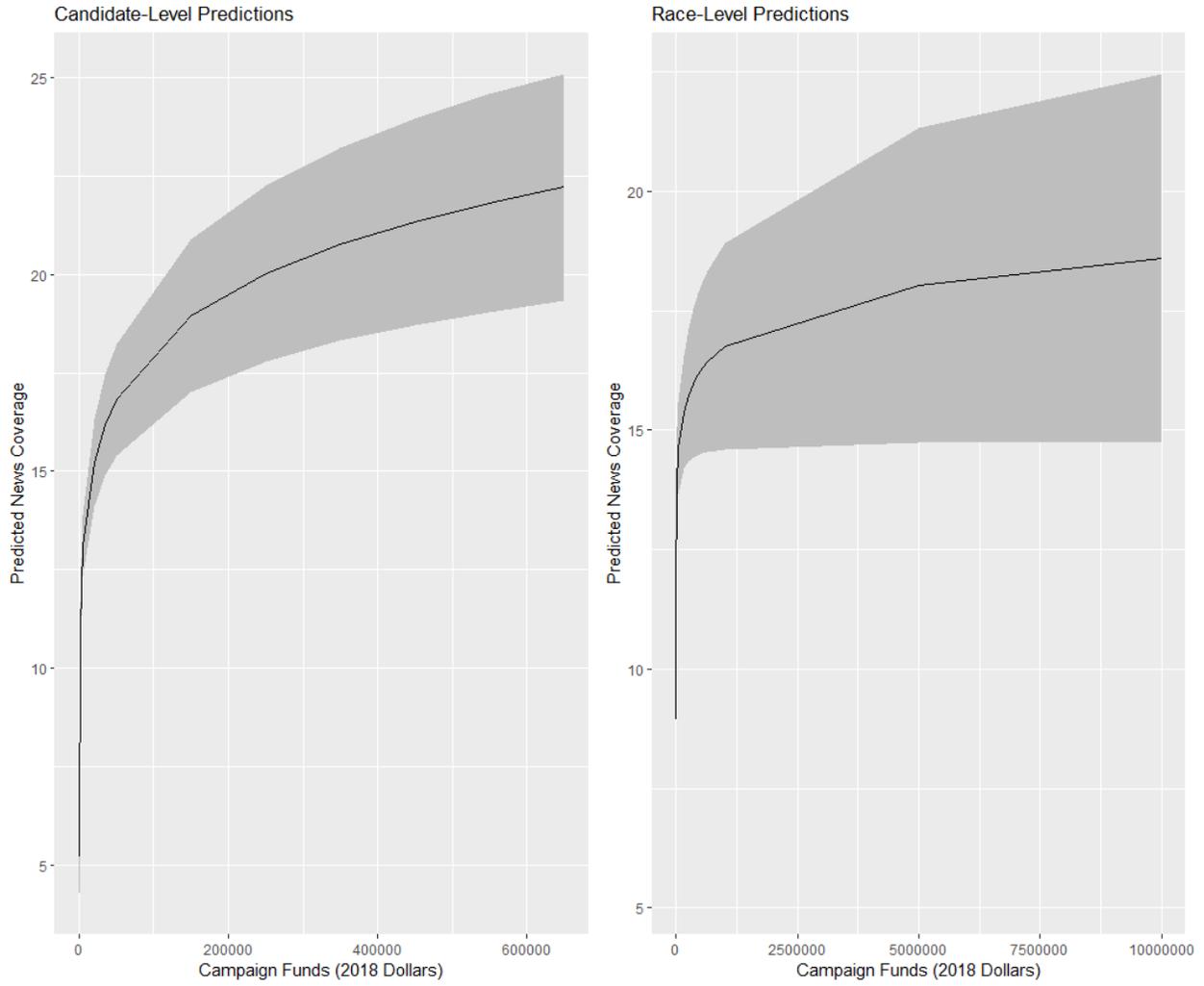


Figure 3: Candidate and race-level effects of campaign financing on state supreme court candidate media coverage

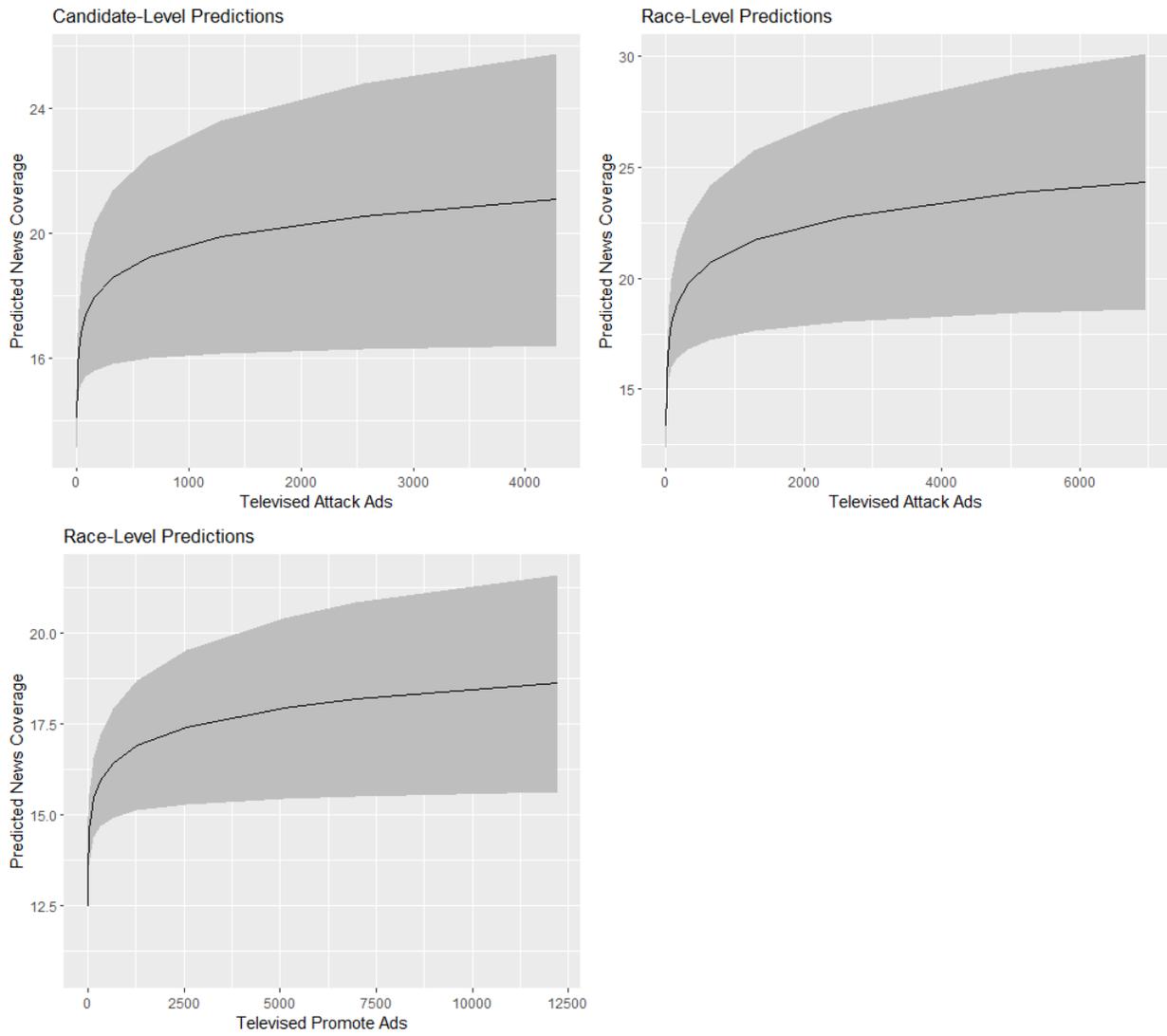
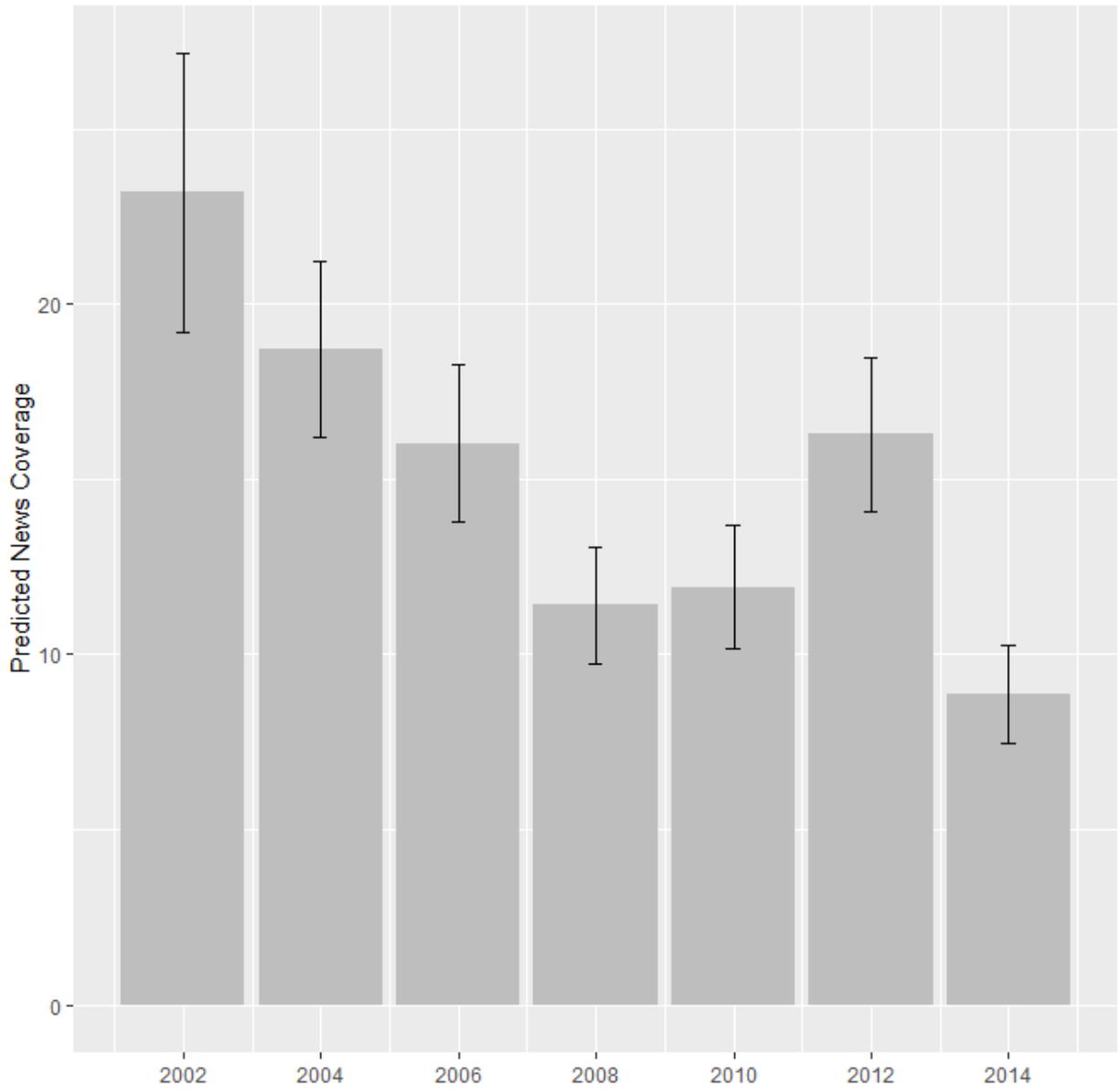


Figure 4: Candidate and race-level effects of television advertising on state supreme court candidate media coverage



*Figure 5: Predicted media coverage of candidates across election cycles*

## Appendix

In this supplementary appendix, I address a concern related to the statistical models presented above and the potential for endogeneity. The dependent variable for the models in Table 2 is the total number of articles mentioning a state supreme court candidate in the 12 months leading up to an election. Four explanatory variables—Campaign Money, Attack Ads, Promote Ads, and Contrast Ads—are also observed during this period. It may, then, be the case that campaign financing or television advertising occurs *after* news articles have already appeared in a given year. If this is the case, then campaign financing and television advertising cannot have a causal effect upon rates of news coverage.

To address this potential endogeneity problem, I took a simple random sample of half of the races for state supreme court included in the full dataset. I then divided each race into two periods—the two weeks before candidates stood for election and all other days prior to an election. Next, I recoded the dependent variable to measure news coverage only in the final two weeks of a state supreme court campaign. Coverage was minimal during this period as the mean rate among sampled candidates was 2.1 articles. Even still, the recoded dependent variable is right-skewed with a maximum rate of coverage at 29 articles (Michael Gableman’s 2008 candidacy for the Wisconsin Supreme Court).

Finally, I recoded the variables, Campaign Money, Attack Ads, Promote Ads, and Contrast Ads to only include those that occurred *prior* to the final two weeks of a campaign—both at the candidate and race-levels. As in the body of the paper, I adjust all campaign finance figures into 2018 dollars to account for inflation, and I log both the campaign finance variables along with all advertising variables. As a result of this data collection strategy, the recoded independent variables avoid the potential endogeneity problem addressed above by ensuring that all independent variables precede outcomes in the dependent variable. After eliminating observations where airing dates for television advertisements were unavailable, my sampling strategy yielded 260 usable observations.

[Table A1 about Here]

With these new data in hand, I proceeded to re-estimate the negative binomial regressions presented within the body of the text. The results from the analysis appear in Table A1. First, note that, as with the

results in Table 2, campaign money—both at the individual and race-level—has a significant effect on the number of news stories mentioning candidates for state supreme courts. At the candidate-level, a change from one standard deviation below to one standard deviation above the mean level of Campaign Money results in a predicted increase from 1.5 to 2.3 news articles, all things being equal (a 57.8 percent increase). At the race-level, the predicted change in coverage is even greater. Given the same one standard deviation shift in value of Campaign Money results in a predicted increase from 1.1 to 2.7 news articles, all things being equal (a 136.3 percent increase).

In the models presented in Table 2, Attack Ads were also a significant predictor of news coverage at both the candidate and race-levels. While attack advertising is appropriately signed in the candidate-level model in Table A1, with a  $p$ -value of 0.06, it fails to attain statistical significance. While it may be that a more expansive sampling strategy would lead to clearer results for this variable in the candidate-level model, I decline to interpret its effect on the dependent variable at this time. Attack advertising is, however, statistically significant in the race-level model in Table A1. Holding all other variables constant, a change from one standard deviation below the mean level of Attack Ads to one standard deviation above it increases the predicted number of news articles published in the final two weeks of a race from 1.5 to 2.3 (a 50 percent increase).

In the body of this text, Promote Ads were found significantly to predict news coverage at the race-level of analysis. According to the results in Table A1, greater promotional advertising is associated with greater news coverage at both the candidate and race-levels. At the candidate-level, an increase in promotional advertising from one standard deviation below to one standard deviation above its mean, we see a predicted increase in news coverage from 1.6 to 2.2 articles, all things being equal (a 38.4 percent increase). At the race-level we see a similar effect as an increase in promotional advertising from one standard deviation below to above the mean rate leads to a predicted increase in candidate coverage from 1.6 to 2.2 news stories, all else equal (a 34.4 percent increase).

In neither of the two models displayed in Table 2 did I find that contrast advertising was associated with changes in the rate of news coverage of state supreme court candidates. Nevertheless, in both models

appearing in Table AI, we find that greater rates of contrast advertising results in greater news coverage of candidates.

Taken as a whole, the robustness checks conducted in this appendix indicate that the risk of endogeneity posed by the campaign finance and television advertising variables assessed within the body of the text is low. When we disaggregate yearly rates of news coverage, campaign financing, and television advertising, we see similar effects compared to the aggregated results contained in Table 2. Indeed, with respect to promotional and contrast advertising, results in Table 2 might be underestimating the effect television advertising has upon news coverage of state supreme court candidates. Future work should continue working to sort out these issues.

Turning to the other control variables contained in Table AI. We again see comparable results to those contained in Table 2. For example, in the race-level model contained within the body of the text, partisan, nonpartisan, and hybrid election institutions were each associated with significantly greater rates of media coverage compared to retention elections. In the sampled data appearing in Table AI, we find in both regression models that partisan and nonpartisan elections enjoy higher rates of coverage compared to retention elections, but the coefficients for hybrid elections fail to reject the null hypothesis. These may be attributable to the fact that only two states utilize this type of institution.

Other electoral controls also produce substantively similar results to those contained within the main body of the paper. For example, according to both race-level models in Table 2 and Table AI, incumbent candidates are predicted to receive greater coverage than non-incumbents, and quality challengers are predicted to receive greater coverage than non-quality challengers. Nevertheless, among the full dataset, and with respect to the race-level estimates, I found that candidates in open elections were associated with significantly higher coverage than those in closed elections and that interim-appointed incumbents were associated with significantly less coverage than others. These results are not replicated in the sampled data in Table AI.

Finally, I find highly consistent results between the complete and sampled data with respect to temporal fixed effects. Results from Table 2 indicate that each yearly cycle of elections from 2004 to 2014

are associated with significantly less coverage compared to 2002—results that hold across both models. In Table AI, I find that across the two models, candidates running in 2006, 2008, 2012, and 2014 are associated with significantly less media coverage than those running in 2002. Nevertheless, estimates for 2004 and 2010 are not statistically distinguishable from those in 2002.

Table A1: Local media coverage of candidates for state supreme courts (2002-2014)

Variable Name	Candidate-Level	Race-Level
Campaign Money	0.04* (0.02)	0.07* (0.03)
Attack Ads	0.06 (0.04)	0.11* (0.03)
Promote Ads	0.06* (0.03)	0.05* (0.03)
Contrast Ads	0.12* (0.04)	0.16* (0.04)
Open	-0.03 (0.22)	-0.09 (0.19)
Partisan	1.42* (0.78)	1.55* (0.76)
Nonpartisan	1.28* (0.63)	1.33* (0.60)
Hybrid	0.75 (0.83)	-0.20 (0.88)
District	-0.14 (1.34)	-0.19 (1.30)
Primary	0.62 (0.53)	0.58 (0.44)
Incumbent	0.26 (0.21)	0.41* (0.15)
Interim Incumbent	-0.33 (0.21)	-0.15 (0.18)
Quality Challenger	0.05 (0.18)	0.37* (0.15)
Nonwhite	-0.01 (0.18)	-0.06 (0.15)
Female	0.08 (0.15)	-0.00 (0.13)
Reporters Per Capita	-1.88 (1.32)	-2.03 (1.20)
Year 2004	-0.37 (0.25)	-0.30 (0.23)
Year 2006	-0.82* (0.26)	-0.59* (0.25)
Year 2008	-1.68* (0.29)	-2.19* (0.26)
Year 2010	-0.02 (0.30)	0.36 (0.29)
Year 2012	-1.02* (0.31)	-0.91* (0.31)
Year 2014	-1.48* (0.31)	-1.82* (0.30)
State Fixed Effects	<i>Included in each model</i>	
Intercept	0.47 (0.93)	0.22 (0.86)
$\alpha$	0.12 (0.06)	0.00 (0.00)
Likelihood-Ratio $\chi^2$	258.24*	286.62*

Notes: Table entries reflect negative binomial statistical regression estimates (standard errors in parentheses). The dependent variable is a count of news stories covering a candidate for a position on a state supreme court in the two weeks prior to the election date. The first column of results uses candidate level data for the variables, Campaign Money, Attack Ads, Promote Ads, and Contrast Ads, while the second column of results uses race-level data for these variables.  $N = 260$ . Asterisks (\*) indicate  $p < 0.05$  (one-tailed).