APPOINTED OR ELECTED: HOW JUSTICES ON ELECTED STATE SUPREME COURTS ARE ACTUALLY SELECTED

ONLINE APPENDIX

Method of Predecessor's Selection

Table A1 shows a series of logistic regression models using how a new justice was initially selected (1 elected, 0 appointed) as the dependent variable. Model 1, using only competitiveness as the predictor, produces a statistically significant, but very weak, effect. Model 2 adds the type of election, and the magnitude of the relationship increases, but the relationship overall is not very strong. Model 3 adds an interaction term which allows the effect of competitiveness to differ between partisan/semi-partisan and nonpartisan-election states. The interaction term itself is marginally significant. In the interaction model, the coefficient for competitiveness represents the effect of competitiveness in nonpartisan-election states; competitiveness does not have a statistically significant effect in nonpartisan-

Table A1: Logistic Regression Models of the Effect of Party Competitiveness

	Model 1	Model 2	Model 3	Model 4	Model 5
Competitiveness	0.062 (.048)	0.123** (.048)	0.038 (.084)		
Election Type (Partisan[a]=1)		0.908*** (.257)	0.106 (.710)	0.106 (.710)	-0.111 (.556)
Competitiveness x Election Type			0.111# (.092)		
Competitiveness (within Partisan[a])				0.149** (.053)	0.121** (.039)
Competitiveness (within Nonpartisan)				0.038 (.084)	0.012 (.061)
State fixed effects					***
constant	-0.381	-1.335	-0.684	-0.684	-.0089
chi square	1.63 (1 df)	15.96*** (2 d.f)	18.30*** (3 d.f.)	18.30*** (3 d.f.)	179.07*** (34 d.f.)
Pseudo R^2	.0047	.0344	.0366	.0366	.1179

Two-tailed p-values: #p<.10 *p<.05 **p<.01 ***p<.001; except for Model 5, robust standard errors (shown in parentheses) clustered by state.
N=1,112 (except for Model 5 for which n=1,096)
[a]Includes semi-partisan.

election states. For partisan/semi-partisan states, the effect of competitiveness is the competitiveness coefficient *plus* the interaction coefficient; a test of that sum yields a highly significant z-score of 5.08 (p<.001). Model 4 is a what some call a "conditional model" (see Wright 1976) that reparameterizes Model 3 so that there are explicitly two separate effects for competitiveness, one for nonpartisan states (identical to the competitiveness coefficient in Model 3) and one for partisan/semi-partisan states (equal to the sum of the competitiveness and interaction coefficients in Model 3). Models 3 and 4 are mathematically equivalent as further indicated by the overall chi squares and the z-test for competitiveness in partisan/semi-partisan states (again, z=5.08). The final model adds state fixed effects and shows that the results of Model 4 hold up even after adding controls that take into account other state-specific effects.[1]

The logistic regression model is difficult to interpret because the coefficients represent changes in the log-odds. However, given the predicted log-odds, one can easily compute the predicted probability that a new justice would be elected depending on the level of competitiveness for partisan/semi-partisan and for nonpartisan states.[2] Figure A1 shows the pattern for the two sets of states using the results from Model 4. For partisan states, the probability increases from just under .6 to about .86; for nonpartisan states there is minimal increase over the range of competitiveness.

Figure A1: Predicted Probability of Election by Competitiveness

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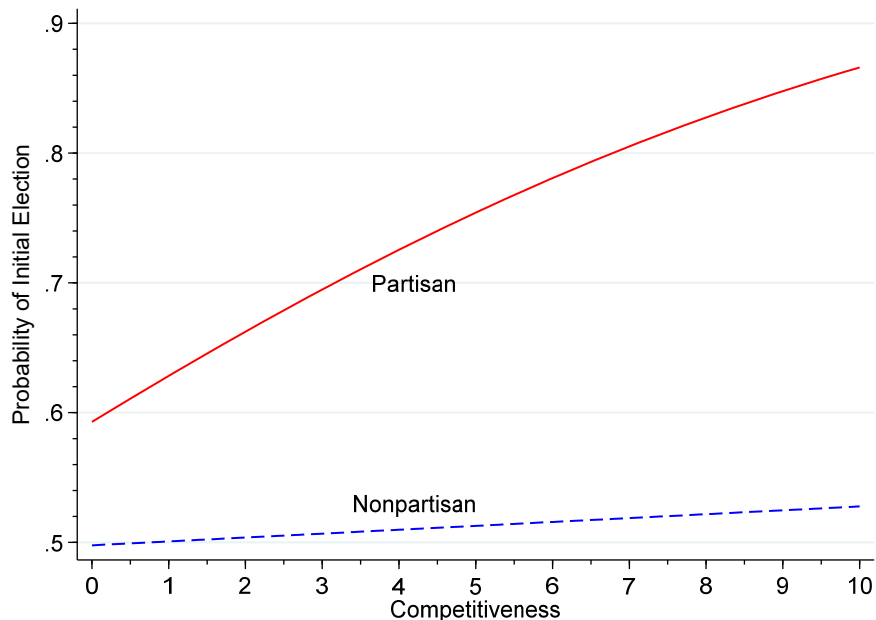
[1] I also ran a series of models that included fixed effects for the seven time periods; the time fixed effects were statistically significant as a set but including them did not change the results related to competitiveness.
[2] The predicted probability equals $e^{\text{log-odds}}/(1+ e^{\text{log-odds}})$.

Table A2 shows additional logistic regressions incorporating region (South coded as 1, Non-South as 0). Model 6, which simply adds region as a variable in Model 4 in Table A1, shows that region itself does not have a significant direct effect. Model 7 further conditions the effect of party competitiveness so that there are separate effects for partisan elections for South and Non-South, but only the effect for the South is statistically significant. When state fixed effects are added, competitiveness effects for both regions are statistically significant, and the magnitude of the competitiveness effect appears to be larger in Non-Southern partisan elections than in southern partisan elections. One question is whether there is a statistically significant difference in the competitiveness effect for partisan elections between the South and Non-South in either Model 7 or Model 8? Tests of whether this is a significant difference produces nonsignificant chi squares (p-values for this test for the two models are .399, and .571, suggesting there may be no need to differentiate between the South and Non-South in competitiveness effects for partisan elections.

Table A2: Logistic Regression Models: Competitiveness and Region

	Model 6	Model 7	Model 8
Election Type (Partisan[a]=1)	0.250 (.665)	0.313 (.673)	-0.143 (.558)
Region (South=1)	-0.247 (.260)	-.0430 (.471)	0.233 (0.915)
Competitiveness (within Partisan[a])	0.128** (.045)		
Competitiveness (within Partisan-South)		0.145*** (.045)	0.109* (.045)
Competitiveness (within Partisan-Non-South)		0.106 (.069)	0.153* (.068)
Competitiveness (within Nonpartisan)	0.029 (.082)	0.024 (.081)	0.014 (.061)
State fixed effects			***
constant	-0.591	-0.525	-.0099
chi square	19.71*** (4 df)	28.73*** (5 d.f)	179.39*** (35 d.f.)
Pseudo R^2	.0383	.0387	.1181

Two-tailed p-values: [#]p<.10 *p<.05 **p<.01 ***p<.001; except for Model 8, robust standard errors (shown in parentheses) clustered by state.
n=1,112
[a]Includes semi-partisan.

Method of Predecessor's Selection

Table A3 shows a series of logistic regressions examining the significance of how a justice's predecessor was selected. It shows that this variable remains statistically significant after controlling for type of election and party competitiveness (the latter conditional on type of election).

Table A3: Impact of How Predecessor Was Selected

	Model 9	Model 10	Model 11
Predecessor Elected	0.532** (.201)	0.480* (.191)	0.373* (.187)
Election Type (Partisan[a]=1)		0.645** (.221)	0.125 (.855)
Competitiveness (within Partisan[a])			0.127* (.056)
Competitiveness (within Nonpartisan)			0.026 (.079)
State Pattern			
constant	-0.214	-0.583	-0.751
chi square	7.01** (1 df)	13.46* (2 d.f)	22.28** (4 d.f.)
Pseudo R²	.0127	.0298	.0423

Two-tailed [#]p<.10 *p<.05 **p<.01 ***p<.001; robust standard errors (shown in parentheses), clustered on state.
n=1,084
[a]Includes semi-partisan.

Opposition at First Election

Table A4 shows probit analysis and logistic regression results for the likelihood that appointees are opposed at their first elections. The results of the analysis is discussed in the text and the effects of competitiveness and percentage of justices winning their seats at open-seat elections are illustrated in Figure 6 in the text.

Table A4: Models for Likelihood of Opposition at First Election

	Model 12 Probit Analysis	Model 13 Logistic Regression
Election Type (Partisan[a]=1)	-1.196** (.873)	-2.286* (.895)
PJIEOS[b] (within Partisan)	0.031** (.011)	0.062*** (.018)
PJIEOS[b] (within Nonpartisan)	-0.004 (.007)	-0.007 (.013)
Term Length	0.106[#] (.063)	0.212[#] (.109)
Years on Court	-0.121* (.055)	-0.191* (.085)
Competitiveness (within Partisan[a])	0.220*** (.054)	0.367*** (.089)
Competitiveness (within Nonpartisan)	0.089[#] (.049)	0.147[#] (.77)
constant	-1.128	-2.126
n		547
chi square	55.01** (7 d.f)	55.70*** (7 df)
Pseudo R^2	.1577	.1632

Two-tailed p-values: [#]p<.10   *p<.05   **p<.01
***p<.001; robust standard errors (shown in parentheses) clustered on state.
[a]Includes semi-partisan.
[b]Probability (percentage) of justices initially elected to open seats.

Success at First Election Given Opposition

As explained in the text, this analysis used a probit-based selection model which produced results for both a selection equation (whether appointees were opposed) and an outcome equation (whether the opposed appointees won). Table A5 shows two sets of estimates. The first set (Model 14) excludes Years on Court in the outcome equation because

including it in its original form (ranging from 1 to 6) resulted in the estimating algorithm failing to converge. By collapsing into four values with the last representing 4 or more, the algorithm did converge (Model 15).

Table A5: Probit Analyses Predicting Outcomes of First Elections

	Model 14		Model 15	
	Opposed	Defeated	Opposed	Defeated
Election Type (Partisan[a]=1)	-1.110* (.528)	0.736 (.479)	-1.133* (.528)	0.734[#] (.434)
PJIEOS[b] (within Partisan)	0.034*** (.010)	-.016** (.006)	0.034*** (.009)	-0.016** (.006)
PJIEOS[b] (within Nonpartisan)	-0.005 (.008)	0.008 (.007)	-0.005 (.009)	0.007 (.009)
Term Length	0.122** (.040)		0.122** (.046)	
Years on Court	-0.111** (.040)		-0.146** (.056)	0.016 (0.0530
Competitiveness (within Partisan[a])	0.194*** (.044)	-0.066 (.044)	0.195*** (.044)	-0.065 (.044)
Competitiveness (within Nonpartisan)	0.100* (.044)	-0.067[#] (.041)	0.100* (.045)	-0.068 (.044)
constant	-1.315	0.406	-1.272	0.392
n's	547	320	547	320
chi square		20.43** (5. d.f.)		18.69** (6 d.f.)

Two-tailed p-values: [#]p<.10 *p<.05 **p<.01 ***p<.001; robust standard errors (shown in parentheses) clustered on state.
[a]Includes semi-partisan.
[b]Probability (percentage) of justices initially elected to open seats.

Reference

Wright, Gerald C. "Linear Models for Evaluating Conditional Relationships." *American Journal of Political Science* 20, no. 2 (1976): 349–73.