



Notes on Research Regarding Nonpartisan Elections as a Means to Reduce Partisanship

Context:

The literature review summarized below was conducted during ERN's study of secretary of state conflict of interest (see [Guardrails for the Guardians: Reducing Secretary of State Conflict of Interest and Building More Impartial U.S. Election Administration](#), published September 2020).

The idea of changing secretary of state elections to a nonpartisan status is an important consideration for reform efforts in this area. Over the past 20 years, 17 bills have been introduced in 13 states proposing some form of this idea. Our analysis has led us to question this route, however, mostly because of the research summarized below on the effectiveness nonpartisan elections, which primarily focuses on election of judges.

Literature Review:

[Party Identification and Vote Choice in Partisan and Nonpartisan Elections](#)

Chris Bonneau and Damon Cann, 2015

"Voters' decisions are influenced strongly by party identification in both partisan and nonpartisan elections. This suggests that in judicial elections voters are able to successfully bring partisan and/or ideological information to bear on their voting decisions in both partisan and nonpartisan ballot formats, **rendering nonpartisan elections ineffective** at removing the partisan element from elections."

"Nonpartisan elections are ineffective at achieving their stated goal in state supreme court elections. We suspect the same would hold true of nonpartisan elections in any context where campaign spending is high and a reasonable amount of information is available to voters."

[Partisanship, Interest Groups, and Attack Advertising in the Post-White Era, or Why Nonpartisan Judicial Elections Really Do Stink](#)

Melinda Gann-Hall, 2016

"[E]mpirical studies of state supreme court elections delineate the numerous ways in which nonpartisan elections are intensely partisan. For instance, the vote shares of supreme court candidates in nonpartisan elections closely correspond to patterns of state partisan competition and retrospective voting on the issue of violent crime."

"Nonpartisan races in which justices are seeking reelection are more likely to involve derisive advertising than are partisan elections on a race-by-race basis, attract higher proportions of

attack airings sponsored by interest groups, and facilitate the ability of televised campaign negativity to influence the election returns.”

[The Inevitable Party: Why Attempts to Kill the Party System Fail and How they Weaken Democracy](#)

Seth Masket, 2016

“Not only do nonpartisan elections feature lower turnout than partisan ones (Schaffner, Streb, and Wright 2001), but those voters who do show up in nonpartisan elections are generally casting a less informed vote.

“[W]e know from a great deal of public opinion research that most voters do not follow politics closely. They have little idea which legislator voted for what bill, calling into question the whole concept of elections as moments of accountability. Parties, however, make such accountability possible. They serve as a convenient cue for voters, allowing them to make informed voting decisions.”

“Nebraska[’s nonpartisan legislature] has polarized[more quickly in the past decade than any other state. Some new evidence suggests that term limits, which came late to Nebraska, have provided policy demanders with a new way to access political power.”

“Minnesota experienced decades of nonpartisanship, as well, after the legislature passed a nonpartisan ballot law in the 1910s, but policy demanders eventually found a way to create unofficial party factions [liberal and conservative] within the chamber anyway.”

[The New Politics of Judicial Elections, 2000-2009](#)

Brennan Center, James Sample, Adam Skaggs, Jonathan Blitzer, and Linda Casey, 2010

Overall, candidates in 13 nonpartisan states raised \$50.9 million in 2000–09, about 25 percent of the total, compared with nearly \$153.8 million raised by candidates in nine partisan states, about 74 percent of all fundraising.

Large infusions of cash from special-interest groups showed that **“the nonpartisan label offered decreasing insulation against big-money campaigns.”**

[The Controversy over Electing Judges and Advocacy in Political Science](#)

Melinda Gann-Hall, 2009

“As we now know, judges do not differ at all in measurable qualifications across selection systems, **the removal of partisan labels from ballots suppresses voting dramatically and produces idiosyncratic outcomes**, and partisan politics persists in nonpartisan and retention elections.”

[Partisan Labels and Democratic Accountability: An Analysis of State Supreme Court Abortion Decisions](#)

Richard P. Caldarone, Brandice Canes-Wrone and Tom S. Clark, 2009

“Research suggests that [elected judges] are more likely to cater to public opinion, overturn state statutes, and overturn pro-death penalty decisions [than appointed judges]. Additionally, Hanssen finds elected judges to be more predictable in their decision making.”

“The literature also indicates that **nonpartisan judicial contests are no more about professionalism or competence than partisan ones.**”

“Judicial accountability works differently than scholars and reformers have supposed.”

“A judge is significantly more likely to vote with the electorate’s leanings if he or she faces a nonpartisan election.”

[Judicial Independence and Nonpartisan Elections \[Early Version of Above\]](#)

Brandice Canes-Wrone and Tom S. Clark, 2008

“Nonpartisan elections do not necessarily encourage greater judicial independence than partisan elections do. Instead, nonpartisan elections create the **incentive for judges to cater to public opinion**, and this pressure will be particularly **strong for the types of issues that attract attention from interest groups, the media, and voters.**”

From [Guardrails for the Guardians: Reducing Secretary of State Conflict of Interest and Building More Impartial U.S. Election Administration](#) (2020)

“The high-profile Wisconsin state supreme court race in April 2020 illustrates the inherent partisanship of ostensibly nonpartisan elections. That supreme court position is nominally nonpartisan and is elected via nonpartisan ballot, but intense partisan divisions arose over whether the election should take place given the COVID-19 pandemic, based on assumptions about which party benefits from higher or lower turnout. The debate made amply clear that both parties and the electorate assessed the election in highly partisan terms.

This example, and this research more generally, suggests that if secretaries of state were elected in nonpartisan elections, candidates would still likely align themselves with parties, still seek voters and support from parties, and still enter office with a problematic allegiance to a party. Additionally, recent [court rulings](#) indicate that restricting nonpartisan candidates from identifying with a political party may amount to a violation of the First Amendment.”