

On the Determinants of Contributions to State Supreme Court Campaigns

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Paper prepared for the 2014 annual meeting of the Western Political Science Association, April 17-19, Seattle, Washington.

Abstract

While prior studies have evaluated candidate performance from the contest level of analysis, this research asks which incentives (or disincentives) encourage or discourage individual contributors to donate money to down-ballot state supreme court election campaigns. Building upon existing theories of political fundraising and candidate success in state court elections, this study evaluates individual level contributions from 2000 through 2012 in states using judicial elections. This analysis anticipates that contributions from individuals vary by the design of elections, the electoral environment of states, and importantly by features associated with specific races and the candidates participating in those elections. The results suggest that partisan versus nonpartisan designs of state court elections affect the ability of candidates to raise money, as does the number of judicial positions in a district and races affecting the chief justice position. Most important for this study, the results show the features of candidates, including those with the greatest probability of success, create differential capabilities for candidates to raise money. While electoral and institutional environments are beyond the control of candidates yet affect fundraising performance, the characteristics of candidates including prior success and electoral performance are important determinants of a judicial candidate's ability to fundraise.

In 2011, the United States Supreme Court in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* (564 U.S. ____) invalidated the trigger mechanism policy of states that use "clean election" public financing policies. Designed to decrease the fundraising pressures placed on candidates for public office, "clean election" provisions provide an alternative to conventional fundraising by permitting candidates to take public funds for campaign expenses. While candidates must demonstrate the ability to successfully fundraise by collecting a determined number of small contributions from registered voters, once collected, candidates that desire public funds agree to rely on public funds exclusively. Led by Chief Justice John Roberts, a five member majority of the U.S. Supreme Court invalidated Arizona's trigger mechanism that offered candidates additional funding where outspent by candidates not participating in the public finance option.¹ In the opinion of the Court, Chief Justice Roberts reasoned the First Amendment free speech right of candidates not participating in public financing were violated. While public financing was not ruled unconstitutional, for Roberts and the majority, laws like Arizona's clean election plan that "inhibit robust and wide-open political debate without sufficient justification cannot stand" (pg. 30). As a result for states like Arizona with trigger mechanisms, "clean election" plans were partially invalidated.

For states with judicial elections, this decision affects the long-running debate over how judges should be selected and the extent to which financial concerns in campaigns should affect those seeking and holding judicial office. Among the states with invalidated public campaign finance laws are New Mexico, North Carolina, Wisconsin, and West Virginia. In those states (five

¹ The trigger fund mechanism was initiated in most states where candidates funded by public funds were outspent by two to three times the public funding amount.

of the twenty-two states with partisan or nonpartisan judicial elections), state policymakers adopted policies to restrict the most troubling elements of judicial elections – the potential of impropriety caused by candidates accepting campaign contributions and the increasing financial pressures affecting candidates seeking elective judicial office. For example, with the passage of the Public Campaign Fund in North Carolina in 2002 (later repealed in 2013), qualifying candidates were required to receive contributions between the amounts of \$10 and \$500 from at least 350 contributors to become eligible for public funding (Bend 2005). Thereafter, financed candidates for the North Carolina Supreme Court would receive disbursement funds equal to 175 times the state’s filing fee (\$1,150 in 2005). Advocates like the North Carolina Center for Voter Education expressed hope that optional public funding and trigger funds would protect the integrity of judicial elections in North Carolina.² With new restrictions placed upon campaign finance alternatives, the reality of contributions by individuals, corporations, and interest groups to judicial campaigns remains an issue of concern for state policymakers and observers of state courts.

A common feature of state election law is limitations on the size of contributions, which restrict the amount that individuals or groups may contribute to campaigns. Like contribution limits affecting elections for federal offices, state contribution limits check the influence of one or a small group of contributors. Yet, like most state policies, there is variation in design. For states with judicial elections during the 2011-2012 election cycle, the amount that individuals

² For information from North Carolina Center for Voter Education, an advocacy group in favor of campaign finance reform, see <http://ncvoterred.com/judges/>.

were allowed to contribute ranged from \$500 in Minnesota to about \$23,000 in Ohio.³ Six additional states with judicial elections – Alabama, Mississippi, North Dakota, Oregon, Pennsylvania, and Texas - maintained policies that do not restrict contributions by individuals (or other entities).⁴

Like elections for other state and federal offices, judicial campaigns continue to be expensive affairs (see Bonneau and Hall 2009; Sample, Skaggs, Blitzer, and Casey 2010). Over the decade of the 1990s, when observers truly began to notice increasingly competitive and expensive judicial elections, average spending in judicial elections increased from \$365,000 at the beginning of the decade to \$800,000 at the decade's conclusion (Bonneau 2004, 2007). In individual states, the increase in average campaign spending is particularly noteworthy with spending between 1990-2004 (in 1990 dollars) reaching \$1,779,438 in Pennsylvania and \$1,123,084 in Alabama, while remaining much lower in Minnesota (\$86,887) and Idaho (\$119,790) (Bonneau and Hall 2009). Moreover, fundraising rose throughout the first decade of

³ Additionally, state political parties political action committees, corporations, and labor unions were also restricting by contribution laws. Each is affected usually by different contribution limits. For more information, the National Center of State Legislatures keeps an up to date listing of state contribution laws at <http://www.ncsl.org/research/elections-and-campaigns/state-limits-on-contributions-to-candidates.aspx>.

⁴ Sources: "State Limits on Contributions to Candidates: 2011-2012 Election Cycle", National Center of State Legislatures; "Contribution Limits – Calendar Year 2011", Minnesota Campaign Finance and Public Disclosure Board.

the twentieth century with \$206.9 million collected in total by state supreme court candidates between 2000-2009 (Sample, Skaggs, Blitzer, and Casey 2010).

The effect of increased contributions and spending, however, does have noticeable benefits for those seeking office. For state supreme courts and lower appellate courts alike, increased campaign spending has increased voter participation and electoral competition. Where judicial campaigns spend larger sums of money to publicize their candidate, voters more frequently participate (Hall and Bonneau 2008). For appointed incumbents to elective courts, empirical data consistently illustrates the electoral advantages of spending large sums of money in their first post-appointment election. For those judges, increased spending relative to their opposition sidesteps defeat (Bonneau 2005) and increases their share of the vote (Streb and Frederick 2009). Additionally, spending by challengers reduces the vote for incumbents in judicial contests (Bonneau 2007a). For appointed incumbents and challengers, electoral success means skill in fundraising.

The goal of this paper is investigate the ability of individuals to receive and interpret information stemming from electoral environments, which include participating candidates, elections, and institutions that structure the flow of information. To date, no single study has performed a systematic analysis of contributions by individuals to state supreme court campaigns. However, previous studies have evaluated alternative attributes of campaigns, such as the relationship between election outcomes, voting, and spending patterns. Where investigations have addressed contributions to state court campaigns, they have explored fundraising through the perspective of the candidate, which means they have aggregated their analysis to the campaign level (Bonneau 2007b). While very informative from the perspective

of the candidate, those investigations have addressed how campaigns respond to stimuli rather than individual contributors. Yet, as a primary form of political participation, it is important to understand what motivates individuals to donate money. This study attempts to fill that void. Fortunately, new and robust sources of data make that operation possible; specifically, the collection of contribution data by the National Institute of Money in State Politics (NIMSP). As a depository for state contribution data for each of the American states, investigators may now explore and seek to understand citizen behavior. Using the contribution data collected by NIMSP, this research analyzes the predictors of approximately 250 thousand contributions in partisan and nonpartisan state supreme court races in 22 states from 2000-2012.

This analysis contributes to the study of judicial elections and citizen participation in two ways. First, most studies of judicial elections and the “new politics of judicial elections” have addressed aspects of judicial elections like voter participation, campaign spending, and fundraising at an aggregated level. For studies of voter participation, several have examined trends in voter behavior that examine the percentage of ballot roll-off at the election level (see Hall 2007; Hall and Bonneau 2008; Streb and Frederick 2011; Streb, Frederick, and LaFrance 2009). Studies of campaign fundraising (Bonneau 2007b) likewise investigate elements of judicial elections at an aggregated level with spending and fundraising characteristics analyzed at the campaign level. Combined, studies of voter participation and campaign finance present important investigations of the pressures facing campaigns and the inducement for electoral participation by citizens. The recent volume of judicial election scholarship is large and the theoretical contribution is great. This research is designed to compliment and advance those

prior efforts by exploring many of the same characteristics involving citizen choice and contextual incentives for participation at the individual level.

Second, studies of political participation have directed their attention primarily to the process of voting. As a form of participation, voting is the essential form of citizen involvement in a representative government (Engstrom 2012; Green and Gerber 2008; Jackson 1997, 2002; 81996; Rosenstone and Hanson 1993; Wichowsky 2012). This paper manifests from the scarcity of attention directed to an alternative for of participation – contributions by individuals to political campaigns. As Rosenstone and Hanson (1993) acknowledge, voting is the primary form of participation owing to the effects that voting has on elected leaders and legislation. However in addition to voting, democratic participation includes social discussion of political matters, correspondence to elected leaders, protest, and contributions to political campaigns. It is with the latter – contributions – that this study seeks to expand our understanding of individual behavior. While a wide range of extremely important studies have evaluated voter choice, few have explored contributions and fewer yet have addressed campaign donations to state supreme court election campaigns.⁵

⁵ While non-individual contributions are important for the operation of political campaigns, this study exclusively focuses on contributions by individuals. There are two reasons for this approach. First, prior studies of judicial elections have explored voting. As an action by individuals, this study of contributions seeks to extend the logic of those studies. Second, individuals likely have different incentives to contribute to election campaigns than political action committees, trade unions, or corporations. Research shows that groups are highly

Understanding Contributions to Judicial Campaigns

Before exploring the theoretical foundation of this analysis of contributions to state supreme court campaigns, it is important to understand contributions as a form of behavior – in state court campaigns and elsewhere. Contributions are explored in this paper using the total amount contributed by an individual to a state supreme court campaign.⁶ Larger overall contributions by an individual represent a stronger commitment to participation in a given race.

[Insert Table 1 here]

To understand trends connected to contributions, Table 1 displays the central tendencies for contributions by state from 2000-2012. First, the average contribution for all states during the period of this study was \$459 and the typical donation was \$150. However, Table 1 reports that there are marked differences by state. With dissimilar political environments, states and their judicial campaigns vary from environments with very active contributors with plentiful resources to states with less active citizens.

More specifically, the average contribution ranges from \$181 in Montana to \$1,611 in Nevada. The differences observed between states reflect the extent that citizens can be motivated to give money to state supreme court campaigns. Similarly, the median observation tells an interesting story with contributors most typically giving \$50 in Wisconsin and \$500 in Mississippi. Together, both tendencies demonstrate noticeable characteristics throughout the informed about their choices and desire some influence (see Powell 2012), which may differ from cognitive abilities of individual contributors.

⁶ For the empirical analysis, the natural log of contributions is used to create a normally distributed variable.

states with the possibility that contribution giving may be affected by the attributes of political settings. Moreover, state patterns are also quite similar in many cases with Ohio and Michigan providing nearly identical patterns in terms of the mean (\$305 and \$306, respectively) and median contribution (\$100 in both states). Both states are also noteworthy for their unique selection and retention designs where political parties nominate candidates for the general election, but then party designations are removed from the general election ballot. For Ohio, Michigan, and the other elective state supreme courts, it is very possible that unique and similar institutional designs and political environments permit empirical explanation.

[Insert Table 2 here]

The analysis considers how known political influences affect contributions to judicial campaigns. Among institutional and election characteristics that commonly affect election outcomes is the ballot format of elections. Beyond affecting the decisions of judges (Boyea 2010; Brace and Hall 1997, 2001; Brace and Boyea 2008), institutional differences relating to ballot design are known to affect the degree of electoral competition (Hall 2001), the success of incumbents in judicial elections (Bonneau 2005a; Bonneau and Cann 2011; Streb and Frederick 2009), patterns of spending in state supreme court races (Bonneau 2005b; Frederick and Streb 2008; and in local elections, see Weinschenk and Holbrook 2013), and the ability of judicial campaigns to fundraise (Bonneau 2007b).⁷ Extending from that research, judicial candidates should be differently affected by varying ballot designs. With states using three methods of judicial elections, including partisan, nonpartisan, and retention elections, states have

⁷ Though for the latter, Bonneau (2007) unexpectedly finds partisan elections decrease contributions to judicial campaigns.

attempted to address questions about judicial accountability and independence by adding and subtracting political parties from election ballots.⁸ Thus, while many states with elective courts include party affiliation, nonpartisan races evade the perceived harmful effects of political parties. Table 2 reports in columns two and three the contribution patterns for individual contributors by election format from 2000 through 2012. Off-year elections (2001, 2003, etc.) are excluded from Table 2 and 3 due to the small number of elections that occur in those years. Appendix Table 1, however, presents the results for all races and each year from 2000-2012. In Table 2, the amount of contributions for states using partisan elections continued to increase throughout the twelve year period. While partisan judicial campaigns raised \$524 on average in 2000, by 2012 campaign the average amount by individual contributor increased to almost \$1000. In nonpartisan races, however, consistent contribution growth is not observed. In each year, partisan races outraised nonpartisan races among individual contribution.

[Insert Table 3 here]

Research on election outcomes also comments on the role of information in elections (Jacobson 1997). Few features of elections are as important as the incumbency status of the candidate. Research confirms that voters (Bonneau 2005a; Hall 2007; Streb, Frederick, and LaFrance 2009) and contributors (Bonneau 2007b) respond to candidate signals. The data reported in Table 2 is consistent with expectations for incumbent candidates. From 2000 through 2012, the amount received from contributors by incumbent candidates in contested

⁸ Retention elections are not included in this investigation due to the generally strong state restrictions on contributions to retention campaigns. For most retention campaigns, money is not accepted by candidates.

elections increased. Non-incumbent candidates, however, out-performed incumbents in several years of the analysis, though there is variation throughout the years. The differences that exist across states speak to an involved citizenry. Table 3 presents patterns of contributions for contested races from 2000-2012. While non-contested and contested races experience some difference in terms of election salience, the patterns are very similar for all races. Appendix Table 2 provides the amount collected for contested races in each year from 2000-2013.

Campaign Contributions in State Supreme Court Elections

The existing literature on citizen involvement in state judicial elections is a useful starting place for a theoretical understanding of decisions by individuals to contribute. While describing a large body of literature is a difficult task, studies of state supreme court elections provide several explanatory pathways. Prior studies suggest that varying forms of context and institutional structures are important for understanding the elements of judicial elections. Citizen participation in elections, such as voter turnout, is known to be a function of contextual forces (Cox and Munger 1989; Key 1949; Powell 1986; Wichowsky 2012) and institutional arrangements (Bensel 2004; Engstrom 2012; Schaffner, Streb and Wright 2001) that encourage information to be available to voters. Among other attributes, greater levels of competition provide powerful incentives for encouraging turnout (Engstrom 2012; Key 1949). As such, where information is readily available and incentives are delivered to voters, voters are more likely to be active, especially where they interpret their role to be pivotal to the outcome (Cox and Munger 1989; Riker and Ordeshook 1968). As a result, competition is believed to increase voter turnout (Powell 1986), as well as alternative forms of political participation like

contributing to political campaigns where election outcomes are less certain (Rosenstone and Hanson 1993). Where elections are salient and information easily digestible, participation increases.

Much of the literature on citizen participation has evaluated trends in voting in presidential (Holbrook and McClurg 2005; Krupnikov 2011; McDonald and Popkin 2001) and congressional elections (Caldeira, Patterson, and Popkin 1985; Engstrom 2012). However, recent studies of participation of state and local-level elections have created a more thorough understanding of state and local elections that utilize varying election formats and distinct political environments (Hall and Bonneau 2008; Hall 2007; Hill and Leighley 1996; Hogan 1999; Holbrook and Weinschenk 2014; Jackson 1997, 2002; Ragsdale and Rusk 2011). Institutional arrangements serve an important role allowing election information to be channeled to voters. With contextual forces that make elections more (or less) interesting, the formal structures by which elections are organized lead to more or less citizen participation. Research (Bonneau 2005a; Boyea 2007, 2010; Brace and Hall 1993, 1997, 2001; Brace and Boyea 2008; Hall 1987, 1992, 2001) stipulates that institutional arrangements and the political environment work together, affecting information presented to citizens and also the decisions of those involved in politics – citizen and elite alike. With that basic notion, the following explores the contextual and institutional factors that shape citizen involvement in the area of contribution making.

Research Design

To explore contributions as a form of participation, all elections (contested and noncontested) between 2000 and 2012 are investigated. To investigate contributions, data were gathered from the National Institute of Money in State Politics' (NIMSP) Follow the

Money data archive (<http://www.followthemoney.org>). Data collected by NIMSP are systematic and include all reported campaign contributions in the twenty-two states that utilize partisan or nonpartisan judicial elections. The dependent variable (***Contribution***) in this investigation is the natural log of the amount contributed by an individual to a state supreme court election campaign. The unit of analysis is an individual contributor. I expect the factors described in the section that follows and defined in Table 4 will influence decisions by individuals on the amount in which they donate.

[Insert Table 4 here]

Understanding Contributions to Judicial Campaigns

Candidate-Specific Context

Research across the discipline of political science demonstrates the specific attributes of elections affect citizen decisions to participate. Among election features, perhaps no single element is as important for explaining participation as incumbency status (Baum 1983; Hall 2001). Incumbents possess advantages over those seeking office, including name recognition (Baum 2003; Jacobson 2009) and benefits of holding office from term to term (Krasno, Green, and Cowden 1994; Thompson, Cassie, and Jewell 1994). I expect that contributors will give more money to incumbent candidates, rather than non-incumbents, all else being equal (***Incumbent***). In this study, incumbents are coded 1 where the candidate currently serves in a state supreme court and 0 where the candidate is a not an incumbent.

Another race-specific feature that should affect citizen participation is a race involving the chief justice seat. Generally, chief justice seats should be considered more important than associate justice seats given the responsibilities assigned to the position (Hall 2000, 2007). I

expect that citizens will contribute more to justices holding the chief justice position (*Chief justice*). To measure the effect of being a chief justice, individuals serving as a chief justice are coded 1 and 0 if otherwise.

In addition to incumbency and chief justice status, the quality of candidate is likely another candidate signal for increased potential. With experience as a lower court judge, in either a state's trial or appellate court, candidates create signals for the public that they will perform well in elections and in office (Green and Krasno 1988; Hall and Bonneau 2006; Van Dunk 1997) and are able to raise significant sums of money (Bond, Covington, and Fleisher 1985; Krasno, Green, and Cowden 1994). I hypothesize that contributors will give larger sums of money to candidates with lower court experience rather than candidates without experience (*Quality candidate*). To measure candidate quality, information was obtained through newspaper reports and the candidate biographies frequently available on their campaign website.⁹ Candidates with lower court judicial experience are coded 1 and candidates without lower court experience are coded 0.

From studies of Congress, state legislatures, and state supreme courts, we know that the gender of candidates may affect performance and citizen engagement (Atkeson 2003; Herrick 1996; Streb, Frederick and LaFrance 2009). Yet, while the literature is inconsistent relating to the relationship between female candidates and campaign fundraising prowess (Gaddie and Bullock 1995), there remains a possibility that female candidates will engender stronger interest and awareness from citizens more attentive to judicial campaigns. I expect

⁹ Information about lower court experience for candidates in contested elections for the years from 2000-2008 was generously provided by Chris Bonneau.

that female candidate will receive larger contributions than male candidates (*Female*). The variable, female, was operationalized as 1 for female candidates and 0 for male candidates.

Lastly, consideration is given to the prior electoral performance of candidates. Research demonstrates that where candidates win by a smaller margin in an earlier election, they tend to be challenged in their subsequent election (Hall and Bonneau 2006). With candidates vulnerable to opposition where electoral performance was weak prior, I expect less support among contributors where candidates received less than 55 percent in a prior general election (*Prior close race*). Prior close races are operationalized 1 if the incumbent candidate won by less than 55 percent of the vote in her most recent general election campaign and 0 if she won by 55 percent or more.¹⁰

Election-Specific Context

Like the attributes of candidates, election-specific contextual forces play an important role in encouraging citizen participation. Among the features known to affect election outcomes are contestation and the level of competition, both of which increase the salience of election campaigns. In studies of voter turnout, increased competition in general elections is demonstrated to increase voter participation (Caldeira and Patterson 1982; Tucker 1986), as well as reduce roll-off in a variety of lower ballot elections including state court elections (Hall 2007; Streb, Frederick and LaFrance 2009). In her article, Hall (2001) characterized state supreme court races as much more competitive after the transition to new style judicial

¹⁰ While there is debate about the appropriate threshold for a competitive election (see Weber, Tucker and Brace 1991), I use the 55 percent marker advocated by Ray and Havick (1981) and Tidmarch, Lonergan, and Sciotino (1986).

elections in the 1980s and 1990s (but see Kritzer 2011). With the general relationship between electoral competition and participation in this more competitive era of judicial election, this study anticipates that contributions will vary with contestation and competition. Where two or more candidates compete for a position, I hypothesize that the size of contributions will increase (**Contested election**). To measure the effect of contestation, I have coded elections with at least two participating candidates 1, while uncontested races are coded 0. I also expect that, like voters, contributors will respond with larger donations where elections are close (**Vote margin**). In this study, a continuous measure of vote margin is utilized where larger values reflect a stronger performance in the general election.¹¹

The number of seats may also affect the size of contributions. Where elections include more than one judicial race, individuals may be restricted from giving their preferred amounts due to finite resources. I expect contributions to be smaller where several seats are decided in an election year (**Number of seats**). The number of seats measure is operationalized using a continuous variable that ranges from 1 to 5. Similarly, a handful of states group candidates into multi-member elections where the first and second place finishers win the first and second seats, respectively. Like the hypothesis for the number of seats, I hypothesize that races affecting more than one position will affect the distribution of money from contributors, leading to smaller contributions (**Multimember race**). Races are coded 1 if multiple seats are

¹¹ The general election is used to discern the vote margin in states using partisan election contests. Where nonpartisan formats are used, either the runoff election is used or the results from the primary election stage if the winner received a majority of the vote.

affected by the outcome of one multimember election and 0 if an election is a conventional one seat race.

Institutional Context

Perhaps the most explored attributes of state politics are state institutional differences that affect citizen and elite behavior. In state legislative and mayoral races, Schaffner, Streb, and Wright (2001) determined that partisan races enrich the democratic process by providing useful information to voters and encouraging vote turnout. Increased participation is likewise found in state judicial races where partisan election designs consistently outperform nonpartisan and retention election designs (Hall 2007; Hall and Bonneau 2008; Klein and Baum 2001; Streb and Frederick 2011; Streb, Frederick, and LaFrance 2009). Extending that line of inquiry to decisions to contribute, I expect that individuals will be affected by increased partisan information. For citizens participating in judicial elections, they are expected to give more money in states using partisan election designs and less where nonpartisan elections are used (***Partisan election***). Elections are coded 1 where partisan elections are used by the state and 0 where nonpartisan elections are utilized.

Another characteristic of judicial elections that is frequently explored is the design of elections relating to district and at-large design. While most states use an at-large design for state supreme court elections, several states connect their judges to a section of the state. While contributors differ from voters because they are allowed to participate in elections when residing outside of the state and district, I expect the relationship between judicial candidates and contributors to be closer due to smaller constituency size. As a result, district elections are hypothesized to encourage larger contributions than at-large elections (***District Election***).

Elections are coded 1 where justices are elected by the voters of a district and 0 where judges are elected by the electorate of the whole state.

Like state legislatures (Squire 2012), many state supreme courts experienced the process of professionalization toward the end of the twentieth century (Squire 2008). Today, many state supreme courts like California and Pennsylvania's highest courts are well paid, have large staffs, and control their workload. Yet, other states like North Dakota have been much slower to increase the resources of their state supreme court. Among states with more professionalized state high courts, however, exist stronger incentives for service (Boyea 2011) and the capabilities to play a more active role in state policy (Brace and Hall 2001; Tarr and Porter 1988). I expect the value of office will be greater for states with more professionalized supreme courts. As such, contributors are hypothesized to respond with larger contributions owing to the increased importance of those courts (*Professionalized court*). Squire's docket score measure of professionalism is used to explore the effects of state court recourses on citizen contributions.

Several states have adopted campaign contribution limits similar to those used by the United States government in federal elections. For example, contribution laws in 2012 varied widely with calendar year limits as low as \$500 in Minnesota and as large as \$23,000 in Ohio. In six states, including Pennsylvania and Texas, contributors have no limit on their contributions. I expect that state contribution limits will reduce the overall size of individual contributions (*Contribution Limit*). To investigate the impact of contribution limits, I use data collected by the National Center of State Legislatures. Contribution limits are coded by the largest allowed

individual contribution for a particular state. Where states allow unlimited individual contributions, the contribution amount at the 90th percentile is used as the value.

In any given year, including odd years, there are state supreme court races. For election years that do not overlap with presidential elections, studies witness a decline in voter turnout (Dubois 1980; Hill and Leighley 1993) and increased roll-off (Dubois 1980). Consistent with the general account of participation, I expect that contributors will be less involved in odd-year elections that do not coincide with presidential or midterm elections (***Odd year***).

Attributes of Contributors

Finally, contributors themselves may possess attributes that encourage or discourage their participation in judicial campaigns. Fortunately, information about the profession of contributors is readily available from the National Institute of Money in State Politics. From various studies of contribution effects (Cann 2007; Sample, Skaggs, Blitzer, and Casey 2010), we know attorneys are keenly interested in the results of judicial campaigns since the selection of judges means a friendlier or oppositional environment. I hypothesize that attorneys will be on average more willing to donate larger sums of money than individuals active in other professions (Attorney). The variable for attorney is coded 1 where a contributor is employed as an attorney and 0 where employed in an alternative area.

Estimation Technique

Given the continuous nature of the dependent variable (***Contribution***), a generalized least squares (GLS) regression is used to estimate the model of contributions by individuals. Further, given the cross-sectional time series structure of the data, I use a random effects

model, which assumes variation across the state units is random and uncorrelated with the explanatory variables.¹²

Findings

[Insert Table 5 here]

Table 5 displays the results for individual contributions to state supreme court campaigns. Overall, the model performs very well. Among the factors expected to influence the size of contributions, status as an incumbent encourages citizens to donate larger contributions. On the same note, for judges serving as the chief justice, citizens are more willing to contribute money. Thus, like expectations derived from the congressional literature, the benefits of incumbency bestow on candidates increased access to election funds. Candidates that have served as judges in lower state appellate or trial courts also perform well among contributors. Consistent with expectations about “qualified” status, judicial experience propels candidates, while candidates without experience face a disadvantage. The result for judges with experiences or those serving in state supreme courts is increasingly large contributions that at least partially explain why inexperienced candidates struggle in state high court elections. In addition to candidate experience and incumbency, the results demonstrate female candidates perform well among contributors.

Contributors also reacted to the electoral performance of candidates and the quality of competition, giving less money to candidates that have struggled in recent elections and more where elections are competitive during the current calendar year. Where candidates prevailed

¹² Dummy variables for each election cycle were also explored; however, there was no difference in the substantive results.

in their prior election, but by the narrowest of margins, they receive less money than candidates that have performed well in prior elections. In the short term, contributors respond to the salience of on-going campaigns by giving larger campaign donations. Unfortunately, the direction of the coefficient for vote margin, while statistically significant, operates in the unanticipated direction.

Of the remaining context of election variables, only the number of seats affects contributions in the hypothesized direction. Where multiple seats are up for election separately, contributors give smaller donations to judicial campaigns. For multimember contests, the results suggest that contrary to the hypothesis contributors are more forthcoming with their money.

With the institutional arrangements of the states and their elections, the results give support to expectations about institutional effects on the behavior of contributors. Three of five institutional context variables affect contributions as anticipated. The variable most tied to contemporary debate is the effect of partisan election design. Where states use partisan elections, rather than nonpartisan elections, contributors give larger sums of money. By attaching the party label, contributors have valuable information by which to direct their resources to their electoral preferences. District elections also provide a noticeable effect. Where elections are closer in proximity to a smaller group of constituents, contributors are more forthcoming. The results also suggest odd year elections impact contribution patterns. Elections not timed to coincide with presidential or midterm elections causes reduced involvement for contributors, like voters. As for the effects of state contribution limits in judicial campaigns, the findings suggest the relationship between campaign limits and

contribution total is indeed negative. Yet, the variable fails to meet the conventional level of statistical significance.

Last among the structural designs of state courts, state supreme court professionalism does affect contributions yet in the unexpected direction. The findings suggest that greater professionalization causes the size of contributions to be less significant, which does not align with the theory presented above.

Finally, for those affected by the administration of justice on a daily basis – attorneys, there exists a strong causal relationship with contribution size. Attorneys are more likely than contributors engaged in alternative professions to give larger campaign donations to state supreme court campaigns. Given the stakes of judicial decisions, there appears to be a strong incentive to contribute.

Conclusion

How receptive are individual contributors to signals sent from campaigns and elections? The findings suggest contributors, like voters, are very attentive to candidate and election information. Like voters, contributors participate where officeholders and qualified candidates are active in elections. Further, institutions that encourage increased information and bring contests closer geographically to the contributor lead to larger donations. With those characteristics, the results presented in this paper lead to an extension of existing theory about our understanding of citizen participation and the ability of individuals to digest information. While prior studies have surmised from aggregated data the cognitive ability of individuals to process information in these down-ballot election campaigns, the results suggest a very capable

group of citizens. For those willing to give money, they are extremely responsive to contextual and institutional forces.

The second objective of this study was to further our understanding of contributors, as a group of citizens actively involved in democratic elections. The results add to our understanding of participation by the actions of contributors. Like voting, where contributors feel they can affect the outcome of an elections and where plentiful information is available, they are increasingly active. With participation in elections a costly exercise, those with more resources are recognized to be more active. However, individuals that contribute money to state supreme court campaigns align well with the observations of Rosenstone and Hanson (1993) and others. Where citizens feel more is at stake with the outcome of an election, either personally or politically, the incentives are sufficiently compelling to participate by funding campaigns.

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Table 1: Average Contribution in State Supreme Court Elections, 2000-2012

State	Election Type	Mean	Median	Std. Dev.	N
Montana ¹	Nonpartisan	\$181	\$100	\$2,185	15169
Wisconsin	Nonpartisan	\$214	\$50	\$6,676	23729
Washington	Nonpartisan	\$233	\$100	\$2,503	13122
North Carolina ²	Partisan to nonpartisan	\$272	\$125	\$1,694	14445
Ohio	Nonpartisan	\$305	\$100	\$987	49872
Michigan	Nonpartisan	\$306	\$100	\$1,113	39273
Arkansas ³	Partisan to nonpartisan	\$424	\$150	\$4,142	6279
Idaho	Nonpartisan	\$474	\$100	\$4,253	1322
Minnesota	Nonpartisan	\$474	\$250	\$1,020	1300
New Mexico	Partisan	\$475	\$100	\$1,518	997
Oregon	Nonpartisan	\$553	\$150	\$3,257	2676
Alabama	Partisan	\$556	\$200	\$4,212	15738
Georgia	Nonpartisan	\$556	\$250	\$1,321	6165
North Dakota	Nonpartisan	\$599	\$450	\$537	22
Kentucky	Nonpartisan	\$603	\$250	\$4,468	6279
Texas	Partisan	\$669	\$250	\$1,854	15490
Pennsylvania ⁴	Partisan	\$884	\$250	\$9,208	9831
Illinois ⁴	Partisan	\$1,036	\$490	\$3,801	4477
West Virginia	Partisan	\$1,058	\$250	\$18,920	8267
Mississippi	Nonpartisan	\$1,211	\$500	\$5,256	6215
Louisiana	Partisan	\$1,405	\$300	\$23,562	3669
Nevada	Nonpartisan	\$1,611	\$400	\$17,007	2651
ALL STATES	ALL ELECTIONS	\$459	\$150	\$5,982	246988

¹ Montana uses nonpartisan elections for contested races only.

² North Carolina changed from partisan elections to nonpartisan elections in 2004.

³ Arkansas changed from partisan elections to nonpartisan elections in 2002.

⁴ Pennsylvania and Illinois use partisan elections for initial selection, but retention elections thereafter.

Table 2: Average Contributions by Type of Election Format and Candidate Status, All Races, 2000-2012 (Even Years)

Year	Partisan	Nonpartisan	Incumbent	Non-incumbent
2000	\$524	\$350	\$335	\$469
2002	\$500	\$346	\$324	\$458
2004	\$681	\$343	\$402	\$402
2006	\$612	\$394	\$443	\$431
2008	\$990	\$466	\$411	\$903
2010	\$792	\$372	\$464	\$397
2012	\$960	\$343	\$519	\$530
All Elections	\$723	\$373	\$414	\$513

Table 3: Average Contributions by Type of Election Format and Candidate Status, Contested Races, 2000-2012 (Even Years)

Year	Partisan	Nonpartisan	Incumbent	Non-incumbent
2000	\$500	\$353	\$335	\$453
2002	\$505	\$339	\$333	\$442
2004	\$681	\$344	\$406	\$402
2006	\$623	\$403	\$478	\$421
2008	\$990	\$451	\$378	\$903
2010	\$795	\$368	\$465	\$397
2012	\$969	\$333	\$516	\$530
All Elections	\$723	\$370	\$416	\$507

Table 4: Variable Descriptions for the Model of Contributions in State Supreme Court Elections

Variable	Variable Description
<i>Dependent Variable</i>	
Contribution	= 0 to 14.11, log of total contribution from individual to campaign
<i>Explanatory Variables</i>	
Incumbent	= 1 if candidate is an incumbent 0 otherwise
Chief justice incumbent	= 1 if candidate serves as the chief justice 0 otherwise
Qualified candidate	= 1 if non-incumbent candidate has judicial experience 0 otherwise
Female	= 1 if candidate is female 0 otherwise
Prior close election	= 1 if candidate won her prior election with 55% or less of the vote 0 otherwise
Contested election	= 1 if election had two or more candidates 0 otherwise
Vote margin	= difference in vote total between the first and second place candidates ¹
Number of seats	= 1 to 5, number of state supreme court seats up for election
Multimember election	= 1 if candidate participated in an election with multiple seats 0 otherwise
Partisan election	= 1 if state uses partisan elections 0 otherwise
District election	= 1 if election was held in a district 0 otherwise
Odd year	= 1 if election was held in an off year 0 otherwise
Contribution limit	= 6.21 to 10.04, log of maximum contribution amount for individuals
Professionalism	= .253 to .878, Squire's index of state supreme court professionalism
Lawyer	= 1 if contributor is an attorney 0 otherwise

¹ For the second place candidate in multimember elections, the difference in vote total between the second and third place candidates.

Table 5: Model of Contributions by Individuals, 2000-2012

Variables	Coefficient	Std. Err.	z	Expectation
Incumbent	.029	.008	3.57*	$\beta > 0$
Chief justice incumbent	.335	.010	35.25*	$\beta > 0$
Qualified candidate	.090	.008	11.35*	$\beta > 0$
Female	.095	.005	18.10*	$\beta > 0$
Prior close election	-.057	.006	-8.89*	$\beta < 0$
Contested election	.095	.018	5.27*	$\beta > 0$
Vote margin	.002	.0002	11.00*	$\beta < 0$
Number of seats	-.054	.003	-19.48*	$\beta < 0$
Multimember election	.149	.010	14.91*	$\beta < 0$
Partisan election	.232	.015	15.07*	$\beta > 0$
District election	.801	.192	4.17*	$\beta > 0$
Odd year	-.279	.016	-17.77*	$\beta < 0$
Contribution limit	-.105	.076	-1.38	$\beta < 0$
Professionalism	-.853	.511	-1.67*	$\beta > 0$
Lawyer	.594	.006	107.08*	$\beta > 0$
Constant	6.276	.692	9.07	-
Number of obs				246988
Number of groups				22
Wald chi ² (d.f. - 15)				14249.29*
R ²				.137

* $p \leq .05$, one-tailed test

Appendix Table 1: Average Contributions by Type of Candidate and Election Format, All Races, 2000-2012

Year	Partisan	Nonpartisan	Incumbent	Non-incumbent
2000	\$524	\$350	\$335	\$469
2001	\$883	\$79	\$79	\$883
2002	\$500	\$346	\$324	\$458
2003	\$605	\$237	NA	\$422
2004	\$681	\$343	\$402	\$402
2005	NA	\$1,511	\$1,511	NA
2006	\$612	\$394	\$443	\$431
2007	\$1,333	\$533	\$842	\$836
2008	\$990	\$466	\$411	\$903
2009	\$993	\$163	\$172	\$656
2010	\$792	\$372	\$464	\$397
2011	NA	\$69	\$79	\$63
2012	\$960	\$343	\$519	\$530
All Elections	\$754	\$363	\$394	\$521

Appendix Table 2: Average Contributions by Type of Candidate and Election Format, Contested Races, 2000-2012

Year	Partisan	Nonpartisan	Incumbent	Non-incumbent
2000	\$500	\$353	\$335	\$453
2001	\$883	NA	NA	\$883
2002	\$505	\$339	\$333	\$442
2003	\$605	\$237	NA	\$422
2004	\$681	\$344	\$406	\$402
2005	NA	NA	NA	NA
2006	\$623	\$403	\$478	\$421
2007	\$1,333	\$533	\$842	\$836
2008	\$990	\$451	\$378	\$903
2009	\$994	\$163	\$172	\$656
2010	\$795	\$368	\$465	\$397
2011	NA	\$43	\$10	\$63
2012	\$969	\$333	\$516	\$530
All Elections	\$749	\$356	\$390	\$516