

CAMPAIGN ADVERTISING TONE
AND INDIVIDUAL VOTER BEHAVIOR
IN JUDICIAL ELECTIONS

By

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IN JUDICIAL ELECTIONS

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Abstract:

The increased use of campaign advertising in judicial elections since *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), has attracted a considerable amount of criticism. Opponents of campaign advertising in judicial elections point to anecdotal examples of negative advertising that are inaccurate and have misled voters with their presentations of the facts. Meanwhile, scholars studying judicial elections have performed aggregate-level analyses of the campaign advertising environment and judicial elections outcomes and have concluded that the arguments of the critics are unfounded. However, the critics remain unconvinced and debate continues. This study adds to the debate on campaign advertising in judicial elections by exposing 652 college undergraduates to two versions of the same ad, manipulated to alter the tone between positive and negative. A post-viewing questionnaire was administered to evaluate the effects of the campaign advertisement's tone on measures of individual voter behavior. The results of this study suggest that negative campaign advertising is not without its merits, but can be used for good or ill.

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CHAPTER I

INTRODUCTION

For the 2016 legislative session Oklahoma State Representative Kevin Calvey authored House Joint Resolution 1037, currently under consideration, which, if passed, would put to the voters of Oklahoma for their approval a constitutional amendment that would eliminate the current merit-based selection scheme represented by the Oklahoma Judicial Nominating Commission and instead allow for the election of judges to the Oklahoma Supreme Court and other appellate courts.¹ While elections for state supreme courts are far from uncommon, with 38 states employing them in some form, there is considerable hesitation within the Oklahoma legal community about Calvey's measure. Proponents of electing judges see it as a way to enhance the judicial branch's accountability to voters. Opponents of the measure see it as a means for exacerbating the polarized political conflicts that do appear within the staid environment of our courts. For instance, last year Calvey also threatened to immolate himself during a debate over the

¹ HJR 1037. <http://www.oklegislature.gov/BillInfo.aspx?Bill=HJR1037&Tab=0>. Accessed March 13th, 2016.

recent decisions of the Oklahoma Supreme Court regarding abortion, which were inconsistent with Calvey's own beliefs and those of his constituents.²

Still others strike a cautionary tone and invoke Oklahoma's particularly troubled history of corruption in judicial elections. In the 1950s, a scandal broke that implicated three justices on the court in taking bribes in return for favorable decisions.³ It was in response to this scandal that Oklahoma instituted its current merit-based system and, for the time being, bid farewell to electing members to its highest court in an effort to curb impropriety and restore legitimacy to a tarnished and beleaguered institution. The possibility of elections for members of the Oklahoma Supreme Court has ignited anew a debate over accountability versus legitimacy in the selection of judges.

Historical scandals notwithstanding, the story of judicial selection in Oklahoma mirrors the larger debate among judicial scholars over elections for judicial office that has emerged since the 2002 decision *Republican Party of Minnesota v. White* (536 U.S. 765, 2002) struck down state judicial ethic codes that forbade judicial candidates from discussing political issues in their campaigns. Almost immediately, concerns were raised about the impact such a decision would have on the integrity of state court systems around the United States. Iyengar (2001/2002), extrapolating from his studies on campaign advertising in legislative and executive races, predicted that the prevalence of negative advertising in judicial elections would increase due to its effectiveness as a campaign tactic and as a result would have a negative impact on public perceptions about

² "Oklahoma lawmaker threatens to set himself on fire over abortion issue." <http://newsok.com/article/5414125>. Accessed March 13th, 2016.

³ "HJR 1037: Return of Oklahoma's 'Rotten political system'." <http://nondoc.com/2016/02/26/hjr-1037-return-of-oklahomas-rotten-political-system/>. Accessed March 13th, 2016.

the legitimacy of the judicial branch similar to those found in the legislative and executive branches.

Additionally, the availability of campaign advertising as a strategy for judicial candidates would increase the costs associated with campaigning for judicial office, thus causing an increase in fundraising efforts. Since 2000 the *Justice at Stake Campaign*, a partnership between the Brennan Center for Justice at New York University School of Law and the National Institute on Money in State Politics, has published biennial reports documenting the conduct of state supreme court races in an effort to highlight the problematic relationship between campaign speech, televised candidate advertising, and the potential for conflicts of interest that may result from fundraising for judicial elections (Goldberg, Holman, and Sanchez 2002; Goldberg and Sanchez 2004; Goldberg, Samis, Bender, and Weiss 2005; Sample, Jones, and Weiss 2007; Sample, Skaggs, Blitzer, and Casey 2010; Bannon, Velasco, Casey, and Reagan 2013; Greytak, Bannon, Falce, and Casey 2015).

Some aspects of these doomsday predictions were observed by judicial politics scholars, but it is not yet apparent that the *White* decision has had the kind of impact on judicial elections that the Iyengar (2001/2002) and the *Justice at Stake Campaign* believed it would. Systematic comparisons of new style judicial elections has resulted in several findings that run counter to the delegitimizing narrative from above. Gibson (2008a, 2009) found that a candidate making policy pronouncements or promising to decide cases in a certain way according to broader policy positions did not decrease, but rather increased the voters' belief that the candidate could be a fair policy maker. Races with large amounts of campaign spending and those featuring negative attack advertising

(Hall and Bonneau 2008, Hall and Bonneau 2013) mobilize rather than demobilize the electorate. Just like in legislative and executive races, the more expensive, competitive, and perhaps nastier the campaign (Hall 2007), the more the electorate pays attention and is likely to engage in the democratic process by voting. Indeed, multiple studies (Bonneau, Hall, and Streb 2011, Bonneau and Hall 2013) have failed to find an empirical difference between judicial elections before the *White* decision and those occurring after.

This debate over the merits of using elections as a selection mechanism for judges, however, continues. A key element in this debate is related to the role that televised advertisements play in campaigns for judicial office. The overwhelming focus on criminal justice issues found in positive and negative ads in recent years, regardless of sponsor, is problematic due to the tendency to disregard the nuances of legal decision making and for its effects on the fate of criminal defendants. Incumbent judges with upcoming elections are likely to face pressure to side against criminal defendants for fear that the decision will come back to haunt them in the form of a distorted attack ad (Salamone, Yoesle, and Ridout 2014; Greytak, et. al. 2015). Taken with Hall's finding that attack advertising decreased the vote share of incumbent judges in nonpartisan elections for state supreme court seats, negative attack advertising is unlikely to diminish in volume for the foreseeable future (Hall 2015). Consequently, one can imagine that the issues identified by academic scholars about the conduct of judicial elections will continue to develop as well.

This study seeks to understand how the presence of negative advertising affects elections for judicial office. It considers the individual voter level effects of negative and positive advertisements used to inform voters of a judicial candidate's qualifications.

While much research has been done analyzing the aggregate-level features of judicial elections, such as type of election, presence and performance of challengers, fundraising, voter mobilization, and even campaign advertising (Hall 2001; Bonneau and Hall 2003; Hall and Bonneau 2006; Bonneau 2007; Hall and Bonneau 2008; Bonneau and Cann 2011; Bonneau, et. al. 2011; Hall and Bonneau 2013; Hall 2015), comparatively little research is available at the individual-level that focuses on the potential of campaign advertising in judicial elections to inform voters. What individual-level research there is on judicial elections (Gibson 2008a; 2009) tends to focus on the effects of negative advertising on individual perceptions of the judiciary as a whole, rather than the learning of information from positive or negative ads.

The potential for negative advertisements to inform voters is important because it must be balanced against any potentially harmful effects that negative advertising might have. Negative campaign advertising has been characterized as harmful by some scholars because it creates biased or inaccurate perceptions of political actors and events and can leave voters with an unwholesome impression of politics in general, yet others contend that negative advertising increases voter learning with a strident tone that grabs viewers' attention and makes them more likely to retain the information contained within those ads (Ansolabehere and Iyengar 1995; Geer 2006; Brader 2006). While these two characterizations of negative advertising are not necessarily mutually exclusive, those in favor of reforming or eliminating judicial elections to limit the presence of negative campaign advertising tend to emphasize the first characterization of negative advertising, while those urging caution point simply to the non-effects of negative advertising at the aggregate level. To that end, this study employs an experimental design that centers upon

a fictional campaign advertisement. The project gauges the difference in respondents' recall of information about a candidate for judicial office. It also considers the difference in voter evaluations and likelihood of voting for a candidate at the individual level.

The results of this study are positioned to expand the understanding of the role of campaign advertising in judicial elections in a few ways. By utilizing an experimental design that manipulates the positive and negative tone of an advertisement, this study generates findings that speak directly to the effects of the content in a judicial campaign advertisement rather than the effects of the campaign advertising environment in a judicial election as a whole. By focusing on the effects of positively and negatively toned advertisements on individual voting behavior, this study has the potential to reinforce or modify aggregate-level findings about voter behavior and campaign advertising in judicial elections. Finally, the findings of this study can inform thinking about campaign strategy in judicial elections for candidates and academics alike.

The study is organized as follows. First I review the relevant literature on judicial elections, campaign advertising, and voter learning in elections. Next I describe the experimental methodology used to investigate the individual-level effects of judicial campaign advertising. I then move on to an analysis and discussion of the results of the experiment. Finally, I conclude with a comment on what these results may mean for normative theories of judicial elections.

CHAPTER II

REVIEW OF LITERATURE

To study the individual level effects of campaign advertising in judicial elections, three bodies of literature were consulted. I first consider how voters learn about political information, as campaign ads are packages for the transmission of political information and are crafted in such a way as to have the greatest effect possible. Next, I look at the previous scholarship on the effects of campaign advertising in legislative and executive races to highlight the differences between the role of campaign advertising in non-judicial and judicial contexts and to draw methodological insight for the present study. Finally, I examine the literature on judicial selection systems to highlight the current knowledge of campaign advertising effects in that arena.

Political Information, Voter Learning, and Candidate Evaluations

Conventional wisdom in political science holds that most people know little about politics. Converse (1964) demonstrated that the American public lacks political information and that most Americans are not politically sophisticated. Even the rudimentary facts of political life within the United States are unknown to most people.

More recent research has shown that possession of political information is unequally distributed in the population, and this unequal distribution of information could matter insofar as greater stores of political information correspond with greater levels of political involvement, thus producing unequal participation in the political process (Delli Carpini and Keeter 1996). Heuristics such as class and partisanship can overcome deficits in concrete facts to help individuals make sense of the political world (Hamill, Lodge, and Blake 1985). However, individuals still require some amount of political information to make even heuristic judgments about political matters (Delli Carpini and Keeter 1996). If most people are lacking in political information, though, how might they acquire more of it?

Zaller's (1991; 1992) work on mass opinion provides valuable insights into this question. Zaller's (1992) Receive Accept Sample (RAS) of public opinion formation is based on a few intuitive principles about the characteristics of the information transmitted and the individual receiving it. The formation of public opinion involves an interaction between the elite discourse about political affairs that is carried in the media environment, which Zaller (1991) refers to as a "flow" of information (1215), and the political predispositions and cognitive engagement of individuals exposed to those information flows. Information has an ideological tint, as well as a valence of support or detraction for a position, and these are the messages that are sent to individual for reception. Reception is conditional on political awareness, as one must understand a message is political in order to receive the information contained therein. Acceptance of the message is then conditional on the predispositions of individuals, such as their political identification or values. Political awareness also matters, because individuals

have to understand the political cues contained in the message in order to appropriately evaluate it for acceptance or dismissal. Finally, if a message is both received and accepted, it is stored for sampling at a later time when opinions about political objects are solicited. In Zaller's (1991; 1992) model, public opinion then becomes the aggregate sampling of available accepted information by individuals in responses to survey questions.

Zaller (1991; 1992) makes a case for a memory-driven process of information and opinion formation, but the on-line model of this process offers an alternative view (Lodge, McGraw, and Stroh 1989; 1990; Lodge, Stroh, and Wahlke 1990; Lodge, Steenbergen, and Brau 1995). The on-line model holds that individuals receive pieces of political information and then, based on the tone of the message sent, update an affective on-line tally of how they feel about the subject of the political information and message used to transmit that information. It is this affective tally and not the specific piece of information contained in the message that is utilized by individuals to make decisions about political issues, as once the on-line tally is updated the specific piece of information is incorporated into the evaluation. The proponents point to this process as an explanation of the apparent paradox between observed levels of low political information in individuals and rational candidate evaluations in the aggregate (Lodge, et. al. 1995). This study does not seek to validate the theoretical reasoning of one or the other of these two models of information processing. Instead, it seeks to integrate them and leverage their collective insights about individual-level processes of information exposure, information recall, and candidate evaluations within the context of judicial elections. Indeed, Zaller's (1991; 1992) model is more directly focused on mass opinion formation

about political issues, while the on-line model is concerned with processes of candidate evaluation. While Zaller (1991; 1992) is concerned with the effects of mass media on this process, it could also be applied to informational messages contained in campaign advertising. At a minimum, both models identify three components that are involved in the processing of political information: 1) the characteristics of the message; 2) the characteristics of the individual, and 3) the interaction of those two components to create evaluations of political objects. To apply these insights to campaign advertising in judicial elections and its effects on individual-level processes of voter behavior, it is instructive to turn to the literature on campaign advertising in non-judicial races to see how political information is packaged in campaign advertisements.

Campaign Advertising in the Other Branches

Given the dearth of studies on campaign advertising in judicial elections that are focused on the individual level, the study of campaign advertising in legislative and executive races provides a wealth of theoretical insight into the role campaign advertising might play at the individual level in judicial elections. A landmark study by Patterson and McClure (1976) framed the initial debate about campaign advertising in terms of its informational effects on individuals. Using data from personal interviews, campaign advertisements, and television news coverage of the 1972 presidential campaign, the authors found that individuals exposed to higher levels of campaign advertising were more knowledgeable on the issues at the end of the campaign than voters that reported a low level of exposure to campaign advertising. A content analysis of television news coverage showed that more time was spent covering events taking place during the

campaign and less on the issues featured in the campaign. The ultimate conclusion drawn from the Patterson and McClure (1976) study was that campaign advertising was a useful tool for informing voters and controlling the message of a candidate.

This finding is somewhat time-bound, however, and limited to the campaign advertising environment of the 1972 presidential election. Kern (1989) makes this point and describes the change in the advertising environment that had occurred since Patterson and McClure's study (1976). More information about issues was contained in the 1980s ads than in the television news coverage, but Kern (1989) notes that changes in schools of thought about advertising among practitioners meant that information was packaged in "slogan" style ads that featured little in the way of specific policy positions and instead focused on dovetailing candidate characteristics with vague references to issues (51). Moreover, the use of the long-form, multi-minute advertisements that was prevalent in the 1972 campaign had declined over the intervening years, replaced by a higher volume of shorter :30 second and 1 minute advertisements. Kern (1989) also provided a typology of negative advertising which is more focused on the emotional appeals utilized by negative ads but does not speak to the informative effects of these different types of appeals. Kern's (1989) research suggests that advertisements that are shorter in length and more negative in tone can offer little substantive information to voters.

The changing ad environment of the late 1980s and early 1990s brought with it a new focus on negative advertising and its constituent effects and has inspired an enduring debate. The Ansolabehere and Iyengar studies (Ansolabehere, Iyengar, Simon, and Valentino 1994; Ansolabehere and Iyengar 1995) utilized an experimental design to measure the differences in voters' intention to vote and candidate evaluations between

groups exposed to negative or positive advertising. While categorizations of ad types varies, the generally accepted coding of ads is tripartite: negative ads mention and criticize an opponent, positive ads only mention a candidate, and contrast ads mention at least two candidates (Geer 2006). The authors found that even though positive campaign ads increased reports of intending to vote, a decrease in intention to vote was found with exposure to negative campaign ads. The authors concluded that their observation of the dearth of positive campaign ads meant that the effects of exposure to negative campaign ads was more influential and counteracted what good the positive ads did.

A flurry of research was conducted that repudiated these experimental findings. Finkel and Geer (1998) employed a measure of aggregate advertising tone based on a net percentage of positive and negative ads and found that turns towards negativity in advertising tone did not affect aggregate turnout in the way that Ansolabehere, et. al. (1994) observed. At the individual level, Finkel and Geer (1998) found that negative advertising did not have a statistically significant effect on an individual's propensity to vote once other factors influencing the likelihood of voting were controlled for. Geer (2006) expands the analysis of negativity to presidential and congressional campaigns and develops a theory of the informational content of negative campaign advertising. Negative campaign ads feature a higher level of issue content and information because negative attacks against a candidate require a greater amount of supporting information. Brader (2006) also shows that emotional appeals in advertisements, especially those incorporating fear and anxiety, increase the likelihood that an individual will recall information from the ad over ads that are less emotionally charged. Besides evidence used to support Geer's (2006) and Brader's (2006) claims, other studies have failed to

find support for the conclusions of the Ansolabehere and Iyengar studies that negative advertising has deleterious effects on voter behavior (Wattenberg and Briens 1999, Lau and Pomper 2001). This pattern of discrepant findings about the negativity of campaign advertising is also present in the literature on judicial elections.

While differences in tone may evidence differences in the effective transmission of the messages and information contained in an advertisement to an individual, another line of research has reinforced the informational potential of campaign ads in general. Previous work using various measures of advertising exposure has shown that as an individual's exposure to political advertising increases, so does their recall of information about the advertisements (Ridout, Shah, Goldstein, and Franz 2004. Extrapolating their study, Franz, Freedman, Goldstein, and Ridout (2008) develop a theory of campaign advertising acting as informational supplements that increase the stores of political information among individuals. The aggregate campaign advertising environment influences what information is disseminated to individuals, while the characteristics of an individual, such as their television consumption and political behavior, affect what ads are seen and what information is gleaned from them. The authors find that increased exposure to advertising has marginal effects for individuals with great stores of political information, but the effect for individuals with low levels of political information is quite dramatic (Ridout, et. al. 2004, Franz, et. al. 2008). Additional extensions of this research program have shown that differences in institutions shape the political advertising environment, such as whether a race is for an executive or legislative office, and thus the subsequent process of exposure and information absorption (Ridout and Franz 2011). Succinctly, the institutional context of a campaign affects the advertising environment, which in turn

affects what messages are available for reception by an individual based on their personal characteristics. I expect this process holds for campaign advertising in judicial elections, but is modified according to the advertising environment in judicial elections.

Campaign Advertising in Judicial Elections

Campaign advertising is one of many features of contemporary judicial elections. In order to understand the advertising environment in judicial elections, it is important to contextualize it within the broader institutional setting of judicial elections. Differences in institutional design create differences in the kinds of ad campaigns that candidates for judicial office can run and will influence how and what messages are sent to voters to base their decisions off of, as is the case in legislative and executive races (Ridout and Franz 2011) . Not every state uses elections to staff the members of its courts. Twelve out of fifty states utilize an appointment process, whether gubernatorial or legislative, for their supreme court justices. Moreover, the use of electoral systems for selecting judges is not uniform. Seven states use partisan elections, in which candidates affiliate with a political party and appear on ballots as such. Fifteen states use nonpartisan elections, which means their names appear on the ballot unencumbered with a partisan identification. Over time an increasing number of states have opted for a merit-based selection system colloquially known as the Missouri Plan, which combines elements of an electoral and appointment selection system. Judges are appointed through procedures that vary across state, but ultimately they face retention elections in which voters can select to retain or not retain the judge. Currently the hybrid appointment-retention election system is the most common, with sixteen states utilizing it (Hall 2015).

The advertising environment differences among these types of judicial selection systems reveals an interesting pattern. Overall, positive, promotional content is the most common type of advertising content and these ads are more likely to contain traditional appeals based on experience and qualifications than contrast or attack ads (Salamone, et. al. 2014; Hall 2015). Candidates for judicial office may refrain from engaging in negative campaigning due to the potential detrimental effects it has on the public's perception of the institutional legitimacy of the courts (Gibson 2008a; 2008b; 2009; Salamone, et. al. 2014). In lower courts, *White* did not dramatically alter the rhetoric of candidates, with traditional themes of experience and qualification remaining the preferred message (Arbour and McKenzie 2011). In terms of the proportions of races featuring negative advertising, partisan elections have the lowest ratio of negative advertising. However, when a total volume measure of advertisements aired is employed, partisan elections feature the highest volume of attack advertising, leading Hall (2015) to conclude that "when televised advertising is introduced, partisan elections are nastier" when compared to nonpartisan and retention elections (80).

The *Justice at Stake* Campaign derides partisan elections of state Supreme Court judges, drawing their conclusion from aggregate summary evidence that suggests a partisan race evidences greater levels of fundraising and spending by candidates. These funds are primarily used to pay for the airing of television advertisements and media consultants that create them. It is the fundraising by judges that is so concerning, as these authors make the assumption that in order to attract funds for their campaigns judges must demonstrate a partiality on issues that corresponds with the preferences of would-be donors. To that end, the *New Politics of Judicial Elections* series has championed public

funding of judicial campaigns and advocates for the use of the three alternatives to partisan elections, while ultimately preferring the elimination of the election of judges altogether (Goldberg, et. al. 2002; Goldberg and Sanchez 2004; Goldberg, et. al. 2005; Sample, et. al. 2007; Sample, et. al. 2010; Bannon, et. al. 2013; Greytak, et. al. 2015). A recent study comparing the influence of candidate quality on electoral outcomes found in a similar vein that the effect of candidate quality on electoral outcomes was diminished in partisan races, where voters rely on partisan cues (Lim and Snyder 2015).

However, many scholars do not find negative effects from partisan elections. Hall (2001) found that the murder rate had a negative effect on the vote share of incumbents in partisan state supreme court races, concluding that an increase in crime rates resulted in a lower incumbent vote share because voters were holding the public official, in this case a state supreme court justice, accountable for performance on a matter of public policy which they believed, not unreasonably, was under the control of that official. Running a partisan electoral system for selecting judges also increases the chance that a quality challenger will appear and quality challengers tend to do better than non-quality challengers, which runs counter to the notion of reform advocates that nonpartisan and retention systems are better for selecting qualified judges (Bonneau and Hall 2003; Hall and Bonneau 2006). Moreover, an analysis of how qualified candidates perform in judicial elections reveals that partisan judicial selection systems result in the election of qualified candidates at a rate similar to other systems (Savchak 2015). Partisan electoral systems have higher levels of voter participation as measured by a decrease in ballot roll-off, which occurs when voters do not complete their entire ballots and leave offices further down the ballot blank (Hall 2007). Running in a partisan race decreases the

amount of money raised and spent by a candidate, the implication being that in nonpartisan and retention elections candidates must do more personal solicitation because they lack the fundraising support of a party system (Bonneau 2005; Bonneau 2007; Bonneau and Cann 2011). Finally, attack advertising appears to only be effective at reducing incumbent vote share in nonpartisan elections (Hall 2015). Thus, the effects of campaign advertising might be more pronounced in nonpartisan elections and campaigns in nonpartisan elections might rely more heavily on campaign advertising to compensate for the unavailability of partisan appeals.

These results are focused on the aggregate-level effects of differences in electoral systems on the advertising environment, but there have been calls for more data at the individual level in judicial elections (Streb 2009). What is known about campaign advertising and institutions in judicial elections at the individual level paints a somewhat different picture of the influence of electoral systems. Partisan cues appearing beside a judicial candidate's name on a ballot are utilized by voters to help them reach a choice between judicial candidates, and when these are absent there are lower levels of participation because voters lack the requisite information to cast what they perceive as a meaningful vote (Dubois 1979; Hojnacki and Baum 1991; Lim and Snyder 2015). Campaign advertisements in nonpartisan and judicial elections thus will not feature any cues to that effect, and instead utilize other types of appeals. McKenzie, Rugeley, and Unger (2015) investigate the individual-level effects of the two most common types of appeals outside of partisan cues in judicial elections: experience and policy promotion. Of these two the authors find that appeals to experience by an experienced candidate, which they define as having twenty years of legal experience with ten years as a judge,

result in the most positive support from voters. They also find that inexperienced candidates, although not scoring as well as experienced candidates, can augment their favorability with voters by making appeals to salient policy issues. When qualifications are the only appeal made to voters, then, the tone of that appeal and how the qualifications are presented will matter a great deal.

The claims of the reformers that judicial elections are becoming more political and less focused on selecting qualified candidates is echoed in the McKenzie, et. al. (2015) study and in content analysis of judicial campaign ads that shows an increasing prevalence in ads with criminal justice and public safety themes (Salamone, et. al. 2014; Greytak, et. al. 2015). Judicial elections are low-information races and most voters will not have a great deal of information to utilize in making their decision (Baum 1987; Iyengar 2001/2002; Bam 2013). Though the *Justice at Stake* Campaign has advocated for measures like the circulation of candidate guides, the literature on campaign advertising in the other branches shows that campaign ads can and do inform voters about elections, even negative ones filled with emotionally provocative appeals (Franz, et. al. 2008; Geer 2006; Brader 2006). However, it is still unclear whether these effects hold at the level of the individual voter in judicial elections. This study will address this question by utilizing a methodology that is designed to examine the individual-level effects of the differences in campaign advertising tone on measures of voter behavior, like recall of information, evaluation of qualification, and likelihood of voting for a candidate.

CHAPTER III

METHODOLOGY

The following section describes the methods used to test the hypotheses that emerge from my review of the literature on campaign advertising and its place in contemporary elections for state judicial office. I utilize an experimental method of televised advertisement manipulation inspired by Ansolabehere and Iyengar (1995) and later studies. Subjects' post-viewing questionnaires are designed to provide basic demographic, media consumption, and political knowledge and attentiveness measures for control variables, as well as three questions relevant to my primary independent and dependent variables. I proceed with an outline of my theory and a formal statement of my hypotheses.

Theoretical Expectations and Hypotheses

Rather than discounting political campaign advertisements as an inadequate format for transmitting substantive, relevant information to voters, Franz, et. al. (2008) propose a theory of campaign advertisements as “informational supplements” that serve to enhance the pool of information available to voters as they make their decisions (16). For many voters, a campaign advertisement they see in the course of their normal media

consumption may be the only source of information about a particular candidate they receive. Thus, I expect that exposure to the political advertisement in my study will transmit relevant information to my subjects.

Beyond simply being able to communicate information to viewers, I have other more specific expectations about the influence of my advertisements. Geer (2006) postulates that negative advertising, by jarring viewers with its aggressive tone, provokes a more thoughtful response from viewers than pat promotional advertisements, and viewers are more likely to recall features of negative advertisements. Whatever effect negativity has on candidate evaluation or voter mobilization, the message and the information contained within is sent more strongly in a negative advertisement. While I expect subject recall of the relevant information in the advertisement to be present in both treatment groups, this prior work leads me expect a higher rate of recall of the correct number of years the candidate in the ad has in the negative advertisement treatment group relative to the positive advertisement treatment group.

H1: Subjects in the negative advertisement treatment group will have higher levels of recall relative to subjects in the positive advertisement treatment group.

How might individuals that pay more attention to politics, or those that have higher levels of general knowledge about politics, respond to the advertisement? Zaller's (1992) receive, accept, sample (RAS) model of opinion formation would suggest that individuals with the greatest cognitive abilities, as evidenced by their stores of political information, would be the most likely to recall specific information. Franz, et. al. (2008) counter this notion with an assertion that it is the individuals with the least amount of attention to and information about politics that are the most likely to receive new information from a political campaign advertisement. Both mechanisms have received

empirical support, and are intuitively appealing. However, one does not seem to rule out the other and both could be at play in the present study. In the end these different forces are likely to mostly cancel each other out, leaving no significant difference between more and less attentive, knowledgeable, and news consuming subjects.

H2: There will be no significant difference in the levels of recall based on a subject's attention to politics, level of political information, and news consumption.

Self-identified partisans and ideologues are also more likely to pay attention to politics in general compared to individuals that do not identify with these political identities according to the RAS model (Zaller 1992). This means that regardless of which party or ideology an individual identifies with, they will have greater cognitive engagement with the material contained in the ad by virtue of their identification with a political belief system. Accordingly, I generate two hypotheses dealing with self-identified partisanship and ideology.

H3: Subjects identifying with one of the two major political parties will be more likely to recall features of the advertisement than subjects not identifying with one of the two major political parties in both treatment groups.

H4: Subjects identifying themselves with one dimension or another of the liberal- conservative ideological scale will be more likely to recall features of the advertisement than subjects not identifying with a dimension in both treatment groups.

It is also important to consider what effects the advertisements might have on voter behavior and candidate evaluations because these two dynamics bear directly on who wins in elections and what strategy they use to achieve that victory. Hall (2015), using aggregate data on campaign advertising and electoral returns in state supreme court races, finds that candidates subject to negative attack advertisements in nonpartisan races receive fewer votes. Many within the legal community that advocate for reforms in

judicial elections also note the potential for negative attack advertising to adversely affect electoral outcomes, like incumbent vote share or voter participation (Greytak, et.al. 2015, Bannon, et al. 2012). Most of these claims are based on evidence at the aggregate level, and when individual level data, such as survey responses, are used to investigate the relationship between advertising and voter behavior, the advertising measure is aggregate as well. Previous studies have assumed the individual-level effects based on aggregate campaign advertising, but do not directly link an ad with a set of voters. Accordingly, I generate two hypotheses to test the individual level effects of negative advertising on voter perceptions of candidates for judicial office.

H5: Subjects in the negative advertisement treatment group will be less likely to evaluate the candidate as qualified than subjects in the positive advertisement treatment group.

H6: Subjects in the negative advertisement treatment group will be less likely to report being willing to vote for the candidate than subjects in the positive advertisement treatment group.

Hypotheses 2, 3, and 4 address whether or not the effects of campaign advertising in executive and legislative races apply in the context of a judicial election. Hypotheses 1, 5, and 6 are structured to answer questions about the effects of negative advertising in judicial elections. With these six hypotheses in hand, I turn to a discussion of the experimental method and data I gather to test their claims.

The Advertisement

Following the experimental designs of previous studies, I utilized a fictional campaign advertisement as my manipulation. There are three generally accepted categories for the tone, or overall valence of campaign advertisements: positive, negative, and contrast. Positive advertisements contain a message that promotes a single candidate,

while a negative advertisement attacks or criticizes a particular candidate. Contrast ads can feature both positive and negative elements, but the feature that distinguishes a contrast ad from positive and negative ads is that it focuses on at least two candidates (Hall 2015). Ansolabehere and Iyengar (1995) investigated the different effects of positively and negatively toned ads on viewers evaluations of the candidates and their self-reported intention to vote by manipulating the wording in key parts of the script of a campaign advertisement to create a positive and negative version, while holding all aural and visual elements of the advertisement constant except for a single graphic.

Following these general guidelines, I commissioned a campaign advertisement for a fictional candidate for a state supreme court seat from Orange House, a division of Oklahoma State University's School of Media and Strategic Communications where students produce advertisements for businesses and other clients. The full script for the campaign advertisement can be found in the appendices, but here I will discuss some relevant features. Ronald Duncan is the name of the fictional candidate, which I chose for the similarity of letters in the first and last names. I conducted searches on Google and Ballotpedia.org and to the best of my knowledge this name does not belong to any real candidate for elective office, judicial or otherwise. Two versions of the advertisement were created, one that promoted the candidate and one that attacked the candidate, creating positive and negative treatment groups. Both versions were approximately :48 seconds in length, which is more than half again as long as the typical campaign advertisement but not outside the realm of possible lengths of campaign advertisements. I did not utilize a control group for two reasons. First, I am interested in the different recall ability of those individuals that actually see advertisements. If a voter is not

exposed to an advertisement about a candidate, they will have no ability to recall information about the candidate that was featured in the ad. Second, this would likely take the form of a contrast ad and necessarily mean the inclusion of a second fictional candidate, which would complicate my analysis of the recall of information about a single candidate and their qualifications. As such, using only a positive and a negative version of the ad best allows me to test my research questions.

The differences between the positive and negative versions of the advertisement come down to a few key wording changes and whether the ad recommends voting or not voting for the candidate. In both versions, the candidate is described as having five years of experience as a judge on a state appellate court. Definitions of a qualified candidate vary by study, but at a minimum qualified candidates are expected to have previous experience relevant to the office they are running for (Bond, Covington, and Fleisher 1985, Bonneau 2001, Bonneau and Hall 2003, Hall and Bonneau 2006, Lim and Snyder 2015, McKenzie, Rugeley, and Unger 2015, Savchak 2015). The positive version promotes the candidate as qualified based on this experience:

“Judge Ronald Duncan has served our community for 5 years as a state appeals court judge.

Judge Duncan has the proven ability we need for our courts.”

The negative version of the ad, on the other hand, portrays this experience as insufficient:

“Judge Ronald Duncan has *only* served 5 years as a state appeals court judge.

Ronald Duncan *does not* have the proven ability we need for our courts.”

The phrase “our community” is omitted in the negative version, as this language is inclusive and thus promotional in tone, and the candidate is referred to by their full name rather than with the pre-nominal “judge” followed by their last name, as this is consistent

with the negative characterization of the candidate as unqualified. The negative ad thus concludes by encouraging the viewer to not vote for the fictional candidate:

“This November, don’t give Ronald Duncan your vote for our state supreme court.”

Here again, the “judge” is dropped from the candidate’s name, while in the positive version it reappears and the word “don’t” is omitted:

“This November, give your vote to *Judge* Ronald Duncan for our state supreme court.”

The final manipulated element is rather minor. In the positive version, as the recommendation message is announced a checkmark appears beside the candidate’s name. In the negative version, a red “X” appears across the candidate’s name.

There is one final note to make about the design of the advertisement. Ansolabehere and Iyengar (1995) explicitly endorse realism as a guiding principle in their experimental design. To this end, they nested their advertisements in a much longer televised segment viewed by participants that included other types of programming besides their campaign advertisement. Video campaign advertisements were overwhelmingly disseminated this way in the early 1990s media environment of the Ansolabehere and Iyengar studies. The 2016 media landscape has numerous channels for the dissemination of campaign advertisements as stand-alone content, not the least of which are social media platforms like Facebook, Twitter, and Instagram. For this reason, I chose not to embed the advertisement in a longer segment with other content. Additionally, I chose not to include any partisan cues because the majority of judicial races are nonpartisan (Hall 2015).

Sample Population and Recruitment

Subjects were recruited from the sample population of 872 students enrolled in sections of POLS 1113: Introduction to American Government featuring Friday discussion sections led by teaching assistants at Oklahoma State University in the spring semester of 2016. There were a total of twenty-five sections spread across three class times. I alternated positive and negative treatments going down a numeric list of the twenty-five sections so that there were positive and negative treatments in each of the time periods. A total of 709 students participated in the study after they were recruited by their teaching assistants according to a script that can be found in the appendices. No inducements of any kind were offered for participation, and a student's grade in the course was unaffected by their decision to participate or not. This point was overemphasized so as to mitigate any coercion that students may have felt from being asked by their teaching assistants, who were in positions of authority, to participate in the study.

The primary reason for selecting this sample population was their availability and ease of access. The course is required of all students at Oklahoma State University, which means the sample represents a good cross-section of the University student population, and the sections with Friday discussion sections led by undergraduate and graduate teaching assistants feature a more flexible instruction schedule than other sections. Moreover, being one of these teaching assistants myself, I was able to easily coordinate the dissemination of study training, instructions, and materials to all the individuals responsible for administering the study. Although the vast majority of the students are between the ages of 18 and 20 and are freshmen or sophomores, this homogeneity serves

two functions. While realism was the guiding principle in the construction of the ad, an experienced political observer would be capable of discerning the artificial nature of the advertisement. The relative lack of experience of these students means they are perhaps less able to identify the artificial nature of the advertisement. Additionally the homogeneity of the sample population serves as an added control in the experiment for demographic factors like age, race, and gender that might complicate the causal inferences from the manipulated tone of the advertisement.

Of the 709 students that participated, a total of 652 post-viewing questionnaires were usable for analysis. Despite clear instructions and including options for not knowing the correct response to a question and preferring not to respond to a question, some questionnaires were unusable. 57 observations were dropped for a variety of reasons, including two responses to a question, blank responses, writing in of responses not featured on the questionnaire, and unclear or ambiguous marks. Even when these issues were not present in a question used for data on my independent and dependent variables, the entire questionnaire was nevertheless thrown out of the analysis. I only wanted to use surveys where participants fully understood what was required for their participation and gave it willingly on each question. Of the usable questionnaires 314 came from subjects that were exposed to the negative version of the ad, while 338 came from subjects that were exposed to the positive version of the ad. These groups are of sufficient size to allow for multivariate tests of my hypotheses.

The Post-Viewing Questionnaire

To construct the variables necessary to test my hypotheses, I administered a post-viewing questionnaire that was the same for the positive and negative advertisement

treatment groups. Since students were randomly assigned to the positive or negative treatment group, any differences between the questionnaires should be attributable to the treatment itself. The questionnaire has a total of twenty questions and the full version can be found in the appendices. There are questions for age, gender, race, family income, and state of origin for controls. There are four questions related to the ad, two asking about recall of the advertisement and two candidate evaluation questions, to test my hypotheses. There are additional questions gauging political knowledge, self-reported measures of news consumption on the internet, television, and radio, a self-reported measure of attention to politics, political party affiliation, and ideological identification. The questions for political knowledge, race, news consumption, attention to politics, and political behavior all came from the American National Election Study pre-election questionnaire for 2012.

My primary dependent variable is *Recall of Information*, which is dichotomously coded as a 1 if the subject selected the correct response of “1-5 years of experience” to the corresponding question on the post-viewing questionnaire. All other responses were coded as a 0. Another dependent variable is *Recall of Theme*, which is dichotomously coded as a 1 if the subject was able to correctly identify the theme of the ad as being about the candidate’s experience and qualifications. There are two other dependent variables, *Evaluation of Qualification* and *Likely to Vote*. *Evaluation of Qualification* is an ordinal variable with evaluations of “Well Qualified” coded as a 2, evaluations of “Qualified” were coded as a 1, evaluations of “No Preference” were coded as a 0, and evaluations of “Not Qualified” were coded as a -1. *Likely to Vote* is an ordinal variable coded as a 2 if the respondent reported being “Very Likely” to vote for the candidate,

coded as a 1 if the respondent was “Somewhat Likely” to vote for the candidate, a 0 if they indicated no preference, a -1 if they were “Somewhat Unlikely” to vote for the candidate and a -2 if they selected being “Very Unlikely” to vote for the candidate.

My primary independent variable is *Tone of Ad*, coded as a 1 if the subject was exposed to the negative version of the campaign advertisement and coded as a 0 if the subject was exposed to the positive version of the ad. To test the relationships in my other hypotheses, I create several other independent variables. *Attention to Politics* is ordinal and coded as a 0, 1, 2, 3, and 4 based on their self-reported attention to news about government and politics, with “None at all” coded as a 0 and “A great deal” coded as a 4. *Political Knowledge* is also an ordinal code based on the total responses correct to three questions, with values ranging from 0 to 3. The first question asks what the limit on how many terms the President can serve, while a second question asks how many years are in one full term for a U.S. Senator. A final question asks for a simple definition of the Medicare, with the correct response indicating that the program supports healthcare for the elderly. I identify three types of media consumption as independent variables, *News on the Internet*, *News on TV*, and *News on Radio* and each subject was coded according to how many days in a week they utilized that medium for news consumption, with values ranging from 0 to 7.

There are two other independent variables for political party identification and ideological identification. *Party ID* is based on the subjects’ response to a question about which political party they identify with. The question only asked for an identification and did not have options for indicating the strength of that affiliation. If the subject identified with one of the two major political parties, then they were coded as a 1. All other

responses were coded as 0s. *Ideological ID* is coded under an ordinal scheme of absolute ideological distance from a moderate position, with responses of extreme liberalism and conservatism yielding scores of 3, while slight liberal and conservative identification is coded as a 1.

On the right hand side, *Recall of Information* is used to test hypotheses H1 through H4, while *Evaluation of Qualification* is used to test H5 and *Likely to Vote* is used to test H6. On the left hand side, *Tone of Ad* is used to test H1, H2, H5, and H6. *Attention to Politics*, *Political Knowledge*, and *News Consumption* are used to test H2. H3 and H4 are tested with the independent variables *Party ID* and *Ideological ID* respectively. There are a variety of demographic control variables used in the tests of my hypotheses, including age, gender, race, and parental income. Additionally, I include an ordinal control variable for what time of day the subject's section was held, with a 9:30 a.m. time coded as a 1, a 10:30 a.m. time coded as a 2, and an 11:30 a.m. time coded as a 3. The primary reason for doing so is the observation among the discussion section TAs that students in later sections are typically less attentive and less engaged than in earlier sections.

CHAPTER IV

FINDINGS

In regards to the findings for my first hypothesis, the results are fairly clear. A good starting point for a discussion is Table 1, which shows a cross tabulation of my dependent variable *Recall of Information* with my independent variable *Negative Treatment*. A quick glance shows a much higher proportion of recall in the negative treatment group than the positive treatment group, with 65.9% of respondents in the negative treatment group successfully recalling the number of years of experience mentioned in the ad compared to 48.5% in the positive treatment group. For the entire sample, the percent that accurately recalled the information in the ad was 56.9%.

Table 1: Cross Tabulation of *Recall of Information* and *Negative Treatment*

Recall of Information	Treatment Category		Totals
	Positive	Negative	
Incorrectly Recalled Information	174	107	281
Correctly Recalled Information	164	207	371
Totals	338	314	652

I continued my analysis with a probit regression of *Recall of Information*, since that dependent variable is non-linear and violates the assumptions of an OLS regression. Collinearity of variables was checked for in this model, as well as all others. Generally speaking, my control variables are signed as expected. Table 2 shows the results of the first probit regression. *Negative Treatment* is both statistically significant at the .001 level and in the expected direction. This means that exposure to the negative advertisement made respondents more likely to recall the information about the candidate contained in the ad, which supports my first hypothesis. As for the substantive effect of *Negative Treatment*, I am confident that the results indicate a sizeable effect for the negative treatment on the probability of recall of information. As for the other variables, most failed to meet significance at even the .05 level. Interestingly, my control variable for race, which was dichotomously coded as a 1 for white and a 0 for all others, did meet this level of significance and the direction indicates that white respondents were more likely to recall the information contained in the ad.

Table 2 offers mixed support for my second hypothesis, that there is no statistically significant difference in recall among respondents based on their attention to politics, their stores of political information, or their attention to the news. *Political Knowledge* was not significant, and neither was *News on the Internet*. However, *Attention to Politics* and *News on TV*, although not statistically significant at the .05 level, are significant at the .10 level and *News on the Radio* comes close to this level of significance. Considering the directions of the coefficients for these variables, *Attention to Politics* would appear to function as Zaller's (1992) RAS model would predict in that higher levels of attention to politics correspond to a greater ability to perceive political

messages while *News on TV* indicates that higher levels of television news consumption functions to depress the recall of information contained in judicial campaign ads.

Table 2: Probit Regression of *Recall of Information*

Independent Variable	Coefficient	Standard Error	z-score	p-value	95% Confidence Interval	
<i>Negative Treatment</i>	.4536417	.101352	4.48	0.000	.2549953	.652288
<i>Political Knowledge</i>	.0500171	.0675007	.74	0.459	-.0822819	.182316
<i>Attention to Politics</i>	.1181716	.0667335	1.77	0.077	-.0126238	.2489669
<i>Party ID</i>	.0339791	.1190139	0.29	0.775	-.1992838	.267242
<i>Ideological ID</i>	.0161209	.0630497	0.26	0.798	-.1074543	.139696
<i>News on the Internet</i>	-.0119829	.0249625	-0.48	0.631	-.0609085	.0369426
<i>News on TV</i>	-.0651171	.0347241	-1.88	0.061	-.1331751	.0029408
<i>News on the Radio</i>	.0681726	.0421343	1.62	0.106	-.0144091	.1507543
<i>Section Time</i>	-.0291885	.0608991	-0.48	0.632	-.1485485	.0901715
<i>Gender</i>	-.1607874	.1007954	-1.60	0.111	-.3583428	.036768
<i>Age</i>	.1397326	.1576467	0.89	0.375	-.1692493	.4487145
<i>Parental Income</i>	-.0197149	.0293034	-0.67	0.501	-.0771486	.0377187
<i>Race</i>	.263082	.1134902	2.32	0.020	.0406453	.4855187
<i>Constant</i>	-.3822229	.3508794	-1.09	0.276	-1.069934	.3054881
Number of Observations = 652, Log likelihood = -424.91942, Prob > chi ² = 0.0001, Pseudo R ² = 0.0466						

H3 and H4 receive considerably less support. Neither *Party ID* nor *Ideological ID* are statistically significant, and their standard errors are greater than their coefficients. The influence of *Party ID* and *Ideological ID* is minimal in the model for information processing presented here. Although this runs counter to the expectations of Zaller's

(1992) RAS model, it is not entirely out of place in a judicial campaign ad featuring no partisan cues. Without those cues, the advantages in cognitive engagement that come with identifying with a party or political ideology might not be present. Moreover, this supports the findings of judicial politics scholars concerning the effects of an absence of partisan cues in some judicial elections (Dubois 1979, 1984, Savchak 2015, Lim and Snyder 2015).

Table 3: Ordered Probit Regression of *Evaluation of Qualification*

Independent Variable	Coefficient	Standard Error	z-score	p-value	95% Confidence Interval	
<i>Negative Treatment</i>	-.6963882	.0903777	-7.71	0.000	-.8735253	-.5192511
<i>Political Knowledge</i>	-.031999	.0593063	-0.54	0.590	-.1482371	.0842392
<i>Attention to Politics</i>	.0200254	.0584659	0.34	0.732	-.0945656	.1346164
<i>Party ID</i>	.0324231	.104379	0.31	0.756	-.1721561	.2370022
<i>Ideological ID</i>	-.076385	.0547844	-1.39	0.163	-.1837604	.0309905
<i>News on the Internet</i>	-.0191271	.022005	-0.87	0.385	-.0622561	.0240019
<i>News on TV</i>	.088431	.0301058	2.94	0.003	.0294246	.1474374
<i>News on the Radio</i>	-.0386238	.0356734	-1.08	0.279	-.1085424	.0312947
<i>Section Time</i>	-.0617751	.0532457	-1.16	0.246	-.1661349	.0425846
<i>Gender</i>	.0377386	.0882789	0.43	0.669	-.1352849	.2107622
<i>Age</i>	.0369188	.1290872	0.29	0.775	-.2160873	.289925
<i>Parental Income</i>	.0264515	.0256834	1.03	0.303	-.023887	.07679
<i>Race</i>	.1388737	.0993195	1.40	0.162	-.055789	.3335363
Number of Observations = 652, Log likelihood = -714.19514, Prob > chi ² = 0.0000, Pseudo R ² = 0.0506						

Table 3 is the test of my fifth hypothesis, that the negative treatment group would be less likely to evaluate the candidate as qualified. The results here are fairly clear as well with regards to the effect of the negative advertising treatment, although not without some interesting highlights. An ordered probit regression was selected to test H5 because *Evaluation of Qualification* is an ordinal dependent variable with higher values indicating a higher evaluation of the candidate's qualification. The result for *Negative Treatment* is significant at the .001 level and in the expected direction, indicating that exposure to the negative advertisement resulted in a greater probability of evaluating the candidate as unqualified. Since the qualification of the candidate was the same in both versions, this means that voters might remember the information contained in negative ads better, but the framing of that information can affect their opinions and assessments of a candidate. Curiously, *News on TV* was significant at the .01 level and in a positive direction. I am not certain what causal mechanism is at play here, except that higher levels of television consumption of news may be measuring a latent process in regards to passive acceptance of persuasive messages.

I test my final hypothesis with another ordered probit model, since *Likely to Vote* is an ordinal variable. The results of that test are found in Table 4. Again, the effects of the negative treatment are quite definitive. *Negative Treatment* is both statistically significant and in the expected direction. This means that subjects exposed to the negative treatment were less likely to vote for the candidate in the negative ad even though they were the same candidate. This offers some support of Hall's (2015) finding that negative advertising depresses incumbent vote share in nonpartisan races. *News on TV* is also statistically significant, in this instance meaning that higher levels of television news

consumption increase the probability of being likely to vote for the fictional candidate. *News on the Internet* is significant at the .05 level in a one-tailed test, but in a direction that suggests sourcing news from the internet decreases the probability being likely to vote for the candidate. The control variable for gender identification is also significant at the .05 level in a one-tailed test, indicating that female-identifying respondents were less likely to vote for the candidate.

Table 4: Ordered Probit Regression of *Likely to Vote*

Independent Variable	Coefficient	Standard Error	z-score	p-value	95% Confidence Interval	
<i>Negative Treatment</i>	-.4836378	.0869056	-5.57	0.000	-.6539696	-.3133061
<i>Political Knowledge</i>	.0139203	.0568396	0.24	0.807	-.0974832	.1253238
<i>Attention to Politics</i>	-.0538742	.0566386	-0.95	0.342	-.1648838	.0571355
<i>Party ID</i>	-.1200521	.1008368	-1.19	0.234	-.3176887	.0775844
<i>Ideological ID</i>	-.021796	.0528738	-0.41	0.680	-.1254268	.0818349
<i>News on the Internet</i>	-.0360413	.0211533	-1.70	0.088	-.0775011	.0054185
<i>News on TV</i>	.0639501	.0291691	2.19	0.028	.0067798	.1211205
<i>News on the Radio</i>	-.0232188	.0343933	-0.68	0.500	-.0906285	.0441908
<i>Section Time</i>	.0119024	.0513956	0.23	0.817	-.0888312	.112636
<i>Gender</i>	-.1617774	.0851918	-1.90	0.058	-.3287502	.0051954
<i>Age</i>	-.0519188	.1257464	-0.41	0.680	-.2983772	.1945396
<i>Parental Income</i>	.0170378	.0247847	0.69	0.492	-.0315394	.065615
<i>Race</i>	.1541576	.0963351	1.60	0.110	-.0346557	.3429709
Number of Observation = 652, Log likelihood = -763.274, Prob > chi ² = 0.0000, Pseudo R ² = 0.0315						

Table 5: Ordered Probit Regression of *Likely to Vote* with *Evaluation of Qualification*

Independent Variable	Coefficient	Standard Error	z-score	p-value	95% Confidence Interval	
<i>Evaluation of Qualification</i>	.640501	.0553728	11.57	0.000	.5319722	.7490297
<i>Negative Treatment</i>	-.197335	.0919277	-2.15	0.032	-.37751	-.01716
<i>Political Knowledge</i>	.0267039	.0579802	0.46	0.645	-.0869351	.140343
<i>Attention to Politics</i>	-.0648503	.0579324	-1.12	0.263	-.1783957	.0486951
<i>Party ID</i>	-.1615099	.1029859	-1.57	0.117	-.3633586	.0403388
<i>Ideological ID</i>	.0163219	.0540938	0.30	0.763	-.0897	.1223438
<i>News on the Internet</i>	-.0320235	.0216057	-1.48	0.138	-.0743698	.0103229
<i>News on TV</i>	.0300648	.0299657	1.00	0.316	-.0286669	.0887965
<i>News on the Radio</i>	-.0108898	.0350775	-0.31	0.756	-.0796404	.0578609
<i>Section Time</i>	.0501626	.0525889	0.95	0.340	-.0529098	.1532351
<i>Gender</i>	-.1984016	.0870917	-2.28	0.023	-.3690983	-.027705
<i>Age</i>	-.0871922	.1280181	-0.68	0.496	-.3381032	.1637187
<i>Parental Income</i>	.0082811	.0253067	0.33	0.743	-.0413191	.0578813
<i>Race</i>	.1167954	.0983975	1.19	0.235	-.0760601	.3096509
Number of Observation = 652, Log likelihood = -693.30858, Prob > chi ² = 0.0000, Pseudo R ² = 0.1203						

Given the close link between positive evaluations of candidates and likelihood of voting for them, I estimated a second model to test H6 that included *Evaluation of Qualification* as an independent variable. The results of that regression are in Table 5. Grabbing the attention is the decreased significance of *Negative Treatment* in this model, although still meeting the .05 level. It is still in the expected direction indicating that exposure to the negative treatment decreased the probability of a respondent reporting

that they would be likely to vote for the candidate. The results in Table 5 indicate that *Evaluation of Qualification* is statistically significant, and in the expected direction as an independent variable for *Likely to Vote*. Higher evaluations of the qualifications of the candidate increase the probability of being likely to vote for the candidate. This is not a surprising result and speaks to the general finding in political science that positive evaluations of candidates enhance the likelihood of an individual voting for them.

An interesting result is the effect of gender in both models. Gender was categorically coded as a 0 for no identification, a 1 for a male identification, and a 2 for a female identification. In the first model, the effect achieved significance at the .10 level, and in the second model it achieves .05 level significance. What is most captivating is the direction of the relationship; apparently female-identifying subjects were less likely to vote for the fictional male candidate Ronald Duncan. It seems that there is a gender gap in being likely to vote for the candidate. However, the mean response for the *Likely to Vote* question was a value between 0 and -1, so overall the candidate was not very likely to be voted for.

Across all of the models, the tone of the advertisement was a statistically significant predictor of the various independent variables. *Negative Treatment* resulted in higher levels of recall of information, lower evaluations of the qualifications of the candidate, and a lower likelihood of voting for the candidate. Even when *Evaluation of Qualification* was included as an independent variable, *Negative Treatment* retained its statistical significance.

Other explanatory variables received mixed support. *Political Knowledge* failed to produce higher levels of recall and had no effect in evaluations of the candidate.

However, *Attention to Politics* was significant at the .10 level in affecting the probability of the recall of information and given the coefficient suggests that higher levels of attention to politics result in a higher probability of recalling the information contained in judicial campaign ads. In regards to news consumption, an interesting pattern emerges. Higher levels of television news consumption negatively affected the recall of information from the ad, but made a respondent more positive in their evaluations of the candidate's qualifications and more likely to vote for the candidate. In contrast, higher levels of internet news consumption had no statistically significant effect on recall, but did make a respondent less likely to favorably evaluate the qualifications of the candidate and less likely to vote for the candidate. The effects of campaign advertising depend not only on how much media you consume, but also what type. Furthermore, avid internet news consumers appear to be more skeptical of campaign advertising messages than television news gluttons.

While H2, H1, H5, and H6 all receive support, H3 and H4 do not. *Party ID* and *Ideological ID* were both insignificant in my model for information recall. Identification with a political party or ideology might demonstrate an engagement with politics, but not necessarily the kind of cognitive engagement that would automatically make an individual more likely to recall the information contained in campaign advertisements. However, given that the context of the advertisement was a judicial election and lacked any partisan clues, this finding supports the notion that the presence of those cues can help voters make decisions. Moreover, when they are absent these identities are not activated and are not available to assist individuals in making sense of political messages.

CHAPTER V

CONCLUSION

I am confident that the results of this study speak to the power of negative campaign advertising specifically and the importance of advertising tone in general. The tone of the ad was manipulated in a few, subtle ways, but those manipulations were enough to produce significant differences in recall of information, evaluations of the candidate, and propensity to vote for the candidate among participants exposed to the positive and negative versions of the ad. Although a single ad cannot represent the entire advertising environment of a real election for judicial office, in such low-information races a single ad may be the difference between an informed electorate and an uninformed one, or victory or defeat.

Caution is warranted in regard to drawing generalizable conclusions about individual-level voter behavior in judicial elections based on the results of this study given the experimental design utilized here. No doubt the external validity of such a study is limited. The campaign advertisement and the candidate mentioned therein were fictional and the sample of participants was far from representative of electorates in judicial elections. Although I am fairly confident in the measures developed from my survey, the results of the regressions showed some signs of underlying processes

potentially uncaptured with regards to news consumed on television versus the internet, race, and gender.

Caution is also warranted in terms of the normative implications of this study. Although exposure to the negative advertisement did increase the probability of recalling the information, it also increased the probability of negatively evaluating the qualifications of the candidate and the probability of being unlikely to vote for the candidate. While negative advertising can be more informative, it can also serve to mislead voters; the same information was presented about the candidate in my study, but a negatively toned presentation of this information had a significant effect on perceptions of the candidate.

The context of my study also matters a great deal for the normative implications for the use of negative advertising in judicial elections. The advertisement in my study contained correct, factual information about the fictional candidate. This will certainly not always be the case in the real political world. Indeed, negative advertisements may often feature inaccurate or misleading information that, coupled with the negative tone, is entirely designed to firmly plant unflattering, but untrue information about a candidate in the minds of voters with the intent to dissuade them from voting for the targeted candidate. To the extent that reliable information is contained in negative campaign advertisements in judicial elections, the presence of negative campaign advertising can enhance the democratic accountability function of judicial elections. However, even reliable information can be manipulated by a negatively toned advertisement to mislead voters, as the results of this study demonstrate. There are plenty of incentives for the

sponsors of real campaign advertisements to use elements of negative advertising to distort correct information presented in an ad.

The responsiveness to the effects of negative campaign advertising is also dependent upon the individual-level characteristics of the voter receiving the message. The type of media one consumes will moderate the effects of advertising tone and the appeals made within a campaign advertisement. My sample was undergraduate college students who were for the most part no more than twenty years old. The electorate in judicial contests is quite different from my sample, and so negative appeals might be even more effective in the actual population of voters in judicial elections.

Negative advertising has an informative effect, but with this great power comes great responsibility. Campaign staff, political consultants, and the clients they serve can use negative advertising to effectively get their messages across to voters, but what that message is sent, and whether it is accurate or not will shape how helpful or harmful negative campaign advertising is for the democratic accountability mechanism of judicial elections.

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APPENDICES

APPENDIX A

Below is a copy of the script that was used to create the campaign advertisement

Campaign Advertisement Script

VIDEO:

Opens on a waving American flag

AUDIO:

America is at a crossroads

VIDEO:

Transition to shot of a rural crossroad

AUDIO:

Soon, we will be asked to choose

VIDEO:

Transition to a shot of a ballot box/polling place

AUDIO:

New leaders for a new year

VIDEO:

Transition to a shot of a courthouse/gov't building

AUDIO:

Now more than ever, we need to elect qualified individuals with the right experience.

VIDEO:

Shots of Americans at work, schoolchildren, doctors, factory workers, fast-food restaurant

AUDIO:

Nowhere is this more important than in our courts, where more and more, judicial decisions are shaping how Americans live our lives.

VIDEO:

Interior shot of a courtroom from judge's perspective can only see back of judge

Positive/Promote Version:

AUDIO:

Our courts face difficult questions that require seasoned and competent judges.

VIDEO:

Superimposed is candidate's name

AUDIO:

Judge Ronald Duncan has served our community for 5 years as a state appeals court judge.

Judge Duncan has the proven ability we need for our courts

VIDEO:

As the next line voices over, a checkmark appears beside the fake candidate's name

AUDIO:

This November, give your vote to Judge Ronald Duncan for our state supreme court.

VIDEO:

A closing note at the bottom of the screen reads "PAID FOR BY LIBERTY AND JUSTICE FOR ALL PAC"

Negative/Attack Version:

AUDIO:

Our courts face difficult questions that require seasoned and competent judges.

VIDEO:

Superimposed is candidate's name

AUDIO:

Judge Ronald Duncan has only served 5 years as a state appeals court judge.

Ronald Duncan does not have the proven ability we need for our courts.

VIDEO:

As the next line voices over, a red "X" appear across the fake candidate's name.

AUDIO:

This November, don't give Ronald Duncan your vote for our state supreme court.

VIDEO:

A closing note at the bottom of the screen reads "PAID FOR BY LIBERTY AND JUSTICE FOR ALL PAC"

APPENDIX B

A copy of the questionnaire used in my study begins on the following page

Instructions:

For the following questions, please place an “X” in the box beside the option that best matches your response. Keep in mind that all your responses are confidential and completely anonymous. Please select only one option unless otherwise indicated. Please complete the questions in sequence.

Question #1

Which of the following best describes your age?

- 18–20
- 21–24
- 25–29
- 30+
- Prefer not to respond

Question #2:

How do you identify your gender?

- Female
- Male
- Other: _____
- Prefer not to respond

Question #3:

What state are you from?

- Oklahoma
- A U.S. state bordering Oklahoma (Texas, Kansas, Arkansas, Missouri, New Mexico, Colorado)
- A U.S. State not bordering Oklahoma
- Outside the U.S.
- Unsure
- Prefer not to respond

Question #4:

Which of the following categories best describes your parent(s) annual income?

- Less than \$25,000
- \$25,000–\$49,999
- \$50,000–\$74,999
- \$75,000–\$119,000
- \$120,000 or more
- Unsure/don't know
- Prefer not to respond

Question #5:

Do you happen to know if you receive a full or partial Pell Grant award?

- I **do** receive a full or partial Pell Grant award
- I **do not** receive a full or partial Pell Grant award
- Unsure/don't know
- Prefer not to respond

Question #6:

Do you consider yourself Spanish, Hispanic, or Latino?

- Yes
- No
- Unsure/don't know
- Prefer not to respond

Question #7:

What race do you consider yourself to be? Please select any that apply for this question.

- White or Caucasian
- Black or African-American
- American Indian or Alaskan Native
- Asian
- Native Hawaiian or Pacific Islander
- None
- I do not identify with a race
- Prefer not to respond
- Other:_____

Question #8:

Recall the clip you watched earlier. Do you happen to remember what the main focus of the political campaign advertisement in the clip was? Please select the best option from the following.

- Tough-on-crime record
- Family values
- Candidate's experience/qualifications
- Special interests in elections
- Promises to decide cases impartially
- Unsure/can't remember

Question #9:

During a typical week, how many days do you watch, read, or listen to news on the Internet, not including sports?

- None
- One day
- Two days
- Three days
- Four days
- Five days
- Six days
- Seven days

Question #10:

During a typical week, how many days do you watch news on TV, not including sports?

- None
- One day
- Two days
- Three days
- Four days
- Five days
- Six days
- Seven days

Question #11:

During a typical week, how many days do you listen to news on the radio, not including sports?

- None
- One day
- Two days
- Three days
- Four days
- Five days
- Six days
- Seven days

Question #12:

In general, how much attention do you pay to news about government and politics?

- A great deal
- A lot
- A moderate amount
- A little
- None at all

Question #13:

Recall the clip you watched earlier. Do you happen to remember how many years of experience as a judge the candidate featured in the political campaign advertisement had?

- No experience
- 1-5 years of experience
- 6-10 years of experience
- 11-15 years of experience
- 15+ years of experience
- Unsure/don't remember

Question #14:

Do you happen to know how many times an individual can be elected President of the United States under the current laws?

- Once
- Twice
- Three times
- Four times
- There is no limit to the number of times an individual can be elected President of the United States under the current laws
- Unsure/Don't know

Question #15:

Do you happen to know for how many years a United States Senator is elected—that is, how many years are there in one full term of office for a U.S. Senator?

- One year
- Two years
- Four years
- Six years
- Unsure/don't know

Question #16:

Do you happen to know what Medicare is?

- A program run by the U.S. federal government to pay for old people's health care
- A program run by state governments to provide health care to poor people
- A private health insurance plan sold to individuals in all 50 states
- A private, non-profit organization that runs free health clinics
- Unsure/Don't know

Question #17:

Keeping in mind that your answers are completely anonymous, generally speaking, do you usually think of yourself as a Republican, a Democrat, an Independent, or what?

- No preference
- Democrat
- Republican
- Independent
- Other

Question #18:

Recall the clip you watched earlier. If you had to make an assessment, how qualified do you feel the candidate mentioned in the campaign advertisement is? Please circle an option below.

Well Qualified | Qualified | Not Qualified

Question #19:

We hear a lot of talk these days about liberals and conservatives. Below is a seven-point scale on which the political views that people might hold are arranged from extremely liberal to extremely conservative. Where would you place yourself on this scale, or haven't you given much thought about this? Please indicate by circling the category that best matches your response.

Extremely Liberal | Liberal | Slightly Liberal | Moderate | Slightly Conservative | Conservative | Extremely Conservative

Question #20:

Recall the clip you watched earlier. If you were voting, how likely would you be to vote for the candidate featured in the campaign advertisement? Please circle the most appropriate category.

Very likely | Somewhat Likely | No Preference | Somewhat Unlikely | Very Unlikely

VITA

Clayton Scott Mayfield

Candidate for the Degree of

Master of Science/Arts

Thesis: CAMPAIGN ADVERTISING TONE AND INDIVIDUAL VOTER
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