



From Ballot to Bench: Judicial Elections and the Quest for Accountability

Philip L. Dubois

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Over several decades, many U.S. states abandoned the practice of selecting their judges by direct popular election and adopted the Missouri Plan of judicial selection. In *From Ballot to Bench*, Philip L. Dubois subjects the various criticisms raised against judicial elections to a more searching scrutiny than previously has been attempted.

Dubois carefully reviews the three central counts on which judicial elections have been faulted: for lowering the quality of the bench, for impairing judicial independence, and for failing to secure judicial accountability. After concluding that the potential for judicial elections to hold judges popularly accountable is what might commend them over alternative selection methods, Dubois concentrates on the analysis of empirical evidence to evaluate judicial elections as mechanisms of accountability.

The study examines all the statewide partisan and nonpartisan elections for state supreme court justices in non-southern states from 1948 to 1974. Included is a detailed examination of voter participation, electoral competition, the behavior of judicial electorates, and the patterns of gubernatorial vacancy appointments. An analysis of decision making on eight state supreme courts also tests the relationship between different selection systems and judicial behavior.

Dubois finds that partisan elections maximize voter participation, meaningfully structure voter choices, minimize accession to the bench by appointment, and allow popular control over gubernatorial appointments. Additional evidence on the extent of partisan voting by judges selected under different methods leads Dubois to conclude that partisan elections are superior to both nonpartisan elections and nonelective selection methods as instruments of accountability.

The importance of the questions addressed, the breadth of the data collected, and the unorthodox conclusions offered make this a significant book for political scientists, judges, lawyers, and public officials.

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