

# Measuring Media Influence on U.S. State Courts \*

Claire S.H. Lim<sup>†</sup>  
Stanford University

James M. Snyder, Jr.<sup>‡</sup>  
MIT

David Strömberg<sup>§</sup>  
Stockholm University

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## Abstract

Media coverage has been one of the main channels through which voters acquire information about public officials' behavior in modern democracy. In this research, we investigate the influence of newspaper coverage on the branch of government that is often presumed to be the most insulated from public opinions – courts. Specifically, we focus on the influence of newspaper coverage on criminal sentencing decisions in U.S. state courts. We pose three questions that are essential to understanding the relationship between media and court decisions: (1) How much information about judges do media convey to voters?, (2) Does active media coverage affect harshness of sentencing decisions?, and (3) Does media influence on court decisions depend on the mechanisms through which judges are selected?

To address these questions, we construct a nationwide data set on the frequency of newspaper coverage of state trial court judges, and we also construct a proxy measure of active media coverage for each judicial district in the nation – the degree of overlap (“congruence”) between judicial districts and circulation areas of newspapers. Our findings are as follows. First, we find that there are on average 80-90 newspaper articles about judges in a district in the trial court per year and newspaper. Second, active media coverage does not influence court decisions independently of voter preferences, but it substantially magnifies the influence of voter preferences on court decisions. Third, media influence on court decisions depends very much on judicial selection mechanisms. Active newspaper coverage significantly magnifies the influence of voters' preferences on court decisions only when judges are elected.

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<sup>†</sup>Graduate School of Business, Stanford, CA 94305. E-mail: cshlim@stanford.edu.

<sup>‡</sup>Department of Political Science and Economics, MIT, E-mail: millett@mit.edu

<sup>§</sup>IIES, Stockholm, E-mail: david.stromberg@iies.su.se

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# 1 Introduction

Media coverage has been one of the main channels through which voters acquire information about public officials' behavior in modern democracy. In this research, we investigate the influence of newspaper coverage on the branch of government that is often presumed to be the most insulated from public opinions – courts. Specifically, we focus on U.S. State Courts. State Courts deal with more than 90 percent of civil and felony cases in the U.S. In 2006, state courts handled 21.6 million felony cases and 17.3 million civil cases. In 2005, state courts spent 17.7 billion dollars while federal courts spent 10.8 billion dollars.

We analyze how the amount of press coverage affects the harshness of criminal sentencing decisions in U.S. state courts. We address three questions that are essential to understanding the relationship between media and court decisions: (1) How much information about judges do media convey to voters?, (2) Does active media coverage affect harshness of sentencing decisions?, and (3) Does media influence on court decisions depend on the mechanisms through which judges are selected?

To capture a factor that causes news coverage of courts to vary across jurisdictions, we construct a measure, *congruence* (à la Snyder and Stromberg (2008)), which captures the degree of a fit between judicial districts and local newspaper markets. The basic premise behind the usage of congruence measure, which is empirically validated in our analysis, is that newspapers cover more stories about court cases in a jurisdiction (trial court district) when a large share of readers reside in the jurisdiction. That is, if a jurisdiction constitutes a large share of readers of the newspapers sold in it, voters can get more information about court cases in that jurisdiction, compared with those who live in a jurisdiction that does not.

To ensure that our congruence measure captures significant variation in media coverage, we first analyze whether congruence is associated with the frequency of press coverage on courts, by collecting the actual frequency of press coverage on courts. Our result shows that there are on average 80-90 newspaper articles that mention state trial court judges' name, per district, newspaper and year. We document a salient positive relationship between the amount of newspaper coverage on state trial court judges and the congruence measure, i.e., the degree of overlap between judicial districts and newspaper circulation areas.

Secondly, we document the influence of newspaper coverage on court decisions by comparing areas that have high congruence between judicial districts and local newspaper circulation areas with those that have low congruence. We find a substantial media influence. The presence of active media coverage magnifies the effect of voters preferences on criminal sentencing decisions

by about two-folds. Additionally, this effect is present mainly in high-severity violent crime cases, and it is insignificant in property crime cases.

Lastly, we analyze how press coverage interacts with selection systems of judges. In U.S. state courts, there is an interesting variation in the mechanisms by which judges are selected and retained. In many states, judges are initially appointed by the governor, and either life-tenured or face a non-competitive approval (yes-or-no) vote by voters for subsequent terms. In other states, judges are elected through competitive elections. And, elected judges face the same form of competitive elections for subsequent terms. We investigate two separate, but closely related issues: 1) Is there more press coverage on judges when judges are selected and retained through competitive elections? That is, is more information on courts available to voters when competitive elections exist?; 2) How does media influence on court decisions differ across different systems for selecting judges? Does press coverage affect court decisions more in places judges have to run for competitive elections? We find that the amount of coverage on judges is not significantly related to judicial selection mechanisms. But, we find that the degree of media influence on criminal sentencing decisions is substantially larger when judges are elected.

The remainder of this paper is organized as follows. In the next section, we introduce the political economy literatures on media and on U.S. state courts. In Section 3, we introduce the institutional background of state court system. We describe court district system, which is the basis of our congruence measure, and describe the cross-state variation in selection mechanisms by which judges are selected and retained.. In Section 4, we introduce our congruence measure and document its major feature in our data. In Section 5, we describe how we constructed data on the amount of coverage on judges, and we document the relationship between congruence/reader-share and the amount of coverage. In Section 6, we discuss the measure that we use for voter preferences for crime and punishment. In Section 7, we document the main results.

## **2 Related Literature**

Our study contributes to the growing political economy literature on the impact of media on public policy outcomes. Recently, there has been significant research about media impact on government spending such as studies by Strömberg (2004) and Besley and Burgess (2002). While the focus of this stream of research has been on media penetration, we focus on the likelihood of press coverage holding media penetration constant. In this sense, our research is an extension of Snyder and Strömberg (2008). There has also been evidence on media influence on elections, e.g., DellaVigna

and Kaplan (2007) and Gentzkow (2006). We contribute to the literature by documenting the interaction between political process, specifically selection mechanisms, and media.

This study also contributes to the growing literature of comparing the behavior of non-elected and elected public officials. Recent studies by Alesina and Tabellini (2007, 2008) theoretically analyze what types of policy tasks are better performed by non-elected bureaucrats as opposed to elected politicians, focusing on the reelection concerns of politicians vs. the career concerns of bureaucrats. In another important paper, Besley and Coate (2003) compare policy outcomes from appointment and election as selection procedures. Specifically, they show that selecting regulators through election as opposed to appointment leads to issue-unbundling and leads to selecting the types of regulators who will conform to voter preferences. There have also been numerous efforts to document the politico-economic causes and consequences of different judicial selection mechanisms, such as Hanssen (2004a, 2004b), Hall (2001), Besley and Payne (2003), Bohn and Inman (1996). Several studies in this stream of research document the empirical relationship between the selection mechanisms and court decisions, e.g, Lim (2008), Huber and Gordon (2004, 2007), Gelman et al. (2004), Blume and Eisenberg (1999), Tabarrok and Helland (1999). Our study deepens understanding of this issue further by providing empirical evidence on the role of voter information in the mechanism through which the difference between appointed and elected public officials behavior is generated.

### **3 Institutional Background of the State Court System**

In this section, we introduce the basic institutional background of the U.S. state trial court system. In most states, state court system has three layers: state supreme court, state appellate court, and state trial court. State trial court is the court of general jurisdiction. And, the trial court system has original jurisdiction over civil cases with non-trivial amount in dispute and felony crime cases. That is, civil cases with nontrivial amount in dispute and felony crime cases are initially filed to the bottom of the three tiers, the trial court, typically called district court, circuit court, or superior court. Traffic cases and misdemeanor cases are not handled by state trial courts, but they are handled by local courts, typically called county court or municipal court.

#### **3.1 Judicial District**

In most states, state trial court system is divided to multiple judicial districts. Usually, the geographic basis of judicial districts is county, in the sense that boundaries of a judicial district do

not usually cut through the boundaries of a county. In most states, a judicial district has multiple judges.

There are currently 1,735 state judicial districts of trial court nationwide. Regarding size, there are 1.8 counties per judicial district and they hold an average population of just under 170,000. On average there are 9 judges presiding in each district.

We have collected information on the geographic boundaries of these judicial districts from 1982 to 2004. We did not collect data for Alaska, Connecticut, Massachusetts, Texas and Virginia, where the county is not the primary geographical unit of the judicial districts. In total, we have data on 1,181 judicial districts. Of the 544 districts for which we do not have geographical information, 452 are in Texas. The procedure we used was to first allocate each county to a court using the American Bench 2004-2005. To find out if and when each state's judicial district lines were redrawn, we contacted various state officials, typically the director of the administrative office of the judicial branch. We then used the data in the American Bench to track each such change.

Table 1 on page 7 shows the number of judicial districts and counties in each state by census regions. There are clear regional patterns in the geography of the judicial districts. Small states in New England tend to have just one judicial district covering the whole state. States in Pacific region and Mid-Atlantic region tend to have one judicial district covering each county. The Southern and Midwestern states have judicial districts covering multiple counties.

We also have data on a number of demographic characteristics at the court level. These have been aggregated from the county level, using data from the U.S. Census Bureau. We have this data for the censuses of 1980, 1990 and 2000.

### **3.2 Judicial Selection Mechanisms**

In this section, we describe the selection mechanisms by which judges are selected and retained for U.S. state courts. Currently, there are three major selection mechanisms: 1) In 'merit selection' system, judges are appointed by the governor. And, when the judges' term expires, they have to run for a non-competitive reelection process with approval (yes-or-no) vote for subsequent periods. 2) In 'partisan election' system, judges are selected by usual competitive elections. That is, judicial candidates seek nomination from political parties in primaries, and candidates nominated by parties compete in general elections. 3) In 'non-partisan election' system, multiple candidates compete without party identification on the ballot, and the top two vote-getters compete against each other in general elections (i.e., there are runoff elections). There are states that use a system that does not fall into one of the above three categories. For example, in Illinois, New Mexico, and Pennsylvania,

Table 1: Number of Judicial Districts and Counties by State (in 2004)

Region 1 : Northeast			Region 2 : Midwest		
State	Number of Judicial Districts	Number of Counties	State	Number of Judicial District	Number of Counties
Connecticut	8	8	Illinois	22	102
Maine	1	16	Indiana	92	92
Massachusetts	62	14	Iowa	8	99
New Hampshire	1	10	Kansas	31	105
New Jersey	15	21	Michigan	57	83
New York	12	62	Minnesota	10	87
Pennsylvania	60	67	Missouri	45	115
Rhode Island	1	5	Nebraska	12	17
Vermont	1	14	North Dakota	7	53
			Ohio	88	88
			South Dakota	7	66
			Wisconsin	69	72
Region 3: West			Region 4: South		
State	Number of Judicial Districts	Number of Counties	State	Number of Judicial District	Number of Counties
Montana	22	56	Alabama	41	67
Wyoming	9	23	Delaware	1	3
Colorado	22	64	Florida	20	67
New Mexico	13	33	Georgia	49	159
Arizona	15	15	Kentucky	57	120
Utah	8	29	Maryland	8	24
Nevada	9	17	Mississippi	22	82
Idaho	7	44	North Carolina	47	100
Washington	31	39	South Carolina	16	46
Oregon	27	36	Tennessee	31	95
California	58	58	Virginia	31	134
			West Virginia	31	55
			Oklahoma	26	77
			Texas	424	254

judges have to run for partisan election for their initial term, and they run for reelection with voters' approval (yes-or-no) vote for subsequent terms. There are also three states in New England region, New Hampshire, Rhode Island, and Massachusetts, in which judges are selected by gubernatorial appointment and life-tenured.

Table 16 and 17 on pages 27 and 28 in the appendix show the full list of judicial selection mechanisms used by state trial courts.

## 4 Congruence

In this section, we introduce *congruence*, the main variable we use to capture active media coverage on judges. Conceptually, congruence of a judicial district is a weighted average reader share that the judicial district has for newspapers sold in the district, where the weight is the market share of a newspaper in the district.

Consider a judicial district,  $d$ , with  $N$  judges. Let  $q_{mdj}$  be the number of stories newspaper  $m$  prints about each judge  $j$ , and let  $q_{md} = (1/N) \sum_j q_{mdj}$  be the average number of stories that newspaper  $m$  prints per judge in the district. We relate this to the share of newspaper  $m$ 's readers that lives in district  $d$ ,  $ReaderShare_{md}$ . For simplicity, we assume a linear relationship,

$$q_{md} = \alpha_0 + \alpha_1 ReaderShare_{md}. \quad (1)$$

Most judicial districts have more than one newspaper. Thus, we will often be interested in the average news coverage across newspapers. We use the sales-weighted average number of stories about a judge in judicial district  $d$ . If there are  $M$  papers that sell in district  $d$ ,

$$q_d = \sum_{m=1}^M MarketShare_{md} q_{md}, \quad (2)$$

where  $MarketShare_{md}$  is newspaper  $m$ 's share of newspaper sales in district  $d$ . Note that we can write this as

$$q_d = \alpha_0 + \alpha_1 Congruence_d, \quad (3)$$

where

$$Congruence_d = \sum_{m=1}^M MarketShare_{md} ReaderShare_{md}. \quad (4)$$

We use variation in  $Congruence_d$  to identify effects of newspaper coverage of judges on state

courts. Note that since *Congruence* is defined using market shares, it is not dependent on the total newspaper penetration in the judicial district. This is important since total newspaper readership in an area is related to characteristics such as education and income levels.

To measure *Congruence*, we combine newspaper sales data with population data. Each year, the Audit Bureau of Circulation (ABC) collects data on each newspaper's circulation in each county, for almost all U.S. newspapers. We have this data for 1982 and for the period 1991-2004. We complemented this with county-circulation data for non-ABC newspapers for 1991 and 2004, and interpolated values between those years. The non-ABC data were mainly for smaller papers.<sup>1</sup> In our data, the average number of newspaper copies sold in a year is 56 million. The average number of copies sold per household is 0.58, falling from around 0.70 in 1982 to 0.50 in 2004. For the years 1983-1990 when we do not have circulation data, we interpolate *Congruence*.

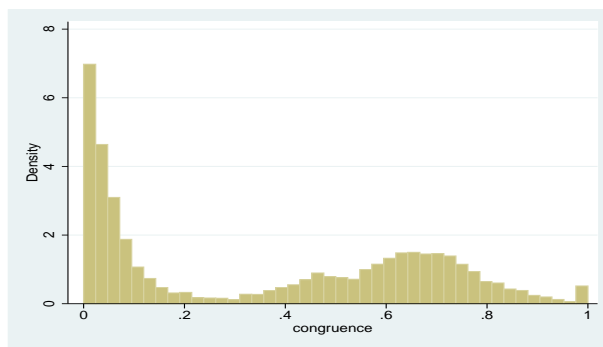


Figure 1: Distribution of Congruence (45 states)

Figure 1 shows the overall distribution of congruence value, and Figure 2 shows the distribution of congruence in the nine most populous states. Figure 2 shows that most of large states have substantial degree of within state variation in congruence. In the main analysis, we will mainly exploit within state variation in congruence.

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<sup>1</sup>The non-ABC data was provided by SRDS. On average there are about 10,900 observations each year in the ABC data, and about 500 observations in the non-ABC data. There are about 3,000 counties in the U.S., so the average number of observations per county in each year is slightly less than 4.

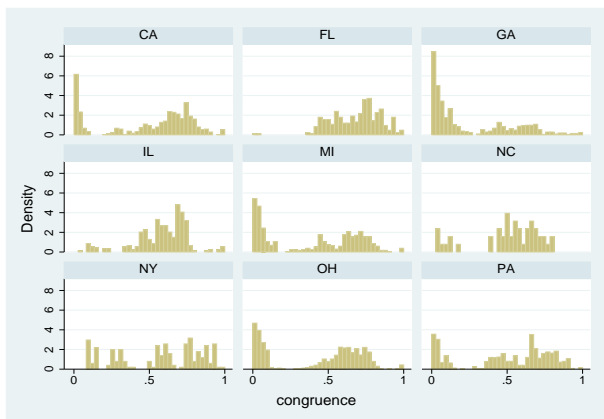


Figure 2: Distribution of Congruence in Large States

## 5 Newspaper Coverage

In this section, we examine how the number of stories that a newspaper writes about a judge is related to the estimated fraction of the newspaper’s readers that live in the associated judicial district, the *ReaderShare*.

Our sample of judges consists of 9,828 judges who are state trial court judges in the U.S. Our sample of newspapers consists of all 1,400 newspapers for which the articles published in 2004 and 2005 are searchable through NewsLibrary.com. For each judge in our sample, and each newspaper with positive sales in the state where the judge presides, we count the number of articles that appeared in 2004 and 2005. We use the search string {“judge N1” OR “judge N2”}, where N1 is the judge’s full name including middle initial, and N2 is the judge’s first and last name only. This yields the frequency of coverage for approximately 1 million judge-newspaper combinations, and constitutes our measure of  $q_{mdj}$ . Since our key variables vary at the judicial district level, we aggregate the frequency of coverage to the judicial district-newspaper level, to make  $q_{md}$ .

Summary statistics of the basic data are shown in Table 2. On average, a newspaper in our sample writes 9 articles about each judge per year. Coverage varies considerably – the standard deviation in coverage is 19 articles. When we include all the newspapers sold in a state, the average reader share is around 0.024. When we include only newspaper sold in a district, the average *ReaderShare* of a newspaper in a judicial district is 19 percent (not shown in Table 2). The average circulation is 14,420.

A few other comments about coverage are worth noting. First, to estimate the degree to which coverage of judges focuses on especially violent crime, we ran searches that included the search string {AND (murder\* OR rape\*)}. In our sample, about 20% of the stories contain the added

Variable	Obs	Mean	Std. Dev
Article Share	15929	0.024	0.116
Articles per Judge	18760	1.162	8.518
Articles per Judge (circulation weighted)	1224	9.047	18.597
Reader Share	18760	0.024	0.133
Circulation in Court (1000)	18760	1.442	11.232
Total Circulation (1000)	18760	63.423	94.292
Congruence	1224	0.227	0.317

Table 2: Summary Statistics of Press Coverage (All Sample)

string. Thus, while murder and rape are over-represented in newspapers, relative to the share of criminal acts they represent, they do not dominate the coverage. Additionally, inspection of a sample of 200 articles reveals that stories that are not about sentencing cover a wide range of topics, including: election campaigns, and candidates' backgrounds, qualifications, and endorsements; election results; judicial procedures and reforms; prison overcrowding and building new prisons and jails; crime rates; laws on the statute of limitations; appellate court rulings; other judicial decisions such as restraining orders; and articles describing ongoing court proceedings in particular high-profile cases.

We also analyze whether the amount of newspaper coverage about trial court judges depends on the selection mechanisms by which judges are selected. Table 3 shows the summary statistics of the amount of coverage by selection mechanisms. The statistics show that there is not a significant difference between states that elected judges and those which appointed judges, in the amount newspaper coverage about judges.

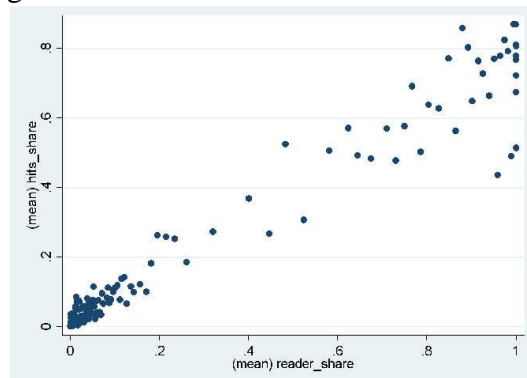
We now show the relationship between the number of articles written about a judge and the *ReaderShare* of the newspaper in his or her judicial district. Figure 3 shows the basic pattern. In the figure we divide data points to 200 groups based on the value of reader share, and average out reader share and the share of articles of a district within a group. (I.e., each point in Figure 3 represents 0.5% of the data points. The figure shows a clear positive relationship between reader share and share of coverage of judicial districts. Newspapers with low values of *ReaderShare* in a given judicial district (values near .01) print about one article per judge. This number increases to about ten articles per judge for newspapers with *ReaderShare* values in a district near one – i.e., newspapers whose readers nearly all live in the given judicial district.

Table 5 investigates this relationship more closely, via a set of OLS regressions. In Columns 1

Variable	Elected			Appointed		
	Obs	Mean	Std. Dev	Obs	Mean	Std. Dev
Article Share	12118	0.02	0.10	3811	0.04	0.15
Articles per Judge	14515	1.12	8.83	4245	1.32	7.33
Articles per Judge (circulation weighted)	916	8.682	18.69	308	10.13	18.31
Reader Share	14515	0.02	0.12	4245	0.04	0.17
Circulation in Court (1000)	14515	1.26	10.66	4245	2.08	12.98
Total Circulation (1000)	14515	64.37	96.64	4245	60.18	85.70
Congruence	916	0.205	0.305	308	0.294	0.347

Table 3: Summary Statistics of Press Coverage by Selection Mechanism

Figure 3: Reader Share and Share of Coverage



(unit: judicial district - newspaper)

and 2 the dependent variable is the *share* of articles from a particular paper that is about judges on a particular court,  $q_{md}/q_m$ . In Column 1, the only independent variable is  $Readershare_{md}$ . Column 2 adds a number of controls: state-fixed effects, crime rates for 9 crime categories, population, per capita income, average education levels (share with 1-11 years, share with 12 years, and share with more than 12 years), share black, share urban, area in square miles, employment, turnout in presidential election, the Democratic vote share in the presidential election, and the share religious adherents.

The dependent variable in Columns 3 and 4 is  $q_{md}$ , the *number* of articles per judge in the court. Thus, these columns estimate equation (1). An increase in  $ReaderShare$  from zero to one is associated with 21 more articles per judge.

In Table 5, we collapse the data at the judicial district level, and study the overall measure of the

Table 4: Regression of Frequency of Judge-related Coverage on Reader Share (All Sample)

	Article Share	Article Share	Articles per Judge	Articles per Judge
Share Readers	0.761 (0.004)***	0.766 (0.003)***	21.296 (0.441)***	22.508 (0.318)***
Controls	No	Yes	No	Yes
Observations	15929	14601	18760	17120
$R^2$	0.742	0.808	0.112	0.246

Note: Unit of observation is newspaper by judicial district in 2004.

Standard errors in parentheses; \*\*\* significant at 1%.

Controls: State-FE, income, education, population, democratic vote share, crime rates, and population

Table 5: Regression of Frequency of Judge-related Coverage on Congruence

	Articles per Judge (circulation weighted)	Articles per Judge (circulation weighted)
Congruence	24.379 (1.527)***	25.369 (1.948)***
Controls	No	Yes
Observations	1224	1110
$R^2$	0.173	0.285

Note: Unit of observation is judicial district in 2004.

circulation-weighted average newspapers articles about judges in each court,  $q_d$ . These columns estimate equation (3). An increase in *Congruence* from zero to one is associated with an additional 24 more average newspaper articles per judge in the judicial district.

What do these numbers imply for the expected number of articles that an average person actually reads? A back-of-the-envelope calculation is illuminating. The question can be separated into two: who gets the newspaper, and who reads the article conditional on having the paper. To answer the first question, one can either look at household penetration rates, or readership numbers. Both are around 60 percent in our period of study.<sup>2</sup> Since an increase in *Congruence* from zero to

<sup>2</sup>In our sample, the average number of newspapers sold per household is 0.58. The average total U.S. daily newspaper readership reported by the Newspaper Association of America is 60% of people aged above 18 for the period 1982 to 2004. Readership is measured by the share of survey respondents who say that they read a newspaper yesterday. See, the Newspaper Association of America, “Daily Newspaper Readership Trend - Total Adults (1964-1997),” 2004, and “Daily Newspaper Readership Trend - Total Adults (1998-2007).”

one is associated with an increase of 24 articles published in papers that reach about 60% of the households, the number of articles reaching an average household is 14 ( $24 \times 0.6$ ).

Regarding the second question, studies typically find that people read between a third and a fourth of all articles in a newspaper, and that around half of the articles that are read are read in depth (see e.g. Graber (1988), and Garcia and Start (1991)). Thus, an increase in *Congruence* from zero to one would be associated with an average person reading around four more newspaper articles about their judge each year.

Summing up, an increase in *Congruence* from zero to one is associated with 24 more articles about the judge appearing in an average paper selling in his or her district. It is associated with about 14 more articles reaching an average household, and about 4 more articles being read. A one standard deviation increase in *Congruence* implies effects about a third as large, for example, about 1.3 more articles read.

We also check whether the relationship between reader share/congruence and the amount of coverage depends on judicial selection mechanisms, by running OLS regression separately for different selection mechanisms. Comparison of Table 6 and Table 7 shows that judicial selection mechanisms do not significantly affect the relationship between reader share/congruence and the amount of coverage about judges.

Table 6: Regression of Frequency of Judge-related Coverage on Reader Share (Elected Judges)

	Article Share	Article Share	Articles per Judge	Articles per Judge
Share of Readers	0.754 (0.004) <sup>***</sup>	0.749 (0.004) <sup>***</sup>	21.730 (0.576) <sup>***</sup>	22.274 (0.366) <sup>***</sup>
Controls	No	Yes	No	Yes
Observations	12118	10883	14515	12973
$R^2$	0.750	0.786	0.090	0.242

Note: Unit of observation is newspaper by judicial district in 2004.  
Standard errors in parentheses; \*\*\* significant at 1%.

## 6 Local Penal Attitudes

The primary purpose of this study is to investigate whether news coverage by the mass media makes judges more accountable to local penal preferences. To do this, we first need to measure

Table 7: Regression of Frequency of Judge-related Coverage on Reader Share (Appointed Judges)

	Article Share	Article Share	Articles per Judge	Articles per Judge
Share of Readers	0.771 (0.008)***	0.798 (0.006)***	20.586 (0.599)***	23.019 (0.647)***
Controls	No	Yes	No	Yes
Observations	3811	3718	4245	4147
$R^2$	0.728	0.847	0.219	0.257

Note: Unit of observation is newspaper by judicial district in 2004.  
Standard errors in parentheses; \*\*\* significant at 1%.

these preferences. We use two proxies based on voting data. The first is the share of voters who vote for the Democratic candidate in presidential elections, and the second is the share who vote for harsher sentences on various ballot propositions.

To construct the first measure, for each county we compute the average Democratic share of the two-party voter over the presidential elections. We call this democratic vote share, *dvs*.

To construct the second measure we use all available statewide ballot propositions that deal mainly with the punishment of criminals, the rights of the accused, and victim’s rights. These propositions are listed in Table 18, 19, 20 on pages 29-31 in the appendix. Note that in virtually all cases a majority of voters voted for an increase in harshness towards criminals or the accused, or in favor of victim’s rights. On average, more than 65% of voters took the harsher position. This is consistent with the widespread view that most Americans believe the criminal justice system is too lenient.

We collected county-level voting data from states’ election websites and/or election officials. We code all propositions so higher vote-shares represent greater support for increased harshness towards criminals or the accused. For states with more than one proposition we average the vote shares across the available propositions. We then de-mean the vote shares so that in each state the mean score is zero. We call the resulting variable *hvs*, for “harshness vote share.”

To validate our proxies, we explore how they correlate with responses to survey questions of penal attitudes in the National Annenberg Election Survey (NAES) 2000. The NAES 2000 interviewed 79,458 US residents living in 2,898 counties for 14 months during the 2000 US presidential campaign and after the election. The survey includes the item: “*The number of criminals who are not punished enough – is this an extremely serious problem, a serious problem, not too serious or*

*not a problem at all?*” We scale the answers to this question from one to four, where one is “not a problem” and four is “extremely serious.” The distribution of answers is as follows: “extremely serious” (34%), “serious” (47%), “not too serious” (14%), and “not a problem” (3%) (Table 8). This again suggests that most Americans would prefer a harsher criminal justice system.

	Freq.	Percent	Cum.
extremely serious	26,604	33.89	33.89
serious	36,755	46.82	80.71
not too serious	10,661	13.58	94.29
not a problem	2,106	2.68	96.97
don't know	1,953	2.49	99.46
no answer	425	0.54	100.00
Total	78,504	100.00	

Table 8: NAES Question on Penal Attitudes

Table 9 shows the results from a regression of the penal attitudes expressed in the NAES survey responses on our proxies of penal attitudes expressed in voting. The dependent variable is the sur-

Dependent Variable: Under-punishing criminals is a problem.

	I	II	III
“Harsh” vote share (hvs)	0.062 (0.091)	0.638 (0.174) <sup>***</sup>	0.409 (0.131) <sup>***</sup>
Democratic vote share (dvs)	-0.579 (0.100) <sup>***</sup>	-0.345 (0.085) <sup>***</sup>	-0.268 (0.097) <sup>***</sup>
controls	no	no	yes
state FE	no	yes	yes
Observations	25558	25558	18886
$R^2$	0.011	0.019	0.062

Standard errors, clustered by county in parenthesis.

Table 9: OLS regression results based on NAES survey 2000.

vey response to the question whether underpunished criminals is a problem. The main independent variables are the share voting for harsher punishments on ballot propositions, and the Democratic vote share of the two-party vote in the presidential election. After controlling for state-fixed effects in column II, both measures correlate with penal attitudes in the predicted way. The level of support for the harsher side in ballot propositions reflects more the question than local preferences. This explains the results in the first column. The third column adds a number of respondent

controls (race, party id dummy variables on a seven-point scale, ideology dummy variables on a five-point scale, and dummy variables for how frequently the respondent attend religious services on a five-point scale). It also includes county-level controls: crime rates for murder and rape, population, per capita income, average education levels (share with 1-11 years, share with 12 years, and share with more than 12 years), share black, share females, share urban, share younger than 20, share older than 65, employment, and the share religious adherents. The correlations with our proxies are still significant.

## 7 Sentencing

We use sentencing data from the National Judicial Reporting Program (NJRP). This program collects felony sentencing data from a national sample of state courts. The information collected includes: age, race and gender of offenders; dates of arrest, conviction and sentencing data; mode of conviction and type of sentence imposed. Data has been collected every 2 years since 1986 by the Census Bureau. Since the offense classifications were changed in 1990, we only use observations starting in that year. The total number of observations is 2.65 million, of which 2.5 million are after 1990. The number of observations is around 55,000 in 1986, around 100,000 per year for the period 1988-1994, and more than 400,000 per year for the period 1996-2004. Each survey year approximately 300 counties are sampled, except in 1986 were 100 counties were sampled. The counties are selected through stratified sampling. Within each court, cases are randomly sampled within crime types.

In the main analysis, we focus on the three most serious offense types: murders, sexual assault and robberies. The reason is that these are most likely to attract media attention. These types of crimes also give the longest sentences. (We will compare results from these offense types with results from other offense types.) Table 10 lists the 12 offense categories used in the NJRP data, the number of sentences in each category.

Our main dependent variable is a measure of the harshness of sentencing, relative to other sentences in the same state, year and penal code citation. (Given that a felon has been convicted under a certain penal code citation, it is typically under the discretion of the judge to set the sentence. Our measure is supposed to capture the discretionary part of sentencing by judges.) To construct this measure, we first generate a variable, penal code, that takes the same value for all crimes in each state in each year that has the same penal code citation for the 1st, 2nd, and 3rd most serious offense. We then identify the minimum and maximum sentence given for that penal

Most serious offense: 12 categories	Freq.	Percent	Cum.
<u>Violent crimes</u>			
murder	36,122	1.44	1.44
sexual assault	80,863	3.21	4.65
robbery	132,786	5.28	9.93
aggravated assault	213,818	8.50	18.43
other violent	39,657	1.58	20.01
<u>Property crimes</u>			
burglary	224,705	8.93	28.94
larceny	285,226	11.34	40.28
fraud	188,967	7.51	47.79
<u>Drug crimes</u>			
drug possession	350,688	13.94	61.73
drug trafficking	527,998	20.99	82.72
<u>Weapons and other</u>			
weapon offenses	113,018	4.49	87.21
other offenses	321,627	12.79	100.00
Total	2,515,475	100.00	

Table 10: Most Serious Offenses - 12 Categories in NJRP Data

code. The variable *harshness* is defined as

$$harshness = \frac{sentence - minimum}{maximum - minimum}$$

Our main independent variable is *Congruence*, a dummy variable for whether congruence is higher than the sample median.

If judges are responsive to local penal attitudes, then we expect sentences to be harsher in areas where the Democratic vote share is low, and higher where more support the harsh side in ballot propositions on crime. If media coverage make judges more responsive, then we would expect an even stronger relationship between these variables where the press covers the judges more. To test this, we regress *harshness* on our proxies for penal attitudes, *Congruence*, and the interaction between *Congruence* and the penal attitudes. We demean *Congruence*, *dvs*, and *hvs* before computing the interaction variables, so that the main effects measure the effects at the sample means.

## 7.1 Basic results

We first use the Democratic vote share as proxy for penal attitudes. Table 11 shows the results from a regression of harshness on the Democratic vote share, Congruence and the interaction between the two. The specification in column II adds state-by-year fixed effects. The basic correlations are as expected. The result from the second column suggests that *dvs* going from zero to one lowers sentence harshness by 18%.

Table 11: Effect of Congruence and Voter Preference on Sentencing Harshness (All Sample)

Dependent Variable: <b>Harsh</b>	I	II	III
Democratic vote share ( <i>dvs</i> )	-0.255 (0.033)***	-0.171 (0.030)***	-0.060 (0.049)
Congruence	-0.028 (0.009)***	-0.017 (0.008)**	-0.003 (0.009)
Congruence* <i>dvs</i>		-0.138 (0.053)***	-0.054 (0.062)
Newspaper penetration	0.069 (0.029)**	0.038 (0.019)**	-0.026 (0.028)
State-year FE	no	yes	yes
Controls	no	no	yes
Observations	172716	172716	136696
$R^2$	0.010	0.062	0.114

Case-level controls: dummy variables for male, black, Hispanic defendants, age, age squared.

District-level controls: demographic characteristics, income, religion, area, and crime incidents.

However, the next column shows that these results are sensitive to the inclusion of our control variables. The specification in column III adds an extensive set of controls. Individual-level controls include dummy variables for male, black, Hispanic defendants, age, age squared. Court-level controls include the population (logged), income (logged), share religious adherents, area, share females, share younger than 20, share older than 65, share black, share Hispanics, share urban, education (share with 1-11 years, share with 12 years, and share with more than 12 years), turnout in presidential election, number of aggravated assaults, property crimes, burglaries, larceny-thefts, motor vehicle thefts, violent crimes, murders and non-negligible manslaughters, forcible rapes and robberies known to police.

Table 12 has the same structure as Table 11, but we use the ballot proposition voting as a proxy of penal attitudes. After including state-fixed effects, sentences are harsher in judicial districts where people have harsher penal attitudes, and even more so where we expect more press coverage.

Table 12: The Effect of congruence and penal attitudes on sentencing

Dependent Variable: <b>Harsh</b>	I	II	III
“Harsh” vote share (hvs)	-0.041 (0.056)	0.337 (0.070)***	0.332 (0.121)***
Congruence	-0.035 (0.013)***	-0.032 (0.008)***	-0.015 (0.010)
Congruence*hvs		0.449 (0.089)***	0.331 (0.092)***
Newspaper penetration	0.132 (0.044)***	0.150 (0.038)***	0.007 (0.039)
state-year FE	no	yes	yes
controls	no	no	yes
Observations	75008	75008	68587
$R^2$	0.003	0.032	0.094

These effects are not sensitive to the inclusion of the above controls.

## 7.2 Elected and non-elected judges

We now test whether the effect is larger for judges that are elected. Table 13 shows that elected judges are more responsive to local penal attitudes. Further, the effect of press coverage in reinforcing the correlation between penal attitudes and sentence harshness is only significant in this sub-sample.

## 7.3 Results by Offense Type and Severity

We have focussed on the three most serious crimes, because we thought the effects of media coverage would be largest for those. We now test this hypothesis by investigating separately the effects of media coverage on sentence harshness for violent, property, drug and weapons crimes.

The results are shown in Table 14 on page 22. The interaction between penal attitudes (hvs) and *Congruence* is only substantial in magnitude and statistically significant for violent crimes. The effect is only half as large for property crimes. For drug crime, the magnitude of the effect of congruence is only a quarter of the effect for violent crimes, and it is not statistically significant even at 10% level.

We also investigate the effect by severity level of offenses in Table 15. The results by severity level shows a similar pattern. The effect of congruence is substantial and statistically significant at

Table 13: The Effect of Congruence and Penal Preferences by Selection Systems

Dependent Variable: <b>Harsh</b>	Elected			Appointed		
	I	II	III	I	II	III
“Harsh” vote share (hvs)	0.129 (0.065)**	0.418 (0.083)***	0.403 (0.168)**	-0.629 (0.081)***	0.089 (0.121)	0.205 (0.169)
Congruence	-0.049 (0.014)***	-0.039 (0.011)***	-0.022 (0.012)*	0.016 (0.028)	0.020 (0.010)*	-0.028 (0.015)*
Congruence*hvs		0.600 (0.109)***	0.360 (0.135)***		-0.120 (0.113)	-0.026 (0.139)
state-year FE	no	yes	yes	no	yes	yes
controls	no	no	yes	no	no	yes
Observations	62660	62660	56522	12348	12348	12065
$R^2$	0.003	0.032	0.094	0.034	0.117	0.182

5% and 1% level only for class 1-3 offenses out of 12 offense severity levels in NJRP.

## 8 Conclusion

Judiciary is often regarded as the branch of the government that is the most insulated from public opinions. In this research, we constructed a novel data set on state court district system, congruence (degree of overlap) between judicial districts and circulation areas of newspaper, and amount of newspaper coverage about state trial court judges, and analyzed nationwide sample of criminal sentencing decisions in order to document the effect of active media coverage on sentencing decisions in state courts.

Our main results can be summarized as follows: 1) There is a substantial, significant relationship between congruence and amount of coverage on state trial court judges, 2) presence of active press coverage magnifies the influence of voters’ penal preferences on criminal sentencing decisions by about two-folds, 3) such effect is statistically significant only in high-severity level, violent crimes, 4) such effect exists only for elected judges.

The presence of salient effect documented above shows that public opinion does influence the court decisions to a substantial degree, and that the main mechanism is the interaction of electoral process and voter information on court decisions affected by the presence of active media.

Table 14: The Effect of Congruence and Penal Preferences by Offense Category

Dependent Variable: <b>Harsh</b>	Violent			Property		
	I	II	III	I	II	III
“Harsh” vote share (hvs)	0.007 (0.051)	0.258 (0.063)***	0.259 (0.116)**	0.154 (0.053)***	0.380 (0.071)***	0.260 (0.091)***
Congruence	-0.037 (0.010)***	-0.037 (0.008)***	-0.020 (0.010)**	-0.017 (0.011)	-0.036 (0.007)***	-0.022 (0.009)**
Congruence*hvs		0.345 (0.088)***	0.287 (0.101)***		0.380 (0.093)***	0.146 (0.086)*
Newspaper penetration	0.105 (0.038)***	0.127 (0.036)***	0.005 (0.037)	0.065 (0.035)*	0.133 (0.031)***	0.013 (0.025)
State-by-year FE	no	yes	yes	no	yes	yes
Controls	no	no	yes	no	no	yes
Observations	170837	170837	154084	269425	269425	245538
$R^2$	0.005	0.025	0.069	0.005	0.032	0.058
Dependent Variable: <b>Harsh</b>	Drug			Weapons and other		
	I	II	III	I	II	III
“Harsh” vote share (hvs)	0.145 (0.054)***	0.230 (0.060)***	0.235 (0.113)**	0.042 (0.056)	0.279 (0.064)***	0.157 (0.119)
Congruence	-0.001 (0.011)	-0.020 (0.008)**	-0.002 (0.010)	0.013 (0.011)	-0.028 (0.007)***	-0.023 (0.009)**
Congruence*hvs		0.417 (0.082)***	0.077 (0.100)		0.201 (0.084)**	0.058 (0.094)
Newspaper penetration	0.148 (0.047)***	0.109 (0.032)***	-0.013 (0.028)	0.057 (0.043)	0.123 (0.030)***	0.050 (0.030)*
State-by-year FE	no	yes	yes	no	yes	yes
Controls	no	no	yes	no	no	yes
Observations	344204	344204	315101	137084	137084	123759
$R^2$	0.009	0.043	0.078	0.001	0.035	0.040

Table 15: The Effect of Congruence and Penal Preferences by Severity Level

Dependent Variable: <b>Harsh</b>	Class 1-3			Class 4-5		
	I	II	III	I	II	III
“Harsh” vote share (hvs)	-0.041 (0.056)	0.337 (0.070)***	0.332 (0.121)***	0.093 (0.061)	0.170 (0.073)**	0.203 (0.136)
Congruence	-0.035 (0.013)***	-0.032 (0.008)***	-0.015 (0.010)	-0.041 (0.010)***	-0.053 (0.009)***	-0.042 (0.013)***
Congruence*hvs		0.449 (0.089)***	0.331 (0.092)***		0.208 (0.114)*	0.221 (0.145)
Newspaper penetration	0.132 (0.044)***	0.150 (0.038)***	0.007 (0.039)	0.044 (0.041)	0.120 (0.041)***	-0.003 (0.044)
State-by-year FE	no	yes	yes	no	yes	yes
Controls	no	no	yes	no	no	yes
Observations	172716	172716	136696	180720	180720	141106
$R^2$	0.010	0.062	0.114	0.006	0.052	0.074
Dependent Variable: <b>Harsh</b>	Class 6-8			Class 9-11		
	I	II	III	I	II	III
“Harsh” vote share (hvs)	0.154 (0.053)***	0.380 (0.071)***	0.260 (0.091)***	0.132 (0.054)**	0.236 (0.059)***	0.230 (0.116)**
Congruence	-0.017 (0.011)	-0.036 (0.007)***	-0.022 (0.009)**	0.001 (0.010)	-0.021 (0.008)***	-0.006 (0.009)
Congruence*hvs		0.380 (0.093)***	0.146 (0.086)*		0.392 (0.081)***	0.074 (0.102)
Newspaper penetration	0.065 (0.035)*	0.133 (0.031)***	0.013 (0.025)	0.142 (0.046)***	0.105 (0.031)***	-0.005 (0.027)
State-by-year FE	no	yes	yes	no	yes	yes
Controls	no	no	yes	no	no	yes
Observations	533299	533299	420508	793297	793297	616414
$R^2$	0.002	0.050	0.077	0.004	0.065	0.093

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## Appendix

In Table 16 and 17, we document the details of the judicial selection mechanisms. Further details can be found on a webpage of the American Judicature Society, <http://www.judicialselection.us/>. And, in Table 18-20, we list the ballot propositions used to measure penal preferences.

Table 16: Judicial Selection Mechanisms for State Trial Courts

State	Name of Trial Court	Initial Selection	Reelection
Alabama	Circuit Court	Partisan Election	Partisan Election
Alaska	Superior Court	Gubernatorial Appointment	Retention Election
Arizona	Superior Court	(Variation across counties) Gubernatorial Appointment	(Variation across counties) Retention Election
		Nonpartisan Election	Nonpartisan Election
Arkansas	Circuit Court	Nonpartisan Election	Nonpartisan Election
California	Superior Court	Nonpartisan Election	Nonpartisan Election
Colorado	District Court	Gubernatorial Appointment	Retention Election
Connecticut	Superior Court	Gubernatorial Appointment	Reappointment
Delaware	Superior Court	Gubernatorial Appointment	Reappointment
Florida	Circuit Court	Nonpartisan Election	Nonpartisan Election
Georgia	Superior Court	Nonpartisan Election	Nonpartisan Election
Hawaii	Circuit Court	Gubernatorial Appointment	Reappointment
Idaho	District Court	Nonpartisan Election	Nonpartisan Election
Illinois	Circuit Court	Partisan Election	Retention Election
Indiana	Superior Court	Partisan Election	Partisan Election
Iowa	District Court	Gubernatorial Appointment	Retention Election
Kansas	District Court	(Variation across districts) Gubernatorial Appointment	(Variation across districts) Retention Election
		Partisan Election	Partisan Election
Kentucky	Circuit Court	Nonpartisan Election	Nonpartisan Election
Louisiana	District Court	Partisan Election	Partisan Election
Maine	Superior Court	Gubernatorial Appointment	Reappointment
Maryland	Circuit Court	Gubernatorial Appointment	Reappointment

Table 17: Judicial Selection Mechanisms for State Trial Courts (con'd)

State	Name of Trial Court	Initial Selection	Reelection
Massachusetts	Superior Court	Gubernatorial Appointment	Life-tenure
Michigan	Circuit Court	Nonpartisan Election	Nonpartisan Election
Minnesota	District Court	Nonpartisan Election	Nonpartisan Election
Mississippi	Circuit Court	Nonpartisan Election	Nonpartisan Election
Missouri	Circuit Court	(Variation across Counties) Gubernatorial Appointment Partisan Election	(Variation across Counties) Retention Election Partisan Election
Montana	District Court	Nonpartisan Election	Nonpartisan Election
Nebraska	District Court	Gubernatorial Appointment	Retention Election
Nevada	District Court	Gubernatorial Appointment	Retention Election
New Hampshire	Superior Court	Gubernatorial Appointment	Life-tenure
New Jersey	Superior Court	Gubernatorial Appointment	Gubernatorial Appointment
New Mexico	District Court	Partisan Election	Retention Election
New York	Supreme Court	Partisan Election	Partisan Election
North Carolina	Superior Court	Nonpartisan Election	Nonpartisan Election
North Dakota	District Court	Nonpartisan Election	Nonpartisan Election
Ohio	Court of Common Pleas	Partisan Election	Partisan Election
Oklahoma	District Court	Nonpartisan Election	Nonpartisan Election
Oregon	Circuit Court	Nonpartisan Election	Nonpartisan Election
Pennsylvania	Court of Common Pleas	Partisan Election	Retention Election
Rhode Island	Superior Court	Gubernatorial Appointment	Life-tenure
South Carolina	Circuit Court	Legislative Appointment	Legislative Appointment
South Dakota	Circuit Court	Nonpartisan Election	Nonpartisan Election
Tennessee	Circuit Court	Partisan Election	Partisan Election
Texas	District Court	Partisan Election	Partisan Election
Utah	District Court	Gubernatorial Appointment	Retention Election
Vermont	Superior Court	Gubernatorial Appointment	Legislative Appointment
Virginia	Circuit Court	Legislative Appointment	Legislative Appointment
Washington	Superior Court	Nonpartisan Election	Nonpartisan Election
West Virginia	Circuit Court	Partisan Election	Partisan Election
Wisconsin	Circuit Court	Nonpartisan Election	Nonpartisan Election
Wyoming	District Court	Gubernatorial Appointment	Retention Election

Table 18: Ballot Propositions Used to Measure Penal Preferences

State	Year	Prop No.	Percent Yes	Description
AZ	1998	Proposition 301	48	Relating To Probation Eligibility For Drug Possession Or Use
AZ	2002	Proposition 103	80	Bailable Offenses; Prohibitions
AZ	2002	Proposition 302	69	Probation For Drug Crimes
AZ	2006	Proposition 100	77	Bailable Offenses
AZ	2006	Proposition 301	58	Probation for Methamphetamine Offenses
CA	1996	Proposition 195	85	Murder; Special Circumstances
CA	1996	Proposition 196	85	Murder; Punishment
CA	1998	Proposition 222	77	Murder; Peace Officer Victim; Sentence; Credits
CA	2000	Proposition 36	61	Drugs; Probation and Treatment Program
CA	2000	Proposition 15	46	Bonds For Crime Laboratories Construction (Hertzberg-Polanco Act)
CA	2000	Proposition 18	72	Murder; Special Circumstances; Leg Initiative Amendment
CA	2000	Proposition 19	73	Murder; Bart And Csu Peace Officers; Leg Initiative Amendment
CA	2000	Proposition 21	62	Juvenile Crime
CA	2004	Proposition 66	47	Limitations On Three Strikes Law; Sex Crimes; Punishment
CA	2004	Proposition 69	62	DNA Samples; Collection; Database; Funding
CA	2006	Proposition 83	70	Sex Offenders; Sexually Violent Predators; Punishment, Residence Restrictions and Monitoring
CA	2008	Proposition 5	40	Nonviolent Drug Offenses; Sentencing, Parole and Rehabilitation
CA	2008	Proposition 6	30	Police and Law Enforcement Funding; Criminal Penalties and Laws
CA	2008	Proposition 9	53	Criminal Justice System; Victims Rights; Parole
CT	1996	Question 1	79	Victims' Rights
FL	1998	Amendment 2	72	Preservation of Death Penalty; US Supreme Court Interpretation of Cruel And Unusual Punishment
FL	2002	Amendment 1	69	Excessive Punishments
IA	1998	Amendment 2	63	Eliminate Limitation of Fines For Offenses That May Be Summarily Tried Without Indictment
IN	1996	Public Question 1		Victims' Rights
IN	2000	Public Question 1	65	Criminal Appeals Process
LA	1998	Amendment 14	62	Require a Unanimous Verdict in Criminal Trials That Use Six-Member Jury
LA	1998	Amendment 6	68	Make It Easier For Judges To Deny Bail
LA	1998	Amendment 9	64	Prohibit Felons From Holding Office Until 15 Years After Completing Sentence

Table 19: Ballot Propositions Used to Measure Penal Preferences (con'd)

State	Year	Prop No.	Percent Yes	Description
LA	1999	Amendment 1		Provide That Governor May Not Commute Sentences or Pardon Persons Convicted Without A Favorable Recommendation By Board Of Pardons
LA	1999	Amendment 8		Limit Automatic Pardon Provision To Persons Convicted of a Non-Violent Crime
MA	2000	Question 8	47	Drug-Dependency Treatment and Use Of Drug-Crime Fines And Forfeitures
MS	1998	Amendment 2		Victims' Rights
MT	1998	C-33	71	Criminal Laws Must Be Based on Principles Of Public Safety and Restitution For Victims As Well As Prevention And Reformation
NC	1996	Amendment 2	86	Probation, Restitution, Community Service, Work Programs and Other Restraints on Liberty May Be Imposed Upon Conviction of Criminal Offense
NC	1996	Amendment 3	78	Victims' Rights
NE	2006	Amendment 4	56	Permit Supervision of Individuals Sentenced To Probation, Released on Parole, or Enrolled In Court Programs as Provided By Leg
NJ	2000	Public Question 2	79	To Permit Leg To Auth By Law Disclosure Of Information Concerning Sex Offenders
NV	1996	Question 2	74	To Provide Specifically For Rights of Victims of Crime?
OH	1997	Issue 1	73	Denial of Bail In Felony Offenses
OH	2002	Issue 1	32	Treatment in lieu of Incarceration for Drug Offenders
OK	1996	Question 674	91	Victims' Rights
OR	1996	Measure 26	66	Changes Principles That Govern Laws for Punishment of Crime
OR	1996	Measure 40	58	Gives Crime Victims Rights, Expands Admissible Evidence, Limits Pretrial Release
OR	1999	Measure 69	58	Grants Victims Constitutional Rights In Criminal Prosecutions, Juvenile Court Delinquency Proceedings
OR	1999	Measure 70	41	Gives Public, Through Prosecutor, Right To Demand Jury Trial In Criminal Cases
OR	1999	Measure 71	58	Limits Pretrial Release of Accused Person To Protect Victims
OR	1999	Measure 72	45	Allows Murder Conviction by 11 to 1 Jury Verdict
OR	1999	Measure 73	46	Limits Immunity from Criminal Prosecution of Person Ordered To Testify about his or her Conduct
OR	1999	Measure 74	53	Requires Terms of Imprisonment Announced in Court Be Fully Served, With Exceptions
OR	2008	Measure 57	61	Increase Sentences for Drug Trafficking, Theft against Elderly and Specified Repeat Property and Identity Theft Crimes
OR	2008	Measure 61	48	Creates Mandatory Minimum Prison Sentences for Certain Theft, Identity Theft, Forgery, Drug and Burglary Crimes

Table 20: Ballot Propositions Used to Measure Penal Preferences (con'd)

State	Year	Prop No.	Percent Yes	Description
OR	1999	Measure 75	57	Person Convicted of Certain Crimes Cannot Serve on Grand Juries, Criminal Trial Juries
OR	2000	Measure 3	67	Requires Conviction Before Forfeiture; Restricts Proceeds Usage; Requires Reporting, Penalty
OR	2000	Measure 94	26	Repeals Mandatory Minimum Sentences for Certain Felonies, Requires Resentencing
OR	2008	Measure 62	39	Allocates 15% of Lottery Proceeds to Public Safety Fund for Crime Prevention, Investigation, Prosecution
OR	2008	Measure 51	74	Enables Crime Victims to Enforce Existing Constitutional Rights in Prosecutions, Delinquency Proceedings
OR	2008	Measure 52	74	Enables Crime Victims to Enforce Existing Constitutional Rights In Prosecutions, Delinquency Proceedings
PA	1998	Joint Resolution 1	72	Adding Categories of Criminal Cases in Which Bail Is Disallowed
PA	1998	Joint Resolution 2	69	Granting Commonwealth Right to Trial By Jury in Criminal Cases
PA	2003	Amendment 1	68	Amending Right of Persons Accused of a Crime To Meet Witness against Them Face To Face
PA	2003	Amendment 2	80	Auth Leg To Enact Laws Regarding Way That Children May Testify in Criminal Proceedings
SC	1996	Amendment 1 (A)	89	Victims' Rights
SC	1996	Amendment 1 (B)	87	Allows Denial of Bail To Persons Charged With Violent Crimes
SC	1998	Amendment 1	48	Allow Leg To Specify Which Crime Victims Are Protected By Victims Bill Of Rights
SD	2002	Amendment A	21	Relating To A Criminal Defendant's Rights
TN	1998	Amendment 2	89	Entitles Victims of Crime To Certain Basic Rights To Preserve and Protect Their Rights To Justice, Due Process
TX	2005	Proposition 4	84	Bail
TX	2007	Proposition 13	83	Denial Of Bail In Felony And Family Violence Cases
VA	1996	Amendment 2	84	Victims' Rights
VA	1996	Amendment 3	70	Auth Leg To Allow State Right of an Appeal In All Cases including Criminal Cases
WA	1997	Initiative 685	39	Drug Medicalization
WI	2006	Question 2	55	Reinstate Death Penalty