

The Determinants of Senator Voting in Lower Court Nominations: Partisanship, Senate Rules, and Nominee Diversity

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Abstract

Research has thoroughly examined how senators vote on Supreme Court nominations but has yet to examine the voting behavior for nominations to the lower federal courts. Compared to Supreme Court nominations which are few and far between, hundreds of nominations to the lower courts occur each year. How do senators vote on these nominees, what influences a senator's vote to confirm a nominee, and how do institutional changes affect confirmation politics? Using a novel dataset of 25,924 roll-call votes on U.S. district and circuit nominations from 2001-2020, I investigate the determinants of senator voting behavior in lower court appointments including how senators vote on diverse nominees. I find the 2013 rules change significantly impacted voting behavior with Democratic senators less likely to vote for female and minority nominees following the change. Conversely, Republican senators increase in their voting for white female nominees after the change. These results provide evidence that a changing Senate environment impacts confirmation politics with implications for diversifying the federal bench.