Explaining Gubernatorial Success in State Legislatures

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Introduction

A large literature in political science has examined executive-legislative relations in the United States. The vast majority of this research has been conducted at the federal level, with much of it focusing on presidential success in Congress. These studies have examined a range of influences on presidential success, including public opinion, party support in Congress, presidential activity, and the degree to which presidential influence varies across policy areas, among others (e.g. Bond and Fleisher 1990; Brace and Hinckley 1992; Edwards 1989). One limitation of these studies is that analysts have been unable to examine the impact of many institutional features of the presidency and Congress, due to the simple fact that there is little or no variation in such variables over time.

Expanding the analysis of executive-legislative relations to the state level would seem to provide an opportunity for scholars to study the effects of a broader set of variables on executive influence, including the impact of institutional design, as there is significant variation across states in gubernatorial and legislative powers. Given this analytical advantage, it is somewhat surprising that relatively little systematic research has been conducted on the influence of governors in legislative policymaking (Barilleaux 1999; Brace and Jewett 1995; Gross 1989), and even fewer studies exist which attempt to determine the relative explanatory power of potential constraints (formal or informal) on gubernatorial success.

In this paper, we address these questions by examining the success of governors in getting their most important proposals passed by state legislatures. We begin by discussing the existing literature on gubernatorial influence, noting the important
limitations of past approaches. We then outline our strategy for studying gubernatorial success, which matches gubernatorial policy priorities, as identified in state-of-the-state speeches, to legislation subsequently passed by the state legislature under both divided and unified party control. Our results indicate that while governors enjoy a high level of success overall in getting their legislative priorities passed, the success rate differs substantially across policy areas. Moreover, while governors appear to be equally successful in getting their programs enacted under conditions of unified and divided party control, the policy composition of their programs differs significantly across different political contexts. These findings provide evidence that governors use their power to set the legislative agenda strategically.

**Approaches to Studying Gubernatorial Success in the Legislature**

Descriptive accounts of state policymaking consistently conclude that the governor is “at the apex of the power structure of the state” (Morehouse 1981, 203) and therefore is the “single most important figure in the (state policy) process” (Rosenthal 1990, 5). This conclusion largely stems from the governor’s role as chief legislator. State legislators look to the governor to set the policy agenda, and the governor frequently uses an array of formal and informal powers to shape legislation as it works its way through the legislature.

At the same time, however, it is widely agreed that there is substantial variation across states and governors in the degree to which governors are able to get their program passed by the legislature. Weak parties, divided government, powerful legislatures, and a lack of formal or informal powers have all been offered as potential factors that might
impede gubernatorial success in the legislature (Morehouse 1981, 1998; Rosenthal 1990). To the extent that these constraints do in fact prevent the governor’s agenda from being passed, this has potentially significant consequences. Governors are in large part judged by their ability to pass their program, and consequently their success in the legislature often determines the success of their administrations (Beyle 1996).

Given this fact, several studies have been conducted over the years that examine the relationship between the governor and the legislature. Much of this research has been qualitative in approach, often focusing on a single state. Relatively few studies have taken a more systematic (i.e. quantitative) approach, and even fewer have utilized data for more than a handful of states. A review of this literature finds four different approaches to studying gubernatorial influence in the legislature. Although this literature has contributed to our knowledge about executive-legislative relations at the state level, as we detail below, each of these approaches is limited in some important way as a general strategy for studying gubernatorial success. Most of these limitations concern the measurement of the two crucial variables necessary to assess gubernatorial influence – gubernatorial priorities and legislative initiatives.

**Budgetary Analyses**

Some analysts have examined gubernatorial success in the budget process. The seminal study in this strand of the literature is Sharkansky’s (1968) analysis of legislative appropriations in 19 states, where he concludes that the governor exerts considerable power over the legislature. More recent studies find that the legislature may be exhibiting a greater level of independence in budgetary matters (e.g. Gosling 1985;
Thompson 1987), or that the power of the legislature is highly dependent upon legislative resources (Abney and Lauth 1987).

Budgetary data offer numerous advantages to studying gubernatorial influence, as the data are not difficult to obtain and would seem to provide clear measures of gubernatorial preferences and legislative outcomes. At the same time, however, as the executive branch is responsible for constructing a budget for the entire state government, there is no clear way of determining which budgetary items are important to the governor’s program and which are not. In addition, while some aspects of the governor’s program might call for greater expenditures for some existing program or policy area, the most important gubernatorial priorities often consist of policy innovations that have important consequences for policy content. As budgetary data tell us nothing about policy content, using such data to assess gubernatorial success undoubtedly misses what is arguably the most important dimension of gubernatorial policymaking.

**Override Votes**

A few studies have analyzed gubernatorial influence by examining legislative overrides of gubernatorial vetoes. Wiggins (1980), in an update to Prescott’s (1950) analysis of 1947 data, finds that the use of the veto remained relatively stable between 1947 and 1973, though legislatures had become more willing to override a governor’s veto. Wiggins attributes this trend to an increase in divided government. More rigorous attempts to explain the outcomes of override votes have been met with mixed success. Herzik and Wiggins (1989), in their analysis of veto override votes in all states from 1970-80, conclude that “veto overrides generally defy explanation using a standard regression format” (855).
Like budgetary data, override votes offer important advantages as a strategy for studying gubernatorial success. They are easily identified and would seemingly reflect the most important of gubernatorial priorities. Yet, even though vetoed bills may communicate gubernatorial priorities, since vetoes are used so infrequently, they are likely to constitute a poor (and certainly unrepresentative) sample of such priorities both across and within administrations. In addition, the governor can only veto bills that she/he disagrees with, and thus the use of override votes offers no way of assessing the fate of bills initiated or supported by the governor. Finally, override votes are not likely to be entirely representative of legislative behavior or preferences, as the governor’s party is more likely to rally around their leader during this highly visible showdown. For all of these reasons, it is thus not surprising that Herzik and Wiggins (1989) find the outcome of override votes to defy explanation using multivariate techniques.

**Gubernatorial Power/Partisanship**

A number of studies have attempted to assess the impact of gubernatorial influence in legislative policymaking by examining existing policies across the 50 states. Some analysts have used multiple or composite policy measures as the dependent variable(s), while others have examined a single policy variable. To measure gubernatorial preferences, some have used a measure of gubernatorial power as the independent variable of interest (Dye 1969; Barilleaux 1999). The rationalization for this measurement choice is that governors must appeal to a broad, mass constituency to insure survival, and therefore should strive to pass redistributive programs. Thus, the hypothesis to be tested is that gubernatorial power should be positively related to policy liberalism.
A more common approach to studying gubernatorial influence on state policies has been to use a dichotomous measure of gubernatorial partisanship as a measure of gubernatorial preferences, where it is assumed that Democrats are more likely than Republicans to seek redistributive programs (e.g. Alt and Lowry 1997; Schneider 1989; Smith 1997). The results of the studies using these approaches have varied, with some finding a significant effect, and others finding little evidence of gubernatorial influence.

The obvious advantage of these studies is that they use data for all the states, thus maximizing variation and external validity. There are important weaknesses, however, in both strategies for measuring gubernatorial preferences. The use of gubernatorial power assumes a uniform demand for redistributive policies across parties, which at best incorporates a substantial amount of measurement error. The use of partisanship similarly assumes uniformity within parties, thus ignoring important party differences across states. In addition, both measures are restricted to policies that are either redistributive in nature or for which there are clear partisan differences.

**Identifying the Governor’s Legislative Initiatives**

Finally, in a series of books and articles, Morehouse (1981, 1996, 1998) analyzes roll call data on the governor’s bills for several state legislatures during the early 1980’s. Consistent with her earlier work (Morehouse 1966), Morehouse concludes that even when the governor’s party controls the legislature, weak parties and party factionalism can be a significant impediment to gubernatorial success.

This strategy certainly utilizes the best information on gubernatorial preferences and legislative outcomes as the data come directly from gubernatorial staff. Despite this advantage, this approach is not easily replicable. As Morehouse reports, the quality of
the data vary significantly across states, and are unavailable for many others. In addition, data collection must be conducted relatively soon after the legislative session, as these records are not likely to survive across different administrations. Finally, gubernatorial staff report the full list of the “governor’s bills,” which often total 100 or more. The governor is obviously more interested in some bills than others. Though this approach may not be practical for our purposes, our approach is similar in many ways.

Data and Methods

Our strategy for studying gubernatorial success is similar to that of Morehouse (1981; 1998), in that we measure gubernatorial preferences directly and record their outcome in the state legislature. Rather than using data on all of the governor’s bills, however, we focus on the governor’s most important agenda items. This gives us greater flexibility in collecting the data and allows us to utilize data for a large number of states, thus maximizing external validity.

Measuring Gubernatorial Preferences

In order to determine the legislative success of governors, we must first ascertain their legislative policy priorities. We do this by coding information from gubernatorial state of the state speeches, and in some cases, gubernatorial budget speeches. Although the governor has many opportunities to publicly outline an agenda, the state of the state speech is delivered prior to the start of the legislative session and is the governor’s opportunity to describe the specific policy and budgetary proposals that she will pursue. Given this fact, several analysts have utilized state of the state speeches to identify the

For all available state of the state speeches given in 1999, we code all agenda items that would require a legislative response. Based on our analysis, governors regularly propose initiative in nine different policy areas, which thus serve as the basis for our coding scheme: (1) Education, (2) Public Assistance/Social Services, (3) Criminal Justice/Law Enforcement, (4) Health Care, (5) Tax/fiscal policy, (6) Economic development/growth, infrastructure, (7) Environmental Policy, (8) Civil Rights/Civil Liberties, (9) Government (state workers, budgeting process, government reorganization, state-local relations).

We focus exclusively on proposals that represent significant changes in existing policy. This covers all new policies/programs, significant changes in existing policies/programs, and nonincremental changes in spending for existing programs/functions. Simply stating that “I continue to support funding for program X,” as governors often claim, is not a call for a significant change. However, if it is clear that the governor is calling for a change in spending that is larger than usual, then we code it.\footnote{We do, however, consider proposals to extend the life of a program/law that would otherwise expire (sunset) as a significant change, and thus code them as agenda items.}

Finally, we do not code symbolic, uncontroversial requests, such as Idaho governor Dirk Kempthorne’s call for a resolution to locate the space port in Idaho.

**Measuring Legislative Outcomes**

We measure the governor’s legislative success as the percentage of the program that is passed by the legislature during the year. As such, it is analogous to the “box scores” often used in studies of presidential-congressional relations (e.g., Edwards 1989;
Bond and Fleisher 1990). Because they are based on gubernatorial initiatives, these give us an indication of the proportion of the governor’s program that is passed into law. Moreover, they take into account the multiple decision points in the legislative process. Failure to clear both chambers for any reason counts as a defeat. As a consequence, the use of this measure gives a purer measure of the governor’s influence in the legislature than measures based on individual members’ votes on bills on which the governor has taken a position.

We used a variety of mechanisms to identify and track the outcome of gubernatorial initiatives. Much of our information was obtained from state newspapers and wire services, through keyword searches in Lexis/Nexis and other online newspapers. In addition, we also relied on legislative briefs published by the National Conference of State Legislatures and online legislative databases. Each item was coded as failed, succeeded. Thus far, we have been able to successfully code 80% of the agenda items in our dataset for 18 states. There were three potential types of situations, however, in which agenda items were left uncoded and thus dropped from our analysis. In several cases we were unable to find any reference to a proposal in any of our sources. This may be due to the fact that the proposal was never pursued during that year. For some cases, we were able to confirm this by identifying the initiative in the following legislative session. We do suspect, however, that some of the uncoded agenda items were actually pursued, but due to a lack of information (or an inability to obtain that information from our sources), we were unable to determine their fate. Finally, in a handful of cases we were able to determine that no legislative action was needed, and that the policy objective was achieved through administrative or private channels. As a consequence, we are left with
a sample of cases that represent the intersection of all priorities mentioned in the state of the state speech and all priorities covered by the press and our supplementary sources. It is our contention that these represent the most salient issues—to both the governor and the public.

The Governor’s Agenda

The overall size of the governors’ legislative policy agendas for the 18 states in our sample ranged from 7 [Barnes(GA), Knowles(AK), Siegelman(AL)] to 25[Vilsack(IA)] items.\(^2\) There was also considerable variation in the types of policies that governors emphasized. This is evident by examining Figure 1, which presents a summary of the composition of gubernatorial policy agendas. Legislative policy priorities for state governors in our sample in 1999 focused very heavily in education, which comprised 40% of all the legislative policy agendas for state governors. Indeed, more than twice as many policy positions were taken in this area than in the next closest policy area. Other policy areas which were prominently represented in gubernatorial legislative agendas were tax/fiscal policy (14%) public assistance/social services (13%) and criminal justice (12%).

Legislative Success

The overall success rate of governors across all policy areas was 80% for our sample of 18 states. The distribution of success rates across governors is highly skewed, however, as 13 governors were able to pass 75% or more of their priority agenda items. Three governors, according to our data, were successful on all initiatives (Barnes, Davis, 

\(^2\) The 18 governors included in our analysis thus far are: AL(Siegelman), AK(Knowles), AZ(Hull), AR(Huckabee), CA(Davis), CT(Rowland), DE(Carper), FL(Bush), GA(Barnes), HI(Cayetano), ID(Kempthorne), IL(Ryan), IN(O’Bannon), IA(Vilsack), KS(Graves), MD(Glendenning), MI(Engler), MN(The Mind).
Rowland), while two governors only succeeded in getting half of their initiatives through the legislature (Cayetano, O’Bannon). Although we are not aware of anyone who has compiled this sort of data for a large number of states, Rosenthal (1990) reports gubernatorial success rates for a handful of governors from the late 1980s. He reports that of the ten governors for which he had data, nine achieved a success rate of somewhere between 75 and 95%. Only one governor did relatively poorly at 50% (Mario Cuomo). This distribution is very similar to ours, and gives us some confidence in the validity of our data.

We look at the success rate of the governors across policy areas in Table 1. As can be seen from the table, the rate of gubernatorial success ranges from 50% (one of two proposals passed) for civil rights/civil liberties, to 100% (11 of 11 proposals passed) for the environment (mostly land preservation, air and water quality). Criminal justice scored high as well, as states passed a number of measures to increase sentence severity, deal with juvenile crime, and fight methamphetamine. Surprisingly, health care was also a policy area where governors enjoyed relatively high success. Much of this legislation centered around HMO reform and patients’ rights, but a fair amount also related to children’s health and the use of the tobacco settlement, which may have inflated the success rate for this year.

Table 1 here.
The Effect of Party Control

The natural starting point for our examination of the legislative success of governors is party control. There is a large amount of literature that suggests that party affiliation is the single most important factor in explaining presidential success in congress (although this level of success depends on the policy area being analyzed). This finding has been replicated at the state level. In her study of state the legislative success of governors, Morehouse (1996) found that party played a significant role, although the role was substantially more significant in strong party states than in those characterized by weak or factionalized parties. Her dependent variable is based on roll call votes on issues on gubernatorial agenda items. Since in this study we are also including bills that never make it to the floor, one might presume that legislative party control could have an even more profound effect. Therefore a simple intuitive hypothesis, and one that represents a natural starting point for a study of legislative success, is that governors facing unified party control of the legislature of her party are more successful than those who face at least one chamber controlled by the opposition party.

Table 2 here

Table two presents overall gubernatorial success rates, by party legislative control. In fact, as the table shows, there is virtually no difference in the success rates of governors under conditions of different party control. Governors facing unified, friendly legislative control are successful an average of 81% of the time, while governors facing opposition party control of at least one chamber are successful 80% of the time, a trivial difference.
Governors as Strategic Actors

What accounts for this consistency of success across disparate political environments? One explanation may be that governors are strategic in selecting their legislative policy agendas by publicly supporting popular issues that seem destined to sail through the legislature and avoiding taking positions on controversial or complex issues that have a much greater chance of defeat.

This possibility has been explored at the presidential level. Edwards (1989) notes that a president may withhold unpopular legislation to avoid defeat, and Bond and Fleisher (1990) posit that a president may engage in “… strategic posturing to endorse what Congress will do anyway to improve his personal standing (41).” Each of these works, however, dismisses the possibility of strategic presidential behavior in setting the legislative agenda as relatively minor concerns, without any empirical assessment of them.

Covington (1986; 1987) found some evidence that Presidents Kennedy and Johnson took positions on bills that were not made public for strategic reasons. Fett (1992) analyzed the public announcements of Presidents Carter and Reagan and found that they didn’t emphasize easily winnable issues, as many of the proposals frequently mentioned in presidential speeches subsequently underwent close votes in congress. Peterson (1990) uses interviews with White House and congressional staff under presidents from Eisenhower to Reagan to build a case that presidents are generally sincere in public announcements of support or opposition to legislation. Such findings have prompted the authors of one review of the literature to assert that “presidential
agendas are probably not greatly contaminated by strategic position taking (Bond, Fleisher and Krutz 1995:118).”

If the governor is indeed behaving strategically in her selection of legislative policy agenda items, then one way to do so is to emphasize items in policy areas that engender less partisan conflict. Policy initiatives that emphasize infrastructure, growth, or economic development, for instance, are likely to receive fairly broad bipartisan support, particularly relative to issues that face fairly significant partisan divides, such as many public programs pertaining to public assistance or civil rights. Therefore one way that governors may act strategically is through placing an increased emphasis on issues that engender more bipartisan support under circumstances of divided government than they otherwise would.

In order to provide a preliminary test of this proposition, we divided the nine policy areas into areas in which governors’ success rates were higher than the mean (which we term “easy” policy areas) and areas in which the governors’ success rates were lower than the mean (which we term “hard” policy areas). If governors are acting strategically, then we would expect that governors facing divided government (i.e. weaker governors) would get more of their victories in easy policy areas, as compared to governors in the context of unified control, who may feel they have enough political power to tackle the more controversial issues. For governors facing divided control, we find that 74% of their successful initiatives came from easy policy areas. Governors in a unified environment, however, achieved only 58% of their successes in easy policy areas. Thus, there appears to be a significant difference between the types of legislative programs put forth by governors under different partisan conditions. These preliminary
results suggest that success does not vary with legislative party control, but that governors in less powerful positions act strategically in adjusting their legislative agendas to compensate for their relative lack of power. While have not yet been able to code the difficulty of initiatives within policy areas, we plan to do so and would expect similar results.

Conclusion

Our results indicate that governors have a very high overall level of success in getting their legislative program passed. Nonetheless, there are substantial differences across policy areas in this level of success, differences that appear to be driven, at least in part, by the amount of party conflict intrinsic to the policy area. Moreover, there does not appear to be a difference in gubernatorial success between conditions of unified and divided party control, which runs contrary to the hypothesis that these conditions should affect gubernatorial success rates. Our results provide preliminary evidence that this may be due to variations in the policy composition of the legislative agendas of governors across different political environments.

This evidence is consistent with the assertion that governors strategically modify their legislative agenda in response to the political environment. While it differs markedly from the common perception that the governor’s legislative program is fixed, this process of strategic accommodation is rooted in a plausible foundation of political behavior. Governors have an electoral incentive to appear competent, and a high degree of legislative success is one important facet of this perception. It is entirely plausible that governors anticipate legislative reactions when molding their legislative program in order to maximize the likelihood of achieving their desired level of success.
In the future, we plan to code additional states to achieve a sample size suitable for multivariate analysis. Our plan is to examine the influences of a variety of political factors, including legislative powers, various formal and informal gubernatorial powers (including job approval ratings), state social and economic conditions, state fiscal health, and electoral influences. Ultimately, our data can be extended across years (which we hope to do), which would allow us to analyze changes in the relationship between the governor and the legislature within gubernatorial administrations.
References


Sharkansky, Ira. 1968. “Agency Requests, Gubernatorial Support, and Budget Success


Table 1: Governor’s Legislative Success Rate, By Policy Area

<table>
<thead>
<tr>
<th>Policy Area</th>
<th>N</th>
<th>Gubernatorial Success Rate</th>
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<tbody>
<tr>
<td>Education</td>
<td>96</td>
<td>82%</td>
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<tr>
<td>Public Assistance/Social Services</td>
<td>32</td>
<td>72%</td>
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<tr>
<td>Criminal Justice</td>
<td>28</td>
<td>93%</td>
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<tr>
<td>Health Care</td>
<td>17</td>
<td>88%</td>
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<td>Tax/Fiscal Policy</td>
<td>35</td>
<td>60%</td>
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<tr>
<td>Economic</td>
<td>14</td>
<td>93%</td>
</tr>
<tr>
<td>Development/Infrastructure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Policy</td>
<td>11</td>
<td>100%</td>
</tr>
<tr>
<td>Civil Rights/Civil Liberties</td>
<td>2</td>
<td>50%</td>
</tr>
<tr>
<td>Government</td>
<td>9</td>
<td>78%</td>
</tr>
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<td>Total/Average</td>
<td>244</td>
<td>80%</td>
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</table>

Note: Data are from 18 states, in 1999. States are noted in the appendix.
Table 2: Governor’s Legislative Success Rate, By Legislative Party Control

<table>
<thead>
<tr>
<th>Legislative Party Control</th>
<th>Success Rate</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unified Government</td>
<td>79%</td>
<td>144</td>
</tr>
<tr>
<td>Divided Government</td>
<td>81%</td>
<td>96</td>
</tr>
</tbody>
</table>

Note: Data are from 18 states, in 1999. States are noted in the appendix.
Figure 1.

Governors’ Legislative Priorities, 1999
(18 states)