

State Government and Responsible Party Succession

by

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Abstract

The ability of a state to maintain administrative efficacy and party consistency in the executive branch when a governor leaves office early is sometimes difficult. These difficulties can, at times, be directly related to its line of succession and those in it. Using a mixed methods design, this study examines gubernatorial succession events in states and attempts to create a smooth succession model. Called ‘responsible party succession,’ it uses historical discussion of responsible party government as a template. Responsible party government’s theories extrapolated to the executive branch of state government demonstrates the need for states to assure basic democratic continuity in the executive branch through ‘responsible party succession.’ Responsible party succession would allow governors to have full appointment power over executive branch/cabinet-level offices. Succession lines would be limited to these officers and candidates for governor would run as a ticket in a general election. Quantitative analysis of both institutional and environmental factors surrounding succession finds a significant relationship between problematic succession events and whether a state has a lieutenant governor, and that a state’s election model is also a significant factor in smooth succession. Qualitatively, the study shows succession events can be challenging due to environmental factors surrounding a succession event that were not significant in quantitative analysis. Based on the results, a responsible party succession model (RPS) is developed by using qualitative and quantitative results to forge its design.

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Chapter 1

Introduction

On October 28, 1947, a plane crash in Lake County, Oregon claimed the lives of Oregon Governor Earl Snell, Oregon Secretary of State Robert S. Farrell, Jr., and Oregon State Senate President Marshall E. Cornett. The incident left the governor's office vacant, as well as the positions of those first and second-in-line of succession. It is unlikely that Oregon's Speaker of the House John H. Hall had ever expected to become governor outside of any unspoken political aspirations he may have had. Yet according to law, Hall was third-in-line of succession and sworn in as the 24th Governor of Oregon. Hall remained in the office for just over one year until the 1948 primary election in the state, where his reelection attempt failed and Douglas McKay won the governorship.

During Hall's short time in office, he presented policy and administrative initiatives that may have led to his failed reelection campaign. Hall, "supported liberalizing the liquor trade and even provoked controversy by dismissing a member of the Liquor Control Commission who felt that there should be a limit on buying liquor" (Oregon State Archives, n.d.). Hall showed his support of education by utilizing funds from the state's treasury to support educational infrastructure (Oregon State Archives, n.d.). These policy positions may have influenced the outcome of the election. Hall was not elected by the entire population of Oregon to be their new governor, having only served as a legislator previously. It may have tipped the balance against him when he ran for reelection upon completing Snell's vacated term.

In the interim, Oregon's line of succession has not changed. Elected cabinet officers are first and second-in-line of succession; they are followed by the leadership posts of both chambers of Oregon's legislature. While all individuals involved in the unfortunate events of 1947 were

Republicans, the possibility of a Democrat taking the place of Snell as governor existed.

However, perhaps the most significant element of Oregon's succession is shared with seven other states as of 2015. None have a lieutenant governor.

The events in Oregon are unique; they have not occurred again at such a level of severity at the state or federal level. Governors among the 50 states have left office because of death, impeachment, resignation, winning a seat in the United States Congress, or even becoming the President of the United States. Many of these events have occurred without incident. Other successions have displayed fundamental breakdowns. When attempting to be orderly and effortless, some became so convoluted that even state courts become involved.

Succession should occur smoothly when necessary but may turn instead into examples of back-room political machinations, ignoring state succession protocols, and even shifts in party affiliation from a departing governor to a succeeding and unelected governor. While all these incidents have occurred at different times and in different circumstances, all clearly demonstrate the importance of providing both state government and the public a line of succession that is clear, consistent, and does more good than harm to administering government.

The main research questions of this study seek to determine what succession means for the states and what factors do and do not contribute to the smoothness of any one succession event. Impacts on the executive branch of government when succession becomes confusing and how to mitigate these impacts through institutional means will be explored. Other factors affecting succession – from the party leadership of a state to how states elect their governor - will be examined. Answering these questions may aid in the discovery of a gubernatorial succession model that is free of confusion, offers states a 'best practices' approach to alleviating problems

with succession they may have had or could have, and lend itself to the creation of a responsible succession model.

Research Context and Significance

Despite the infrequency of succession events in the states, significant questions about the proper administration of government may arise. Imagine a scenario like the earlier mentioned Oregon succession. A state which has a succession event at that level should be prepared to address it swiftly and without debate. This is not always the case, even with a less disastrous scenario than that of Oregon's. States are myopic when discussion of succession even occurs (which is rare). Rules on succession in some states allow those who do not win a statewide election to become governor. Others prohibit governors from selecting their running mate; still others have separate primaries for governor and lieutenant governor.

Environmental changes in government – like party control of the legislature, election results among statewide elected officers, and the time or circumstances by which a governor departs can all have bearing on the function of state government. Institutional rules as simple as when the legislature meets to more complex ones about the governor's power to appoint his or her successor affect whether or not any given succession event is smooth. Succession may tip the delicate balance of separation of powers and bring into question the constitutionality of the event itself. Behavioral issues or political differences between governor and successor can play a role in administrative outcomes and the governor's agenda. Perhaps most importantly the electorate can be left in the wind. They may get a new governor they did not elect, who is not of the same party as the departed governor, or perhaps not even a constitutional officer from the executive branch of government.

Succession issues can and do cost states money, time and credibility. On the surface, these problems may seem irrelevant to the daily function of government. However, it is safe to say that inhabitants of any given state would prefer some constants in what can be a difficult time. While some of these concerns are addressed by states after a succession has taken place, many are not, leaving a state's executive branch vulnerable to tumult. It is one of the many features of government that do not become salient to the public until it is necessary. This is a dangerous and irresponsible way for government to conduct itself. If there is no administrative fluidity when a governor leaves office, succession rules may be part of the problem.

There are more examples of succession working than not. While this is fortunate, it is not necessarily 'best' when it comes to ensuring the functionality of state government. What is commonly accepted at the federal level from the executive branch is often ignored at the state level when succession is discussed. And while states are given the liberty to self-govern within the boundaries of the 10th Amendment of the United States Constitution, it does not mean they are doing so effectively.

Regardless of its frequency, succession impacts the ability of state governments to be stable in times of crisis or change. While avoiding change is impossible, how states react to it is controllable. The public turns to their governor as the *de facto* leader of their state. It is unwise to have an executive branch with murky rules on what happens when a governor leaves office for some other reason than defeat in an election or term limits.

How succession works, what the impacts can be, and how states could mitigate or eliminate them are simple yet important ideas. Uncertainty breeds inconsistency. In an era where states continue to work towards increasing administrative and policy efficiencies, succession is

ignored. The fact it is warrants attention. The research questions this project will attempt to answer include;

- 1.) What a 'problematic succession' is;
- 2.) What institutional factors in state government aid in a smooth succession or hinder it;
- 3.) What environmental factors in state government have impact on its success or failure and;
- 4.) How the concept of responsible party government may play a role in succession.

The ability for the executive branch to be responsive and responsible regarding the will of the public is a crucial element of effective government. Succession plays a large role in that effectiveness despite its seeming irrelevance on a daily basis. It is critical when needed to guarantee smooth operation of the executive branch. Understanding what triggers problematic succession is a pathway to improving state succession practices and offers insight into what is a virtually ignored topic in state government and academia.

Background

Governors continue to move to higher office. Since Gerald Ford's departure from the White House, four of the six U.S. Presidents have been former governors. Multiple governors have been elected to the U.S. House or Senate; some have been tapped by a sitting president to become an advisor or member of the president's cabinet. The National Lieutenant Governor's association (NLGA) has noted an increase in this trend since the latter part of the 20th century and that trend continues today (Hurst 2010).

States select their executive branch leadership in a variety of ways. Colorado's gubernatorial candidates select a lieutenant governor running mate with whom they share a ticket from the beginning of the primary season until the general election is decided. Alaska's elections

for governor result in a gubernatorial candidate and a candidate for lieutenant governor only running as a ticket in the general election. Louisiana elects their governor and lieutenant governor separately.

As diverse as the election and succession models for governor and lieutenant governor (if a state has one) are, the way states configure their lines of succession are even more distinctive. Succession may include a mix of executive branch officials and legislators, only legislators, or as in the case of Wyoming, Georgia, and Maryland, only one person officially designated as a successor to the governor. North Carolina and New York's succession lines are eleven deep, largest among the 50 states. No state's succession model is like another's.

Between 2001 and 2010, the State of New Jersey had nine acting, unofficial, or placeholder governors. In 2008, eight different Speakers of the New York State Senate were first-in-line of succession to Governor David Paterson in eight months. In Arizona over the course of 30 years, Republican governors were replaced by Democrats, and vice versa. In West Virginia, Governor Joe Manchin resigned his post to take a seat in the United States Senate. His successor was West Virginia Senate President Earl Ray Tomblin, who became Governor while legally and *concurrently* maintaining his post as Senate President.

All states differ in their succession line configuration, and sometimes have unresolved issues between policies on succession and their actual implementation. The continuity of the executive branch suffers the most when succession goes badly. Succession is a reaction to a change in governor. Poor succession is the result when that change in the governorship is convoluted.

Succession and Executive Branch Continuity

Much power in state government is contained in the executive branch. It is led by an individual duly elected by a majority of voters to perform specific duties based on that individual's campaign and his or her party's platform. The electorate has a reasonable expectation that their new governor will follow the will of the voters. Should a governor's term be cut short for any reason, the expectations put in place by the governor-elect remain. Yet if the first or second in line to succession is of a different party, or does not share the departed governor's view of administrative policy and agenda, should the electorate be governed based on the different ideas of the new officeholder?

Succession considerations make themselves apparent in these circumstances, yet many states have failed to deal with the idea of responsible party government (RPG) in the executive branch in any substantive way. While the idea of diversity in political ideas and dialogues is arguably one of the most important in our political system, the notion of diluting that diversity because of a succession rule seems anathematic to good governance. Given the multitude of scenarios which may trigger a succession event, well-constructed rules to assure this part of government is insulated from these difficulties may be warranted.

The Presidential Succession Act of 1947 put in place the rules for succession events at the federal level. Birthed from the original 1792 Act and modified in 1886, the Act has persevered over time, shaping succession in many states as they were admitted into the Union. While the Act obviously refers to succession at the national level, the arguments on constitutional behaviors when succession takes place are analogous to events that occur at the state level. Contingencies for succession in the Act leave room for debate on fundamental ideas of separation of powers. Correct readings of the Constitution's incompatibility clause, which

specifically states members of Congress may not, "...be appointed to any civil Office under the authority of the United States...[and] no Person holding any Office under the United States, shall be a member of either House during his Continuance in Office" (The United States Constitution 1787), add weight to the separation of powers argument.

This dissertation adds to the discussion of state succession lines not only through the lens of constitutionality but also via credibility and continuity. The impacts, policy behaviors, and costs – whether tangible or intangible – to the public when succession events take place have largely been ignored in scholarly work. This deficiency causes a wide gap in the theory of how the institutional aspect of government works, how it shapes decision-making processes, and why each state may need to seriously reconsider the level of stress a succession event may cause (or has caused) on the basic functions of their executive branch.

Theoretical Framework

In 1954, Austin Ranney published The Doctrine of Responsible Party Government. The idea undergirding Ranney's thoughts and the compiled opinions of several presidential and gubernatorial scholars (Manning & Feigenbaum 1987; Kallenbach 1947; Simonton 1995; Beyle & Muchmore 1983), is that parties in control of administering government should be responsible to a single, uniform party platform. This unity of ideas would establish a modicum of accountability for the public. In administrative actions, a comprehensive and clear focus would delineate the duties and obligations of elected officials to the public via a common core of ideas (Ranney 1954). Ranney's notions correlate with political theory from many years before when Alexis de Tocqueville in 1840 rationalized that faction among parties creates faction in the public, that "great [political parties were] more attached to principles than to consequences, to

generalities rather than to particular cases, to ideas rather than personalities” (de Tocqueville 1890/1969, 179). For Ranney and Tocqueville, consistency in party behavior was critical to effective governance. If we apply this concept to succession practices, it suggests that party uniformity when succession occurs would be more amenable to the public.

Today, there are two major political parties in the United States. The public would likely have praise for his party and derision of the other; some may have curtailed or ceased their individual political participation entirely for a myriad of reasons, from voter fatigue to the numerous election cycles, to disdain for the media’s coverage of political events. These opinions may be due to the public’s inability to find government accountable or responsible. One of the simplest but overlooked methods of accountability is succession. If government is dysfunctional in the event of an emergency, it could have a substantial effect on the public not only from a political participation angle, but also cost to taxpayers, and their view of the executive branch as a credible and consistent functionary entity of government.

A division between form and function of the executive branch dilutes the ability of a chief executive to administer the functions of government and to implement policy consistent with the ideas which for they were elected. It may ultimately destroy the credibility of government as a whole.

The party in power has a responsibility... for the general management of the government, for its manner of getting results... for the consequences of inaction as well as action, for the intended and unintended outcome of its conduct of public affairs, for all that it plans to do, for all that it might have foreseen, for the leadership it provides, for the acts of all its agents, and for what it says as well as for what it does (White 1992, 8).

Citizens have no guarantee of a smooth succession. While there may be no way to achieve this goal altogether, if a state’s executive branch and the party representing it are of one general administrative idea and agenda, a succession could be simpler. Given the many ways

states form their executive branch and how it 'ought' to function in strictly political terms, any administrative ideas states possess on proper execution of the duties of the governor should include those relating to succession. Should proper execution be absent, states have overlooked what responsible government is to Ranney and those who share his thoughts.

Collectivist party behavior may be too much to expect for representative democracy writ large. More often than not, the public tends towards political identification on an individual level rather than a party level. Yet it is not one man or woman who conducts the administrative affairs of the government. The chief executive is who voters have selected to hold to party ideas or party platform once they are elected to office, and where possible, appoint cabinet members who will aid in executing the governor's agenda.

Austin Ranney cites Frank Goodnow as an example of this disconnect between occasional administrative control and complete administrative control of the executive branch. The disparate possibilities of succession relate to inefficient administration. "Goodnow was convinced that in any government which calls itself democratic politics must control administration...[and there must be] a means for establishing effective political control of administration" (Ranney 1962, 93). For Goodnow and Ranney to both be correct, administration of government must then lie with an individual or individuals specifically tasked with doing so. In this case, it is the governorship.

Observing succession through the lens of responsible party government (RPG) is one goal of this research. Scholars of RPG opine that, "[I]n a system of party government the parties seek power, not as an end in itself, but in order that they may put their programs into governmental action" (Ranney 1962, 20). This explanation of RPG when defined for the executive branch would be completely consistent with the ultimate result of an election

campaign. This is relevant to succession as a governor who departs office early will have the means to communicate his or her agenda more effectively in the executive branch to those who aid in its implementation.

Potential Impacts to State Government

A governor is given constitutionally-defined duties, while also trying to meet party and public goals. If the governor departs office prior to an election, it would be hoped that the agenda on which they ran for office would remain relatively stable after their departure. State succession laws can handicap or prohibit this entirely.

The 1946 gubernatorial election in Georgia was won by Eugene Tallmadge. Tallmadge was to succeed Elis Arnall in January of 1947. Tallmadge died before taking office, but not before the Georgia Legislature *named* Tallmadge's son Herman – who had no stake in the election save for being a write-in candidate – as Governor of Georgia. Arnall objected to this tactic, refusing to leave the governorship.

Georgia, for the first time in the 1946 election had created the position of lieutenant governor. Melvin E. Thompson had won that election and laid claim to the governorship as well. This combination of poor planning and a willful Georgia Legislature ultimately led to Georgia's Supreme Court intervening and naming Thompson the new governor.

In this instance, the succession process was convoluted in action and painfully unclear in design. It is also an example of how states have failed to plan for succession events in a meaningful way. Even the Federal Succession Act does not provide a contingency should a President-elect die before taking office. While the Twenty-Fifth Amendment speaks to

presidential death or disability, neither it nor the Federal Succession Act account for death of the President-elect.

What if a leading candidate dies or becomes disabled right before Election Day? Or if the Election Day winner, the *de facto* President-elect dies or becomes disabled before the Electoral College meets? Or if the Electoral College winner dies or becomes disabled before the electoral votes are counted in Congress (Amar & Amar 1995, 4)?

Regardless of circumstances surrounding a succession event, it is critical to have clear rules to avoid confusion. States have failed on several fronts to implement these rules resulting in complications where none need exist. Ultimately, the suggestions as to what a ‘responsible party succession’ should look like requires further analysis.

Methodological Approaches

A fundamental understanding of the nature of succession means examining multiple variables, multiple events, and insight into the efficacy of existing succession models. Eliminating what does and does not work is more than simple prediction; it is likely a succession model exists that is more or less likely to support ideas of sensible succession within the executive branch. The ‘ideal’ model may be impossible or infeasible to implement. That does not eliminate the probability that, when tested, a model can be discovered that may show a significantly higher probability of being effective.

There are key tools to use when determining what shall be termed “responsible party succession” (RPS) and its characteristics. In some cases these tools go far beyond simply deciding a ‘best practices’ approach. Administrative duties, personal relationships, political context, and timing are all important considerations in predicting whether or not a succession event is smooth or disastrous.

How governors and lieutenant governors are selected/elected and whether or not a state has a lieutenant governor is a primary consideration. Absence of a lieutenant governor may prove difficult when sorting out succession. An election model where a lieutenant governor is elected separately from a governor may also cause conflict between the offices when both are from different parties. Whether or not executive branch officers are elected or appointed may also foreshadow challenges; elected cabinet members may be of a different party than the governor. Legislators, who only represent a portion of the state population succeeding to the governorship would not be part an effective RPS model of succession. Moreover, legislators in the line may also be a part of constitutional violations of separation of powers, especially in states where a legislator does not have to relinquish their leadership position.

Several state succession models in this project will clearly illustrate deficiencies in a state's model. Other states' models may share these deficiencies, but have not had them substantially tested. States with characteristics lending themselves to irresponsible succession are discussed. Varying degrees of success and failure will be noted; major outliers that are anathema to responsible party government and succession will be highlighted and examined both qualitatively and quantitatively.

The research model in this study addresses the main questions of which institutional and environmental elements are likely to contribute to succession challenges. It will offer answers as to what states do when succession occurs, and whether those actions are likely to be effective or ineffective. It will define the major factors leading to problems with succession and what happens when these factors trigger larger problems. Quantitative analysis will test relationships between problematic succession, lieutenant governors and state election models. Qualitative case studies will show how some states have dealt with succession problems historically, and

supplemental interviews will assess the veracity of quantitative analysis. This mixed-methods approach will contribute to a larger understanding of what makes succession work versus what makes it ineffective.

Overview of the Remaining Chapters

Chapter Two provides a review of the limited literature on lieutenant governors, succession and scholarly assessment of how state election models may affect succession. Responsible party government as a concept will be defined, then viewed in terms of its applicability to succession.

Scholarly work on succession and its design at the federal level will be introduced. The Federal Succession Act of 1947 will inform discussion on the constitutionality of state succession models. Following this, remaining literature will examine an array of other topics pertaining to both dependent and independent variables of this study. Relationships and policy interactions between governors and their first-in-lines will be briefly discussed, as well as previous attempts to bring responsible party government into the lexicon of modern political parties. A clear definition of responsible party succession is provided. It will inform the research questions and methodological approaches herein to point out states that have been inconsiderate of these ideas when discussing succession.

Chapter Three details all variables and methodological approaches of the study. A working definition of a ‘problematic’ succession event is provided. State election models, their current lines of succession and the individuals appearing within it are measured. Issues of ‘party shift’ – where a governor is of one party and his or her successor another – are explained. A cursory look at states affected by the aforementioned considerations will further inform the

methods undergirding the research questions, and the framework of testable hypotheses will be established.

Chapter Four provides detailed analysis of quantitative findings. States having problematic succession events are noted, as are variables contributing to these problems. While some relationships offer significant insight into the factors defining a problematic succession event, others show no clear conclusion as to their importance. The challenge of attempting to quantify problematic succession events in a state's government may be problematic on its own; the way states administer their affairs has changed over time. While some results are generalizable across states, the number of cases used in this study is relatively small and is perhaps somewhat limiting in its explanatory strength. It is hopeful that at minimum, the data will show what states should not do when considering succession.

Chapter Five offers qualitative insight into the research questions and demonstrates that behavioral and environmental circumstances play a larger role in succession problems than quantitative results can illustrate. Based on the definition of problematic succession provided in Chapter Four, three states were chosen for case studies clearly demonstrating these issues. New Jersey, New York and Arizona have all had numerous succession events that were 'triggers' for problematic succession. The institutional factors and impacts of these succession events will be discussed by interviewing those with expert knowledge of governors and lieutenant governors, as well as media accounts of problematic successions in these states where applicable. Other states sharing succession models with those in this study may have not had problematic succession events to date, but the real potential for it to happen shows that the theoretical model of a responsible party succession based in the executive branch could eliminate most if not all of these challenges.

Chapter Six will provide final analysis of this study by examining deficiencies of the project and will consider not only future avenues of research, but also define what a responsible party succession looks like. Problematic succession events may not be able to be prevented in their entirety, but institutional changes - like having a lieutenant governor or eliminating the legislative branch from line of succession - will be discussed. Approaches to avoiding problematic succession events will be considered. Broader questions as to the substantial gaps in both language and application of policy when a governor is incapacitated or leaves their home state on a temporary basis present other appropriate ways to dissect succession.

Examining the very important administrative and environmental impacts of succession on the states and the consequences of not managing them will demonstrate if responsible party succession in the executive branch is the solution to the myriad of historical contradictions and debates on succession – or if their answers lie elsewhere.

Chapter 2

Literature Review

Introduction

There is a substantial deficiency of scholarship on succession. Virtually none of the extant literature deals specifically with it, either by mentioning policy implications or how succession can potentially affect the policy/administrative dynamic of government. As any discussion of succession at the federal level would begin with the vice president, unearthing literature on lieutenant governors is instructive for this study. Yet there is virtually no scholarship in the past seventy years discussing lieutenant governors in a meaningful way. Another issue is the absence of any dialogue on the larger concepts of succession such as how succession lines are determined, what they should look like, and an appropriate length to a succession line.

What internal and external influences govern succession and how those influences may cause challenges for states are a key focus of this study. Using this information may better determine what a 'smooth' succession would look like, and what factors make for a challenging one. A responsible party succession (RPS) model will be found that is considerate of the major issues undergirding problematic succession events.

Existing Succession Literature

The majority of literature pertaining to succession at any level of government does not deal with individuals in the line of succession and where they come from. Most is centered in discussion of gubernatorial incapacity. Some of this discussion goes back to a point just after the

Presidential Succession Act of 1947 was implemented (Gaines & Roberts 2005; Brown & Silva 1949; Kallenbach 1947; Sturm 1949; Feerick 2011). Other research from *The Book of the States*, an annual collaborative endeavor among state government scholars, points out the drastic inconsistencies between the states in their disability-based gubernatorial succession plans. Some states have specific statutes or constitutional language elaborating on disability plans should the governor become unable to fulfill his or her duties; others provide no such guidance. Furthermore, the provisions in each state determining the actors involved in determining disability-based succession are different in the seventeen states having some kind of statutory guidelines (Gaines & Roberts 2005).

Following the events of September 11, 2001 states were encouraged by the Bush Administration and FEMA to create procedures in case of a catastrophic event resulting in multiple fatalities within a state's government (Wasserman 2004). Few states have implemented any changes. Most had not completed the process nearly ten years later (Daleo 2009).

There are complications in the succession process pertaining to how it should be handled (Gaines & Roberts 2005). While in most states the line of succession in the event a governor cannot fulfill their duties is clear for a first-in-line, it is challenging to ascertain who may become governor of a state should a governor and a first-in-line both be unable to discharge the office. Functionality of state government executive branches versus the federal government regarding succession (Amar 2004), and general government continuity in the event of a major disaster (Wasserman 2004; Daleo 2009; Sturm 1949) provide additional context to general succession issues. Discussions of voting behavior with respect to gubernatorial 'self-succession' and voting patterns when a vice president runs for president (Mattei & Weisberg 1994; Sigelman 1989) exist, but provide no substantive discussion of succession outside the normal electoral process. If

we include the office of vice president – which is close enough in idea and function at the federal level to be analogous, the density of literature increases somewhat.

Succession and Lieutenant Governors

Lieutenant governors play a large role in shaping commonly-held perceptions about the executive branch among the fifty states.. Public tendency to assume states mimic federal models of election govern these perceptions. A more articulate conceptualization of issues of representation, accountability, administrative and policy implications can determine what is problematic in succession, and how it holds larger repercussions for states who have to endure them.

Historically, the office of lieutenant governor has its origins in 16th century England. The office as we now know it is akin to structures created within pre-Revolution colonies. At the time, colonial charters called for a lieutenant governor to act as a governor's proxy (Manning and Feigenbaum 1987). Early 20th century political theory sought to further explain the office, saying that the main justifications for its existence were,

...first, the people want elective officials; second, the office provides for a permanent and impartial presiding office for the senate without robbing any district of its senator; and third, precedent has favored the office, since from the very beginning it has existed in most of the larger and more influential states. The fact that the United States has a vice president adds weight to the last reason (Isom 1938, 922).

No literature exists on the relationship between the possibility of a succession event where a governor and lieutenant governor are of differing parties and its potential policy implications. Some analysis of the behavior of a defeated party when the opposing party acquires executive leadership following an election (Konrad & Skaperdas 2007) is present. Noteworthy commentary on the Presidential Succession Act of 1947, both in its initial application and

feasibility (Kallenbach 1947) and its constitutionality (Amar & Amar 1995), give context to major points in this research project but there is nothing to give a similar reference point to succession at the state level.

Specifics relating to powers and legitimacy of both the vice-president and lieutenant governor vary in scope. In older literature these discussions were limited to a basic definition of the lieutenant governorship pre-Revolutionary War (Daniell 1966); whether a vice president was needed at the federal level (Isom 1938; Rossiter 1948); or antiquated discussion of the function of the lieutenant governor. (Kettleborough 1917).

Meanwhile, theory surrounding the vice-presidency provides limited information beyond that already mentioned. Most is centered on the need to modify perceptions of the office from one that is of little importance to one that has credibility and usefulness (Durham 1948). Other literature touches on the utility of the office within the United States' system of governance (Wilderming 1953), or how vice presidents govern when becoming president due to an untimely departure of their predecessor (Simonton 1995). While there is some discussion on post-succession behavior of vice presidents (Schlesinger 1974); their powers and privileges (Declercq & Kaminiski 1978; Brownell 2010); and their emergency powers (Sturm 1949), the deficiency in the literature still exists when speaking about line of succession in general. Still, many ideas in the aforementioned scholarship are illustrative of similar questions raised regarding lieutenant governors. Some literature infers a proper succession model would contain only executive branch officials, and states with lieutenant governors should run as an adjunct to the gubernatorial nominee on a party ticket (Beyle & Muchmore 1983).

There are mentions of the executive branch as a body consisting more of cabinet-level appointments vis-à-vis the federal model, where the president selects his cabinet. There are also

calls for less reliance on the long ballot and an increase in the responsibilities of the lieutenant governor's office as a whole.

If a state wants the lieutenant governor to play an active role and to be suitably trained for succession...the most effective way...is to reduce political and administrative blocks between the governor and lieutenant governor. This leads to team election of the governor and lieutenant governor, reducing a lieutenant governor's involvement in the legislature and his or her becoming more a part of the gubernatorial administration (Beyle & Muchmore 1983).

In order to be more effective, "the lieutenant governor, while elected, should be voted on jointly with the governor, much as the vice president...is an adjunct of the national party ticket" (Sabato 1983, 69). This is an opportunity to reduce executive branch fragmentation from an administrative perspective. It allows for more effective leadership and administration of state government, and may avoid deep divisions (both personal and professional) between governor and lieutenant governor.

A working relationship between a jointly-elected governor and lieutenant governor would likely be an improvement over a relationship strictly created through electoral circumstances. Administrative consistency of the executive branch would be stronger in this situation. Numerous examples exist of governors and lieutenant governors being at odds with the other because of differences in party ideology, personality, or a difference in party affiliation (Fleer 2007; Gaines & Roberts 2005; Rosenthal 1990; Sabato 1983). Potential for the executive branch to effectively administer government when the offices are linked electorally appears to be more likely as it means consistency in the offices themselves (Declercq & Kaminiski 1978). Addressing succession issues that could fragment the executive branch as a result of varied election models could prove important in a smoother transition when succession is necessary. The relationship between a governor and his or her subordinates aside, matters of succession become even more complex when discussing administrative functionality. In more than one

circumstance, states have had substantial administrative issues born from policy decisions governing how succession occurs in their state.

Succession and the Administrative Executive

The ability for a governor to actively pursue their administrative and policy agenda has increased substantially since the mid-20th century (Connant 1988). But while presidents are able to exhibit administrative control over the executive branch through construction of a cabinet, governors do not have that same universal power of appointment. States have supplemented executive branch infrastructure by adding cabinet members (Beyle and Muchmore 1983; Connant 1988; Garnett 1980; Woods & Baranowski 2007), but again, governors have limited appointment control. As a result, state-level agencies considered ‘more important’ to the administrative functionality of the state (secretary of state, attorney general) are not appointed by a governor. A candidate for these higher-tier executive offices may or may not be of the same party as the governor, limiting a governor’s ability to create an administrative or policy platform that is comprehensive to party or public wants.

There is a disconnect between the governor as chief administrator and he or she being a figurehead administrator in cabinet agencies where officials are elected rather than appointed. While some of those in the responsible party government school believe it is a hopeless cause to integrate consistent party behavior and administration of the states without switching to a parliamentary or centripetal form of governance, it is institutionally feasible within the executive branch. Trying to, “provid[e] the concentrated, unified and collectively responsible leadership which democracy demands,” (Ranney 1962, 32) is a somewhat tangible goal in the executive branch.

Since the governor is the statewide official unofficially charged as representative of his or her party, administrative influence by opposing parties or non-appointed officials in the executive branch reduces a governor's ability to achieve unified executive leadership. While a legislature may show faction within its ranks relative to the district they come from, a governor has more ability to direct the party based on a statewide mandate given by the people. Insulating the office from outside influence by installing elected officials into the cabinet hampers the governor's ability to do their job as the electorate expected them to and ultimately holds no party responsible for the administration of the state.

To be accountable for the functionality of state government at the executive level, a state's executive branch should be able to control its environment (Johnson 2014; Cohen & Spitzer 1996; Lewis, 2008). While party control over elected offices to the executive branch assumes agenda similarity, it serves as no guarantee.

Although states have developed their succession structures in a variety of ways, nearly all provide for a strict separation of powers between the three branches of government and assign to the governor the responsibility of faithfully executing state laws (Johnson 2014). But is this the case in all circumstances? While administrative control on a daily basis is unlikely to cause any hurt to the continuity of state government, do succession events offer the same guarantee? This question has been asked of federal succession law (Amar & Amar 1995). These same arguments, by extension, can be leveled on state government.

Forty-three of the fifty states have the office of lieutenant governor as part of their executive branch infrastructure. The common perception that candidates who run for governor and lieutenant governor are 'a ticket' – just as at the federal level – is only true in sixteen of the remaining forty-three states. Twenty-six states hold separate elections for the office of governor

and lieutenant governor with the potential for ‘split-party succession,’ where the lieutenant governor may be of another party than the governor (Gulley 2011). As for the seven states that have no lieutenant governor’s office, some have a member of the governor’s cabinet as first in line. Arizona, Oregon and Wyoming all name their secretary of state as ‘next in line’ to the governorship. Maine, New Hampshire, and West Virginia all name the president of the senate as first-in-line. Tennessee names the speaker of the senate as successor to the governor.

Questions of determining incapacity; the issue of ‘acting’ or ‘actual’ governorship and violation of separation of powers when a first-in-line also serves as a state’s speaker of the house or senate president makes succession potentially problematic. Many succession challenges are time-consuming and ultimately unnecessary if comprehensible succession language exists (Hurst 2010; Amar & Amar 1995). Precision in state succession protocols is critical when faced with a succession event. An emergency necessitating a deep grab into a state’s succession line is virtually unprecedented in the history of state government. Yet there are potential flaws in existing models that can (and do) hamper the efficacy of government should a succession question exist, even at the most basic level. A framework to define smooth succession must be found to reduce the harms of poorly-executed succession. While not all states have had their succession protocols tested in any substantive way, there are enough examples of oddities in their execution that the topic warrants attention.

Succession and Public Salience

Since they are rare, most succession issues are not salient in the minds of the public. “[P]eople have discussed presidential disability only when faced with a crisis; these discussions are only ‘brief spasms of public discussion.’ (Bellamy 2000, 29). In times of disaster, succession

planning becomes critical in states as they have an “affirmative duty...to prepare for the succession of constitutional offices, including the legislative branch, and to provide for temporary succession...” (Daleo 2009, 959).

Personal or political conflict between the offices of governor and lieutenant governor can undermine the appearance of order in the executive branch and make the electorate uncomfortable (Beyle & Muchmore 1983). A closer working relationship between governor and lieutenant governor may provide a more stable transition which could ease public concerns. This is more likely when a governor and lieutenant governor are elected on the same ticket (Rosenthal 1990). Since the lieutenant governor’s office continues to be a strong springboard to the governorship (Manning & Feigenbaum 1987; Fler 2007; Hurst 2010), a succession involving a ‘team elected’ lieutenant governor can reduce hiccoughs to a minimum and ease public concerns with transition.

Presidents, as well as governors, can make their agenda clear not only via their election but also by going public (Kernell 1986), and taking the risk that a legislative denial of their agenda item will cost votes when running for reelection. A well-organized governor with clear party consistency in the executive branch via appointment can lead to more effective legislation.

[Party] organization continues to be the sole efficient means of administrative union between the executive and legislative branches of the government...Whatever tends to maintain and perfect that union makes for orderly politics and constitutional progress; while whatever tends to impair that union, disturbs the constitutional poise of the government, obstructs its functions, and introduces an anarchic condition of affairs full of danger to all social interests” (Ford 1904, 356).

Some states’ succession practices obstruct administrative accountability, bring unexpected costs to the taxpayer, and disrupt ‘administrative union’ and can create anarchy in the executive branch. This is not responsible party government, let alone responsible succession and it can have an effect on both legislatures and governors. Basic administrative functions are

held hostage in that state as a direct result of succession problems, and sometimes at a public cost.

Succession and Election Models

From an electoral perspective, RPS suggests a governor should be allowed the liberty to either select his own running mate for a general election or be joined with the winner of a party-based primary for lieutenant governor. While there may still be political motivations behind the choice, this process could reduce or eliminate the probability of dissension in the executive branch based on party platform.

Potential succession resulting in a party shift between governor and his successor exists. Former Rhode Island Governor Lincoln Chafee was considered to be a candidate for a position in President Obama's administration. Speculation as to whether or not there would be a party shift upon succession already existed as the state of Rhode Island has separate primaries by party for lieutenant governor and a general election for the office consisting of the two winners from each primary election. In this case, the sitting lieutenant governor was Elizabeth Roberts.

Chafee was a "Republican-turned-Independent," and the electoral model in Rhode Island does not prevent the lieutenant governor from being of a differing party. Since Chafee did not take the position in the Obama administration, the questions and problems relating to an imminent succession event were not considered afterwards. Yet the administrative accountability of the executive office as a whole in the state was brought into question as legislation was introduced for a grand committee of the General Assembly to select the new lieutenant governor rather than giving a governor appointment power (Marcelo & Gregg 2013).

Separately elected state officials remain at a relatively consistent level nationwide in the latter part of the 20th century. This belies the idea of institutional control and continues to result in challenging circumstances between parties in the cabinet, including legal conflicts between governors and members of opposing parties in the cabinet (Council of State Governments 1995).

Succession and Separation of Powers

Most of the aforementioned concepts loosely circulate around what is a major problem with most succession models in state government: their constitutionality relative to the national succession model. As with the Federal Succession Act, succession in most states dips into the legislative branch. This step can be somewhat rationalized when considering leadership potential of a Speaker of the House or a Senate President. Yet these elected representatives are not chosen by the whole of the electorate.

West Virginia briefly dealt with separation of powers concerns in 2010. Senate President Earl Ray Tomblin succeeded former governor Joe Manchin, who resigned to become a member of the United States Senate. There was no law in place in West Virginia stipulating that Tomblin had to resign his senate seat. For all intents and purposes, Tomblin was a member of the executive and legislative branches of government simultaneously – a clear violation of separation of powers. This oversight on the part of West Virginia allowed Tomblin the possibility of exerting political control over two-thirds of the state’s government. Eventually, the Supreme Court of West Virginia deliberated on the matter, attempting to, “interpret what the Constitution actually says about gubernatorial succession,” (Kercheval 2011, 4A). Ultimately, even Tomblin became an advocate for the office of lieutenant governor, obviously realizing the serious constitutional, legal, and political issues regarding succession (Kabler 2011).

It has been suggested that it is unconstitutional for legislators to be a part of the federal succession line as they are not ‘officers’ of the Constitution in any sense (Amar & Amar 1995; Briffault 2010). By implication this may call states which employ a succession model similar to the federal one into constitutional question. A speaker of the house or a president of the senate holding governorship through succession raises red flags. Once a legislator resigns from his or her post (if they are even required to do so) to become president or governor should the previous office holder become incapacitated – what happens to him or her should the ailing executive return to health?

Having already resigned, the Speaker cannot simply go back to his old House Seat; indeed, a successor representative may already have been elected. Nor would the President necessarily want to nominate him the new Vice President under the Twenty-Fifth Amendment. This quandary will not arise if the term “Officer” in the Succession Clause refers only to *officials* (like the Secretary of State or Attorney General) who can retain their posts throughout service as Acting President – and even after a recovered President reclaims the reins (Amar & Amar 1995, 4; emphasis is mine).

Thirty states have a legislator second-in-line of succession. Regardless of the amount of time a legislator serves as governor, voters are now left with a chief executive they did not elect and may not be of the same party as the departed governor. While it is not always the case, a member of an opposing party would likely have a different administrative and policy agenda once they became governor, ostensibly negating the will of the people. At the federal level, these issues are not discussed or considered by the public.

Consistency is important when considering succession matters. New Jersey is a prime example of what can happen if clarity of language in state statutes and constitutions is lacking. This confusion can significantly mire the succession process. Prior to 2010, when New Jersey had its first elected lieutenant governor, several glaring problems emerged in their succession system in one singular event.

New Jersey flouts traditional separation of powers principles by allowing...the power of the governor to devolve upon the President of the Senate without requiring this individual to relinquish his legislative post. This scenario played out in 2001, as Senate President Donald DiFrancesco became acting governor following Gov. Christine Todd Whitman's departure...[T]he transition from DiFrancesco's acting governorship to the swearing-in of governor-elect Jim McGreevy in 2002 saw a week with...four acting governors, including a farcical six-day stretch with both Republican and Democrat acting governors (Gaines & Roberts 2005, 211).

It is not only the constitutionality of these issues, but also the integrity of government and its basic administrative functions that were held hostage in that state as a direct result of succession lines blurring into the legislative branch. New York has had similar separation of powers concerns after a succession event due to mass confusion and politicking in its legislature.

Two candidates for Temporary President of the Senate, the office that represents party control [in the legislature] commanded equal votes for the position. The tie-breaking vote would ordinarily have been cast by the lieutenant governor, but due to the resignation of Eliot Spitzer and David Paterson, that position was vacant. The uncertainty as to who held the position paralyzed Senate operations and left open a very real question as to who would succeed to the governorship should something happen to then-governor Paterson. The delay caused by the impasse cost state and local governments cost \$2.9 billion" (Woods 2013, 2301).

All the aforementioned scenarios have one commonality: A succession line that could contain multiple individuals vying for the same office, party shift either via election or succession, and violation of constitutionally defined separation of powers. Each is a liability for proper administration of the executive branch.

Questions remain about the viability of an "accidental governor, especially when comparing them to the federal model. Following the ratification of the Twenty-Fifth Amendment in 1967, the Amendment was put to the test when President Nixon resigned from office and Vice President Gerald Ford replaced him. Once president, Ford was bound by the difficult context of the amendment to select a new vice president to be approved by Congress, as Nelson Rockefeller (Ford's vice presidential nominee) was not elected, nor was Ford elected to the presidency. At

the state level, gubernatorial election models are different and in some cases do not allow a governor the ability to nominate a new lieutenant governor. Further, the state may not even have a lieutenant governor of the same party after a general election. A model of succession in the states that is considerate of having lieutenant governors, team elections, and complete gubernatorial cabinet appointment power does not exist. It is obvious, given the lack of succession events since 1947 both at the state and federal level, that states do not consider succession front matter. Yet simply ignoring the real policy implications, environmental stresses and administrative problems succession can cause leaves states open to chaos should it be necessary to replace a governor.

Responsible Party Government and Succession

Responsible party government (RPG) is loosely based on the procedures of parliamentary systems of governance. With multiple parties competing to exhibit control over the agenda in these systems, the need to be responsive to the electorate via consistent party behavior is tantamount. For a parliamentary government system, a weak policy platform can result in the erosion of that party's presence in government. It is in the interest of elected officials in parliamentary systems to be consistent in their policy message based on the mandate given them by the electorate.

The idea of RPG can be shown to be applicable to the executive branch of states. It provides the opportunity to provide a 'unified' executive branch where the governor and lieutenant governor run as a ticket just like the federal model. It includes the ability for the governor to fully designate his or her cabinet of executive officers. It creates an opportunity for a

succession line that accounts for better policy congruence and administrative functionality. It does not violate the separation of powers clause in state constitutions.

With a ‘winner takes all’ system of election in this country, the incentive for elected officials to be as consistent with constituent agenda as they are with party values decreases (Ranney 1954). RPG suggests elected officials should operate from a desire to be consistent with both party and public alike. While a wholesale change to a parliamentary system of government in the United States is unrealistic, the idea of a consistent party platform is more plausible when citizens vote for their chief executive and he or she is given more administrative control over the executive branch. This consistency is diminished when multiple executive officers – potentially of differing parties – are elected.

Members of the party in power [choosing to operate under principles of responsible party government] have more of an incentive to cooperate in order to accomplish *collective* party goals. If voters behave along these lines – members of the party in power have more of an incentive to cooperate in order to accomplish party goals. If not – leaders will be self-serving at the expense of the collective good. (Jones & McDermott 2004, 1); emphasis is mine.

Responsible party government encourages integrity and consistency within a state’s political parties to maintain “discipline over its elected members to implement its vision,” (Cox & McCubbins 2004, 7). Cox and McCubbins’ research explains what responsible party government is in a more modern sense, and it refers back to the ideas of Frank Goodnow and Austin Ranney. All emphasize that a majority party should be “able to control its agenda,” while being able to marshal the party together to avoid “party-splitting issues” (Cox & McCubbins 2004, 9).

Responsible party government can exist in the executive branch with respect to succession. The *collective* party goal would be to ensure the integrity of the executive branch. This is accomplished by creating clearly outlined succession rules. It would aid consistency in

state administration and party agenda should a succession event occur. As it stands, succession models created by federal or state legislative bodies may factor in self-serving party considerations, tipping control of succession in the legislature's favor. Some of the succession events which have occurred in states have been marred by the political machinations of one party over another.

The voting public tends to view the executive branch as the primary source of accountability in government (King & Cohen 2005). It is in the interest of those elected to maintain the integrity of the executive branch to avoid fragmentation of administrative functionality or the governor's agenda. This functionality may be confused via a peculiar succession model. "[I]n a democratic society...the people...make known their wants to the government's rulers, i.e., those who at the moment are carrying on its day-to-day activities...[T]hus the people control the government by determining who should carry on its activities" (Ranney 1962, 11). Yet the discipline to implement this practice has some limits on its practicality – at least in the legislative branch.

There must exist two (and preferably, only two) unified, disciplined political parties. Each has its conception of what the people want and a program of various measures designed to satisfy those wants...[I]n the election each voter votes for a particular candidate in his district, primarily because that candidate is a member of the party which the voter wants to take power" (Ranney 1962,12).

Ideally, the electorate would somehow systematically vote in or out individuals or large portions of a party based upon the party's agenda. (Jones & McDermott 2004). This assumes voters are active in holding a party and its members accountable for their actions on a consistent basis. Often, citizens face the challenge of divided government – which adds complexities to their decision-making process.

While it can be relatively easy [for voters to hold ruling parties responsible]...when party control of government is unified and when parties are cohesive, our system does not

guarantee either of these two conditions. During divided government voters who are unhappy with the policy achievements of government will have difficulty deciding which party to reject” (Jones & McDermott 2004, 1).

With apologies to states that elect cabinet-level offices, the governorship, as with the presidency, is the only executive office that the entire state elects. Unlike governors, the President of the United States is allowed the liberty to appoint his cabinet, in an attempt to make the executive branch *responsible* to voters and the public. This selection process at the federal level controls in a more reasonable way for factionalism within the party. The president vets each nominee to a cabinet post beginning with the selection of his running mate. This affords the luxury of a newly-elected president to have no interference with the mandate given by winning the office (if one can be said to exist). A governor’s or president’s goal, then, is to create an administrative infrastructure likely to pursue their agenda and the collective party goal.

Voting Behavior and Party Platforms

Individual voting behavior on ballot propositions as opposed to voting for candidates serves as a clearer way to illustrate responsible party government than votes for an individual candidate. “[I]ndividual –level party identification is consistently associated with voting behavior across...the various types of ballot propositions” (Branton 2003, 367). Here, voters are shown the benefits of responsible party government through ballot measures as they do not have to distinguish an individual’s political approach to the measure itself. The measure can be looked at on its merits more as a party identifier as opposed to politician identifier.

The 1968 Democratic National Convention produced an argument for an RPG platform. Reforms to the party’s convention format before 1968 consisted of what is referred to as “the idiosyncratic, labrynthian character of the delegate selection institutions and processes of the Democratic party; [it] remained essentially a confederation of more-or-less distinctive and

autonomous state parties” (Center 1974, 329). Ultimately, a Credentials Committee at that convention called for reforms in the delegate and party alignment issue by trying to “encourage appropriate revisions in the delegate selection process and to make the Democratic Party completely *representative* of grass-roots sentiment” (Center 1974, 329). This attempt at party unity at the convention level, if not entirely successful, illustrated the need for the Democratic Party to be consistent and unified in its party dialogue. Though representativeness in this sense meant including marginalized portions of the Democratic Party in a more meaningful way when choosing delegates, it represents responsible party government’s ideas of creating a party platform that is more inclusive than exclusive.

The violence and controversy at the 1968 convention due to its demographic inequality with respect to race, gender, and income provided much of the impetus for changes made in the 1972 convention. These changes were made with the intention of giving, “meaningful and timely opportunity to participate in the delegate selection for the 1972 convention” (Center 1974, 329) for as many demographic contingencies as possible. The rancor surrounding the 1968 convention calmed in 1972, a convention which was, “remarkably homogenous and tame, in spite of its touted diversity” (Center, 1974, 341). Ultimately, the idea of responsible party government was proposed, but not fully realized.

At root, RPG suggests that party platform and agenda of said party should be consistent in representativeness and somewhat insulated from self-interested political meanderings and ill-conceived policy designs. At minimum it is a platform for parties to work from when bringing their case to voters at the ballot box. With respect to gubernatorial succession, it is a legitimate idea grounded not in the proper execution of succession, but in maintaining a level of party representativeness when a governor departs office before the end of his or her term.

Even staunch advocates of the parliamentary system of government believed that America could develop a hybrid reconciling the differences between the two, mainly by, “a bureaucracy to provide a controlled instrument both for the exercise of power and the authoritative interpretation of the ideology,” (Long 1951, 201). This can be accomplished in the executive branch simply by providing it stability through clearly defined powers provided not only by constitution and legislatures but also by a well-formed succession model. After elections in this country, some aspects of party cohesiveness dissolve.

“[N]either [party] demonstrates such unity and discipline *after* winning power as it would need to put its program into law...and in their capacities as agencies for carrying on government, they are underdeveloped,” (Ranney 1954). Administrative underdevelopment in the two-party system can be controlled for in the executive branch of government. While it is generally accepted that governors have evolved into administrators in the modern governorship, most are handicapped by other policy actors or by statutory or constitutional measures (Abney and Lauth 1983; Bowling, et al. 2010). A state’s executive branch could benefit from a responsible party succession model (RPS), as it would, “likely reduce friction among a variety of actors that could potentially lead to fragmentation and stalemate on state policy issues,” (Robinson 1998).

Challenges of Responsible Party Government

A duly elected chief executive, unable to assert administrative power because of party consideration rather than electoral mandate complicates RPG in the executive branch. To that end, it is more important to allow a chief executive control over administrative function and his or her policy goals. Their policy agenda shapes the executive branch, not the individual will of

legislators elected statewide from different districts. A duly elected governor should be allowed to control the administrative actions of a state based on the platform they were elected on, not the individuals within their party which reside in the legislature.

Again, RPG in the strictest sense cannot be integrated fully into the American political system, but an executive branch designed to accommodate some elements of RPG could aid in averting strained succession. Gerring, Thacker, & Moreno (2005) point out the main identifying characteristics of decentralized governments: weak party cohesion, weak cabinets, and porous party organization. Others have found flaws in attempts to institute or apply theories of responsible party government in the United States. These issues range from corruption once officials are in office (Ford 1904); Woodrow Wilson's concerns about the duality of political parties and politicians between when they are running for office and when they are in office (Ranney 1954); and the idea provided by A. Lawrence Lowell that the whole theory of RPG cannot function at any level in American democracy because it exists in a vacuum created by party bosses and their lack of concern with public policy (Ranney 1954).

Still, federal and state constitutional language stipulating that power is 'vested' in a president or governor or their successor - duly elected - intimates succession events should not interfere with the party affiliation of the potential successor. Giving a governor power to appoint cabinet officials and choose a running mate would mitigate at least some of the flaws of the plural executive system on succession matters. Using basic ideas of RPG, applied to the executive branch grant it some feasibility. A collective party goal in the executive branch would be to maintain that party's control over the administration of the executive branch should a governor depart. No drastic shift to a parliamentary form of government is necessary, merely allowing a governor more control over their successor and the party affiliation of that successor.

The argument for a RPS model in the executive branch does allow for consistency in a much more legitimate way. At the federal level, there is little doubt as to whom is in charge; the president selects his own running mate, his cabinet officials are appointed, and he or she has administrative and policy control over the executive branch writ large. At the state level, governors do not have the same tools presidents have to maintain administrative consistency.

The governor is of one party. It is assumed by the electorate that a governor would have administrative control of the executive branch. State governors have increasing appointment power, but not always within key agencies of the executive branch. Those positions are generally subject to election as well. Having both Democrats and Republicans in a state's executive branch, combined with having legislators in the line of succession puts the voting public at a disadvantage. The successor to the governor they voted for may be a legislator, of a different party and not representative of the popular mandate on a party level.

Conclusion

It is difficult to separate the policy problems associated with succession from the administrative ones it may cause. If a succession line is poorly constructed one can only determine the administrative impacts later. Numerous articles in contemporary media sources further imply a fundamental divide between succession, administration of government, and the politics which may interfere with smooth succession. Opinion editorials and news articles across a swath of states have spoken of succession protocols as a potential problem.

Other states still have the prospect of a 'divided executive' model. When there is a lieutenant governor or other first-in-line outside the executive branch to succeed the governor, it presents both administrative and policy challenges for responsible party government. Awareness

of this in any circumstance is critical to understanding what it means to have a consistent and easily-interpreted succession plan in place.

In state government, having a designated, elected successor of the governor's same party (and ideally, political philosophy) eases transitions when unexpected vacancies arise.

Minnesota's executive branch structure [by having a lieutenant governor of the same party as the departed governor] has that overriding advantage. Designating a legislative leader...for example, to be next in line of succession could result an abrupt change in state policy at and already stressful time. Bringing the legislative branch and potential opposition party members into the fray does nothing to mitigate that concern. Nor does leaving the lieutenant governor's office vacant, as Governor Rick Scott of Florida did in January of 2014 when Lieutenant Governor Jennifer Carroll resigned in March of the previous year on allegations of participating in an Internet gambling scheme.

Governor Scott delayed his appointment to the office, which the state's branch of the National Organization for Women asserted Scott was "ignoring the state law directing the governor to appoint a lieutenant governor if the post is vacated," and suggested Scott's negligence "upsets the order of succession" in Florida. The lawsuit also mentions the concern that if there is a disaster requiring the governor's attention and the governor is "unavailable for whatever reason, the state will be powerless to respond" (Dukleberger 2014, A1).

Responsible party succession is created when institutional and environmental factors surrounding succession events are considerate of as many contingencies as possible. While not every intangible can be accounted for in the administration of government, operationalizing the variables that can cause problematic succession and determining their relationship to the challenges states may face when succession occurs will be the focus of the following chapter.

Chapter 3 Theory and Methodology

Introduction

This project explores state government and succession events. Understanding state succession practices means definition of what, exactly, makes one succession event superior to another. Institutional and environmental mechanisms are a factor. Both may ‘trigger’ a problematic succession. Results from quantitative and qualitative data gathering will identify the most important variables in responsible party succession (RPS). Based on definitions of responsible party government as theorized via Austin Ranney and others, RPS defines a model built around democratic ideas and popular sovereignty. Responsible party government (RPG) will be defined and adapted to fit a succession model for states which may avoid negative effects associated with problematic succession.

Tenets of Responsible Party Government

Most literature and historical analysis of responsible party government discusses how it *cannot* work in the United States. The discussion centers around party boss systems or the inability for voters to, “hold a party responsible for the course of governmental policy,” as is the case in a parliamentary system (Ranney 1954, 60).

The main treatise of RPG is to insure that a party and its elected officials, once voted into office by the electorate, maintain administrative policy consistent with the electorate’s wishes. In representative democracy, party platforms sometimes get lost in the legislative branch of state government; individual political ambitions and differences on policy may be part of the reason.

American major parties do not have any real programs – they do not ‘stand’ for anything. Their platforms are for the most part merely collections of generalities designed primarily with an eye to offending as few people as possible. It is standard practice for them either to equivocate on or to ignore completely the pressing and divisive issues of the day (Ranney 1954, 20).

This ‘equivocation’ still exists in the American political landscape. Parties put their energies into elections. This creates some consistency in party message during the election cycle. After parties elect ‘their’ candidates to office, their perceived obligation to the public lessens. The acquisition of seats in the legislature, or holding the governorship is of more priority. “[Parties] do not demonstrate such unity and discipline *after* winning power as it would need to put its program into law” (Ranney 1954, 21). Reforms of the legislative branch are unlikely. In the executive branch of government however, it is more feasible and perhaps preferable.

[I]n any case, responsible parties are a precondition for the successful operation of a cabinet system and, if we can achieve such parties, they can provide us with fully effective democratic government within the present constitutional arrangements. (Ranney 1954, 22).

Executive branch administration attempts to integrate theories of responsible party government in some ways now. Even if parties are self-serving both at the individual and political level, the executive branch of government represents a statewide mandate for one party set the administrative and policy direction. This framing of RPG, can be applied to succession. Responsible party succession (RPS) offers a path to clearly defining states’ lines of succession. A responsible succession model should assure effective administration and policy consistency from executive government. If one party has control of the governorship, it should be able to *maintain and reasonably assure* continued executive control should there be a need for succession outside regular electoral processes.

RPS insulates the executive branch from interference in its administrative goals or broadly-defined party agenda. Governors are statewide elected officials; the party with which he

or she is affiliated is thereby charged with administration of government. Assurances that the overarching policy goals of the executive branch are not altered if an elected governor departs office prior to the next election would then be a 'responsible' way to manage succession.

Problematic succession events occur when institutional and environmental mechanisms work against continuity in the executive branch. In a worst-case scenario, government can be paralyzed with inefficiency or powerless to administer and implement policy.

Responsible Party Succession

A RPS model creates rules to maintain partisanship in the executive branch. Existing literature offers little to no guidance on how to approach this question. Other than the suggestions that lieutenant governors should exist and they should run with a governor for office (Beyle & Muchmore 1993; Sabato 1983), scholastic attempts on the significance of succession do not exist.

Responsible party succession draws upon theories of RPG. A collective party goal for succession would promote party consistency in the governorship by creating/having clearly outlined succession rules in constitutional or statutory language. This would help maintain the administrative consistency of the executive branch and a relative constancy of party should a succession event occur. The ability for the party in charge of the executive branch to assure continuity in state government in a responsible manner upon succession requires several elements to be successful.

Institutional factors shape how succession is carried out. Having a lieutenant governor is one institutional mechanism; a state's election model is another. Environmental factors add context to succession events and shape how succession may be altered or politicized. Legislative

professionalism, divided government, and party competitiveness in a state's legislature all have bearing on what makes some successions more hazardous than others.

Harms of problematic succession are demonstrated based on the interaction of institutional and environmental factors when a succession event occurs. A shift in party affiliation from governor to successor is a consideration. Succession events that happen quickly in a small amount of time can show fundamental flaws in a state's succession law. Questions of separation of powers, especially when elected legislators are not required to surrender their legislative seat are a vital consideration. Other factors, like court intervention in succession questions or historical ignorance of previous succession problems also shape how well states survive a succession event. Both institutional and environmental considerations are important alone; testing them will inform how RPS can reduce the negative externalities of problematic succession.

Lieutenant Governors and Election Models

Given examples of difficult succession in states where there is no lieutenant governor, we can informally suggest that states without the office are less stable if succession occurs. Considering what a state's electoral model may entail in order to produce RPS in the executive branch is the next consideration.

Succession is affected by the election process for a governor/lieutenant governor. States that elect their executive branch officials separately may have divided executive government – where a governor and his or her successor are of a differing party. Conflict between the offices of governor and lieutenant governor can undermine order within the executive branch and is something the electorate might not be comfortable with (Beyle and Muchmore 1983).

Currently, there are four models of gubernatorial election in the United States. The first is when a governor runs as an individual and a lieutenant governor (or the first-in-line to succession) runs separately. Second is when a governor and lieutenant governor run as a team in the general election only, having separate, party-based primaries for both offices. The third election model is when governors are allowed to vet and select their running mate. The final election model includes a governor only; seven states do not have the office of lieutenant governor. Lieutenant governors that are not elected with a governor or as a duly vetted adjunct on the ticket may be of a differing party and have differing administrative and policy goals than the governor (Fleer 2007; Gaines and Roberts 2005) Moreover, the governor and lieutenant governor may simply not like one another. Any of these circumstances may prompt a sitting governor to marginalize the lieutenant governor's office as much as they can administratively. At worst, the lieutenant governor may attempt subterfuge to deliberately or unintentionally undermine the credibility of the executive branch (Fleer 2007; Gaines and Roberts 2005). This has happened in several states, including California, when an lieutenant governor made judicial appointments while the governor was out of state (Manning & Feigenbaum 1987) In all, seventeen states have this mode of election.

The second electoral model - when candidates for governor and lieutenant governor run for election in separately held primaries but are conjoined for the general election. While this circumstance controls for party affiliation, it does not control for differences in policy agenda between the two candidates. Lieutenant governors have and do become marginalized by the governor in these circumstances even if there is the perception of unity of agenda between candidates during a general election cycle. The electorate has chosen both candidates but it is less likely that they are paired through agenda and policy in a universal manner. This is a more

responsible succession model for elections, but cannot guarantee administrative and policy goals of governor/lieutenant governor will be similar, nor does it consider working relationships between the inhabitants of the offices. Responsible party succession is more likely here than in the first electoral model, but perhaps inferior to a model where a governor selects their running mate. New York, Ohio and Utah are three of the eight states having this model.

The third electoral model for governors in the states mimics the presidential model: candidates are paired from primary to general election. In cases where a gubernatorial candidate is allowed latitude in selecting a running mate, it is hope he or she would find a lieutenant governor candidate suitable to their. This would be the most accurate representation of RPS; a gubernatorial candidate can choose a running mate based on shared party agenda who is more likely to aid in furthering administrative and policy goals of the governor. Nineteen states have this election model.

A closer working relationship between governor and lieutenant governor may provide a more stable transition if necessary, as governors may be more inclined to delegate some executive branch responsibilities to their successor. This is more likely if both are elected on the same ticket (Rosenthal 1990). Allowing a governor to vet and select his own running mate eliminates two other variables in a potentially problematic succession. Though there is no guarantee two people will always work together if they share a political party, a gubernatorial candidate will pick a running mate aligned with his or her agenda. The idea of a joint ticket from beginning to end further solidifies the party's identity on policy issues and agenda setting once in office.

The fourth electoral model for a governor is a solitary one as seven states do not have the office of lieutenant governor. These states have either a legislator or elected executive branch

official as first-in-line to succession. While ‘coat tail’ effects based on the success of a gubernatorial candidate in an election may exist, there is no guarantee in these states that a governor’s successor is not of a different party. States without lieutenant governors either have elected cabinet officials or legislators directly in the line of succession. Problems may exist upon succession with party shift, separation of powers and consistent administrative control of the executive branch. Again, RPS assumes that a lieutenant governor should be part of a smooth succession, and most preferably, elected with a governor in some manner.

A strained succession event could render ordinary functions of government impotent (if only for a brief period). It also has the potential to damage credibility with the electorate and cause rifts within a political party. States unnecessarily complicate succession when they do not consider these basic institutional factors. A responsible party succession would maximize the efficacy of succession and diminish debate as to whom should become governor.

Succession and Political Party

A responsible succession model assures that political parties in control of the executive branch maintain that control (Jones and McDermott 2004). If a succession event occurs that results in a party shift of control, this rule is violated *prima facie*. The electorate chose a candidate from the other party to fill out a prescribed term. It is unlikely that when voting for a particular candidate from a particular party voters would consider it effective governance should another party take power.

The President of the United States has the power to appoint and select a running mate because he was elected to that post by both party and general population. Even if a state does

have a long ballot giving voters the chance to elect cabinet level offices, the ability for a governor to create a policy ‘team’ a la the president is more consistent with party preferences.

If governors-elect are representative of the electorate’s agenda and the majority party, then those individuals who cast their ballot for governor would likely approve of cabinet-level agencies sharing the priorities of a governor-elect. Succession matters are unlikely front matter in any given election. Yet it would be hard to argue that the voters who placed a party member in control of the executive branch would ‘want’ a branch that was fragmented from a party perspective. A unified executive branch, considerate of party, would consolidate the administrative authority and make it more responsible to the public on issues of policy writ large. Responsible party succession provides a modicum of safety for a governor and his or her agenda. Should they leave office, at least administrative agendas could remain constant.

Succession and Separation of Powers

The idea of an elected legislator (representing only some citizens) in a line of succession refreshes a debate among legal scholars and legislators since the implementation of the Federal Succession Act of 1947. The Act was the third iteration of the United States government’s efforts to create a succession model for the executive branch. The 1792 iteration named, after the vice president, the President Pro Tempore as second in the line of succession (Amar & Amar 1995).

This rule made the impeachment proceedings undertaken in 1865 against President Andrew Johnson somewhat complicated. “At that time (and until the passage of the Twenty-Fifth Amendment in 1967) no constitutional means existed for filling a vice presidential vacancy.” Thus, the office was vacant when Johnson became president following the assassination of Abraham Lincoln. (Amar & Amar 1995, 5).

Senator Benjamin Wade, the President pro tempore at the time, vigorously participated in the trial and voted to convict Johnson. Indeed, Wade had apparently already selected his new Cabinet when he cast his impeachment vote. [It] was one of the factors that led Congress in 1886 to remove the President pro tempore and the Speaker from the statutory succession line, providing instead for Cabinet succession. In 1947, a misguided Congress repealed the 1886 law and enacted the current version [of the Act] reestablishing legislative succession with the Speaker first-in-line, followed by the President pro tempore (Amar & Amar 1995, 6).

The current version of the Federal Succession Act, which reverts to the original succession model from 1792, ignored the precedent which suggested cabinet succession was more appropriate. The discussion of cabinet-level only succession is extended when discussing the idea of what, exactly an “officer” of the Constitution is.

Throughout the Constitution, the word ‘officer’ is used generously to describe legislators and members of the executive branch alike. The problem is that it places an inherent barrier between a president to select his cabinet and executive branch succession by placing legislators in line of succession. Integrating an executive branch RPS model into state government moves toward what the public has accepted at the federal level; its credibility is given by the people. Likely, if President Barack Obama and Vice President Joseph Biden vacated their office at the same time the public would seriously consider succession issues. Obama and Biden are Democrats; Speaker of the House (and second-in-line of succession) John Boehner is a Republican, as is Orrin Hatch, the man third-in-line as President Pro Tempore of the Senate.

Only when we reach fourth-in-line at the federal level does succession return to the presidential cabinet, Secretary of State John Kerry. In the most basic sense, Kerry *may be* more qualified to be President of the United States than either Boehner or Hatch. Neither of the latter have served in a presidential cabinet. While Hatch ran for the presidency in 2000, he did not secure the party nomination; Kerry did in 2004 when he ran against Bush forty-three. Switching between branches of government when establishing a succession line is the exact opposite of

what RPS prescribes: maintaining a level of consistency between who the public selected to be president and who they actually have as president.

[A succession model] of “apostolic” legitimacy will tend to preserve party and policy continuity: The party that won the People’s vote of confidence on Election Day will continue to govern...[L]egislative succession, by contrast can defy the People’s presidential verdict, awarding the White House to the party that decisively lost the Presidency on Election Day (Amar & Amar 1995, 9).

If a state has no lieutenant governor, and the succession line leads directly to the legislature or contains few or no executive branch officials appointed by the governor the potential for conflict will become even more pronounced. This may result in an executive branch policy platform differing drastically from the policy agenda of the former governor.

This newly-minted governor may introduce their own policy and administrative prerogatives, further contradicting the electorate. This would conflict with RPS by eliminating the democratic link between party and citizen. Should there be a need for a state to utilize its succession laws, the probability of complications should be relatively small if there are just two people involved: the governor and their successor. RPS makes it incumbent on political parties in control of the executive branch when a governor is elected to maintain that control (Jones and McDermott 2004).

Determination of the factors in state succession models most and least representative of RPS is vital to avoiding legal and constitutional complications. These can not only tear states and the electorate away from more critical issues of policymaking and administration but also disrupt the perceived or actual stability of the governor’s office itself. How does a state maintain credibility within the executive branch if there are multiple questions surrounding gubernatorial succession?

Occasionally, frustrations in the process occur at second-in-line of succession. Regardless of whether or not a state has a lieutenant governor, legislator, or elected official as first-in-line, the disconnect from the first-in-line to the second-in-line can be substantial. Should a departing governor be a Republican, their first-in-line a Democrat, and the second-in-line is either another Democrat (or perhaps an Independent), the succession line is irresponsibly configured. Furthermore, the ‘divided government gubernatorial succession’ can be handicapping to a state and the electorate, as it moves RPS away from collectivist party behavior.

Hypotheses

An overarching definition of responsible party succession presents opportunity to identify factors that are more or less likely to lead to succession conflict. This project examines both institutional and environmental variables surrounding succession and what part or parts of these variables may portend a problematic succession event.

Institutional variables are mechanisms states have in place, defined either constitutionally or by statute that govern succession. Here, the first consideration is a lieutenant governor. Challenging successions may be avoided simply by having the office and having an incumbent *in* the office. Second is a state’s election model. Paired together in a general election, a governor and lieutenant governor have a far better chance of smooth succession than when they are elected separately.

Environmental variables give context to succession. Legislative professionalism is a measure of the time and resources states have available to discuss or implement policy. Higher levels of legislative professionalism may mean more space to debate succession policy, and even make changes in their succession laws more judiciously. Party competition is an evaluation of

dominance in a state legislature. If one party has superior numbers in one or both chambers of the legislature, it could suggest that when succession occurs, a one-party dominated legislature may have more influence in shaping end results, whether they result in a smooth succession or a splintered one. Divided government is an environmental variable controlling for how legislatures may or may not compromise on solutions should problematic succession occur. Historical events may contribute to problematic succession as well. Continued disregard for past problems with succession foreshadow additional issues moving forward. The following hypotheses examine what the main factors are in problematic succession. They will also provide context to what a more responsible party succession may look like, as well as pointing out the largest difficulties states have preventing them from responsible succession.

H1. States with lieutenant governors are less likely to have problematic succession events than states without lieutenant governors.

H2. States where governors and lieutenant governors do not run as a team are more likely to have problematic succession events.

H3. States with a lower level of legislative professionalism are more likely to have problematic succession events.

H4. States with a higher level of legislative party competition are more likely to have problematic succession events.

H5. States with divided government are more likely to have problematic succession events.

A problematic succession can be determined by major violations in RPS that cause party or policy change, or problems that are costly, time-consuming, involve multiple actors as part of

one succession event, or result in litigation of some form. The population of succession events in this project are limited to successions *that take place outside a general election cycle*. If a governor leaves office prior to the end of their designated term for any reason (death, disability, taking another office, resignation, impeachment, etc.) it is part of this research. States that have never had a succession event beyond the results of a general election are not part of the population of this research.

Dependent Variable – Problematic Succession Events

Ascertaining what makes a succession event problematic is problematic itself; a host of factors in any one succession event can have substantial negative effects. These range from behind-the-scenes political machinations, policy vacuums, court rulings, and perhaps most importantly, systematic breakdowns in administrative consistency.

Most problematic succession events in this project will be obvious. Others will be subtle but no less guilty of some type of violation of administrative or policy consistency in the executive branch. Policy in this circumstance can refer to the rules governing succession in a state (or the lack thereof), or any other negative externalities that interfere with governance and policy outputs be it from the legislative or executive branch of government.

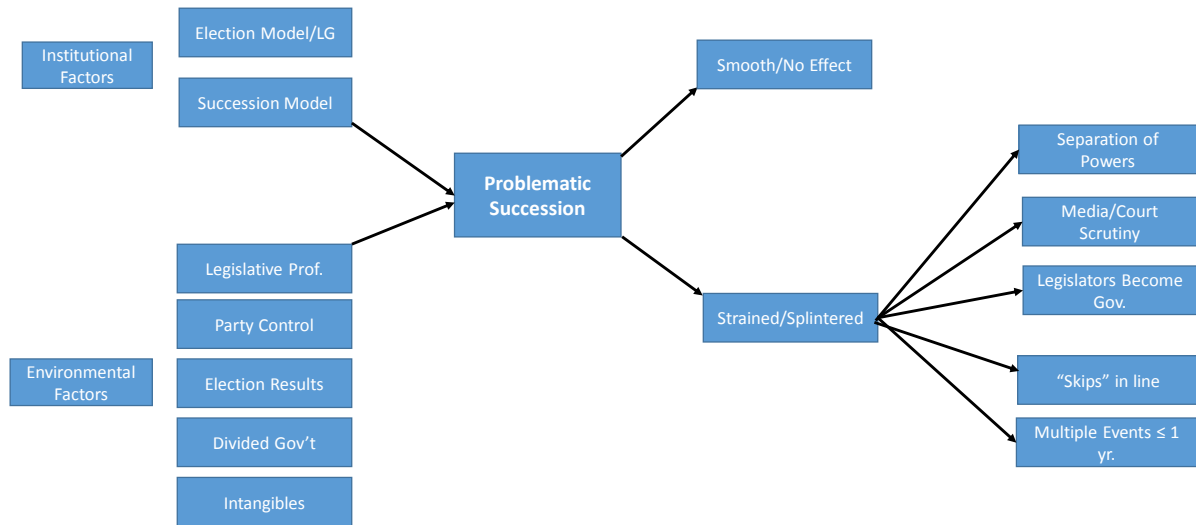
Each element of what may comprise a problematic succession can be tested individually against independent variables. Any given event in any given state will be termed ‘problematic’ if they meet one or more of the following conditions:

- 1.) The succession event allows legislators to become governor.
- 2.) The succession event results in ‘skipping over’ anyone in its line
- 3.) The succession event ‘triggers’ multiple other events over less than one year

4.) The succession event receives scrutiny in the courts and/or the media

Should a state have no problematic succession events, it will be coded “0”; it will be coded “1” otherwise. Figure 1 shows an outline of the factors causing problematic succession and their results.

Fig 1: Factors and Results of Problematic Succession



institutional and environmental factors need to be tested against what a RPS may look like.

Current state succession models, gubernatorial appointment power, and how governors and first-in-lines selected will determine what a responsible succession model is. The hypotheses will predict the circumstances which undergird a problematic succession. The closer the institutional structure is to RPS, the less chance for problem succession. These predictions also offer evidence for whether potential difficulties of succession events can be ameliorated via one particular succession model.

Assessing elements within state succession models most and least representative of RPS is vital to avoiding problematic succession. These can not only tear states and the electorate away from more critical issues in the usual course of policymaking and administration of government, but also disrupt the perceived or actual stability of the governor's office itself.

Independent Variable – Lieutenant Governors

Any discussion of RPS must include the office of lieutenant governor. States having lieutenant governors will be coded 0; states without lieutenant governors will be coded 1. It is the only governmental office specifically designed to insure administrative control and consistency in the executive branch. Regardless of what a state's succession line looks like beyond this office, the commonly accepted norm is that a lieutenant governor's office is crucial for smooth succession events (Hurst 2015; Mercer 2015). Thus, states with a lieutenant governor are less likely to have problem successions.

Independent Variable -Gubernatorial Election Model

Separate elections for governor and lieutenant governor happen frequently; seventeen states utilize this method of election. In these states, a succession event could immediately be problematic if the duly-elected lieutenant governor is of a different party than the governor. While both are statewide elected officials, it is unlikely a divided-party executive branch leads to policy congruence.

A joined ticket – whether it is in a general election only or throughout a campaign is more consistent with responsible party government and more likely to create a healthy dynamic between governor and lieutenant governor. This gives weight to an RPS model, where

party/agenda goals are more uniform and can be guaranteed a modicum of consistency upon succession. States with no lieutenant governor or states with separate elections for governor/lieutenant governor will be coded '0.' States with candidates for governor and lieutenant governor running as a ticket in the general election will be coded '1.'

Control Variables

Party shift from departing governor to successor, levels of legislative professionalism and party competition, and party control of each legislative chamber may each play a role in problematic succession. Since institutional variables like state election models can demonstrate a flaw in a state's succession practices, environmental variables will show what state government looks like from an organic perspective when succession takes place.

Should a state have a succession line that allows for the possibility of a party shift between departing governor and new governor, it is an environmental factor not directly associated with election results. Similarly, the issues associated with separation of powers are brought to bear because of not only the succession line's configuration but also of which party has control over the legislative body which appears in the line itself. Party competition and divided government can cause issues with succession if legislatures are extremely competitive or dominated by one party; it may make succession a political problem as much as a logistical one. Adding the independent variables below will give context to how succession works when it occurs, and more depth to institutional variables in terms of their importance.

Party Shift

With or without the office of lieutenant governor, there are multiple states that either have elected legislators immediately following the governor in line of succession, or immediately *after* the lieutenant governor. Factors like election model and potential party shift from governor to governor upon succession become more evident here, as the party leadership of upper and lower chambers of state government are obviously not determined by the governor. If responsible party succession means that one party should have control over executive branch affairs, there is no room for opposing parties to assume the governorship. If there is no party shift from departed governor to his or her successor, it will be coded '0' and '1' if there is a party shift.

If there is a shift in party between departing governor and new governor or when the legislature is in line of succession problems may be compounded should there be a case where another succession event happens quickly. This is where the party shift variable plays substantial role. Consider a Republican governor, who is succeeded by a Republican Speaker of the House, who is then succeeded by a Democrat President of the Senate. This is difficult on several fronts. Added to the separation of powers argument, the prospect of a non-statewide elected official being able to become governor, propose legislation and subsequently sign it seems somewhat incongruent with fundamental constitutional principles. These factors lead to the supposition that the more legislators there are in a line of succession – and the closer they are to the governorship – the higher the potential for a problematic succession event.

Legislative Professionalism

Citizen legislatures typically have short sessions, low pay and benefits to lawmakers, in addition to smaller legislative staffs and resources. A professional legislature usually has much longer sessions, legislators are compensated at a much higher rate and have a much wider range of staffing and resource options. Other, 'hybrid' type legislatures split the difference between the two in any or all of the areas of session length, legislator compensation and resource availability. Professional legislatures, while having more time and resources to dedicate to the policy process, may consider institutional matters like succession less of a priority given the complexities of making law in what typically are states with larger populations. Still, citizen legislatures have less time and fewer resources to address succession in any substantive way than their professional counterparts, and perhaps dedicate even less time to succession. Citizen legislatures will be coded '0;' hybrid legislatures '1,' and professional legislatures '2.'

Divided Government

Should the upper and lower chambers of a state's government have different party leadership it may be a predictor of problematic succession. Bowling and Ferguson (2001) found divided government played a role in a governor's ability to implement policy consistent with his or her party's agenda. Responsible party succession may be less likely to succeed if divided government exists.

Not only is this a separation of powers question, it is a question of common sense. RPS disallows legislatures to play a direct role in succession to avoid both a party shift in the governor's office and a violation of separation of powers. If a state has Republican leadership in both house and senate it will be coded '0.' Divided government will be coded '1.'

Legislative Party Competition

Party competition in legislative bodies is determined by the ratio of seats of one party to another's. Higher levels of competition mean the amount of seats in a legislative chamber are fairly equal (40-60%), while lower levels of party competition exist in legislatures where one party clearly dominates the other in membership. Should a legislature be relatively even in its ratio of Republicans to Democrats, the potential for political wrangling if complications arise from a governor departing office could increase. *The Book of the States* provided data to measure percentages for the 'party competition' variable. For each succession event a state had, the total number of seats in a state's upper and lower chambers were divided against the number of seats each party held in either house or senate.

Party competition may be a more prominent feature of problematic succession if legislators appear closer to a governor in line of succession. If there were to be a party shift in the governor's office upon succession in a more competitive legislative environment the event may bring louder objection from the party losing their governor. Coding of this variable will be based on the percentage of Republicans in a state house and a state senate. The typical measure used is the Ranney index (Ranney 1965); however his index does not go back to 1947. Therefore, a proxy variable was created. When the proportion of republicans and democrats in both chambers are close to parity this indicates potential for party competition. If levels of party competition are high (40-60%), it will be coded '0;' otherwise it will be coded '1.'

Data

This study uses gubernatorial succession data from June of 1947 (the year and month the Federal Succession Act was signed into law) to 2010 (Table 1). This timeline was chosen because the 1947 version of the Act moved away from cabinet-level succession only at the federal level and returned to including elected legislators in the line. The cutoff date of 2010 represents the most recent year a substantive change was made in a state's succession line (New Jersey added a lieutenant governor in 2010). Again, succession events chosen for this study were from states having them outside a typical election cycle for their governor. If a governor attained office via inauguration following a general election, it is not included here.

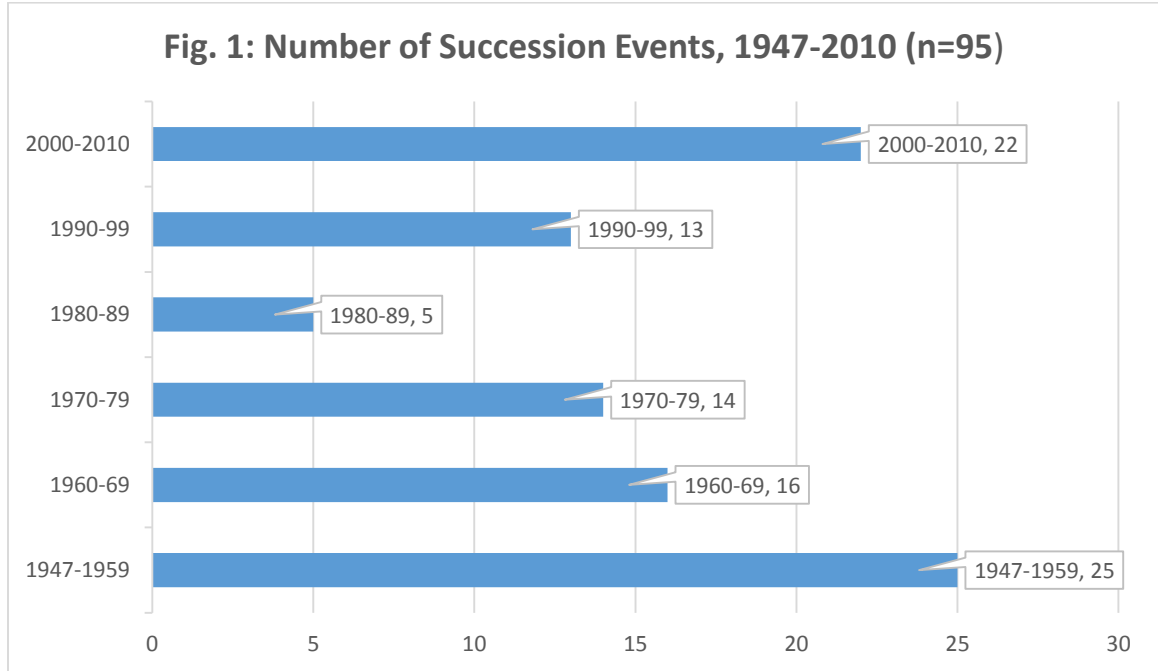
Table 1: Succession Events by State and Year (n=95)

State	Year	Problematic?	State	Year	Problematic?	State	Year	Problematic?
AK	1969	No	CO	1950	No	IN	2003	No
AK	2009	No	CO	1973	No	KS	1950	No
AL	1968	No	CT	1948	No	KS	1957	No
AL	1972	No	CT	1961	No	KY	1950	No
AL	1993	Yes	CT	1980	No	KY	1974	No
AZ	1948	No	CT	2004	No	MA	1969	No
AZ	1977	No	DE	1960	No	MA	1997	No
AZ	1978	Yes	DE	1992	No	MA	2001	No
AZ	1988	Yes	DE	2001	No	MD	1969	Yes
AZ	1991	No	FL	1953	Yes	MD	1977	No
AZ	1997	Yes	FL	1955	No	ME	1952	Yes
AZ	2009	Yes	FL	1987	No	ME	1953	Yes
AR	1975	No	FL	1998	No	ME	1959	Yes
AR	1979	No	IA	1954	No	ME	1959	Yes
AR	1992	No	IA	1969	No	MI	1969	No
AR	1996	Yes	ID	1977	No	MN	1969	No
CA	1953	No	ID	2006	No	MN	1951	No
CA	1974	No	IL	1968	No	MN	1976	No
CA	2003	No	IL	2009	No	MO	2000	No

State	Year	Problematic?	State	Year	Problematic?	State	Year	Problematic?
MT	1962	No	NY	2008	Yes	SC	1965	No
NC	1954	No	OH	1957	No	TX	1949	No
NE	1960	No	OH	1998	No	TX	2000	No
NE	2005	No	OK	1963	No	UT	1993	No
NH	1982	Yes	OR	1947	Yes	UT	2009	No
NJ	2001	Yes	OR	1949	Yes	VT	1950	No
NJ	2004	Yes	OR	1956	Yes	VT	1991	Yes
NJ	2007	Yes	PA	1993	No	WI	1977	No
NJ	2010	Yes	PA	2001	No	WI	2001	No
NM	1962	No	RI	1950	No	WV	2010	Yes
NV	1989	Yes	SD	1978	No	WY	1949	Yes
NY	1973	No	SD	1993	No	WY	1953	No
						WY	1961	No

The majority of successions in the states have taken place in the past 40 years. Almost two-thirds have occurred since 1980. Twenty-two exceptional successions have taken place between 2000 and 2010 (Fig 1).

The main source(s) of succession events data here have been gathered from state government websites and historical archive information in those states. Secondary sources such as traditional media and internet-based resources were utilized where applicable and verified for accuracy when information from state government websites was unavailable.



State succession lines have changed little since 1947; the most recent iteration of them were gathered in 2011 by the National Emergency Management Association. Several states have had multiple succession events in a short period of time, yet one succession event in that state laid the foundation for these subsequent events to occur. As such, successions falling under this scenario will be compressed into their parent event, as independent variables will change little. Finally, the states of Tennessee, Virginia, Hawaii, Mississippi, North Dakota, Washington and Louisiana will be omitted from this data set; none of these states have had succession events since 1947; Hawaii was not even a state until 1959. Results of the study will account for potentially problematic succession events in the future for these states given their succession models.

Given the above, the data set is representative of 95 succession events at the state level since the implementation of the Federal Succession Act in June of 1947. Seeing succession

events that have proved problematic in other states with similar models can empirically show the potential for challenges later. This idea also applies to states that have never had a succession event.

Measures of legislative professionalism were created based on the work of Perverill Squire, who created a measure that incorporated legislative pay, number of days a legislature is in session, and the amount of staff any given legislator has (Squire 1992). Through Squire's metric of determining a state's level of legislative professionalism, others (King 2000) have discussed how to qualitatively categorize Squire's data.

Squire's measure found the most professionalized legislatures (California, New York, Michigan, Pennsylvania) and the least (Montana, Utah, South Dakota, Wyoming, North Dakota and New Hampshire). Karl Kurtz et. al. (2006) categorized legislatures subsequently by designating them 'Professional I; Professional II; Hybrid; Citizen I and Citizen II.' This research project folded Professional I and II and Citizen I and II into one category each. Professional, Hybrid, and Citizen. were the coded values comprising the independent variable. Data was obtained via *The Book of the States*. Since Squire's measure was not available until 1992, Squire's variables of pay, session length and resources were observed and compared for each succession event utilized in this project before 1992. No state which has a citizen legislature today would have been a hybrid or professional legislature previously. No hybrid legislature between 1947 and today would have regressed to a citizen legislature.

Data on proportions of the political parties in each state legislature were gathered for each case of succession in this project. High levels of party parity are when the percentage of Democrats to Republicans was 40-60%.

Methods

This study uses a mixed-methods approach to addressing the research questions. While quantitative data and analysis can provide pertinent information on succession, qualitative provides more explanatory strength. The context surrounding any given succession event is accessed through opinions and ideas from authoritative sources mindful of the political and social conditions surrounding succession events gone wrong. Because individual actions can be a part of succession, the behaviors of actors involved in a succession event can be examined through interviews with authorities in the field. Such interviews complement or supplement quantitative results. Mixed-methods allows this; qualitative discovery can inform quantitative findings (Johnson et. al. 2007).

Quantitative Design

A responsible succession model could eliminate some factors contributing to problems during unexpected executive turnover. The quantitative analysis explores if statistically significant relationships exist between problematic succession events and the institutional and environmental variables in each state.

First, bivariate relationships will be examined through cross tabulation and chi square statistical tests. A multivariate analysis will be performed to isolate effects of the independent variables. Binomial logistic regression will be used as the dependent variable of ‘problematic succession’ is nominal with only two categories. Because the number of cases is small (n=95), p-values less than .10 are considered significant. All analysis will be performed via SPSS statistical software.

Qualitative Design

There are subtle complexities to succession that quantitative analysis cannot fully capture. Quantitative analysis offers little insight on the public or institutional reactions to the events themselves. Examination of a few problematic successions offers more texture to the study and the often interesting stories undergirding them.

Three states were chosen as case studies in this project. Based on empirical analysis, Arizona, New Jersey and New York were selected. Each of these states has exhibited many of the issues correlating with problematic succession. Each state has an election model, succession model, or line of succession that may allow problems to occur. However, the events surrounding particular succession events may also create conflict and will be articulated and analyzed. The qualitative analyses will likely show the circumstances which make some succession events more problematic than others. Data collection for these cases included collecting information from print media sources, state court rulings on cases involving succession questions, and asking experts their views of each scenario.

Case Study #1 – Arizona

Arizona does not have a lieutenant governor. Yet interestingly, this was not the main reason for its problematic succession events. On three separate occasions since 1978, when a succession event has occurred outside a normal election cycle, Arizona has replaced the departing governor with a member of the opposing party. Arizona does not have legislators in their line of succession, thereby mitigating the possible separation of powers argument. But because their executive branch offices in the line are all elected, party shift in the governor's has taken place in that state more than once.

Arizona's approach to succession confuses gubernatorial appointment powers and the ability of appointees to become governor. Arizona has 'skipped' individuals in its succession line – passing over an officer designated to become governor - but were ineligible because they were not elected. While this is not 'bad' on its face, it is a wholly unnecessary complication. This unusual dynamic and other factors make Arizona's succession events important to study.

Case Study #2 – New Jersey

Between December 31, 2001 and January 15, 2002, New Jersey had five governors or acting governors in fifteen days. It was the first of many glaringly inefficient succession events occurring in that state. Between 2001 and 2010, New Jersey had a total of nine acting or actual governors. With the conflict and uncertainty present for over a decade, succession in New Jersey certainly proved problematic.

New Jersey's succession problems are deep-seated and contain nearly all of the previously hypothesized problems. Prior to 2010, New Jersey had no lieutenant governor. Their second and third-in-line of succession were the President of the Senate and the Speaker of the General Assembly, respectively. Executive branch officer appears third and fourth in the state's succession line, but neither of these offices were held via appointment. Finally, legislators in the line of succession did not have to surrender their previously-held position if they took office.

After the decade-long debacle, New Jersey's 2010 election was the first in its history to feature a lieutenant governor. Still, New Jersey's succession line remains the same after lieutenant governor today. Members of the legislature appear second and third-in-line, with the Attorney General and the Commissioner of Transportation as fourth and fifth-in-line, respectively. In essence, New Jersey has simply placed one executive office at the front of their

succession line. Having a lieutenant governor takes away factors undergirding problematic successions, but others remain. If New Jersey were to have similar succession events in the future, the same confusion could arise. Many hurdles to RPS still exist in New Jersey, making it another exceptional case to explore.

Case Study #3 – New York

New York's succession problems are nearly as complicated as those in New Jersey, despite the presence of a lieutenant governor. Following a resignation, New York's lieutenant governor assumed the governorship. The lieutenant governor's office remained vacant, and the new governor had no power to appoint his replacement. This made New York's Speaker of the Senate next in line of succession at an unfortunate time. New York's senate was in the throes of a politically-charged leadership crisis, with multiple individuals fighting for the speakership. Over the course of five months, five different individuals were speaker. In an attempt to replace the lieutenant governor and quell the senate coup taking place, the governor exceeded his legal authority and appointed a new first-in-line. State courts intervened when the senate balked at the move. Here, despite a succession line that included a lieutenant governor, the second-in-line to succession was in constant flux because legislators appeared in the state's succession line. New York's case has both institutional and environmental factors which shaped its succession challenges. It is included here as an example of how problematic succession can even occur in states with a lieutenant governor, and shows how legislative politics may interfere with an RPS model.

These three states demonstrate institutional, environmental and political barriers to smooth succession. Collectively, each shows some evidence which may support the hypotheses of this study. Individually, the challenges each state faced were different. Each state reacted to

their succession problem differently. New Jersey has changed its succession model; Arizona and New York have maintained the status quo. Responsible succession and what mechanisms should be part of it will be made clearer through close examination of these states and will join with quantitative findings for a clearer picture of the key considerations states neglect when configuring their lines of succession.

Conclusions

This chapter defined and identified a model of responsible party succession. It outlined hypotheses relating to the identifying factors influencing succession and what makes one succession ‘smoother’ than another using a mixed-methods approach. Qualitative case studies were chosen to demonstrate in more detail the variables associated with quantitative analysis. Quantitative results and qualitative observations will be offered in the following two chapters and this study will conclude with a definition of RPS considerate of the data gathered.

Chapter 4

Quantitative Analysis

Introduction

A responsible party succession (RPS) model for states would be considerate of both institutional and environmental aspects of a succession event. This chapter tests institutional and environmental data to show significant relationships between problematic succession and any one succession event taking place among the 95 cases selected for study.

Responsible succession models for the states could reduce the problems associated with gubernatorial succession. States may use certain strategies to avoid succession issues by considering institutional and environmental effects of an event. Institutionally, the presence of a lieutenant governor may be the most important factor. In many cases, lieutenant governors have become governor without incident. There are examples of problematic succession when a lieutenant governor is present but at a much lower frequency. Succession can be affected by a state's election model. A team election model for governors and lieutenant governors are also critical in improving a state's chances of a smooth succession.

Several variables control for the political environment. Professional legislatures may have more resources to resolve inconsistencies in a state's line; citizen legislatures may be handicapped by time and less funding. Party competition in a legislature and which party leads their respective chamber in state government could be a cause of succession difficulties. More power may mean more ability to control elements of the succession process by politics. A balance of power may result in bitter struggles to determine whom is next in a succession line, even though a state may have specific rules to follow. When the party affiliation of the

governor's office changes, so does the ability to have responsible succession. A succession line allowing members of another party to potentially become governor is problematic because the electorate did not vote for that party to have the governorship.

Individual variables used in this project offer basic insight into each state's institutional and environmental makeup. Bivariate analysis shows significant relationships between institutional variables and problematic succession; they are very strong indicators of a state's ability to avoid upheaval when succession is necessary. Environmental variables have some significance in problematic succession, but not to the strength or degree of their institutional counterparts. Multivariate testing further demonstrates the power institutional variables hold when problematic succession occurs. Results gathered support several of the hypotheses of this project, while soundly rejecting others.

Univariate Analysis – Problematic Succession

The dependent variable of problematic succession shows twenty-three cases were challenging, or 24% of all cases (n=95). The number of smooth successions is much higher at 76%. Though each state's succession model is different, many have not had problematic succession. Those states in the data that experienced a succession challenge should have some relationship to the independent variables; an institutional or environmental mechanism that were the impetus for problems. Whether it was a change in party between departing governor and his or her successor, or a legislator became governor, each case of problematic succession shows the potential for the administrative functionality of the executive branch to be slowed or stopped entirely.

Independent Variables

Table 4.1 shows the frequency distribution of independent variables among cases of succession (n=95). The institutional variable of ‘lieutenant governors’ shows that among all cases, forty-five states had no lieutenant governor when their event(s) took place. States with lieutenant governors were slightly higher, comprising just over half of the cases (53%). The second institutional variable of ‘election model’ shows that, when succession took place, a state with team elections had a higher level of succession frequency than states that do not have team elections. Seventy-three cases indicate a governor and lieutenant governor were of the same ticket in a general election.

The environmental variables of ‘party shift;’ ‘divided government;’ ‘party competition;’ and ‘legislative professionalism’ were also counted. For the ‘party shift’ variable, a mere 16% of successions involved a party shift. With eighty of ninety-five cases of succession involving no party shift in the governor’s office, it is possible further analysis of this variable will show it is a secondary consideration of succession, or is significant by effects.

Cases of divided government when succession took place were small. Just over 20% of all cases had divided government at the time of their event. Seventy-five cases did not have divided government when succession occurred.

For the party competition variable, three succession events were omitted from the data set (n=92). Nebraska has a unicameral and non-partisan legislature; it had two of the missing cases. The third case omitted was in Minnesota; its 1951 succession event involved a non-partisan legislature. For the remaining cases, high levels of party parity during a succession event were smaller (40%) than those with lower levels of party competition (57%).

Finally, the variable of legislative professionalism showed a very even distribution among cases of succession. Citizen legislatures were in place in 37% of events. Hybrid legislatures existed in 30% of cases; professional legislatures in 34% of cases. When combined, hybrid and professional legislatures comprised 56% of all succession cases in this study.

Table 4.1: Frequencies of Independent Variables

Variable	Frequency	Percent Within Variable
No Lieutenant Governor	45	47%
Separate Elections	22	23%
Party Shift	15	16%
Party Competition	54	57%
Divided Government	20	21%
Hybrid/Prof. Legislature	62	56%

Bivariate Analysis – Lieutenant Governors

Cross tabulations and chi square tests show the presence of the office of lieutenant governor plays a vital role in smooth succession. Table 4.2 shows a significant relationship between problematic succession and the absence of the office of lieutenant governor ($p < .001$); Lambda tests show an association between lieutenant governors and problematic succession (Lambda .31; $p < .09$). States having a non-problematic succession had a lieutenant governor 92%

of the time. As a corollary, well over half the states without lieutenant governors had problematic succession of some kind.

Of additional interest is the number of problematic succession events taking place in states where there *are* lieutenant governors. Two of every five problematic successions occurred when a lieutenant governor was present, suggesting other variables may play a larger role in the difficulties associated with problematic succession in these states.

Table 4.2: Problematic Succession and Lieutenant Governors

	Non-Problematic Succession	Problematic Succession	Total
Lieutenant Governor	91%	40%	77%
No Lieutenant Governor	9%	60%	22%
Total	100%	100%	100%
N=95	N=73	N=22	N=95

Chi square= 18.2 p<.001

Election Model

A state’s gubernatorial election model is another factor in problematic succession. A statistically significant and very strong relationship exists between state election models and problematic succession (p<.001). Lambda tests also show a statistically significant relationship (Lambda .33; p<.10). The need for states to have the office of lieutenant governor and to have that office as part of a ‘ticket’ during a general election may be preferable. Sixty-five percent of problematic successions occur in states where governors and lieutenant governors do not run as a

ticket; smooth successions occur almost 75% of the time when they do (Table 4.3). One factor that cannot be accounted for in the quantitative data is the personal relationship between governors and their successors. It is likely when elected together that dynamic would be superior to one where there is no relationship between governor and successor. This rapport will be explored in the following chapter.

Table 4.3 – Problematic Succession and Election Models

	Non-Problematic Succession	Problematic Succession	Total
Governor/Lt. Gov do not run as a team	10%	65%	23%
Governor/Lt. Gov run as a team	90%	35%	77%
Total	100%	100%	100%
N=95	N=38	N=57	100%

Chi square= 30.17 p<.001

Party Shift

Responsible party succession suggests departing governors need to be replaced with a member of the same party, at least assuring voters the party they elected to the governor’s office remains the same. Yet problematic succession shows no significant relationship (Table 4.4).

When party shift has occurred upon succession, 26% of these events have been strained.

Conversely, most succession events are smooth when there is no party shift (88%).

This is likely because the variable cannot account for how a state’s line of succession is configured. A departed governor may be replaced by a lieutenant governor, a member of a state’s

legislature, or another executive branch officer. The explanatory strength of party shift becomes more relevant when multiple succession events take place in a short amount of time, rather than if it is the only element of a succession event. When compounded by a legislator from a different party than the departed governor taking office, party shift can be a broader part of a discussion on problematic succession in other ways, like separation of powers or the lack of a lieutenant governor. Again, New York’s succession event in 2008 when David Paterson became governor following the resignation of Eliot Spitzer demonstrates this more clearly.

Since Paterson had no authority to pick a new lieutenant governor, succession devolved to New York’s Senate President. At the time there was large-scale debate in the senate as to who was leader of that body. This debate crossed party lines; members of both political parties were in charge of the body at different points over the course of four months. Had Paterson left office, party shift would have been a larger concern, as the struggle for leadership in New York’s Senate involved multiple actors from both Democratic and Republican parties.

Table 4.4: Problematic Succession and Party Shift

	Non-Problematic Succession	Problematic Succession	Total
No Party Shift	88%	74%	84.2%
Party Shift	12%	26%	15.8%
Total	100%	100%	100%
N=95	N=80	N=15	100%

Chi square 2.42 d.f. 1 p=.185

Legislative Professionalism

A state's level of legislative professionalism does not appear to affect succession (Table 4.5). Among states where there was no problematic succession, results were very similar. One-third of citizen, hybrid, and professional legislatures had smooth events. States with citizen legislatures exhibit more succession problems. Forty-five percent of citizen legislatures have had a strained event, but the difference in number of cases between citizen and professional legislatures is so small that no relationship can be determined.

Table 4.5 – Problematic Succession and Legislative Professionalism

	Non-Problematic Succession	Problematic Succession	Total
Citizen	36%	39%	37%
Hybrid	32%	22%	30%
Professional	32%	39%	34%
N=95	N=72	N=23	100%

Chi Square .926; p=.402

Problematic Succession and Divided Government

Party control of a legislature can demonstrate how legislatures look from a party perspective when succession is a challenge. Table 4.6 shows there is some small relationship between the composition of the legislature and succession, though it is not statistically significant. Divided government could complicate matters simply because of where legislative leaders appear in the succession line. Were a minority party in the legislature to lose their

governor and he or she is replaced by a majority party member, the already natural tension between chambers in divided government could become more pronounced.

Non-problematic succession occurred nearly 80% of the times in states *without* divided government but was problematic 87% of the time. Divided government only contributes to problematic succession thirteen percent of the time. problematic succession occurred almost 80% of the time in states *with* divided government. While the results are not statistically significant, the majority of problematic successions occurred in states without divided government at the time.

Table 4.6: Problematic Succession and Divided Government

	Non-Problematic Succession	Problematic Succession	Total
Not Divided Gov't	76%	87%	79%
Divided Gov't	24%	13%	21%
Total	100%	100%	100%
N=95	N=72	N=20	100%

Chi square=.279; p=.384

Party Competition

Though testing shows no significant relationship between level of party competition in a state and problematic succession events, almost half of difficult successions occurred in states where there was a high level of party competition (Table 4.6). Twice as many succession events were problematic in states where there were higher levels of party competition.

High levels of party competition where there were succession challenges were likely bolstered by outliers. New Jersey had a succession event where both Republican and Democratic legislators were governor for a short period of time. Since their succession line led directly to the legislature, different parties controlled house and senate.

Table 4.7 – Problematic Succession and Party Competition

	Non-Problematic Succession	Problematic Succession	Total
Low Party Comp.	55%	70%	59%
High Party Comp.	45%	30%	41%
N=92	N=38	N=54	100%

Chi square 1.50; p=.328

Summary of Bivariate Analysis

There are much stronger relationships between problematic succession and the institutional variables than environmental variables. The presence of a lieutenant governor in a state is strongly correlated to successful succession; absence of the office shows a high rate of problematic succession. Results are similar when considering a state’s election model. When governors and lieutenant governors run as a ticket it is very probable that any succession event occurring in their state will be smooth.

No environmental variables show a statistically significant relationship to problematic succession, including party shift. An element of problematic succession in this project is whether or not there is a change in political party from a departing governor to his or her successor. This is an independent variable which may have a proximal relationship to institutional variables by

effects, and can be examined further qualitatively. Legislative professionalism, level of party competition in the legislature and divided government offer no statistical evidence of being related to problematic succession in chi square analysis. Multivariate testing will provide more information on the validity of this project's hypotheses.

Multivariate Analysis

Regression analysis measures relationships of the independent variable and dependent variables while holding all other variables constant. Five different regression models were run (Table 4.7); some were utilized to reduce multicollinearity between institutional variables strongly correlated to other independent variables. Institutional mechanisms related to succession (a lieutenant governor and a team election model) and environmental mechanisms (party shift upon succession; divided government and party competition in the legislature; levels of legislative professionalism) were all tested for their ability to add explanatory strength to the dependent variable of problematic succession.

Model #1 and 2– Lieutenant Governors and Election Models

While the strength of a regression model with one variable is weak, the first regression using only the lieutenant governors variable still shows a statistically significant and very strong negative relationship to succession ($p < .01$). Should a state not have a lieutenant governor, the possibility of problematic succession increases substantially.

The second regression model contained only the institutional variables of lieutenant governors and election models. It clearly shows states are more likely to avert problematic succession by having a lieutenant governor and an election model that allows a governor and lieutenant governor to run as a ticket in a general election ($p < .01$). Bivariate analysis showed a

statistically significant relationship between problematic succession and the absence of a lieutenant governor. The absence of a team election model provided similar significant results. When combining both institutional variables into one regression the result is a very strong model linking lieutenant governors and team elections. Both variables are, then, key determinants of problematic succession.

Model #3 – Institutional and Environmental Variables - No Lieutenant Governor

Removing lieutenant governors from a regression model controls for what is already known to be a strong explanatory variable. In this model, a significant negative relationship between a state's election model and problematic succession again exists ($p < .01$). A state having team elections for governor and lieutenant governor further demonstrates a consistent and strong executive branch may aid in mitigating succession issues.

As with bivariate testing, the party shift variable is not significant. Given the small amount of cases in which it *has* happened versus the number of cases where it *could* happen, this variable again demonstrates a relationship to problematic succession that may be more easily quantified contextually and not quantitatively. Institutional variables may intervene to augment this result; party shift may be significant by effects. A state absent of a lieutenant governor is at an increased risk for not only party shift but also problematic succession by definition.

Model #4 – Institutional/Environmental – No Party Shift

The fourth regression model removed the 'party shift' variable. Once again, the only variables showing significant explanatory strength to problematic succession are the presence of a lieutenant governor in a state ($p < .01$) and a state's election model ($p < .01$). Both show strong

negative directional relationships as with the other regression models. Regardless of divided government or party dominance in a legislature, environmental variables are still not tied to problematic succession quantitatively here.

Model #5 – Full Model

As with the models for institutional variables only, the absence of a lieutenant governor negatively correlates with problematic succession and in a significant way ($p < .01$). When lieutenant governors are present, succession difficulties are far less likely. The election model variable again demonstrates statistical significance ($p < .01$), again supporting the fact that when states have team election models, the possibility of problematic succession decreases. Once again, no environmental variables are related to problematic succession. While there are no other significant relationships with environmental variables, it is worth noting that there is a small indication of lower levels of legislative professionalism affecting succession in some way.

Table 4.8: Regression of Variables Affecting Problematic Succession

Variable		LG only	Institutional	Inst/Environmental w/no LG	LG/Inst/Env w/o Party Shift	Full Model
LTGOV	B S.E.	-275*** .778	-2.04*** .825	--	-2.03*** .850	-2.03*** .851
TEAM ELECTIONS	B S.E.	--	-2.25*** .628	-2.82*** .647	-2.21*** .679	-2.20*** .680
PARTY SHIFT	B S.E.	--	--	-1.57 .773	--	-.100 .741
DIVIDED GOVERNMENT	B S.E.	--	--	.405 .814	.616 .835	.605 .836
HIGH PARTY COMP	B S.E.	--	--	-.009 .728	-.112 .785	-.122 .789
CITIZEN/HYBRID LEG.	B S.E.	--	--	.485 .704	.081 .768	.073 .771
PROF LEG.	B S.E.	--	--	.039 .878	-.235 .968	-.228 .969

*p<.10 **p<.05 ***p<.01

N=95; -2log 69.203; Pseudo R² .311

Conclusions

Based on quantitative results, the institutional hypotheses presented in chapter three are fully supported; none of the environmental hypotheses are supported. Across all regression models, institutional variables showed a negative relationship with the dependent variable, with strong statistical significance. These models provide clear and distinct evidence that if states are without lieutenant governors or without team elections (when they do have lieutenant governors), the likelihood of problematic succession is much more pronounced.

All environmental variables show no relationship to problematic succession. Given that large-scale succession events are extremely rare, this is not a surprising finding. The more individuals involved in a succession event would increase the chance something may go awry in its execution. In these cases it is usually a lack of responsible institutional modeling of

succession than election results than any environmental factors. While a problematic succession event may snowball into one where environmental variables are a factor, it is once again the election model and the presence of a lieutenant governor that play a more crucial role.

Responsible succession would be considerate of environmental factors, if for no other reason than to assure the continuity of the executive branch. While very important, impacts of problematic succession like separation of powers are more of a concern when states do not follow the lieutenant governor and team election model. Despite this, problematic succession is not entirely eliminated simply by following this logic. A problematic succession event can be triggered even if ‘best practice’ institutional models suggested by quantitative results are in place. New York has a team election model, but encountered what can only be termed a problematic succession by not appointing a replacement lieutenant governor. New Jersey – even after changing to a team election model and creating the office of lieutenant governor in 2010 – had a problematic succession event *in that same year*. Its executive branch ignored the rules the legislature and the public put into place, permitting both governor and lieutenant governor to be out of the state simultaneously. This ignorance allowed environmental factors to become important, as party shift in the governor’s office and separation of powers violations occurred simultaneously. There is an institutional fix, but it is only of significance in application when it is actually adhered to.

To find context for environmental factors affecting problematic succession and determine whether or not they can hamper the succession process in general, qualitative analysis is useful. It can offer context to environmental variables and will aid in a fully-formulated definition of RPS. Evidence of the inefficiencies caused by ignoring quantitative evidence supporting lieutenant governors and team elections will be clear. Broader questions of separation of powers,

a more effective examination of how parties play a role in succession, and how these things can affect the administrative functionality of the executive branch are important. Qualitative facts and historical analysis of problematic successions in Arizona, New Jersey and New York may be able to add more significance to environmental variables than this chapter provides.

Chapter 5

Qualitative Analysis

Introduction

There has been no succession event involving those deeper than fourth-in-line in any state since the mid-20th century. No succession outside a normal election cycle at the federal level has involved anyone other than the vice president. A lieutenant governor and a team election model would be a first step in avoiding problematic succession. Just as the president is elected to represent the nation, a governor is elected to represent their state.

The Federal Succession Act has legislators in its line before some executive branch offices, just as many states do. This may not be the ‘ideal’ responsible party succession model, as it opens the door to confusion with respect to administrative leadership. Woodrow Wilson believed that,

[t]he President... was the only national officer elected by all the people and representing all the people. He was therefore the one national officer in whose activities the people were really interested, and who might therefore be legitimately and effectively held *responsible* by the people for how the whole government is carried on (Ranney 1954, 41); emphasis is mine.

The public views the governorship in the same manner at the state level (King & Cohen 2005). One party in control of the executive branch, with gubernatorial appointees would be more conducive to an RPS succession model than a model that allows legislators to become governors, or lieutenant governors nominated to their office in separate elections. Party control of the executive branch is guaranteed in this circumstance and would at least insure the public that the same party would be in control of government should succession be necessary.

The context around succession events and their contribution to problems in executing a smooth succession are best discovered qualitatively. The environmental variables used in the empirical portion of this study were not found to be correlated to problematic succession in any

meaningful way, but deeper analysis of those variables can be obtained by examining specific incidences of problematic succession. This will provide a clearer picture of RPS and provide answers to questions inaccessible via quantitative analysis.

Case Studies Overview

Three states have been selected for quantitative study in this project based on their tendency to illustrate elements of problematic succession. These states have varying succession protocols, but each demonstrates at some point a lack of clarity with administrative assurances or controls. Detailing some of their succession events will clearly show how each state's model has failed to meet even the basic norms of a RPS from an institutional and environmental perspective.

New Jersey, New York and Arizona are the three states utilized for case analysis in this project. Interviews were conducted with former Executive Director of the National Governor's Association (NGA) and Dr. Ray Sheppach, Current Executive Director of the National Lieutenant Governor's Association (NLGA) Julia Hurst. Brief context on the New Jersey study was gathered from John Reitmeyer, a former staff writer for the Bergen County Record who covered the New Jersey Legislature and currently serves as Budget and Public Finance Writer for njspotlight.com, an online news service serving the State of New Jersey.

As with the quantitative portion of this project, each state's succession events outside a normal election cycle between 1947 and 2010 were researched and provided the most informative context for how succession planning can aid or detract from an RPS model of succession.

Study #1 - New Jersey

New Jersey demonstrates the harms of not having a lieutenant governor, as well as the problems associated with placing elected legislators in the line of succession (rather than statewide elected/appointed officers). It also illustrates how party politics can complicate the succession process. New Jersey has had seven succession events. Along with Arizona, it has had the most succession events since the implementation of the Federal Succession Act. New Jersey's successions all took place between 2001 and 2010. Over half of them took place in a span of just over one year.

Until 2010, New Jersey did not have the office of lieutenant governor. Like Tennessee, West Virginia, New Hampshire and Maine today (four states without lieutenant governors), their first and second-in-line of succession were the Speaker of the House and President of the Assembly, respectively¹. New Jersey's addition of a lieutenant governor in 2010 helps to avoid problematic succession but does not eliminate all the factors causing its succession problems in the first place. During most of the succession events in the state, a lack of consistency has been the norm. At the time examined in this case, New Jersey had no lieutenant governor and placed elected legislators directly in line of succession during a time of divided government in the legislative branch.

On December 31, 2000, New Jersey Governor Christine Whitman resigned the governorship to become the head of the EPA for President-Elect George W. Bush. Whitman ceded the office to Republican Senate President Donald DiFrancesco – who was first-in-line of succession. DiFrancesco remained Senate President and governor until the inauguration of Democrat Jim McGreevey on January 15, 2002. DiFrancesco was governor for a total of one

¹ Arizona and Wyoming have no lieutenant governor, naming only executive branch officials in their succession lines.

year and two weeks between 2001 and 2002. This consolidation of executive and legislative power did not go unnoticed as Whitman left New Jersey's governorship:

To get an idea of how bizarre New Jersey politics is about to get, think of Trent Lott running the United States Senate by telephone from the Oval Office. Or Gov. George E. Pataki plotting his re-election strategy in between hearing cases as chief judge of New York's highest court. Or Mayor Rudolph Giuliani unveiling his budget in a City Hall news conference, then walking upstairs to the City Council chamber and voting it into effect .[I]n the prevailing view of political scientists and practitioners alike, [DiFrancesco]..will immediately become far and away the most powerful state official in America. (Halbifinger 2001, web).

In the week prior to McGreevey's swearing in, the amount of political wrangling between parties in New Jersey directly related to their line of succession was staggering. Since New Jersey law did not require DiFrancesco to resign his senate seat – and no President of the Senate had been selected for the 2002 session - DiFrancesco had to be present in the senate chambers for the leadership vote. DiFrancesco resigned as governor to participate, meaning New Jersey dipped to its third in line of succession – Republican Attorney General John Farmer. Farmer became Governor of New Jersey *for ninety minutes* while the senate elected new leadership. Amid bipartisan complaints about succession during the session a compromise was reached to have 'Co-Presidents' of the New Jersey Senate. Republican John Bennett and Democrat Richard Codey became first-in-line of succession simultaneously while dividing the remaining seven days and thirty minutes of DiFrancesco's term between them.

Bennett went first, replacing Farmer as governor on the afternoon of January 8 and until the morning of January 12, when Codey was then sworn in and became governor until January 15, when McGreevey was sworn in. Ultimately, one departure (Whitman's) triggered *four additional succession events*. These events are almost comical in their absurdity, yet the repetitive nature of them in subsequent years is somewhat disturbing.

In November of 2004, McGreevey resigned in the midst of a sex scandal with a male aide. Codey – for the second time - served as Governor of New Jersey and concurrently in the New Jersey Senate. Though he took no action that could have been construed as an abuse of power while acting as both governor and Speaker of the Senate, the fact remains that Codey was in both positions until 2006, at which point Jon Corzine was elected governor. Codey then resumed his senate duties, but it was not the last time he would be governor.

Governor Corzine was medically incapacitated and unable to perform his duties following a car accident in April of 2007. Again, Codey became governor and held the office until Corzine returned one month later. This was the third time in six years that Codey became the chief executive of New Jersey while serving concurrently in the New Jersey Senate.

Codey did not assume the governorship again. But another succession event took place in New Jersey shortly before the first term of Republican Chris Christie, New Jersey's current governor. Christie was sworn in on January 19, 2010. Corzine decided to leave the governorship early, going on vacation to Switzerland on January 14. Once again, a sitting President of the Senate – Democrat Steven Sweeney – took office. Despite it being a 'placeholder' succession event, it still demonstrates how illogical succession can be in a state without a lieutenant governor and with legislators in line-of-succession. Regardless of the time Sweeney spent in office, even if he was only 'acting' governor, there is a clear difference here between administrative control and, "full accountability for the results" (Ford, 1904, 681). Responsible party government asks for this accountability, and its absence can be noted throughout the succession events in New Jersey outlined here.

During this nine-year period, New Jersey had nine governors or acting governors – all of whom served concurrently in the Senate, save for one Attorney General. To the state's credit, it

recognized the complete dysfunction within the executive branch of the state and the associated administrative inconsistencies that resulted. In 2006, Codey signed into law a measure stipulating that any person serving as acting governor for more than 180 days becomes Governor of New Jersey. This law was implemented retroactively and stipulated that between 2001 and 2006 there were only three ‘official’ governors: Christine Whitman, Donald DiFrancesco, and Richard Codey.

New Jersey voters were aware of the problem at this point and in 2005, voted in favor of a constitutional amendment creating the office of lieutenant governor effective in the 2009 election cycle. The amendment also allowed the gubernatorial candidate to select their running mate. Christie tapped Kim Guadagno for the position. As part of the law undergirding the office, Guadagno is also required to hold another cabinet-level position; she serves as New Jersey’s Secretary of State.

Despite these changes, not all concerns about New Jersey’s succession line have been adequately addressed. While there is now a lieutenant governor, New Jersey still has a succession line that calls for the president of the senate as second-in-line of succession, the speaker of the assembly as third, the appointed attorney general fourth, and finally, the appointed state highway commissioner fifth. With both Governor Christie and Lieutenant Governor Guadagno as Republicans, and both Senate and House speakers being Democrats, there is once again a potential for party shift in the executive branch – and one that could still disrupt New Jersey to the point of administrative ineptitude. And it has. Even with a governor and lieutenant governor of the same party, elected together, New Jersey has still tripped over its own succession line.

As with Codey's multiple stints as governor of New Jersey, State Senator Steven Sweeney has had the office twice. As sitting Senate President, he filled in for Corzine shortly before Christie and Guadagno became the state's first governor/lieutenant governor team when Corzine left just prior to Christie's inauguration. In December of 2010 – less than a year after Christie had taken office – both he and lieutenant governor Guadagno left the state for holiday vacations at the same time. Christie signed the executive order handing the governorship to Sweeney while the executive branch left New Jersey for a vacation.

For his part, Sweeney was taken aback at the development. "I was in shock. There was no way in the world I thought they would let that happen. I'm sure whoever did the scheduling had a heart attack" (Friedman 2010, web). The fact that this even took place seems irregular, given that New Jersey voters specifically passed a constitutional amendment designed to *prevent* this from happening as it had multiple times over the previous decade.

We clearly made a mistake if we created the office [of] lieutenant governor and wasted money if the lieutenant governor is not going to be here when the governor is out of state," said state Sen. Raymond Lesniak (D – Union). It's being handled very well by Sen. Sweeney, but you have to really question the purpose of the office" (Freidman 2010, web).

New Jersey legislators do not point out their own involvement in the problem. While they passed the measure allowing the selection of a lieutenant governor and voters approved the amendment to New Jersey's Constitution, they could fail to see the real issue. If the state had a succession line with only executive branch officials, the concern about separation of powers would go away. It is curious why this succession model would be acceptable to any sitting governor. Christie signed the executive order making Sweeney Acting Governor of New Jersey while allowing the only other member of the executive branch directly in the line of succession to leave the state at the same time. But for Christie himself to allow this temporary measure to

take effect in New Jersey shows little concern for the ramifications, especially where administrative and policy action is concerned.

Sweeney, as acting governor, could have done much to upset Christie. “Sweeney [could have]...sign[ed] legislation Christie [had not] acted on or even file[d] nominations Christie would never dream of filing.” Had he chosen to do so, Sweeney might have, “re-nominate[d] former state Supreme Court Justice John Wallace Jr. to the bench, whose pass-over by Christie in favor of attorney Anne Patterson angered Sweeney” (Freidman 2010, web).

Further complications came from this same incident. While both governor and lieutenant governor were out of state, a major winter blizzard affected the entire state of New Jersey. Some parts of the state received over thirty inches of snow. Sweeney did, in fact, have to take executive action while in charge of two-thirds of government, declaring a state of emergency shortly after becoming acting governor (Freidman,& Gibson 2010). Sweeney did not act outside of authority, nor did he act strictly in the interest of his party, but as with any succession problem laid out in this research project, the very possibility of handing over state government to a legislator rather than a statewide elected official is a clear violation of separation of powers. Here, it was one that may was entirely unnecessary. Surprisingly, lawmakers in Trenton didn’t consider adding the office of lieutenant governor until after the McGreevey resignation in 2004. John Reitmeyer is a former staff writer for the Bergen County Record in New Jersey and recalls the events between then and the ‘five governors in two weeks’ back in 2001.

Reitmeyer noted that while the multiple succession events from 2001 seemed ‘quirky’ to the media covering the events at the time. For the public it was not something that, “didn’t penetrate as big as an issue” (Reitmeyer 2015). Reitmeyer said that the metaphorical last straw for the people of New Jersey with respect to the state’s succession rules came because

“[Richard] Codey was from a legislative district,” rather than being a statewide elected official (Reitmeyer 2015). Codey had already been governor once, during the mass-succession prior to McGreevy’s inauguration. When McGreevy resigned, Codey returned to the governor’s office for two years until John Corzine was elected and took office in 2007. Reitmeyer’s observation that Codey was only elected by one district supports the idea that the public has an objection to elected legislators taking over the governor’s office.

One final example of New Jersey’s succession issues shows the state’s media continued to point out to the public how odd – and perhaps unsettling – a succession event can be. New Jersey’s ‘invisible’ governor, former New Jersey Commissioner of Transportation Kris Kolluri, was governor for just over 36 hours in 2006. He was *fourth* in New Jersey’s succession line and the only one available for the job. Governor Corzine, Senate President Sweeney, New Jersey Speaker of the Assembly Vincent Prieto, and Attorney General Peter Harvey were *all* out of the state at the same time.

Kolluri had to return to the state capitol of Trenton; his home was in West Windsor, NJ. While West Windsor is less than a thirty minute drive from Trenton, if he had not returned the legislature would have had to convene an emergency session to select an interim governor. This is because line-of-succession in New Jersey went no farther than Commissioner of Transportation. There was no one else available to become governor.

New Jersey media outlets relished the opportunity to make light of this; noting that Kolluri had to “step up after dropping his daughters at day care,” and saying Kolluri when taking his family to tour the governor’s mansion during his tenure as chief executive of the state, was “afraid to touch anything, and would not be offering dinner” (Manserus 2006, web).

The same article in the *New York Times* offered retroactive commentary on Richard Bennett's short tenure in the governor's office during the events of January 2001. Bennett was the sole Republican to hold the Governor's office between 2001 and 2010. In the three days he was governor (before Codey took his three day stint in the office prior to the McGreevey inauguration),

Mr. Bennett delivered the State of the State address and the governor's weekly radio address, toured hospitals and schools, signed bills, took his veto pen to the budget, distributed letterhead bearing his name and temporary title, and threw an engagement party for his daughter [at the governor's mansion]. He also pardoned an old friend convicted of disorderly conduct, bookmaking, and carrying a concealed weapon (Manserus 2006, web).

Mr. Bennett was obviously extremely busy during his 84 hours in office. There should not have been a situation allowing Bennett this kind of authority in the governor's office in such a short period of time. But it went largely unnoticed due to the rapid-fire undulation between officeholders in the two weeks prior to McGreevey's swearing in.

Perhaps more irresponsibly, the officials in the line of succession were oblivious to the significance of the change. This should raise a red flag for any state with a similar line. Attorney General Farmer – the man who became governor for 90 minutes between the close of one New Jersey Senate session and the start of another in 2001 later admitted he did not know he was governor (Manserus 2006).

Today, despite having a lieutenant governor, New Jersey still falls short of a responsible succession model. As mentioned, senate presidents in New Jersey do not have to give up their legislative post when becoming governor, long-term or in an 'acting' capacity. Questions in the mind of the public regarding effective administration of the state were also a consideration, especially when Codey took over for McGreevey. No one knew who Codey was, likely because he was an elected legislator. "Right now [Codey] noted wryly, polls only show that 20 percent of

voters even know who he is,” (Gurney 2004, web). It is likely that that 20 percent was made up by and large of the people who voted for him in his district, not the rest of the state.

Ultimately, New Jersey may have the actors involved in its 1947 constitutional convention as the true creators of its succession problems. Their succession model prior to 2010 was birthed from that convention because, “several delegates who just happened to also be senators insisted on it” (Jackson 2004, web).

Finally, it is worth noting again that today, New Jersey’s Attorney General and State Highway Commissioner – both appointed at the pleasure of the governor – do sit in the succession line. Elected legislators, only representing the interests of a portion of the state, may become governor before a gubernatorial appointee. Legislators in leadership positions could become governor in New Jersey and not have to give up their seat in the house or senate. An RPS model would maintain administrative control in the executive branch. It would eliminate the legislators and move the appointed executive branch officers up to second and third-in-line behind the lieutenant governor. It is a change that, barring major disaster, would mostly insulate New Jersey from having any of the aforementioned problems.

Case Study #2 - Arizona

Arizona has had seven succession events since 1947. The state has no lieutenant governor, and limits their line of succession to elected statewide officers. Several of Arizona’s succession events have gone smoothly, yet in notable cases the state has ‘skipped’ individuals in their line of succession because of electoral circumstances or political power-grabs by the chief executive. Most of these problems could have been eliminated if Arizona allowed its governor to appoint executive branch offices and create the office of lieutenant governor. Responsible

succession is not the norm in Arizona. The origins of their challenges may go back to the mid-20th century.

In May of 1948, Arizona Governor Sidney Osborn – a Democrat - died in office. His successor was Secretary of State Dan Garvey, also a Democrat. The succession was politically convenient party-wise; Garvey completed the remainder of Osborn's term and was elected in his own right in the 1948 general election, completing his time as governor in January of 1951.

Garvey picked an interim successor to the secretary of state's office to replace him, Democrat Curtis Williams, a former member of the late Governor Osborn's staff. Yet language in Arizona's State Constitution was nebulous as to whether Garvey was 'acting' or 'actual' governor, and whether or not he had the power to appoint Arizona's Secretary of State. The Arizona Constitution was amended in 1948 to clarify that Garvey was, in fact the actual Governor of Arizona, and that his first act was to nominate Williams to the vacant secretary of state post. The amendment passed in the November election, but a new Secretary of State – Wesley Bolin – won the office and was sworn in on January 3, 1949.

Since the amendment did not pass until November, Osborn and Williams ostensibly served as 'acting' governor and secretary of state until November 23, 1948 (Arizona Governor's Office n.d.). This action on the part of the Arizona Legislature, while laudable, did not serve as the last word on succession problems in the state. No contingency was made in the law to account for whether or not *appointed* officials could become actual governor should the situation present itself. Not accounting for it caused complex problems for the state almost 30 years later.

Secretary of State Bolin was involved in the succession events of October of 1977 and March of 1978, having served as Secretary of State during the entire period from when he was first elected to office. Bolin – still a Democrat – became governor when on October 20th of 1977,

when then-governor Raul Castro was appointed by President Carter to become the U.S. Ambassador to Argentina. Again, this left the secretary of state office vacant until Bolin appointed Democrat Rose Mofford as his replacement.

After serving the State of Arizona nearly 30 years, Bolin died in office on March 4, 1978, having only been governor for five months. The failure of the Arizona Legislature to completely address the appointment issues brought to light in 1948 became evident. Mofford was not *elected* as Arizona's Secretary of State; she was appointed and thus 'skipped' in line-of-succession. Institutional barriers prevented Arizona from utilizing its succession line in the way it was created, ostensibly ignoring Mofford's place in line-of-succession and moving to second-in-line. Bolin's second-in-line was Attorney General Bruce Babbitt, also a Democrat. He became Governor of Arizona because Mofford was not eligible, despite the Arizona Constitution being amended to allow a governor to appoint.

If line-of-succession in the state is comprised of constitutional officers that are elected, the potential for a party shift in the governor's office exists. Despite Babbitt being a Democrat replacing another Democrat, had Arizona needed to move to its fourth-in-line, State Treasurer Clark Dierks would have become governor. Dierks was a Republican. How would Arizona respond to a governor leaving office with multiple individuals in line of succession that were appointed and not elected? What if Babbitt had been a Republican and not a Democrat?

Gubernatorial selection of a cabinet is part of a RPS model. Though as it stands in Arizona, appointment via the governor serves a negative purpose. Cabinet-level offices are elected rather than appointed, and there are constitutional restrictions on these office-holders to become governor. Other successions in Arizona have resulted in the same problem.

While Rose Mofford was skipped in the succession line in 1948 she was subsequently elected to the Secretary of State position nine months later, and remained there for ten years. She was officially first-in-line of succession – and still a Democrat - when, on February 8, 1988 *Republican* Governor Evan Mecham was impeached by the Arizona Legislature for misuse of government funds. The legislature suspended Mecham’s powers until his trial, making Mofford “acting” governor until April 4, 1988. She was officially sworn in as Governor of Arizona upon Mecham’s conviction and removal from office.

Mofford filled the remainder of Mecham’s term, and was elected governor in March of 1991, when Arizona held a special election. In the interim, Mofford appointed her own Secretary of State, Democrat James Shumway, who was ineligible to become governor despite being first-in-line of succession because he was appointed. Mofford filled her term and ceded the governorship via election to Republican Fife Symington in January of 1991. In passing, the political ramifications became an issue. When Mecham (R) was impeached and Mofford (D) became governor, there was no debate to her eligibility. Yet her party affiliation belies the wishes of the public with respect to their elected governor. A lieutenant governor, elected as an adjunct of the governor relieves this circumstance. Arizona’s lack of a lieutenant governor again resulted in a party shift from governor to successor in January of 2009.

Democratic Governor Janet Napolitano was tapped by President Barack Obama to become head of the Department of Homeland Security. Secretary of State Jan Brewer was first in line of succession. Brewer took over on January 21, 2009, filled the remaining half term of Napolitano, and was elected in her own right. Brewer had the power to fill the office of secretary of state and selected Republican Ken Bennett. Once again a different party assumed the governor’s office and an appointed official took the place of an elected one in the line of

succession. Even Brewer recognized this problem. During her time in the Arizona Legislature, she attempted to introduce an amendment to Arizona's Constitution creating a lieutenant governor's office, but met with no success.

Brewer was the Arizona Senate's Majority Whip from 1993 to 1996. "[S]he filed the only argument in support of a ballot measure that would have added a lieutenant governor to the list of executive officers" (Small 2010, web). Brewer's main argument at the time was whether or not a secretary of state was qualified to be governor, with full knowledge of, "the complete workings of government, not just clerical functions" (Small 2010, web).

Brewer may be injudicious in minimizing of the importance of a statewide office that is in charge of elections. It is an office she held after serving in the Arizona Legislature and it led her directly to the governor's office. Yet her larger point is two-fold. First, by suggesting the office of lieutenant governor should exist, she is recommending there be a relationship between a governor and their successor. Second, she is endorsing appointment of executive branch offices. If there is no lieutenant governor, and a secretary of state is not qualified to become governor should there be a vacancy in the office, would it not be more reasonable to suggest that office should be appointed by the governor? A governor-elect could effectively account for that in their selection.

Brewer's plea for Arizona to have a lieutenant governor fell on deaf ears. A constitutional amendment proposing it made it to the 1994 ballot in Arizona, but it failed to pass muster with the voters. Arizona maintained the status quo. Yet the Arizona legislature pursued the measure sixteen years later in 2010. The 2010 measure would have made the secretary of state lieutenant governor; this was a cosmetic change at best. Unlike New Jersey, which now allows a gubernatorial candidate to select their running mate *then* install them into an executive branch

office, Arizona's 2010 proposal simply bestowed the title of lieutenant governor on the secretary of state. This change was a precursor to "an amendment that would require gubernatorial and lieutenant governor candidates to run as a team to ensure the top two state officials are from the same political party" (Small 2010, web). The 2010 amendment proposal failed by a 2-to-1 margin with voters, despite the support of former U.S. Supreme Court Chief Justice Sandra Day O'Connor in, "a yearlong effort...to change how the state's government is organized and runs" (Fonseca 2010, web).

Legal arguments and the perception of poor wording of the proposed amendment were a large factor in its failure; a fear of disenfranchisement of independent voters chief among them.

Tim Hogan, who represented the Arizona Center for Law in the Public Interest in 2010,

...[r]aised questions about what would happen if an independent won the nomination for governor, but there was no independent running for lieutenant governor. If that was to happen, he said, the independent would be unable to run on a joint-party ticket in the general election, as Prop. 111 would require (Nunez 2010, web).

The point of the amendment was to ensure executive branch continuity rather than discourage political participation. While that point was lost on voters, Arizona could fix the problem. Allow a gubernatorial candidate to select their own running mate, then make them an integral part of the executive branch through appointment to another cabinet-level office. This is a simple reply to the critique of those who do not support the office of lieutenant governor, arguing that it has no real functionality other than to replace a departed governor should events warrant.

The more important question with Arizona's proposed model or New Jersey's current model is whether there is conflict of interest if an elected lieutenant governor could serve as secretary of state. At the federal level, the president selects his entire cabinet and a vice-president. The Incompatibility Clause of the U.S. Constitution prevents dual office-holding,

making the possibility of a cabinet member holding the vice presidency unconstitutional. It is safe to say that if a U.S. Secretary of State were to become president, they would step down from their post. Arizona's proposed amendments, and New Jersey's current succession model ignore this at the state level. While appointment power at the state level is much more complicated, it may be that states deciding to allow dual-office holding may be violating constitutional language as well.

Despite the federal election and succession model being widely accepted, state governments still have a difficult time breaking away from the idea that gubernatorial appointment is somehow dangerous. In reality, it encourages effectiveness, eliminates the possibility of interference with the administrative and policy goals of a governor, and assures the electorate the same party they installed in the executive branch remains there. They know who they voted for and that those ideas will be taken into consideration by their new governor.

Case Study #3- New York

The State of New York has only had two succession events since 1947. Yet one singular incident clearly shows that legislative branch succession (regardless of where legislators appear in a succession line), can create problems with a state's succession line and appointment power of the governor. It also illustrates the financial harms associated with weak succession protocols.

New York's lieutenant governor is paired with a gubernatorial nominee for the general election. With respect to succession, the president of the senate and the speaker of the assembly follow the lieutenant governor, with the attorney general appearing fourth-in-line. There are seven more offices in New York's succession line; it is one of the longest in the nation.

Regardless, New York's potential for problematic succession does not come in the form of line robustness; it is who is in the line and where they are placed.

In March of 2008, Democratic Governor of New York Eliot Spitzer resigned the governorship amid a prostitution scandal. His lieutenant governor was David Paterson, who was sworn into office subsequently. This succession event was prologue to a large-scale leadership crisis in the New York Senate. During the crisis, there was substantial controversy as to which party was in control of the senate. This raised questions as to who was second-in-line of succession. There is no law in New York allowing a succeeding lieutenant governor to nominate a new lieutenant governor. This left the office vacant well into 2009. Should Paterson have had to leave the office, the speaker of the senate would have become the next governor. What makes New York's succession problematic is that for several months, it was unclear who the speaker of the senate was. At various points in time, there were multiple individuals second-in-line of succession. A sly political move by the governor to end the legislative crisis by appointing a lieutenant governor when the legislature was not in session and a New York State Supreme Court case finally brought the succession question to an end, but not without legal hurdles and a legislative debacle that could have been avoided.

During the course of events in the 2009 session of the New York Senate, no normal Senate business was being addressed, including the authorization of the 2009 state budget. This was a direct result of political infighting between Democrats and Republicans following a statewide election that evenly split senate membership 31-31. Between 1940 and 2008, Republicans had been in control of the New York Senate. Democrats controlled the Senate by a one-seat margin following the 2008 election, but four members of the party were less than confident in the leadership ability of Malcom Smith. Smith was the minority leader of the senate

prior to the election, and was effectively in line to become the new senate president (Hakim 2008). New York Senators Pedro Espada Jr., Ruben Diaz Sr., Karl Kruger and Hiram Monserrate – all Democrats - publicly voiced concerns about Smith. On June 8 of 2009, Republicans in the senate aided these legislators in dethroning Smith.

Espada and Monserrate took point on the coup when Republican leaders in the senate effectively cast a vote of no confidence in Malcom Smith as Senate President. To accomplish this, Espada and Monserrate aligned themselves with the Republicans, creating a 32-30 majority in the senate. They promptly placed Espada into the senate presidency and added former Senate President – Republican Dean Skelos – as vice president (Odato, 2009). Technically, this made *two people* first-in-line of succession to Governor Paterson, but Skelos remained adamant he was still President of the New York Senate. Subscribing to this argument means that *three people* considered themselves first-in-line of succession to Paterson.

Governor Paterson publicly declared his support for the deposed Smith. Paterson also vowed not to leave the state until the matter was settled (Hakim 2009). It is arguable that Paterson may have had succession in mind considering he had no lieutenant governor, and it was unlikely the senate would take time to confirm a nominee amid the crisis. Two days later, Smith petitioned the Appellate Division of the New York State Supreme Court to implement a temporary restraining order on Espada. This tactic worked for Smith, as the court ruled in his favor and, “barred Espada...from being the successor to Gov. Paterson” (Scott 2009, web).

The ruling caused more problems than it solved. The court placed Democratic Senator John Sampson into the Senate Presidency until the matter was disentangled, making Sampson the new first-in-line to succeed Paterson. Sampson was New Jersey Senate President for one day. Justice Thomas J. McNamara of the New York State Supreme Court vacated the order,

indicating it was not the court's place to intervene in the matter and encouraged the senate to solve the problem on their own (Hakim 2009). In the course of three days, four individuals considered themselves the successor to Governor Paterson, with Espada even suggesting that he had two votes in his pocket: one as Senate President and one as Lieutenant Governor. Simultaneously, Hiram Monserrate was persuaded to return to the Democrat's fold in the senate, returning the body to a 31-31 deadlock (Fund 2009).

Governor Paterson was infuriated after nearly a month of the senate conducting no business. Already having cut off senate pay by executive order and having Democrats balk at his forcing the legislature to stay convened, Paterson challenged the body by appointing a new lieutenant governor. On July 8th, 2009, after the Senate had concluded its business for the day, Paterson tapped Democrat Richard Ravitch as his new lieutenant governor. Reminiscent of the 'midnight judges' of John Adams' waning hours in the presidency upon his signing of the Judiciary Act of 1801, Ravitch was sworn in that evening.

The following morning the New York Senate immediately declared the action unconstitutional in what was arguably their first bipartisan action in over a month. Senators Skelos and Espada requested a restraining order from the New York Supreme Court barring the appointment. Initially, the court sided with Skelos in what was now *Skelos v. Paterson*. The court put a restraining order in place until the matter could be decided in oral arguments. Ultimately, the court decided Paterson had the legal power to appoint a lieutenant governor, but voided the time Ravitch had been lieutenant governor until the day the court decided the case on November 22, 2009. Malcom Smith was retroactively appointed *de facto* lieutenant governor for the period between Ravitch's initial appointment and the court's final verdict (*Skelos v. Paterson* 2009).

By now, New York had a nearly one year and four-month long period with no lieutenant governor, in addition to a one-month period of *five* would-be successors to the governor. The actions of the New York Senate and Paterson in conjunction with the legal dispute and the negative externalities associated with the senate leadership crisis cost the State of New York millions of dollars in both court costs, lost jobs and lost wages, benefits, and had other budgetary impacts on the state (Gralla 2009).

To date, New York has not changed its election or succession model – or even the law undergirding the constitutionality of Paterson’s actions – despite its resulting costs. Circumstances such as the ones in New York and in other succession events outlined in this research are unlikely to repeat themselves exactly. Still, the failure to account for the potential problems of leaving legislators directly in line-of-succession can trigger similar events as those in New York. An RPS model would not only allow the governor more appointment power, but it would also shore up the state’s line of succession. While it is one of the longest in the nation, executive branch officials once again find themselves on the outside looking in. No power to appoint in New York left a dysfunctional senate to determine who would replace the governor had it been necessary.

Case Studies – Conclusions

Each state studied in this chapter has demonstrated how not only the institutional considerations of succession are crucial, but also gives substantial weight to environmental variables. Arizona and New Jersey’s lack of a lieutenant governor resulted in problematic succession, but with differing challenges. For Arizona, it was the fact that a gubernatorial appointment can lead to problematic succession, causing a change in party from departing

governor to his or her successor. New Jersey's political environment during its succession events was one involving multiple branches of government, multiple actors from both political parties, and political conditions that exacerbated the institutional deficiencies New Jersey had. While Arizona's challenges were more directly related to the lack of a lieutenant governor, New Jersey's issues stemmed from not only institutional rules but also legislative parity, divided government and a line of succession allowing successors to become governor without resigning their legislative post. These cases both clearly show the importance of a lieutenant governor and how the delicate balance of power in a legislature can affect the ease of a transition to the governor's office.

New York has a lieutenant governor who runs on a ticket with his or her gubernatorial counterpart. But the main concerns in that state relative to succession are environmental ones; a state senate at political standstill not only caused the state financial problems, but also raised substantial questions as to who would replace the governor should he have vacated the office. The politicking in New York's Senate would be a non-issue in succession if the governor is granted appointment power for the lieutenant governor's office. This runs parallel to Arizona, where gubernatorial appointment power was less constrained, but still affected succession negatively.

Because succession events in these states were inefficient for a variety of reasons, we need to acknowledge environmental considerations play some role in a more significant way than can be explained quantitatively. It is clear that often, institutional and environmental norms in a state at the time of a succession event melt together in unique ways. Interviews with experts on governors and lieutenant governors will give more context to the case studies. These

interviews add to evidence supporting the importance of both institutional and environmental factors as indices of problematic succession.

Interview – Julia Hurst

Julia Hurst is the Executive Director of the National Lieutenant Governors Association. Created in 1962, the NLGA “is the professional association for the elected officials first in line of succession to the governors in the 50 states and five U.S. territories” (NLGA 2010). Obviously, the NLGA is an advocate of the office of lieutenant governor, yet they are somewhat circumspect in expressing policy positions on succession.

The NLGA asserts that every state should have a duly-elected lieutenant governor, but does recognize the Senate Presidents of West Virginia and Tennessee as “statutorily empowered to use the title Lieutenant Governor,” while also noting that in Wyoming, Oregon, and Arizona the first in line of succession is secretary of state (Hurst 2015). The remaining two states of the seven not having the office (Maine and New Hampshire) have no such language in their succession laws.

While many states do not elect their governor and lieutenant governor as a team, Hurst points out that, “factual observation is a trend,” when considering the importance of the lieutenant governor’s office as a whole. Lieutenant governors frequently use the office as a springboard to the governorship. Hurst also notes the historical precedent for elections and line of succession in states mimicking the federal model.

There is room for interpretation between the NLGA’s policy positions on the necessity of a lieutenant governor’s office and succession as a whole. The NLGA has no official position on what an election should look like or whether the governor and lieutenant governor ought to be

elected as a team. The NGA believes that as the role of lieutenant governors in matters of policy increases, the office should have a “single method” of a governor/lieutenant governor executive branch election, which, “brings the greatest consistency” to this norm (Hurst 2015). Policy interactions between lieutenant governors may play a more substantive role in other states’ lines of communication in executive branches.

Hurst says that the organization has no position on what, exactly, defines an appropriate line of succession (beyond having a lieutenant governor) or whether it is wise to leave elected legislators in succession lines. Hurst does note that in a succession event in states without lieutenant governors there can be “broader complications” after first-in-line (Hurst 2015). The NLGA recognizes this, but again, has no official policy position on the matter.

The NLGA takes a conservative policy position on the robustness of succession lines. Hurst points out that, “contrast[s] [between succession models] are more of an urgent issue,” and that states need to review their own succession laws to determine what is appropriate. This is cryptic, especially considering that the NLGA considers the office of lieutenant governor to be part of “the historically established and recognized method of succession” (Hurst 2015). Hurst and the NLGA are correct when they point out that how a state ‘should’ configure their line of succession beyond lieutenant governor is outside their purview. Yet when the organization highly recommends states have lieutenant governors, it points to the existing faults in state succession lines by effects. Succession procedures are not the primary concern of the NLGA; Hurst says that states are, “left to their own,” when determining what appropriate succession models may look like (Hurst 2015).

As already mentioned in this research project, succession lines vary significantly across the states. When comparing the depth of state lines of succession to one another the average is

five; as of 2011 there are states with as few as one or lines that go eleven or twelve deep. Yet perhaps the single most important position of the NLGA remains that the lieutenant governor at minimum should exist.

The office [of lieutenant governor] is the historically established and recognized method of succession, [and is] the central component to a well-planned statute or law to ensure for a *smooth* transition (Hurst 2015); emphasis is mine.

There are more complicated aspects of succession that are not part of this research project. For example, some states lack clear succession language for when a recall election occurs. In other states, determinations of incapacity are a concern of the NLGA. The NLGA has consistently encouraged clarification of succession in these circumstances. Clear state language on succession, along with the established fact lieutenant governors often become governors themselves may aid states when succession occurs.

Recommendations and admonitions from the NLGA aside, the very fact one of the organization's principal goals is to create an atmosphere of effective policy communication among the states through the office of lieutenant governor is worth consideration. It opens another line of communication between states and their respective administrative and policy practices. Lieutenant governors can then bring these ideas to their own states.

The NLGA has encouraged the seven states without lieutenant governors to create the office. While West Virginia and Tennessee have specifically named their senate presidents as lieutenant governors *ex officio*, the fact remains that neither of these states require their senate president to surrender their legislative position when they become governor. Historical precedent and common sense when considering succession events very nearly mandate the office as a key component of responsible party succession.

As the NLGA puts it, lieutenant governors derive their powers from:

- 1.) ...[T]he state Constitution and/or
- 2.) From the governor (*thru appointment and/or executive order*), and/or
- 3.) From the Legislature through statutory action, and or
- 4.) From the power of personal initiative (NLGA, 2010.).

If we are to believe this position from the NLGA, it suggests governors and their ability to appoint members of the executive branch may be more important to succession. Existing statutes in state succession law may designate legislators to appear in their line. Would a governor appoint a legislator to serve as lieutenant governor should it be necessary? Certainly, but this person should have to surrender their position in the legislative branch. While a lieutenant governor's power in the legislature is a consideration for a future research project, the ability for an elected legislator to exhibit *any* power in the executive branch upon succession should be completely eliminated. Quantitative results of this study have already shown a significant relationship between not having a lieutenant governor and problematic succession; qualitative analysis shows diminishing returns and the potential for more challenges without this office when legislators appear early in a state's line. Given this, no logical line of thought would consider a legislator the main part of a smooth transition.

The functions and duties of lieutenant governors are increasing and therefore, also are their profiles. By centralizing executive power and creating an administrative executive that can function with minimal upset when a succession event occurs, it makes a responsible party government succession model seem more reasonable than the alternative of allowing the legislative branch of state government to play a role.

[According to Frank Goodnow]...the power of the government must be concentrated so that one man or set of men can easily and identifiably possess it at any time. Full responsibility, he was convinced, can arise only from full power (Ranney 1954, 93).

Governors increasingly use lieutenant governors as their adjuncts on policy. With legislators in line of succession, the ‘easy and identifiable’ power becomes difficult and uncertain. This power struggle may also demonstrate itself in the way lieutenant governors are elected. A governor likely wants as much administrative control as possible; team elections can aid responsible succession. Using them may not control for personality and policy differences between the two office-holders completely, but it is a better alternative than having separate elections. Several states which elect their governors and lieutenant governors separately demonstrate how Goodnow’s and Ranney’s ‘concentrated control’ of administration can be just as challenging.

In 2009, “Republican Gov. Arnold Schwarzenegger and Democratic Lt. Gov. John Garamendi disagreed openly about cuts to higher education. Schwarzenegger....cut 62 percent of Garamendi’s budget [proposals], from \$2.8 million to just over \$1 million. Schwarzenegger’s finance director said the lieutenant governor’s duties, “are just really of a lower priority, so we thought we could take his budget down” (Mercer 2015, web).

This conflict between governors and lieutenant governors not elected on the same ticket has happened before in other states, even when both offices are held by the same party. South Carolina also has separate elections for governor and lieutenant governor. In 2009, Governor Mark Sanford’s Republican counterpart, Lieutenant Governor Andre Bauer, openly campaigned for Sanford’s resignation following Sanford’s revelation of an extramarital affair during his time in office. At one point, even Bauer admitted that the distraction was, “going to be the best reality TV ever” (Osby 2009, web). Bauer also proffered a veiled threat to Sanford amid the controversy, implying it interfered with his own gubernatorial electoral aspirations. He used the media to tell Sanford he would allow him a month to consider resigning before Bauer started his campaign (Osby 2009, web).

While Sanford brushed off Bauer’s demands, other political figures in South Carolina have taken note of poor working relationships between governors and lieutenant governors there. More

recently, this has been observed between current South Carolina Republican Governor Nikki Haley and her former lieutenant governor Glenn McConnell who was a Democrat. Another Democrat – Bakari Sellers – who ran for lieutenant governor in 2014, noted not only the animosity between Haley and McConnell, but also Haley and her lieutenant governor during her first term in office, Democrat Ken Ard. Sellers said that Haley and McConnell were, “bitter enemies,” and that she had “no communication...at all,” with Ard. Sellers also noted that the relationship between Republicans Sanford and Bauer was toxic (Brown 2014, web).

It appears states are on the verge of examining these broader issues, whether it is the absence of the lieutenant governor’s office entirely or how governors and lieutenant governors are elected. A higher level of administrative functionality can exist when states have the office of lieutenant governor, and they are elected on a ticket with a gubernatorial candidate.

Interview – Richard Sheppach

Dr. Richard Sheppach is the former Executive Director of the National Governor’s Association (NGA). Over the course of his 28 years in this position, Sheppach saw over 300 governors come and go from their offices in their respective states. His thoughts on gubernatorial succession and what a theoretical model of RPS may look like differ somewhat from the theories of this research project, but also support existing findings.

Sheppach agrees completely with two of the central arguments of this study. States should have lieutenant governors and they should be part of a gubernatorial ticket. “You have fewer problems if the person taking over [the governorship is] from the same party,” Sheppach noted. Having a lieutenant governor of a different party because of electoral circumstances can be challenging. “It is disruptive to the budget process” (Sheppach 2015).

Yet the question of whether or not a candidate for governor is able to select his or her nominee does not seem as much of a concern. Regardless of whether or not candidates are joined as a ticket from the beginning, or they only do so for a general election, Sheppach says that party politics may somehow be involved. “[P]olitics [can] dictate who they run with and that may not be a very good relationship,” says Sheppach. If the relationship is not healthy, the concern of a governor facing their first-in-line upon the next general election may come to bear (Sheppach 2015).

Despite this, Sheppach reiterates that even if candidates for lieutenant governor run separately from gubernatorial candidates, it is a better alternative than not having a lieutenant governor at all. “If you don’t have a lieutenant governor, you’re up in the air. There’s not a lot of other executive officers elected statewide.” For Sheppach, even a lieutenant governor with minimal responsibility will still be assigned duties via the governor’s office. This would hopefully translate into more of a working relationship between the two offices and perhaps a bit more on-the-job experience that could translate to a smooth succession should it be necessary (Sheppach 2015). Overall, Sheppach is very clear on the need for the office of lieutenant governor. “It doesn’t make any sense to me to [not] have that. What really matters is there is somebody that has a bit of experience and is ready to go...You worry about people’s trust in government, that doesn’t help. At some point, I think it’s irresponsible to not have a lieutenant governor” (Sheppach 2015).

Separation of Powers and Gubernatorial Appointment

Sheppach offers input on separation of powers and gubernatorial appointment in a way that seems to bridge the gap between the model of responsible party succession discussed herein

and what often happens. He points out that in New Jersey, once they created the office of lieutenant governor in 2010 to eliminate the problems that state endured in previous years, that state now has, "...one of the strongest governorships" (Sheppach 2015). Adding additional responsibility to the lieutenant governor's office with a cabinet-level weight gives these individuals more experience with administrative management. New Jersey's lieutenant governor is constitutionally required to serve as secretary of state. It is more than likely this individual will be more prepared and more aware of the gubernatorial agenda with these extra duties. Sheppach agrees with this assessment. Many governors-elect work with the NGA prior to their taking office for three or four months to familiarize themselves with the administrative burdens of the office. Essentially, the NGA serves as a training ground for new governors (Sheppach 2015).

This makes sense; if a governor-elect goes through a 'boot camp' with the intent of making them aware of what faces them administratively, it correlates with having an office specifically tasked with understanding those same things. A lieutenant governor's office is a rational and responsible consideration. Inference can be made between the thoughts of Dr. Sheppach and how gubernatorial power should be more consolidated. Sheppach believes that strong governorships that follow a less-pluralistic model – giving governors broad appointment powers – are preferable to an excess of independent statewide elections for multiple cabinet offices.

Yeah, I believe in strong governorships...I'm not in favor of independent elections. I don't think that's a good model. At that point, I'd worry about succession (Sheppach 2015).

Sheppach's concerns mean something different with respect to the RPS model. While succession should follow a clear and preordained model that is adhered to each and every time, it should be considerate of level of qualifications. Doing this means keeping succession in the administrative branch. But Sheppach thinks that this approach would have diminishing returns

the further down the line you go. “Generally, I would say you want to stay with the executive [branch for succession]. [But] [a]re you going to let the railroad commissioner [become governor]? I begin to worry at that point” (Sheppach 2015). Obviously, this is a concern that cannot be mitigated even at the national level. Currently, the Secretary of Homeland Security is seventeenth and last in the federal line of succession. It is arguable that the head of that agency is far more qualified to be president in the event of emergency than the Secretary of Veterans Affairs, the cabinet office at sixteenth in the succession line.

This is a clear oversight born from the Federal Succession Act. Offices can be added to the succession line, but only in the order of their creation. Given the political climate in this country on terrorism post 9-11, the Secretary of Homeland Security may be a better fit at seventh in line-of-succession, ahead of the Attorney General and behind the Secretary of Defense. Another miscue in the line appears at 8th in line of succession. Sally Jewell, the Secretary of the Interior is *not* a natural-born citizen of the United States. This standard is a benchmark for one to be qualified for the presidency, yet even the federal government seems unconcerned by this presidential appointment.

These fundamental flaws in the way the succession act is carried out at the federal level are things states do not consider, even if there is no specific separation of powers language in their constitutions. While the line and who is in it becomes less relevant the deeper the succession event goes, concerns arise when that last individual in the line is of far less significance in terms of administrative power than a lieutenant governor or a secretary of state. Sheppach recognizes this, and offers two responses. First:

The only problem I have with apostolic succession [uninterrupted succession in the executive branch] is there are always political compromises – they may not include certain people. There is a point where you’re going to a non-elected official, [one who is chosen] regionally and not statewide. (Sheppach 2015).

As the administrative duties of a cabinet-level office become more specific, the probability that the individual elected or appointed to that office is less-qualified to become governor goes down. They are in a position very specific to their skill set. What is more important, according to Sheppach, is that the constitutional offices more important to the day-to-day administration of the state are front-and-center in the succession line. This consistency is more representative of responsible party succession. “Lieutenant governors...attorney general[s] and secretar[ies] of state ought to be in that line of succession so you’re not down further in the weeds” (Sheppach 2015).

Second, the fact that succession lines are different in every state is due to inaction on the part of the legislature. Sheppach believes that is not entirely irrational when considering the day-to-day operations of government. He cites the reactive nature of policy making as justification for this inaction.

...[L]egislators come at it in terms of ‘no big deal, they’ll fix it.’ They’re not aware of the inefficiencies. They only look at the short-term. Part of it is because they generally work it out” (Sheppach 2015).

Succession in Emergencies

Succession events as a direct result of an emergency or large-scale change is incredibly rare. As a result, legislators may not consider it crucial to the everyday function of government. The succession model may be inefficient were it tested, but given succession events requiring this kind of test are virtually non-existent, Sheppach says it matters less. Still, Sheppach points out some major concerns as to how government may respond to disaster.

[At the NGA] we used to go in and do mock exercises. One thing we find now is that governors face a crisis during their first few years in office. If you had a real serious problem it could be challenging (Sheppach 2015).

While Sheppach does not specifically point to particular events outside the recent race riots in Missouri and Maryland, governors in many states are faced with crises during their time in office. Whether it is fires, blizzards, hurricanes or something else, the onus on a chief executive is to manage the problem appropriately. The potential for a governor to be affected by such events directly is increased. As a result, emergency management plans should be in place that not only aid in the recovery from catastrophic events, but also make very clear what happens if a governor is unavailable. These questions again fall to the legislative branch to answer. While they are not every-day occurrences, Sheppach believes a succession model is irresponsible when not considerate of these circumstances. “That’s where I worry about nobody being available to handle [a major crisis]” (Sheppach 2015).

Party Shift and Succession

Two of the major concerns undergirding problematic succession is when an event causes a legislator to become governor, and when it results in a shift in the party affiliation of a new governor. Sheppach offers perspective on both these situations, supporting the idea that separation of powers is important and that party shift to the governorship is not representative of RPS. When asked if separation of powers violations should be of concern with succession, Sheppach concurs.

In general, I would say yes. It’s different [when succession falls] to the legislature. You have questions of separations of powers...[it’s] too hard to govern with too many people involved. It doesn’t make sense to me (Sheppach 2015).

Sheppach believes this is especially the case when legislators directly in the line of succession do not have to resign their legislative seat upon becoming governor, regardless of the length of time they fill the office. “Yes, [legislators] should resign their seats. Dual responsibility makes no sense to me” (Sheppach 2015). This supports the previous argument that states should

always have a lieutenant governor. It also means that legislators should not appear so early in a line of succession to create this problem.

The case studies done in New Jersey and New York apply here; legislators appeared either first, second, or third-in-line of succession. New York's succession problem was unique; Governor Paterson was handicapped by the inability to appoint a new lieutenant governor once he took office. This vacancy left the President of the Senate next-in-line of succession at a time when the New York Senate could not decide whom was in charge. With respect to New York, Sheppach pointed out that things did not devolve to the point where that consideration became critical; Paterson never left the state during the legislative crisis, and the issue was resolved temporarily when Paterson took action to break the coup by appointing a lieutenant governor. It became a permanent solution when the New York State Supreme Court ruled in favor of the governor in *Skelos v. Paterson*. "New York never got to the next round [in succession, but] I think it's right – if it's not clear – [the] acting governor ought to be able to appoint" (Sheppach 2015). Sheppach makes another key observation here, which once again shows how the level of crisis correlated with any one succession event determines whether or not it is problematic.

Hiccoughs in succession usually involve more than one actor. If multiple actors become governor in a short period of time, the functionality of a state's succession line is of much more importance. In New York, the solution resides in administrative power of the governorship. A strong governorship is less likely to incur straining succession events because of the appointment power. Even if a governor has elected officials in the executive branch, this is a better alternative than having a space between first and second-in-line that allows a legislator to become governor. Not only are separation of powers questions put to rest, but some questions related to party shift as well. Sheppach claims that concern has become much more salient today.

I worry about it more today [party shifting] than in the past. If you do switch parties, often people will be replaced in the cabinet. Going forward that is more serious. When you're flipping parties you're alienating them. It changes legislative strategies. The dynamic [between executive and legislative] may change. Some are better at reaching out than others (Sheppach 2015).

Finally, Sheppach discussed Arizona's repeated failure to amend their constitution to create the office of lieutenant governor. Here, the power to create responsible succession models is in the hands of the public and special interest groups, who can shape the argument for or against the office. The public tends to ignore the broader complications associated with succession, largely because state legislatures, "generally work it out" (Sheppach 2015). His recommendation is to encourage the public to understand that succession should be put in the hands of private sector interests, which tend to follow the day-to-day administration and policy action of government more closely.

What you've got to do is make the public make a rational decision. Corporate leadership should help; they tend to look at who is currently in office. They're obligated to step up to the plate (Sheppach 2015).

Ultimately, any triggers leading to problematic succession among the states need to be addressed in order to ensure smooth transitions which do not raise broader issues. This may be more important in times of emergency, but it can also affect relationships between the executive and legislative branches of government and public perception of responsible party government in general. A succession model inclusive of the most important members of a governor's cabinet gives him or her substantial power to express party uniformity in the executive branch. It protects the electorate from having a governor they did not elect and in most circumstances can eliminate the potential for separation of powers violations if legislators are placed deeper in a succession line. Large-scale successions are rare, but should they occur, major decisions should be squarely in the hands of the governor and his cabinet wherever possible.

Conclusion

With each of these states, the consequences of problematic succession are apparent. New Jersey had no lieutenant governor and a line of succession empowering legislators to exercise free reign over the office, ignoring separation of powers questions and allowing party shift in the governor's office upon succession. New York had a lieutenant governor's office that was vacant with limits on gubernatorial appointment. Arizona had a poorly constructed succession line that contained executive branch officials, but did not allow officials in that line who were appointed by a governor to take part in succession. Each of these states show triggers to problematic succession in a variety of ways, ranging from the possibility of a party shift in the governor's office, to legislative control of the executive branch, to the absence of a lieutenant governor. These triggers caused confusion and conflict, they brought constitutional questions on succession to the fore, and demonstrated administrative inefficiency, public harms, and general confusion as to how succession may be more responsibly executed.

While these three cases illustrate what problematic succession is in detail, many states either have the exact same succession models to those of New Jersey, New York and Arizona even today. While the succession events in this research project cover the period of time between 1947 and 2010, the dysfunction of some of these events may foreshadow future problems.

Given that many former governors have run for President of the United States, and many are already candidates for federal office in 2016, states other than the three discussed here could be faced with similar challenges. It must be acknowledged that most succession events occur without incident. Yet given the complexity and scope of succession problems outlined here in just a few cases, the need for states to shore up their lines is evident. An elected governor and

their lieutenant governor have been given administrative control over their state when elected. A governor bereft of a lieutenant governor may have an agenda, but he or she has no guarantee of being able to pursue it if they do not have appointment power. There is no guarantee the electorate would not be left with a member of another party in charge of the executive branch should a governor depart. If there is dysfunction in a state's legislative branch when a succession event takes place, how would that affect the determination of who is governor? Is a senate president not having to relinquish their responsibilities in the legislature a course of action representative of the whole of an electorate, and do we allow these legislators who are not elected statewide to gain control of two-thirds of government?

It is obvious that to maintain order in the executive branch an RPS model is more apt to cover contingency when these events occur. Even though the legality of the Federal Succession Act of 1947 continues to be a topic of discussion, states can insulate themselves from this problem by adhering to an appointment model. This appointment model is existent in the status quo at the federal level –despite the inclusion of legislators in the line of succession. The Federal Act is in dire need of repair to amend its deficiencies. States could serve as the template for this change, and perhaps improve party unity at a state level. A clearly articulated agenda from a gubernatorial candidate and the ability to administer over it should not be hampered by limited gubernatorial appointment power. It is preferable to allowing legislators to appear in a succession line.

Most succession events since 1947 have not involved more than one person in a line of succession. Circumstances where governors and their successors are all part of some disastrous situation almost never happen. States could at least plan for the short term. In this case, the suggestions of Ray Sheppach and the NLGA encourage not only proper preparation, but also a

more responsible succession model. For the NLGA, lieutenant governors need to exist in every state, and the probability of a smooth succession event is higher when there is a working relationship between the governor and his subordinate. For Sheppach, legislators should not appear in a line of succession, and if they do, they should cut all ties to the legislature.

Though the NLGA has no official policy position on succession, Sheppach as former Executive Director of the NGA suggests it is more responsible to have succession that avoids unnecessary conflict between legislative and executive branches. He also suggests larger public sector entities like corporations or interest groups are more aware of day-to-day events in state government, and that communicating with the public may aid in further understanding of what could happen when succession occurs. Sheppach warns that crisis in a state – no matter its form – could make succession even more problematic. Having a line of succession with a lieutenant governor and high-ranking cabinet offices like secretary of state and attorney general appearing in a line subsequently may mitigate these problems. Finally, Sheppach adds that proactive approaches to succession may be a better alternative than reactive ones, even when states survive a problematic succession event.

A fully-articulated theory-based model of responsible party succession based on quantitative examination would involve a governor with a lieutenant of the same party, a succession line free of legislators and a strong governorship, where a governor is given as much appointment power as possible, and where those he or she appointed are front-and-center in the succession line after the lieutenant governor. It would show clear party control of the executive branch, increase the odds of administrative consistency should succession occur, and gives the public the ability to vote on the known when selecting a chief executive for their state.

While this model is unlikely to be implemented in its totality, both quantitative and qualitative data clearly illustrate one overarching point: States are less likely to have difficulty with succession when there is a lieutenant governor, they are elected with a governor (rather than independently) and there is no potential for party shift. Most states have a lieutenant governor already, but those that do not should consider implementing it. States that do have lieutenant governors are positioned better for succession, but must be mindful of both political party and separation of powers when organizing their line. Responsible party succession should contain these elements to avoid, as Austin Ranney puts it when summarizing the words of early 20th century political scientist Henry Jones, “existing institutional barriers to leadership” (Ranney 1954, 87).

Chapter 6 Conclusions

Introduction

The research questions in this project attempt to define what problematic succession is, why it happens and what institutional and environmental variables in state government increase or reduce the possibility of problematic succession. Using the ideas undergirding responsible party government (RPG), Responsible party succession (RPS) demonstrates what states may do to avoid challenges when a governor leaves office. This understanding allows a broader interpretation of how succession events can be smoother.

An RPS model favors executive branch control over succession. Giving it as much latitude as possible to prevent ‘triggering events’ when succession occurs can provide more certainty to administrative function of the state. These triggers to problematic succession include whether a state has a lieutenant governor, how they are elected and the actors in the line of succession.

Quantitative Summary

Quantitative data approaches the research questions in this project from an institutional and environmental perspective. It suggests that institutional factors of succession are of primary importance for an RPS model. It shows a significant negative relationship between problematic succession and whether or not states have lieutenant governors. A strong negative relationship also exists between team elections and problematic succession.

Data show that states should have both. When governor and lieutenant governor are elected on the same ticket, it is less likely these states will incur succession issues. The same applies to lieutenant governors in general. Though there are only seven states without the office, there is more than enough evidence to support the need for the office in those states.

Several environmental variables were used as part of the quantitative analysis. Levels of legislative professionalism, party control and strength in a state's legislature, and party shift – when the departed governor is of a different political affiliation than his or her successor. None of these variables showed a statistically significant relationship to the dependent variable.

The two institutional-based hypotheses are clearly supported. States with no lieutenant governors and states that do not have governors and lieutenant governors run as a ticket are strongly related to problematic succession. Their absence sets a state up for a problematic succession. Qualitative analysis shows similar results with institutional variables, and some environmental variables used here are given a more significant weight, although not in the context expected at the start of this study.

Qualitative Summary

Qualitative research and interviews offer more information on environmental variables regarding succession than quantitative data provided. Observations from Julia Hurst, Executive Director of the National Lieutenant Governor's Association, and Dr. Richard Sheppach, former Executive Director of the National Governor's Association add some measure of importance to environmental variables. Qualitative findings overall supplement the quantitative argument that RPS should involve lieutenant governors and team elections. Individuals placed in a state's line

of succession should be cabinet-level officers and that legislators should be left out of succession as much as possible.

Levels of legislative professionalism do not have any bearing on problematic succession. Two of the three states used in case analysis (New Jersey, New York) have professional legislatures. Arizona's legislature is a hybrid of citizen and professional typologies. The circumstances surrounding succession in these states were different, but the end result was the same; a succession event or events that disrupted the administrative executive in some way. Whether it was not having a lieutenant governor, a sitting governor having sufficient appointment power, or legislators becoming active participants in succession events, each case offered strength to the environmental variables in some way. Legislative party competition played a substantial role in the New York case study, as it did in New Jersey. This higher level of competition came hand-in-hand with divided government in both states, which suggests combining these variables may be more effective.

The case studies also showed how the public can be affected when succession occurs. A protracted legal battle in New York in conjunction with their state senate's leadership crisis cost the state and taxpayers millions in lost revenue, legal fees, and perhaps credibility. Arizona's succession problems were generally associated with not having a lieutenant governor and with elected cabinet offices in line of succession. Though a cabinet-model succession is preferable, in Arizona the lack of gubernatorial appointment power resulted in party shifts in some of their successions because of this lack of appointment power. Arizona's history with appointment power was also a factor. Sixty years ago, Arizona's governor was given the power to appoint someone to a vacated cabinet office, but those officers were ineligible to become governor *because* they were appointed. It is an oddity in Arizona's executive branch that did not serve the

state well in several instances. Here, legislative competition, professionalism and divided government are less of a factor as legislators do not appear in the state's line of succession. In this case, Arizona only supports the institutional hypotheses save for the environmental variable of party shift. Yet having a lieutenant governor would likely make Arizona's successions in the future run more smoothly.

New Jersey supports most of the hypotheses of this project. With no lieutenant governor and legislators first and second-in-line of succession, the state struggled multiple times over a decade with separation of powers questions, party shifts from departed governor to new governor and multiple successions over a very short period of time. It is obvious that any state with nine acting or actual governors over the course of ten years that something is wrong with how the state responds to succession.

Qualitative data also aided in ascertaining what a responsible succession model may look like, perhaps in a more meaningful way than quantitative analysis does. Interviewees with first-hand knowledge of the executive branch pointed out lieutenant governors are a must and that wherever possible, they should be an adjunct to the gubernatorial ticket. States should also be mindful of having legislators in their succession lines to avoid not only a party shift in the governor's office, but also violating separation of powers – especially when legislators do not have to give up their seat to serve as governor. Given the results of this study, RPS takes a specific shape. The model is considerate of most challenges that may befall a state when a governor leaves office, and is a more reasonable assurance of one party's ability to control the executive branch.

Elements of Responsible Party Succession

A responsible party succession model should consist of the following:

- States must have a lieutenant governor, and they should run jointly with a governor.
- States should place executive branch officers in their succession line first, and these officers should be appointed, not elected.
- States should avoid the possibility of having legislators appear in their line of succession as much as possible. If a legislator becomes governor, he or she must immediately resign their legislative post.
- Lieutenant governors, should they become governor, need to have the power to appoint a replacement.

Obviously, no state has this exact model, nor is it likely any state would ever change their practices to fully accommodate it. But reducing a ‘snowball effect’ type situation where multiple actors, different parties, or different branches of government are involved in succession is preferable to the confusion that may come from ignoring these factors. Responsible party succession means that in all circumstances a governor, given an electoral mandate by the public based on his or her party’s platform, should be able to maintain and control that platform in the executive branch even if they are unable to complete their term.

The 47 other states not part of the case study but that are part of the data set each have their own flaws, from not having a lieutenant governor to having legislators in line of succession. The state closest to a RPS model is Florida. Florida’s line of succession is four deep (lieutenant governor; attorney general; chief financial officer; commissioner of agriculture). Candidates for governor and lieutenant governor run as a ticket. And while the other three offices in line of succession are elected, Florida does not have legislators in its line. It is not ‘ideal’ when

comparing it to the RPS model, as the potential for a member of an opposing party to the governor may become governor upon succession still exists, but it does represent the best fit to the theoretical model of this research.

No other state election or succession model is like Florida's. During the period between 1947 and 2010, the state had four succession events. Only one, in September of 1953 was problematic, when Florida's Senate President took office for two years and four months. Charley Eugene Johns had to give up his Senate seat, and was a Democrat like his predecessor. Florida's stipulation that Johns surrender his senate post upon becoming governor is laudable, but were he a Republican, Floridians would have had two years of an elected Democrat's term and party agenda vacated in some capacity. Six years after these events, Florida created the office of lieutenant governor, who ran on a team ticket with the gubernatorial candidate.

Significance of Responsible Party Succession

Despite succession's rarity, states should concern themselves with an ordered succession if for no other reason than to be proactive in its administrative controls,. While these administrative hiccoughs may be insignificant, others are comical in their nature simply because their succession line was not considerate of even the most significant deficiencies.

Ideas of democratic representativeness are diluted when there is no single party in power of the executive branch when discussing succession. Too much is left to chance; RPS assures one (and only one) party maintains control of the executive branch. The governor is 'leader' in a state on policy and administration via popular vote statewide. His or her agenda cannot be effectively be implemented or efficiently discussed when there are concerns of the opposing party taking the governor's office. A gubernatorial successor not sharing the same party affiliation as a departed

governor believeth wishes of the electorate and can dilute the credibility of a state's electoral model. The stability and credibility of state government as a whole may also become an issue when voters are left with a Democrat in office when they voted for a Republican.

New Jersey's 'five governors in two weeks' scenario is avoided entirely if the state has a lieutenant governor. New York's uncertainty about who would become governor if the lieutenant governor's office was vacant is mitigated by allowing the governor of that state appointment power. Arizona would not have Republicans replacing Democrats or have state officers already in line of succession being 'skipped' when a governor is given appointment power and has a lieutenant governor by his or her side. All of these instances of problematic succession can be intrinsically linked to party shifts in the governorship, making it as a concept a key factor in responsible succession.

No succession model can account for all contingencies. Only Oregon, back in 1947 had a mass-succession event. None have occurred at the federal level. In major emergencies new priorities emerge with respect to administration of a state. But if day-to-day administration and policy making can be allocated to one party, and that party is reasonably assured its agenda will remain in place should a governor leave office, it is probable that 'business as usual' would be the norm. It is unlikely the events in Oregon will repeat themselves with any degree of frequency in the future. It *is* likely that governors will continue to leave office before their elected terms expire, and that the administrative continuity of the executive branch would be tested if there were no measures in place that may aid in assuring such.

Succession is only salient when it happens. When it does, states should consider its effectiveness not by whether the event is smooth, but whether it would continue to be smooth should its succession model be tested in a substantial way. If providing for the general welfare of

the public is assuring that a governor, his or her running mate and the cabinet will aid in the implementation of the policy agenda they were elected upon is important, succession is a part of that equation. Done properly, these issues are of no concern to the public. Done poorly, and states may be faced with loss of credibility, lost time to govern, and in some cases, lost revenue given them by taxpayers. Responsible party succession builds on the ideas of responsible party government and allows a modicum of certainty to the public when rare circumstances present themselves. Succession is an underlying key to government functionality. Ensuring that key works properly is responsible governing.

Critiques

This project is baseline work on how succession does or does not work in states and what factors contribute succession events being smooth or splintered. There are several obvious ways it could be improved. Of primary concern are the close relationships between some of the independent variables. Other variables which may play a role in answering the research questions could be added, and improvements could be made in the qualitative analysis.

The ‘party shift’ variable is concerning. As an independent variable it is flawed; it attempts to quantify both causes and effects of problematic succession, and does so from both institutional and environmental perspectives. Its relationship to other variables may be an issue, already being accounted for in two other variables. In the ‘lieutenant governor’ variable, states without the office *are all* susceptible to a party shift in the governor’s office when succession occurs. No state with only executive branch officers in their succession line has a gubernatorial-appointed successor. While states do give governors more appointment power now than a half-century ago, most of these appointments are either to offices not in line of succession or to

‘lower-tier’ cabinet positions. Therefore, party shift is an inherent possibility among states with executive branch officers high in line of succession, as few are appointed by governors.

The ‘party shift’ variable is also an issue when discussing election models. When states have separate elections for lieutenant governors, the potential for a party shift in the governor’s office exists within the ‘election model’ variable. Using party shift as a sole measure of problematic succession is ineffective unless given context qualitatively. A succession event involving party shift – and only party shift – may be smooth from an institutional perspective. From an administrative/policy perspective, it becomes a much larger issue when other environmental factors in a succession undergird it.

As example, New Jersey had multiple incidences of party shift throughout the timeline of its study, but larger concerns always followed. When New Jersey did not have a lieutenant governor, the senate president became governor without giving up their seat in the legislature. Here, separation of powers and legislative involvement in line of succession are more problematic than the party shifts that occurred. Party shift could be used in a more meaningful way when tracking a legislature’s involvement in succession rather than a variable for the entire model. Given there were no statistically significant relationships between the environmental variables of legislative professionalism, party competition and party control of the legislature, other factors may be at work. Qualitatively, party competition and legislative control are much better indicators of problematic succession; legislative professionalism less so. This could be a result of poor operationalization of the variables.

If legislative professionalism is linked to problematic succession, it may be more instructive to determine the number of days states discuss succession, how often legislation governing succession is proposed, and the subsequent results. Did a statute change? Was a

constitutional amendment presented to voters? In Arizona, measures to create the office of lieutenant governor have been killed in the legislature or voted against by the public, while in New Jersey a constitutional amendment passed creating the office. Is this because New Jersey is more professional, or because Arizona is less professional in its legislative typology? A much deeper investigation into this relationship is warranted and could give more texture to the variable.

As with legislative professionalism, party competition and party control of the legislature could be more thoroughly investigated. In New York, the paralysis of the state senate left determining whom would succeed the governor if necessary an open-ended question. Yet in a state like Oregon – with firmly entrenched Democratic leadership in both its executive branch and legislature – and Wyoming, which has a similar party dominance with Republicans in its state government, election results may be a factor and succession problems may need to be addressed by adding geographic or demographic variables.

The divided government variable in general may suffer from similar problems as the party shift variable. When legislators from both chambers are from differing parties, divided government matters more when considering succession. In states like Oregon and Wyoming – both without lieutenant governors and strong leanings to one party divided government matters less. This is also because of differences in succession models. Wyoming has no legislators in its line, Oregon does. These considerations need to be explored in other ways, if for no other reason than the differences among states on how their succession lines are configured.

With respect to succession lines in general, they may be too diverse to examine holistically among the states. No state shares the same succession model. Few states share a similar length of their succession line. These differences may inadvertently affect the data set.

Since 1947, states have changed their succession lines, added or removed lieutenant governors or changed their gubernatorial election model. States may need to be examined on a more meaningful case-by-case basis to find more intimate discussion of their basic philosophy on succession and why, specifically, their succession line was changed or left alone.

A much deeper qualitative analysis is needed. Efforts to contact individuals in the case study states here that were directly involved in succession events were unfruitful. Numerous attempts to contact former governors and chiefs of staff, current legislators and cabinet members in Arizona, New Jersey and New York were rebuffed or altogether ignored. As a result, the study relied heavily on contemporary media analysis. The aid of the National Lieutenant Governor's Association and the former executive director of the National Governor's Association were extremely valuable in answering research questions. While the viewpoints from those sources come from a level of significant expertise, it is not one comprehensive of every state's succession events. State-level qualitative analysis of questionable succession events, public reaction, and the real or perceived impact on administrative efficiency in the executive branch is much more instructive when trying to ascertain the atmosphere around succession.

Finally, this study relies on a very small data set. With only 95 succession events to choose from, it begs the question of relevance as well as salience with the public and the scholastic community. Demonstrating in more detail how the public reacts to succession events should they become murky and how important it is that the party in control of the executive branch stays there is an important consideration. Succession is a crucial part of administrative governance; it can occur without incident or be completely chaotic. Further research emphasizing this point can generate new lines of thought on succession, and how its implementation from a policy perspective is affected by the inner workings of state government.

Future Research

This research project contributes to scholarly work in an original and substantial manner by opening heretofore untouched lines of inquiry on the importance of succession as an element of efficient administration of government. But it is by no means exhaustive in its discussion of executive branch policy on succession, its dynamics or its design. Many avenues exist to move this unique line of scholarship forward. Succession may play a part in discovering new lines of thought on administrative behavior, the dynamics between members of the executive branch, or the functionality of the lieutenant governor's office.

This project does not discuss death or disability of a governor in a meaningful way. While some of the succession events herein have directly resulted from a death or disability in the governor's office, the variation among state statutes on the determination of incapacity, inability, or legality of a governor's hold on the office is as diverse as succession models in states. A more comprehensive examination of the language, historical precedent and broader discussion of how disability is determined at the state level affect succession in an even more comprehensive way.

An in-depth analysis of robustness of state lines of succession would be another approach to understand the institutional governorship. Given the wide disparity between the largest succession lines in the fifty states (New York and North Carolina's thirteen) to the smallest (South Dakota's and Wyoming's at one) the philosophy behind these moves is one that has not been investigated. Considering the events of 9/11, an examination of state emergency management plans and their implementation regarding succession is another line of research inquiry.

Policy and administrative relationships between governor and lieutenant governor are not necessarily considered compelling research relative to understanding the administrative side of government. Yet gubernatorial relationships with his or her peers in the executive branch can clarify reasons states may choose to *not* have a lieutenant governor. It may also further inform literature and data provided by the NGA and NLGA on the rise of lieutenant governors in their ability to become governors.

Powers of the lieutenant governor vary among states that have them. A compelling rationale for a state not having the office is the perceived cost-effectiveness to taxpayers or the limited duties of the office. That is beginning to change; New Jersey's lieutenant governor is expected to carry out other executive branch duties – perhaps justifying the cost-efficient nature of the office in a different way. New York's court battle in *Skelos v. Paterson* cost the state millions of dollars answering succession questions. Those dollars may have been better spent on a lieutenant governor's salary had their governor been able to appoint one in the first place.

RPS calls for complete appointment power of a governor. Research into the laws regarding appointment and how they shape administrative policy and politics is another avenue of research. While Arizona's succession procedures do not allow appointed executive branch officers to succeed a governor, the 'skipping' and resulting party shifts in their problematic successions contradict the efficacy and logic of this construct. This would lead to a broader discussion similar to that of the relationship between governors and lieutenant governors. How is policy shaped or defined by an executive branch with elected officials – perhaps of a different party than the sitting governor?

All of this research can be extrapolated to the federal level – making the discussion more comprehensive in its scope. The dynamic and rationale of vice presidential selection has traveled

far beyond geographic consideration and into administrative/policymaking concerns; presidential nominees are more frequently choosing running mates for their expertise on policy at the federal level or their knowledge of the executive branch.

Many of the approaches to these discussions are as challenging from a theoretical perspective as this research project, and certainly more ambitious. The mixed-method approach of NPF (Narrative Policy Frameworks) could give significant leverage to any research done on these topics. Narrative Policy Frameworks manage the negative space between quantitative data and the policy environment.

...narratives are representations of policy created by social actors, and this have an inter-subjective nature...[that] can still be examined empirically using an objective epistemology. [NPF] takes a systematic, scientific approach to understanding the social construction of policy realities. The central questions of NPF scholarship are: What is the empirical role of policy narratives in the public policy process and do policy narratives influence public policy outcomes (Shanahan, et. al 2013, 455).

Narrative policy frameworks can add texture to a policy position or the definition of a policy issue based on a reading of how each actor provides information to the public or to other policy agencies about their policy goals. Internal communications, examination of where historical precedents originated and testing the ideas against the resources may serve any investigation into succession well.

Does demography, or a state's population play a role in succession? Any assumptions about this are unclear in this research project; the consideration of larger states in their succession lines relative to their professionalism is rather irrelevant. While some states with large urban populations and professional legislatures have substantial succession lines (California, New York, New Jersey), other large population states have much smaller lines (Illinois' three; Wisconsin's two; Georgia's one) while smaller population states have much larger lines (Montana's five, Vermont's six).

This research project discusses the Federal Succession Act of 1947 with respect to how states may violate separation of powers when legislators are allowed to become governor. Still, there is much more in the creation, disposition and function of the Act relative to the 22nd Amendment to be done, at federal and state levels. Is there a different administrative context to separation of powers in the states? What other holes in the Act need to be evaluated relative to democratic governance, at least at the federal level?

The parallel side of constitutional/legal aspects of the Act and the function of the vice president or lieutenant governor's typical position as tie-breaker in the upper chamber of federal or state government is another area surprisingly absent of scholarship. Since the ratification of the Constitution in 1788, the Vice President of the United States has been asked to break a tie in the U.S. Senate only 244 times. From the 100th anniversary of the Constitution in 1888 until today, there have only been fifty-eight occasions a vice president was needed to break a deadlock. Is this a result of more bipartisan action than we are currently led to believe? Could it be that the vice president is no longer relevant as a policy advocate for the president in the Senate? Or are there other considerations relative to the policy value of legislation on the president's agenda?

Finally, a comprehensive longitudinal study of succession in each state from their admittance into the union until today could provide more data on how much importance states place on succession, or why they do not. It is likely a host of variables exist outside the scope of this project that may have more explanatory strength when considering any discussion of succession, and that other dependent variables that are not utilized here may exist to broaden scholarly access to succession.

Closing Thoughts

John Kenneth White's discussion of responsible party government in 1992 said, "[r]esponsible party advocates...do not like stalemate. They are drawn to active, purposeful government like moths to light. Their aim is that the majority be able to govern" (White 1992, 80). While White was referring to race, sexual, preference and demography rather than succession, the idea of 'stalemate' in government is anathema to many.

When a governor leaves office, the effective figurehead of his or her political party in the state is gone. Succession should not cause stalemate on this front. Active government is government that maintains order and functionality despite hindrances which may beset it. As we have seen, states can handicap themselves when failing to consider how succession can tip the ability to govern. No state should have six governors in one year barring an unthinkable disaster. No state should allow one party to take over the governorship when the other leaves office – unless it is via an election. No responsible succession model would even consider a legislator to operate as governor simultaneously, no matter the length of time involved.

Measures ensuring active and purposeful government are preferable and necessary in democratic societies. This purpose is somewhat driven by party politics. As such, should not the parties voted into office have control of that purpose? The individual who wins the governorship should be confident in his ability to carry out party agenda without handicaps. Should he or she leave office, administrative obstructions should not exist either. The governor's successor should be of the same party, have similar party and policy goals, and most importantly, maintain their responsibility to the public as being capable of administering the executive branch.

Actions that interfere with this collective party goal in the executive branch diminish the office of governor. Uncertain as to whom a successor may be, how long they may be there, and

which party they are from are ultimately unnecessary questions when governors have lieutenants to maintain stability. Divided government may be a preference among the electorate (Ladd 1990), but divided government in the executive branch – where party competition should not exist – is a more difficult charge for those in power.

Responsible party succession does not offer blanket assurances to states that succession would not be challenging for them. What it does offer is evidence that there is a way to increase administrative efficiency of government and assuring the public that their governor will be of the same party during a term of office, if not the same person.

Woodrow Wilson wrote in his essay, “Constitutional Government in the United States” about the President of the United States being the key component of government, for both office and party. For Wilson, this union transcended politics. It served as a message that a chief executive represents more than party and more than the office he or she holds. The president is the individual the nation follows to shape opinion and policy.

He is not so much part of its organization as its vital link of connection with the thinking nation. He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at once the information and the statements of policy which will enable it to inform its judgements alike of parties and men (Wilson in Ranney 1908, 41).

It is no different for a governor. By utilizing a RPS model, a governor can help to insure his or her vision for their state by having individuals around them that are prepared to take office and continue their efforts should they depart. It is the person, the party, and the purpose that gives a governor a connection to the public. At its best, RPS gives the public a clear and consistent message: that the ‘connection’ between party, office and voter will not be blemished by confusion when succession happens.

The former director of the National Governor's Association, Dr. Ray Sheppach, obviously believes governors are important, and that the weight of being chief executive should not be added to by a seemingly small, but meaningful distraction of what happens to his or her agenda if they leave office before the end of their term. The process of administrative government necessitates the executive branch have control of the broader picture and the difficult choices. That picture is made clearer through responsible party succession.

“Ninety percent of the decisions are big,” Dr. Sheppach said. “Someone’s got to make them.”

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Appendix A – Succession Events by State, 1947-2010

STATE	# OF EVENTS
AL	3
AK	2
AR	4
AZ	7
CA	4
CO	2
CT	4
DE	2
FL	4
IA	2
ID	2
IL	2
IN	1
KS	3
KY	2
MA	3
MD	2
ME	3
MI	1
MN	2
MO	1
MT	1
NC	1
NE	2
NH	1
NJ	4
NY	2
OH	2
OK	1
OR	3
PA	2
RI	1
SC	1
SD	2
TX	2
UT	2
VT	2
WI	2
WV	1
WY	3
TOTAL	95

**Appendix B – IRB Informed Consent, Interview Questions and CITI Training
Certification**



Informed Consent

For a Research Study entitled

“Governatorial Succession and Responsible Party Government”

You are invited to participate in a research study to investigate questions regarding gubernatorial succession, its problems and its institutional impacts on the political and administrative environments of state government. This study is being conducted by Dwight D. Gulley, PhD candidate in Public Policy, under the direction of Dr. Cynthia J. Bowling, dissertation committee chair and Faculty Advisor in the Auburn University Department of Political Science and Public Administration. You were selected as a possible participant because you have unique knowledge relating to the questions of the research project and are age 19 or older.

What will be involved if you participate? If you decide to participate in this research study, you will be asked to answer a series of questions in a 30 minute interview. Questions will cover election models, succession procedures, and other topics related to state government.

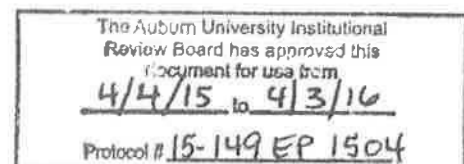
Are there any risks or discomforts? The risks associated with participating in this study are associated with confidentiality. These risks will be managed based on the level of confidentiality you require, up to and including your name, position, affiliation, or your choice whether or not to participate by filling out the information below.

You will be asked before and after the interview whether or not you choose to be part of this project and whether or not you choose to remain anonymous, and you will be asked to sign this consent form.

Are there any benefits to yourself or others? If you participate in this study, you can expect to have your comments noted in the research project and they will contribute to a broader understanding of succession in the states. This information may provide aid to state governments in improving succession policies and practices, as well as their proper administration.

Will you receive compensation for participating? No compensation of any kind will be offered beyond proper citation and credit in the research project as a contributor. If you choose to remain anonymous, your citation will be as well, as well as any possible identifiable information you deem necessary.

Participant's Initials DS



Are there any costs? Other than a minimum investment of time, you will accrue no costs as a direct result of this research project.

If you change your mind about participating, you can withdraw at any time during the study. Your participation is completely voluntary. Your decision about whether or not to participate or to stop participating will not jeopardize your future relations with Auburn University, the Department of Political Science and Public Administration, or the researchers named above.

Your privacy will be protected. Any information obtained in connection with this study will remain confidential or anonymous as you so choose. Information obtained through your participation may be used for completion of PhD dissertation requirements, presented at professional meetings, or used for future publication in professional journals or books. **You will not be contacted for follow-up once this research project is concluded.**

If you have questions about this study, please ask them now or contact Dwight D. Gulley at 719.426.8021 or ddg0002@auburn.edu or Dr. Cynthia J. Bowling at 334.844.6152 or bowlcjc@auburn.edu. A copy of this document will be given to you to keep.

If you have questions about your rights as a research participant, you may contact the Auburn University Office of Research Compliance or the Institutional Review Board by phone 334.844.5966 or e-mail at IRBadmin@auburn.edu or IRBChair@auburn.edu.

HAVING READ THE INFORMATION PROVIDED, YOU MUST DECIDE WHETHER OR NOT YOU WISH TO PARTICIPATE IN THIS RESEARCH STUDY. YOUR SIGNATURE INDICATES YOUR WILLINGNESS TO PARTICIPATE. PLEASE CHECK BELOW WITH RESPECT TO YOUR ANONYMITY BEFORE SIGNING. SHOULD YOU DECLINE TO PARTICIPATE AT ANY POINT, YOUR INFORMATION WILL BE DESTROYED.

I DO consent to use of my name and any identifiable information associated with me, and to participate in this project.

I DO NOT consent to use of my name or any identifiable information associated with me, but will participate in this project.

Raymond C. Schepach 5/10/15

Participant's signature/Date

[Signature] 4/4/2015

Investigator obtaining consent/Date

Raymond C. Schepach

Printed Name

Dwight D. Gulley

Printed Name

The Auburn University Institutional Review Board has approved this document for use from 4/4/15 to 4/3/16
Protocol # 15-149 EP 1504

Interview Questions

For a Research Study entitled

“State Government and Responsible Party Succession”

NOTE: Your participation in this research project is by consent; any information you disclose will be attributed to you unless you choose to remain anonymous. You may opt out of this project at any time and ALL information associated with you or your comments will be discarded. Refer to the “Informed Consent” form for further information.

- 1.) Briefly describe your ideas and perceptions on succession events.
 - a. What do you perceive to be the largest problem with state succession lines?
 - b. What does the presence or absence of a lieutenant governor in a state line of succession do in terms of benefit/hindrane to the executive branch?
 - c. What kind of examples of succession or transition do you perceive to be problematic?
- 2.) Does language in state constitutions lend itself to inefficiencies in gubernatorial succession?
- 3.) How important is the dynamic between governor and lieutenant governor when a succession event takes place?
 - a. Is this dynamic threatened when gubernatorial candidates are elected separately from lieutenant governors?
 - b. Does the configuration of a governor’s cabinet play a role with respect to party differences (if they exist)?
 - c. Do you believe states are considerate of these differences?
 - d. Does it matter if members of a governor’s cabinet are elected or appointed?
- 4.) Do you see any harms associated with succession related to ‘acting’ or ‘actual’ governors?
- 5.) Would the office of lieutenant governor be more effective if it had more executive function?
- 6.) Is it appropriate for regionally, or district-level elected officials to become governor – as a governor is elected statewide?

Thank you for your time. The information you contribute to this project will remain completely confidential if you so choose. Please carefully read the attached “informed consent” form – note whether or not you wish to be associated with this project and whether or not you will be identifiable in any way. Please sign the form and return it via email marked ‘confidential’ and with a ‘read receipt.’ This information gathered from this interview will be stored securely if you choose to participate or destroyed if you do not wish to participate.

**COLLABORATIVE INSTITUTIONAL TRAINING INITIATIVE (CITI PROGRAM)
COURSEWORK REQUIREMENTS REPORT***

* NOTE: Scores on this Requirements Report reflect quiz completions at the time all requirements for the course were met. See list below for details. See separate Transcript Report for more recent quiz scores, including those on optional (supplemental) course elements.

- **Name:** Dwight Gulley (ID: 4628190)
- **Email:** ddg0002@auburn.edu
- **Institution Affiliation:** Auburn University (ID: 964)

- **Report** 15107077
- **Completion** 01/26/2015
- **Expiration** N/A
- **Minimum** 80
- **Reported** 93

REQUIRED AND ELECTIVE MODULES	DATE	SCOR
Plagiarism (RCR-Basic)	01/26/15	5/5 (100%)
Authorship (RCR-Basic)	01/26/15	5/5 (100%)
Collaborative Research (RCR-Basic)	01/26/15	5/5 (100%)
Conflicts of Interest (RCR-Basic)	01/26/15	4/5 (80%)
Data Management (RCR-Basic)	01/26/15	5/5 (100%)
Mentoring (RCR-Basic)	01/26/15	4/5 (80%)
Peer Review (RCR-Basic)	01/26/15	4/5 (80%)
Research Misconduct (RCR-Basic)	01/26/15	5/5 (100%)
Research Involving Human Subjects (RCR-Basic)	01/26/15	5/5 (100%)

For this Report to be valid, the learner identified above must have had a valid affiliation with the CITI Program identified above or have been a paid Independent

CITI

Email: citisupport@miami.edu
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- **Institution Unit:** POLS/PUAD
- **Phone:** 7194268021
- **Curriculum Group:** Humanities Responsible Conduct of Research
- **Course Learner Group:** Humanities
- **Stage:** Stage 1 - RCR
- **Description:** This course is for investigators, staff and students with an interest or focus in the **Humanities** research. This course contains text, embedded case studies AND quizzes.

**COLLABORATIVE INSTITUTIONAL TRAINING INITIATIVE (CITI PROGRAM)
COURSEWORK TRANSCRIPT REPORT****

** NOTE: Scores on this Transcript Report reflect the most current quiz completions, including quizzes on optional (supplemental) elements of the course. See list below for details. See separate Requirements Report for the reported scores at the time all requirements for the course were met.

- **Name:** Dwight Gulley (ID: 4628190)
- **Email:** ddg0002@auburn.edu
- **Institution Affiliation:** Auburn University (ID: 964)
- **Institution Unit:** POLS/PUAD
- **Phone:** 7194268021

- **Report** 15107077
- **Report** 01/26/2015
- **Current** 93

REQUIRED, ELECTIVE, AND SUPPLEMENTAL	MOST	SCOR
Research Involving Human Subjects (RCR-Basic)	01/26/15	5/5 (100%)
Plagiarism (RCR-Basic)	01/26/15	5/5 (100%)
Authorship (RCR-Basic)	01/26/15	5/5 (100%)
Collaborative Research (RCR-Basic)	01/26/15	5/5 (100%)
Conflicts of Interest (RCR-Basic)	01/26/15	4/5 (80%)
Data Management (RCR-Basic)	01/26/15	5/5 (100%)
Mentoring (RCR-Basic)	01/26/15	4/5 (80%)
Peer Review (RCR-Basic)	01/26/15	4/5 (80%)
Research Misconduct (RCR-Basic)	01/26/15	5/5 (100%)

For this Report to be valid, the learner identified above must have had a valid affiliation with the CITI Program identified above or have been a paid Independent

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