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**FORMAL POWERS OF N.C. GOVERNOR WEAKEST IN THE NATION,
SAYS CENTER FOR PUBLIC POLICY RESEARCH**

North Carolina's governor is the weakest in the nation in terms of formal, institutional powers, says a study released today by the N.C. Center for Public Policy Research. The study, conducted by UNC-Chapel Hill political science professor Thad L. Beyle, is part of a new edition of *North Carolina Focus*, the Center's new anthology on state government, politics, and policy.

Beyle's study compares the 50 governors on the basis of six institutional powers common to the office: length of tenure and succession potential; the power to appoint key officials to major offices; the number of separately elected officials statewide; preparation and control of the budget; veto power; and partisan control, or whether the governor and a majority of both houses of the legislature are of the same political party. The study is particularly relevant because voters in North Carolina will have an opportunity on November 5th to increase the formal powers of the governor if they amend the state constitution to give the governor veto power.

The new study ranks the relative strength of the governors in the United States with Hawaii, Maryland, New York, and Pennsylvania having the strongest governors and North Carolina having the weakest governor. According to Beyle, only the N.C. governor's personal political skills and his ability to capitalize on informal powers available to him partially compensate for the lack of formal powers. In two previous studies published by the Center, North Carolina's governor was ranked fifth weakest in the country in 1981 and third weakest in 1990.

"To those who serve in the legislature, there is no more powerful political creature than the governor of North Carolina," says Beyle, a national expert on the office of the governor. "However, the plain fact is that North Carolina's governor has not kept up with the nation's other governors in terms of formal institutional powers." Beyle says two of the biggest factors affecting the institutional strength of the office of governor are the lack of veto power and the large number (nine) of other state officials who are elected statewide, such as the Attorney General and Superintendent of Public Instruction.

Citizens who are considering voting for the constitutional amendment that would allow veto power may wonder whether this amendment would change Beyle's ranking of the N.C. governor's power. "While giving the governor this type of veto wouldn't substantially change the rankings compared with other governors, it will certainly increase the governor's clout with the legislature," says Beyle.

Compared to the other 49 governors, Beyle says the veto proposal on the ballot would not give the N.C. governor the line-item veto power enjoyed by 43 governors. And, the three-fifths vote proposed for overriding a veto in North Carolina would be easier to override than the two-thirds required in many other states. These two factors make the proposed veto a weak form of veto power and thus would not substantially change the 50-state rankings.

Over the last two decades, other states have strengthened their governor's powers. Eleven states -- including Illinois, Massachusetts, Minnesota, New York, and Texas -- allow their governors to serve an unlimited number of four-year terms. States also are choosing to limit the number of separately elected officials statewide. For instance, only the governor or a governor/lieutenant governor team are elected statewide in Alaska, Hawaii, Maine, New Hampshire, and New Jersey. And in three states -- Maryland, Minnesota, and West Virginia -- the governor has the ability to develop the budget, and the legislature may not increase it.

FORMAL POWERS OF THE GOVERNOR

Here is how the N.C. governor ranks in each of the six categories of formal powers common to every state:

1. Length of tenure and succession: Generally speaking, the longer a governor serves, the more likely that governor is to achieve his or her goals and have an impact on the state. The length of term and ability to succeed oneself thus are critical determinants of a governor's power. Until 1977, the governor of North Carolina could not succeed to a second full, four-year term in office. But after a constitutional amendment passed that year, the governor's tenure and succession power increased. Now that both Govs. Jim Hunt and Jim Martin have been able to run for and win a second term, the N.C. governor is rated *strong* in tenure and succession power. Only if the governor could run for an indefinite number of four year terms -- as the governors of 11 states can do -- would the office attain a "very strong" ranking. By contrast, only Virginia bans gubernatorial succession.

2. The power to appoint officials to major offices: The measure of a governor's appointive powers is the extent to which a governor is free to name the heads of the state agencies administering the six major functions common to most states -- corrections, education, health, highways, public utility regulation, and public welfare. Governors who can appoint these officials without any other body involved are more powerful than those who must have either or both houses of the legislature confirm an appointment. And governors who only approve appointments rather than initiating them have even less appointive power.

The N.C. governor does control appointments of the Secretaries who head the Departments of Correction; Environment, Health, and Natural Resources (health); Transportation (highways); and Human Resources (welfare). However, two weak spots limit the appointive power of the N.C. chief executive: (1) education, where the superintendent of public instruction is a separately elected official, even though the governor is able to appoint (subject to the legislature's approval) 11 of 13 members of the State Board of Education; and (2) public utilities regulation, where the General Assembly must confirm the governor's nominees to the seven-member N.C. Utilities Commission. The North Carolina governor's appointment power also is weakened by the fact that the Speaker of the House and President Pro-Tem of the Senate have appointments to more than 120 advisory boards and commissions in the executive branch, a process the Center has questioned as constitutionally suspect. And, the governor doesn't have any power to appoint the 32 members of the UNC Board of Governors. North Carolina's governor thus ranks *moderate* in appointive power.

3. The number of separately elected officials statewide: Each governor's power of appointment is constrained by the number of separately elected officials in the executive branch over whom the governor has relatively little leverage except at budget time. Separately elected officials not only blur executive branch responsibility in the citizens' eyes, but these officials also run other state agencies. The more offices that are filled by a separately elected official, the less power the governor has. The highest ranking in this category is awarded to states where the only member of the executive branch that is elected in a statewide race is the governor or the governor/lieutenant governor team.

In North Carolina, nine other state officials are independently elected statewide. They are the Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, Superintendent of Public Instruction, and the Commissioners of Agriculture, Insurance, and Labor. Because the governor shares a large measure of executive branch responsibility with this Council of State, much of the power that is concentrated in the office of governor in other states lies in the hands of other elected officials in North Carolina. North Carolina's governor ranks *very weak* because so many state officials are separately elected in statewide races. Only five other states -- Michigan, Louisiana, North Dakota, Georgia, and Oklahoma -- elect more officials on statewide ballots. By contrast, New Jersey's and Maine's governors are the only statewide elected officials in their states.

4. Preparation and control over the budget: Most governors have gained almost complete control over the process of developing state budgets for presentation to the legislature. A governor who has full responsibility for developing the state's budget is more powerful than those who share this responsibility with others. However, the more a legislature may change that proposed budget, the less budget power a governor has.

In North Carolina, the General Assembly has begun taking a more direct role in budget-making and in recent years has produced its own budget package -- though it must by law and by constitutional requirement produce a balanced budget. That means that the legislature can make nearly unlimited changes in the governor's budget, subject only to statutory and constitutional requirements to balance revenues and expenditures. Thus, the governor's budgetary power in North Carolina is rated as *moderate* because, although he or she has full responsibility for developing the budget, the General Assembly has virtually unlimited power to alter it.

5. Veto power: The most direct power a governor can exercise in relation to the legislature is the threat of or actual use of a veto. The type of veto power extended to governors ranges from the line-item veto, to the simple all-or-nothing veto, to no veto power at all. Ranking the states for veto power is based on two principal assumptions: first, that a line-item veto gives a governor more power than does a general veto; and, second, that the larger the legislative vote needed to override a governor's veto, the stronger the veto power. North Carolina, currently with no veto power at all, ranks *a notch below very weak* -- dead last among the 50 states.

If ratified by voters on election day, the veto amendment would require most statewide legislation to be submitted to the Governor. State and federal constitutional amendments, local legislation, joint resolutions, and appointments would be exempt. If the Governor vetoes a bill, the General Assembly could override the veto by a three-fifths vote of the members of each house *present and voting*. The amendment provides a basic, no-frills, general veto power -- not a line-item veto. Forty-three other states have granted their governors a stronger line-item veto, often with a tougher override mechanism. Thus, even if voters give the N.C. governor veto power on Nov. 5th, this state's governor will remain among the weakest.

6. The five formal powers above are based in the state constitution and state statutes. Beyle also looks at one additional formal power that is a given for all governors the day after election day -- **whether the governor and a majority of the legislature are of the same political party:** When the governor and a majority of the legislature are of the same political party, the governor's power is enhanced. When the two are of opposing parties, the governor's power is diminished. Traditionally, North Carolina's governor has had strong party powers because the governor and both houses of the General Assembly were of the same political party. Then in 1984, the state entered an era of split party control which continues today. Gov. James G. Martin, a Republican, faced a Democratic state House and Senate during his two terms as governor (1985-93). Today, Gov. James B. Hunt Jr. faces a Republican House and Democratic Senate. These power splits decrease the formal, institutional power of the governor. Thus, in the area of party power -- whether the governor and the legislature are of the same party -- North Carolina's governor is *moderately powerful*.

In summary, Beyle's study concludes that based on all six formal powers, North Carolina's governor is *very weak* in institutional powers, ranking last among all 50 governors. The other states with governors that ranked very weak include Texas and Vermont. Seven states rank very strong, 18 rank strong, 16 rank moderate, and six rank weak. In 1990, when the last study was completed, Maryland was the only state with a very strong governor; Massachusetts, New York, South Dakota, and West Virginia were strong; thirty-eight states were moderate; and seven were weak.

INFORMAL POWERS OF THE GOVERNOR

Beyle points out that formal measures of institutional powers tell only part of the story. While they emphasize the degree of control the governor has over the executive branch and the executive's relationship with the legislature, they do not measure many informal sources of power. For instance, a governor's ability to take advantage of news media, as well as good looks, charisma, and overall political popularity can offset weak formal powers. "A media-wise governor can dominate a state's political and policy agenda if he or she is adept at communicating on television," says Beyle.

Some of the informal powers available to the N.C. governor outweigh many of the constraints on institutional powers. A strong political base and popularity with the media provide the governor with a major vehicle to command the public's attention. And, Beyle concludes, "Because no large urban area dominates this state's politics, there are no other highly-visible political leaders with whom the governor has to compete." By contrast, the governors of New York, Massachusetts, Illinois, Michigan, California, and Georgia have to contend for public attention with the mayors of New York City, Boston, Chicago, Detroit, Los Angeles, and Atlanta, respectively. These mayors have a political base which can vault them into position to vie with the governor for statewide leadership.

Still, those who might look at a particular officeholder and argue that North Carolina's governor is strong miss the point, says Beyle. "This study measures two things -- the powers that accompany the *office* of the governor itself, and the powers of North Carolina's governor compared to the other 49 governors," he explains.

The North Carolina Center for Public Policy Research is an independent, nonpartisan, nonprofit corporation created to study public policy issues facing North Carolina and to evaluate state government's performance. The Center is supported in part by grants from the Z. Smith Reynolds and Mary Reynolds Babcock Foundations, both in Winston-Salem. Additional funding comes from 14 private foundations, 190 corporate contributors, and more than 900 individual and organizational members. The Center publishes *North Carolina Insight* magazine and book-length research reports. Recent studies by the Center have examined the changing relationship between state and local governments, school vouchers, pesticide regulation, state-owned railroads, and how the state's 16 public universities evaluate and reward teaching performance. The Center also recently released a report with arguments for and against a constitutional amendment granting veto power to the governor.

The study, "The Formal Powers of the Governor in North Carolina: Very Weak Compared to Other States," is available by ordering *North Carolina Focus: An Anthology on State Government, Politics, and Policy* for \$32 from the N.C. Center for Public Policy Research. To order the book, write the Center at P.O. Box 430, Raleigh, N.C. 27602, fax your order to 919-832-2847, e-mail orders to rosebud@nando.net, or call Laurita Ray at 919-832-2839.

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