Gubernatorial Veto Powers and the Size of Legislative Coalitions*

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Abstract

Few political institutions are as central to theories of lawmaking as the executive veto. Despite its importance, institutional continuity at the national level has precluded identification of empirical effects of the veto on legislative behavior. We address this limitation and present evidence from the states demonstrating how the veto affects the formation of legislative coalitions and, indirectly, executive influence over policymaking. We find consistent evidence that the presence and strength of gubernatorial veto powers affect the lawmaking behavior of state legislatures. Our analysis shows how institutional provisions condition executives' ability to affect policy outcomes in separation of powers systems.

Following Alexander Hamilton's insistence in *Federalist* 73 that the presidential veto would guard against the tendency of the legislature to "invade the rights of the executive," the veto is the key mechanism supporting policy bargaining between the president and Congress (Cameron 2000; McCarty 2000). Veto power helps presidents and governors extract policy concessions from their legislatures by providing a constraint on the enactment of legislation.

The framers of the federal Constitution had a keen intuition for how their specific grant of veto power (with a two-thirds override requirement, per Article 1, Section 7 of the U.S. Constitution) would empower the president. Likewise, architects of state constitutions first clashed over the mere existence of the veto, then came to different and varying provisions of veto power than that given to the president. These practitioners of institutional design had different preferences regarding the balance of power between the branches and used veto rules to solidify these preferences. Recent research in political science (e.g., Brady and Volden 1998, Krehbiel 1998) has systematized the intuitions of these early institutionalists. We build on this work and argue that veto override requirements structure the incentives for legislatures to build coalitions of particular sizes. In particular, when legislatures and executives disagree, larger override requirements mandate legislatures to assemble larger coalitions so that they can enact policy over a potential veto.

Obviously, such claims are impossible to assess at the federal level, as the veto has been available to all presidents, and the number of legislators necessary to override a veto has remained constant across American history (Cameron 2009).[1] Yet, override requirements do vary across the U.S. states, providing a set of institutional contexts in which to study how the particulars of the executive veto can affect the nature of lawmaking. We thus contribute to a growing literature that uses variation across and within the states to examine how institutional design and sources of gubernatorial influence affect important political outcomes (e.g., Alt and Lowry 1994; Gordon and Huber 2007; Huber and Shipan 2002; Lax and Phillips 2009, 2012; Wright and Schaffner 2002). In particular, we argue that the veto affords gubernatorial power insofar as it advantages supermajoritarian pivots in state legislatures that may be more amenable to the governor's preferences than the median. Without the veto, simple majority-sized coalitions would be able to pass policy over the objections of a relatively toothless governor. Furthermore, more onerous supermajoritarian requirements should increase legislative coalition sizes and thus the potential for gubernatorial influence.

We assess this basic argument with two complementary analyses. First, we examine the introduction of the veto in North Carolina in 1997 as a quantitative case study of how the existence of the veto can affect coalition sizes. Comparing voting patterns in the 1995-1996 General Assembly to those in the 1997-1998 session, we find that legislative coalitions were larger in both the upper and lower chambers upon the introduction of the veto. Second, leveraging cross-sectional variation in states' veto override requirements, we examine how the nature of these requirements affects the size of legislative coalitions in state chambers during the 1999-2000 session. We find that legislative coalitions are larger in states with greater override requirements. We conclude by discussing the implications of our findings for interbranch bargaining and executive power, stressing the connection between coalition sizes and lawmaking across the states.

Our findings shed light on why reformers of state institutions are increasingly interested in the balances of power between state executives and legislatures. In just the past two years, Alabama has considered increasing its veto override threshold,[2] and Illinois reformers (including the Republican candidate for governor) qualified a constitutional amendment for the 2014 ballot that would have, had it not itself been ruled unconstitutional by Illinois courts, increased the override requirement from three-fifths to two-thirds *and* introduced term limits to both chambers of the legislature. Furthermore, the implications of institutional design are especially relevant in an age of legislative gridlock and polarized political institutions. Either deferring to or ignoring the governor and legislative supermajorities can produce dramatic changes in policy outcomes. Controversial social issues like Medicaid expansion, abortion, gay marriage, gun control, and drug laws are increasingly legislated at the state level, making the bargaining between legislatures and governors more salient. As a recent example, the Arkansas legislature passed one of the strictest photo ID laws in the country in 2013, overriding, with simple majority votes in each chamber, Governor Mike Beebe's veto. Our research suggests that the Arkansas legislature may have needed to assemble a larger coalition in support of the bill if the state had a more onerous override requirement in place, which could have resulted in a more moderate piece of legislation.

Veto Override Thresholds and Coalition Sizes

In what follows, we present and apply a theory which draws on the congressional-presidential veto framework to make predictions about how variation in state veto powers leads to variation in legislative coalition sizes. The policymaking process has been modeled in various ways, but we focus here on pivot-based theories (e.g., Brady and Volden 1998; Chiou and Rothenberg 2009; Krehbiel 1998; Tsebelis 2005), which account for the ways that supermajoritarian institutional rules in legislatures affect whether (and to what extent) policy changes occur.[3] These models commonly assume that legislators can be arrayed along a unidimensional ideological continuum according to their preferences and receive declining utility as policies move away from their ideal point. The relevant pivots compare the proposed policy to the status quo, and policy change will only occur when all pivotal actors (in Congress: the House median, Senate filibuster pivot, and *either* the president or both the Senate and House veto override pivots) prefer the proposed policy to the status quo. As Krehbiel (1998, chapter 2) shows, any status quo policy located between these pivots will not be changed because at least one pivotal actor will prefer the status quo to any proposed alternative. In addition, Krehbiel (1998) characterizes how the presence of such institutional pivots affects the size of winning coalitions, increasing them beyond simple majority or majority party sized as earlier models suggest (e.g., Black 1948; Riker 1962). We take this insight and apply it to situations where veto override thresholds vary, as they do in the states.

Our approach relies on the fact that the basic process of vetoing and overriding is the same in the states as at the federal level. In all states, the governor chooses to sign or veto a bill after passage in the same form by both chambers, and if the governor issues a veto, the legislature has the opportunity to reconsider the same bill and pass it over the governor's objections.[4]

Thus, since the filibuster is (mostly) inconsequential in state legislatures, there are only two pivotal actors in state chambers: the chamber median and *either* the governor or the veto override pivot.[5] Figure 1 illustrates how the rules governing the veto override threshold are hypothesized to affect legislative coalition size. First assume the veto override threshold (labeled V_o) is a simple majority (50% + 1) of the legislature, as it is in a number of states. Assume the governor's ideal point (designated G) is located to the right of the chamber median (designated C_m).[6] In this case,

any winning coalition must simply include the median chamber member (Riker 1962), as the top panel of Figure 1 indicates. If the governor vetoes the proposed policy, it can be overturned by C_m/V_o. There is no gridlock interval, so in this scenario, any policy not already at the chamber median's ideal point will be moved there and the minimum winning coalition, designated α [α_2] if the status quo is to the right [left] of the median, will consist of all voters on the opposite side of both the status quo and the median plus one. Thus, policy will become more conservative [liberal] if the status quo is to the left [right] of the median.[7]

Figure 1 goes here.

Observing that most legislation in Congress is passed by large majorities, Krehbiel (1998, chapter 2) argues that the veto override and filibuster pivots are important checks on the ability of the median voter to influence policy outcomes. These supermajoritarian features increase the size of winning legislative coalitions beyond simple majorities. In the states, any new policy must be approved by either the veto override pivot or the governor, so the member closer to the chamber median establishes one boundary of the gridlock interval (designated γ in Figure 1). We assume that status quos are distributed uniformly, but focus on the situation where a status quo is to the right of C_m and V_o is closer to C_m than is G, as shown in the second and third panels of Figure 1. Of course, the veto override pivot will not always be closer; in many cases, the executive will be more moderate than the override pivot, but these are instances in which the governor often signs the legislation, making a veto override unnecessary. Because we are interested in how the veto override rule changes coalition sizes across many bills, our examples here consider the veto override pivot as the relevant policy constraint.

Status quo policy can be moved to the ideal point of the pivotal actor closest to the status quo. If the proposed policy moves any farther, it will move into the gridlock interval and that pivotal actor will prefer their ideal point to any other proposed policy. In these examples, any policy to the left of the chamber median will move to the median and the other pivotal actors, the governor and veto override pivot, will prefer it to the status quo. However, when the status quo lies to the right of the gridlock interval, policy will move to the override pivot's ideal point. As override thresholds increase, increasingly large coalitions are necessary to overcome a veto, making it more difficult to approve

a policy over a governor's objection, *and* policy change is limited to a smaller subset of the policy space. In the middle panel of Figure 1, the override threshold is set at three-fifths of voters in the legislature. The figure clearly demonstrates that with this override requirement and configuration of actors, larger minimum winning coalitions, members of which have ideal points located in the space α, are required to achieve passage, more status quos are located in the gridlock interval, and fewer policies to the right of the median are subject to change, as compared to a majority override requirement.

This same pattern is demonstrated in the bottom portion of Figure 1. Here, the veto override threshold is set even higher, at two-thirds of legislators. This rule moves the veto override pivot farther to the right because the pivotal legislator lies farther from the chamber median. Any status quo moved toward the veto pivot from the right will be approved by any legislator with an ideal point in space α.

The pivot-based theory of lawmaking outlined above and stylized in Figure 1 generates two key testable hypotheses. First, the mere existence of a supermajoritarian veto override requirement should increase coalition sizes over what they would be in the absence of a veto. Second, coalition size should increase with the number of votes necessary to override a veto. More specifically, coalitions should be larger in states with three-fifths requirements than in states with simple majority requirements, and they should be larger still in states with two-thirds override requirements.

There is an additional maintained hypothesis that goes along with those concerning coalition size. Namely, larger override requirements should systematically increase the size of the gridlock interval in state policy spaces. Using Shor and McCarty's (2011) legislator ideology data, we have cursorily assessed and confirmed this proposition. Specifically, we have mapped the size of the gridlock interval by finding the distance from the median legislator to the override pivot, temporarily assuming that all governors are exterior to the override pivot, as we do not have comparable data on governors' ideologies. Across all chambers in 1999-2000 (the year of our cross-sectional analyses below), the gridlock interval is larger in states with two-thirds override requirements (0.52) than in states with three-fifths requirements (0.26), with $p < 0.06$ (two-tailed test).[8] While this is not direct evidence in support of our primary empirical endeavor, it is useful to see that a key assumption of the theory is supported by data wholly unrelated to the data used in this project.

Krehbiel's pivotal politics model is, at its core, a nonpartisan theory of lawmaking. Because lawmaking requires bargaining between a legislature and an executive, enacted legislation is likely to reflect some convex combination of each branch's preferences. As the spatial models reflect, the veto override pivot is only relevant for assessing the fate of a bill that the executive has vetoed or threatens to veto. Legislatures, then, would be expected to assemble veto-proof majorities only when they might expect a gubernatorial veto. As a result, we expect the override provision to affect coalition size primarily when the legislature and the governor have conflicting policy preferences.

Lacking precise estimates of gubernatorial and legislative preferences, we use the incidence of unified or divided government as a simple proxy for conflict in our cross-sectional analyses. The basic intuition is this: under unified government, a governor's preferences are likely to share some similarities with the median legislator's preferences because they are members of the same party. But under divided government, the median member of the legislature is (by definition) a member of the opposite party, and thus the governor is likely to appear more ideologically extreme relative to the legislature. Just as previous research on presidential power has found that vetoes (and veto threats) are more effective during divided than unified government (e.g., Cameron 2000; Rohde and Simon 1985), so too might we expect override requirements to structure lawmaking more consequentially when government is divided rather than unified. Klarner and Karch (2008) further show that governors issue considerably more vetoes under divided government, lending further support to our use of party control as a proxy for interbranch conflict.[9]

North Carolina Introduces the Veto

Our empirical analyses begin with an investigation of the adoption of the veto in North Carolina in 1997, midway through Governor Jim Hunt's (D) final two terms in office.[10] In particular, we analyze this unique modern adoption of veto power as a quantitative case study of how the introduction of a qualified (three-fifths override requirement) veto power affected the size of legislative coalitions.[11]

The North Carolina General Assembly is a bicameral body consisting of a 120-member House of Representatives and a 50-member Senate. As with most subnational legislatures, NC Senate rules stipulate strict limits on debate, thereby precluding political minorities from filibustering legislation. In terms of legislative resources, the NC General Assembly is less endowed with formal powers than

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many state legislatures and far less professionalized than the U.S. Congress, according to the Squire Index (Squire 1992, 2007).

North Carolina was the last state to adopt the veto and, as expected, scholarly accounts of the pre-veto political landscape in North Carolina portray the legislature as relatively dominant against the institutionally impotent governor (Beyle 1968; Dometrius 1979). Prior to the change, the chamber medians would have served as the key pivotal actors. Although the introduction of veto power has not significantly altered the NC governor's relative standing among state chief executives, the governor's relative power improved slightly as a direct result of being granted the veto, and we examine whether it also affected legislative coalition sizes.[12]

The conspicuous absence of the veto in North Carolina was due to a deeply-rooted historical distrust of powerful executives. When the state's constitution was written in 1776, drafters sought to avoid the overbearing rule of British royal governors by concentrating lawmaking powers in the legislative branch. In fact, they were so worried about monarchical executives that the state constitution called for governors to be *appointed* by the legislature, and not until 1835 was the constitution amended to provide for the direct election of governors.[13] Other attempts to amend the state constitution occurred in 1933 and 1967, but even as all other state constitutions provided veto powers (until 1917, Rhode Island was the last remaining state without the veto), support for the veto failed to gain much traction in North Carolina. This changed with the election of Republican legislators in 1994, having run on promises to support a gubernatorial veto and by 1995, both chambers passed a constitutional amendment that provided for veto power subject to a three-fifths override vote (line-item veto powers were not included). North Carolina voters ratified the amendment in 1996 with 76 percent support, and the veto became part of the governor's formal powers beginning in 1997.

While the introduction of the veto was clearly not the result of chance, it also did not stem from a legislature anxious to cede power to the governor. Nor was it implemented by a legislature which expected to have extensive agreement with the governor; in both the 1995-96 and 1997-98 legislative sessions, Republicans controlled the House while Democrats controlled the Senate. Moreover, the same governor—Democrat Jim Hunt—held office across both legislative sessions. Hunt was re-elected to his fourth (and final) term in 1996 with 56.7% of the vote—an increase of fewer than two

percentage points from his election in 1992. Thus, his re-election did not appear to signify a clear mandate for his priorities.

The congruence of these institutional environments, as displayed in Table 1, enables us to consider the introduction of the veto as something of a treatment to a political system that was otherwise quite similar across legislative sessions. These similarities allow us to hold constant, to the degree possible, virtually all characteristics that might also affect the size of legislative coalitions, and thus plausibly infer that any change in coalition sizes from the pre-veto legislature (1995-96) to the subsequent post-veto legislature (1997-98) resulted from the introduction of the veto. Further, it does not appear that any other significant changes to the legislative rules affected potential confounders like legislative professionalism, chamber size, or the budgetary process.

Table 1 goes here.

One potential concern, however, is that Governor Hunt, upon being awarded the veto, could have sought to enact a much more aggressive agenda for his term that began in 1997. But, newspaper and biographical coverage of Governor Hunt provides little evidence to suggest this was the case. Nowhere in the coverage of Hunt's 1997 inauguration or State of the State address did the Raleigh *News and Observer* characterize Hunt's proposals as aggressive or far-reaching. In fact, Hunt's biographer reported that Hunt's proposals for his final term in office were mostly restatements of his commitments to public education that he had voiced repeatedly during his term in office that began in 1993 (Pearce 2010, 244-245). In fact, in characterizing the effect of the veto on Hunt's governorship, Pearce (2010, 244) writes: "[H]e had added the veto power. But he never used it. He never needed to. It was his gift to his successors." These evaluations of Hunt's final term in office, then, improve our confidence that any potential changes in legislative coalition sizes upon the introduction of the veto are not due to the heavy hand of a newly-empowered governor.

Since North Carolina had no provisions for either a veto or a filibuster before 1997, the spatial theory outlined above provides no reason to expect that coalition sizes were anything other than simple majority-sized (Aldrich 1995; Baron and Ferejohn 1989; Riker 1962). Any bill which achieved a majority in both chambers was certain to become law (as in the top panel of Figure 1). In contrast, the introduction of the veto implies that the three-fifths member of each chamber becomes

pivotal when considering a possible override attempt, suggesting that coalitions must be at least as large as that constitutionally-stipulated supermajority when the governor disapproves of legislation. As implied by Cameron (2000) and others, this effect is driven by the legislature's anticipated response to gubernatorial behavior and exists even when the veto is not used.[14] Thus, we expect that legislative coalitions were larger in both chambers after the veto was adopted.

Figure 2 provides a sense of the distribution of coalition sizes across chambers of the NC General Assembly. The data we use were derived from roll call votes in the 1995-1996 and 1997-1998 legislatures. We obtained data from the General Assembly website (http://www.ncleg.net/) for the 1997-1998 legislatures, from microfilm provided by the NC Division of Archives and Records (House 1995-1996), and from the Senate Journals of the General Assembly for 1995 and 1996. All third reading roll calls (omitting procedural votes and intermediate amendments) that received more yes votes than no votes on final passage are included. The winning coalition size variable is calculated as in Krehbiel (1998) and is the number of yes votes divided by the total number of yes and no votes (that is, omitting nonvoters or missing votes), so values range from 0.5 to 1.

Figure 2 goes here.

As Figure 2 makes clear, there are nearly twice as many instances of coalition sizes between 0.5 and 0.6 in the pre-veto legislature than in its immediate post-veto successor.[15] The discrepancy between the pre- and post-veto sessions increases when comparing coalition sizes between 0.6 and 0.8. While the post-veto session lacks many close votes, more than half of its successful roll calls were determined by coalitions greater than 0.85. The story for the Senate is a bit different, as a larger proportion of post-veto votes were unanimous or near-unanimous. Still, the histograms for the Senate confirm that there were far more close votes (with coalitions between, say, 0.5 and 0.7) pre-veto than post-veto. This figure provides preliminary, if inferentially imprecise, confirmation of our expectation that coalition sizes increased in the post-veto period.

If, as we argue, the political-institutional environments are otherwise sufficiently similar before and after the veto was introduced, then we need only test the equality of summary statistics across the distributions. As Table 2 shows, the mean coalition sizes are significantly different across the two sessions for all votes on final passage. Average coalition sizes are very large both before (0.91

in the House and 0.92 in the Senate) and after the introduction of the veto (0.95 in the House and 0.96 in the Senate), but they are significantly larger post-veto, as hypothesized. This pattern holds as we first eliminate unanimous roll calls, then "uncompetitive" votes (coalition size $\leq$ .95) from the sample, as the inclusion of symbolic measures that do not elicit substantive opposition is likely to underestimate the effects of the introduction of the veto on coalitions (as in, e.g., Clark, Osborn, Winburn, and Wright 2009). As in the full sample, coalition sizes are significantly larger in the post-veto session. Importantly, coalition sizes increased in *both* chambers of the legislature. Though it may not be surprising that coalitions got larger in the Senate, as the Democratic majority itself became larger, the fact that a similar increase occurred in the House, where the Republican majority dwindled, supports our claim that the introduction of the veto led to the observed differences in coalition size across terms.

Table 2 goes here.

The data from Table 2 also support the importance of the veto from a somewhat different perspective. As discussed above, the location of the veto override pivot has implications for characterizing the width of the gridlock interval. As the requirements to override a veto become higher, the increased ideological distance between the chamber median and the veto override pivot suggests that an increased number of status quo policies are located within the gridlock interval.[16] One observable implication, then, is that the introduction of the veto in North Carolina should have reduced the level of legislative productivity.

And indeed, the general patterns shown in Table 2 are consistent with this expectation. Using the entire sample of final passage votes, the evidence is clearest in the Senate, where the number of votes decreased from 361 to 323 after the veto was introduced. In the House, in fact, the number of final passage votes increased from 280 to 314. But the patterns are more striking when focusing on more contentious legislation; among non-unanimous votes, the number of final passage votes decreased from 203 to 187 in the House, and even more dramatically—242 to 153—in the Senate. Examining those votes for which the majority coalition comprised 95% or less, the number of final passage votes again decreased both in the House (from 110 to 83) and Senate (from 152 to 75).

Of course, these results should be viewed somewhat tentatively, as our approach does not allow

us to characterize the magnitude of the policy changes that occurred either before or after the veto was introduced. Nevertheless, they are consistent with the general expectation that the provision (and nature) of the gubernatorial veto has implications for legislative behavior. As more legislators are required to agree before policy can be changed, policy change is likely to occur at a slower rate and in more incremental forms.

Explaining Coalition Sizes across the States

Thus far, we have demonstrated that the introduction of the veto in North Carolina significantly altered patterns of lawmaking by generating larger legislative coalitions. Here, we conduct a similar cross-sectional assessment of the effects of varying override requirements on coalition sizes. Thirty seven states share a two-thirds override requirement with the presidential veto, while seven states require a three-fifths vote to override, and remarkably, six states mandate but a simple majority to sustain legislation over a veto (see Figure 3).[17] This variation allows us to examine our expectation that states with higher override requirements produce larger coalitions than states with simple majority overrides.

Figure 3 goes here.

As with the North Carolina case, the dependent variable is the size of winning legislative coalitions. The data are drawn from Wright's (2004) data on all competitive (coalition ≤ 0.95) roll call votes in state chambers in their 1999-2000 legislative sessions. Because we expect the strategic considerations of the veto to be especially relevant on final passage votes (and not, for example, on amendments or procedural votes),[18] we focus on this subset of the data. In addition, we limit our attention to those states that do not hold off-year state legislative elections to ensure that the compositions of the state legislatures is constant across legislative sessions.[19]

We first compare the differences in mean coalition sizes between the states with simple majority thresholds and those that require a supermajority override. Surprisingly, this initial inspection reveals that the mean coalition size for states with simple majority requirements (0.803) is larger than that for states with supermajority requirements (0.792), and this difference is statistically significant.[20] But just as each U.S. Congress casts hundreds of votes on trivial and non-salient

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bills, so too do state legislatures. Scholars have long recognized this issue, which has led some to focus on identifying "significant" legislation (Mayhew (1991); see also Krehbiel (1998), chapter 4) or to otherwise develop rules for separating "lopsided" roll calls from more contested votes (e.g. Masket 2008; Snyder and Groseclose 2000). As with the North Carolina data, by including votes on substantively trivial or uncontested issues, we risk confounding tests of the theory.[21]

Instead, we follow the established approach of using a proxy for the salience of votes based on the intuition that lopsided votes are much more likely to occur on non-salient issues than they are on more important ones. This characterization is consistent with Krehbiel and Woon's (2005) contention that closer roll call votes are more strategically significant. Due to the relatively small number of votes, we used a cutoff of 95% for the North Carolina data above. Snyder and Groseclose (2000) and Masket (2008) use a 65% threshold to separate competitive votes from lopsided votes. 65% is too low a threshold for our purposes; many states require votes from two-thirds of legislators to override a gubernatorial veto, and thus we expect that there are occasions when legislatures in these states want to fashion winning coalitions on important legislation of greater than 65%, especially when the override requirement is two-thirds. To ensure that we do not exclude these important votes from our analysis, we use a threshold of 75%.[22] Such a choice is admittedly arbitrary (as are all other threshold choices), but to the extent that the 75% threshold introduces a number of votes on substantively trivial legislation into our sample, we simply risk underestimating the relationship between override requirements and coalition sizes for important legislation.[23]

Our dependent variable is the size of the winning coalition on a roll call vote, expressed as a proportion of the total number of voting legislators.[24] We characterize the key independent variable in two different ways. For each set of analyses, we include an indicator for whether the state requires a supermajority (either three-fifths or two-thirds) to override a gubernatorial veto. Positive values of this coefficient indicate that states with supermajoritarian override requirements pass legislation with larger winning coalitions than states with simple majority requirements. As a more nuanced way of characterizing the override provision, we also include separate indicators for states with three-fifths requirements and for those with two-thirds requirements.

As developed in the theory, we expect that coalition sizes will be larger in supermajority states than simple majority override states, but *only* when there is a real threat of a gubernatorial veto.

Though the pivotal politics theory we draw from is explicitly non-partisan, partisan composition and control of state institutions are likely to be correlated with the likelihood of interbranch conflict. Most directly, divided government accounts for many of the conditions where we would most expect legislatures to need to assemble veto-proof majorities. We thus split our sample between coalitions that occurred under divided and unified government, respectively, expecting evidence for the theory under conditions of divided government only.[25] On the other hand, we would not expect override thresholds to significantly affect coalition sizes under conditions of unified government.

We include other independent variables to control for important cross-institution factors. For instance, we would expect that state legislative chambers with larger majority parties will have the potential for larger winning coalitions than states with more even splits between the two major parties. We test this intuition by including a measure of the size of the majority party in models of the determinants of coalition size. There is substantial variation in chamber sizes across the states and we include this as an additional covariate because large legislatures may introduce coordination problems for majorities and create incentives for strategic position-taking by legislative minorities. We also control for legislative professionalism, long recognized as a critical determinant of state policymaking capacity (Squire 1992, Squire 2007), the presence of line-item veto power, which may increase the governor's power and affect legislators' strategic considerations, and a variable which measures whether the governor has the power to call a special session, a rule which significantly weakens the ability of a legislator to filibuster. Finally, we cluster standard errors by chamber to account for any within-chamber correlation in the error term.[26]

Table 3 presents results from our models of coalition sizes across the states in 1999-2000. Columns 1 and 2 are for states that had divided government during this session (46 chambers, excluding the TN senate), while columns 3 and 4 are for unified government states (42 chambers). In column 1, the coefficient for supermajority requirements is positive and statistically significant, indicating that legislative coalitions are approximately 1.9 percentage points larger in divided government states with supermajority override requirements than they are in divided government states that require but a simple majority to override a veto. Substantively, this coefficient implies that coalitions would only need to recruit support from one additional legislator in small chambers, like most states' senates; in larger chambers, however, such as the Pennsylania House, a coalition would need to

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attract support from an additional four legislators to secure passage of its preferred bill over a gubernatorial veto. In such cases, chamber leadership may need to carefully balance its interest in passing its most-preferred bill with its ability to expend the scarce resources necessary to guarantee the bill's success. Thus, party leadership in many cases may prefer to simply consider a more moderate version of the legislation that contains provisions that are acceptable to a larger number of legislators.

Table 3 goes here.

Column 2 shows the results when we include indicators for the specific override requirement (three-fifths versus two-thirds; simple majority states are the omitted category). Here, states with three-fifths requirements tend to have larger coalitions than states with majority requirements, and states with two-thirds requirements appear to have larger coalitions than both. This difference (between the two-thirds and three-fifths coefficients) falls short of statistical significance, however, perhaps due to the small sample size of three-fifths states.[27]

The coefficients for the control variables are generally consistent with expectations. Across both divided government models, the coefficient for majority party size is positive and statistically significant, indicating that the size of winning coalitions increases with the size of the majority party in the chamber. On the other hand, the size of coalitions decreases as the number of legislators in the chamber increases. This suggests that coordination problems make it difficult to create and sustain proportionally large legislative coalitions in larger chambers. More professional legislatures have larger coalitions, perhaps indicating that legislative leaders with more staff resources are better able to whip votes. When governors have the power to call a special session, coalition sizes increase; though our data preclude a direct test, this finding is consistent with anticipatory behavior by legislatures which results in the passage of more moderate legislation. In contrast, the results from columns 1 and 2 indicate that there is no significant effect of line-item veto authority on coalition sizes across divided government states.

Columns 3 and 4 present results of the same two specifications from before, but for states with unified government. Not only is there no systematic effect of override requirements on coalitions, as expected,[28] but very few of the control variables are statistically significantly related to larger or

smaller coalitions. In fact, only chamber size is marginally significant across both unified government specifications. On the whole, then, it appears that the size of legislative coalitions are far less predictable, and far more idiosyncratic, when there is unified party control of political institutions.

On the whole, the results from Table 3 plainly support the contention that the relationship between override requirements and coalition size is conditioned by the distribution of pivotal actors' preferences. All of the indicators for override requirements are positive and statistically significant under divided government. Thus, to the extent that divided government serves as a useful proxy, override requirements appear to be important for coalition size only as the ideological distance increases between the governor and the override pivot, as suggested by the theory.[29] These results are robust to the inclusion/exclusion of particular control variables, to the alternative specification of salience thresholds, and to multi-level specifications, increasing our confidence in the general pattern that override thresholds significantly affect patterns of lawmaking when there exists at least a moderate threat of actual veto usage.

Conclusion

On a fundamental level, the findings presented in this article offer empirical confirmation of the pivotal politics predictions concerning the effects of veto override requirements on legislative coalition sizes. As institutional continuity precludes empirical assessment at the national level, examining these predictions at the state level makes it relatively straightforward to catalogue the visible effects of an all-too-hidden power. In particular, the quantitative case study of North Carolina's introduction of the veto highlights the causal direction of the effect of the veto override requirement on coalition sizes. Our cross-sectional findings complement these results by showing that the expected pattern between override requirements and coalition size holds across states generally.

These results have important implications for policymaking. First, the higher the veto threshold, the more power the governor has in bargaining with the legislature. Most obviously, as it becomes more difficult for a chamber to produce enough legislators to override a potential veto, the governor increasingly is the relevant pivotal actor. This key point suggests that legislatures in states with two-thirds override requirements must often defer to the governor's policy preferences to a much

greater degree than legislatures in states with simple majority override requirements. Identifying the extent to which the override requirement advantages executives relative to legislatures remains an important task for future research. Examining how override requirements affect the dynamics of sequential veto bargaining (e.g., Cameron 2000) may also be another fruitful area for further investigation. In extensions of the theoretical framework presented here, future research may also want to consider how variation in governors' willingness to issue vetoes—for instance, due to his/her electoral mandate or approval ratings—affects legislative processes.

Our empirical findings confirm the validity of abstract theories of lawmaking while suggesting practical consequences of institutional design. For instance, an implication of our theory and findings is that under divided government, governors may be better able to resist the legislature's initiatives when the override requirement is high. This implication sheds light on recent and active attempts in Alabama and Illinois to revise state constitutions and increase the proportion of votes needed to override gubernatorial vetoes from a simple majority and a three-fifths threshold, respectively. In addition, our research indicates that veto override rules are critical in determining the potential for, and nature of, state policy change. States with larger veto override requirements have larger gridlock intervals and as a result, fewer status quos can be changed. In states with low override thresholds, not only will policy be subject to more dramatic swings from one period to the next, but wider sets of policies are also subject to change. High thresholds promote conservatism and incrementalism by privileging the status quo. The results of our inquiry suggest the ways in which proposed institutional changes, such as amending the requirement for cloture in the U.S. Senate, may affect the ability of legislative bodies to overcome gridlock.

For example, in the Spring of 2013, Missouri Republicans passed a strong anti-tax measure, apparently believing the governor, Democrat Jay Nixon, would not veto the measure given Missouri's conservative, anti-tax reputation and the Republican supermajorities in both chambers of the legislature. When Nixon did in fact veto the bill, Republicans attempted an override despite being six votes short of a two-thirds supermajority on initial passage (all Democrats voted against the bill, three Republicans also opposed it, and six Republicans abstained). In September, the override vote failed as Republican leaders could not pick up the remaining party votes needed to circumvent the governor. In particular, schools and school boards around the state opposed the bill for its possible

influence on school funding, and, as the *New York Times* noted, all three Republicans who voted against the bill had either been teachers or school board members. Republicans announced plans to re-introduce the bill in the following session; the results of our analyses suggest that Republicans could introduce a slightly more moderate bill to ensure support from these three Republicans and thereby enable the legislature to pass the bill over the governor's likely objections.

Examining cross-state differences in the legislative agenda and the content of legislation as a function of the override requirement is a natural extension of our work. Based on our results, we would expect to observe important qualitative differences in the rate and scope of policy change based on the override requirement because higher override requirements generate larger gridlock intervals. Thus, state legislatures (and governors as well) may condition their political agendas on their expectations about what kinds of policy change are feasible, given the institutional arrangements of their state.

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Notes

[1]Contrast this with the cloture rule that was adopted in 1917 to end a filibuster in the Senate, which Wawro and Schickler (2004) use to examine how the filibuster affected legislative coalitions.

[2]In 2003, incoming Governor Bob Riley created the Alabama Citizens' Constitution Commission and charged it with strengthening the governorship by increasing the veto override requirement from a simple majority to two-thirds of each chamber in the legislature. Preferring a weak institutional opponent, the legislature failed to act upon this recommendation. More recently, in 2013 current Governor Bob Bentley pushed the Alabama Constitutional Revision Commission to increase the override to a more modest three-fifths threshold. Again, legislators, such as state Rep. Paul DeMarco, argued that their ability to easily override a veto was an important component of their ability to protect constituent interests, and ultimately voted down a proposal to strengthen the veto.

[3]A "pivotal" vote is one where the outcome turns on that vote and would be different if the vote were changed. "Pivots" refer to legislators whose votes exhibit this property.

[4]Beyond override thresholds, there is some variation in the conditions under which governors may consider whether to sign or veto legislation, and in the opportunities given to legislatures to override a veto. In some states, such as Iowa, Minnesota, New Mexico, North Dakota, and Wyoming, governors have only three days to veto legislation before it becomes law. Other states allow governors considerably more time, including New Jersey, which allows governors 45 days, and Illinois, which provides 60 days. Furthermore, some states, such as Louisiana, require the legislature to vote on whether to hold a special session specifically to attempt to override a governor's veto, while other states, such as Virginia, mandate that the legislature consider gubernatorial vetoes. These variations in the specifics of the veto process may have consequences for the extent to which governors and legislatures wield influence over an enacted bill by, for instance, creating differing incentives for patience (see, e.g., Kousser and Phillips 2012). Though these other veto rules have not been studied extensively, we focus on override pivots as an initial examination of governors' formal sources of influence, as all state legislatures face similar incentives to pass bills by majorities large enough to overcome a governor's objections.

[5]Most states do not provide for unlimited debate; in the few that do, filibusters are exceedingly rare and are only marginally effective at the end of a term. Even if a legislator manages to filibuster until the end of the session, the governor or legislature may call a special session to pass the filibustered bill, as happened in Texas in 2013 when a Democrat filibustered a bill on abortion limitations. Restricting our analysis to those states that explicitly do not have a filibuster does not change our substantive conclusions. We also control for states in which the governor or legislature is allowed to call for a special session in our empirical models.

[6]The intuition is the same whether the governor is located to the left or right of the chamber median.

[7]The winning coalition may also include any member on the same side of the status quo if the distance between that member and the status quo is greater than the distance from that member to the median. We focus on minimum winning coalitions, or the smallest possible coalition necessary to pass new policy. It is nearly impossible to predict

a particular winning coalition for any given policy due to the difficulty in estimating status quo locations (Richman 2011).

[8]We also estimated a set of linear regressions on gridlock interval size and find the override requirement to be a significant predictor of gridlock interval size under a variety of specifications.

[9]We wish to emphasize that accounting for partisan control of government is not itself inconsistent with the pivotal politics model. Our reason for doing so, in fact, is to clarify the conditions under which veto override provisions are likely to affect patterns of lawmaking, and our use of party control is merely a rough proxy for characterizing when conflict (more formally, this might refer to the spatial distance between the governor and the relevant legislator) between different branches of government is relatively high or relatively low. Our tests are agnostic as to whether party control of government "matters" for legislative outcomes. Using divided party control of government to measure the location of ideal points is also consistent with Krehbiel's (1998) analysis of regime changes (which we investigate in Appendix A).

[10]Governor Hunt served four (four year) terms from 1977-1985, then from 1993-2001.

[11]Our study of North Carolina is not a true natural experiment because the assignment mechanism was not random (see, e.g., Sekhon and Titiunik 2012), but it approximates one in that the treated and control groups (winning coalitions pre- and post-veto) appear similar across observables. This appearance of similarity does not of course ameliorate the problems of inference that exist in quasi-experimental analysis (see, e.g., Campbell and Ross 1968 for a classic treatment of these myriad pitfalls), so we cannot unambiguously attribute a causal effect to the introduction of the veto. However, as noted below, if some other characteristic were really driving the temporal change in NC coalition sizes, we would be far less likely to confirm the relationship we find in the cross-sectional data as well. We also used regression to predict coalition sizes using differences between the two North Carolina sessions. The key variables of interest, such as party control of government, reelection support for the governor, and number of majority-controlled seats, are so similar across sessions that multicollinearity results if more than one or two predictors are included in a model. These regressions however are consistent with our claims. Taken together, the two sets of results increase our confidence in our claim of a causal relationship.

[12]Thad Beyle maintains a Gubernatorial Power Dataset (available online at http://www.unc.edu/~beyle/gubnewpwr.html) which measures governors' institutional (including appointment powers, veto powers, budgetary powers, and powers of administration and management) and personal powers (including governors' levels of job performance, electoral mandate, and career trajectories). Pre-1997, North Carolina regularly had the least powerful governor according to this measure, while after receiving the veto, its standing improved according to the institutional powers index.

[13]February 12, 1995. "Last Governor Without Veto Could Get It." *New York Times.*
Accessed at http://www.nytimes.com/1995/02/12/us/last-governor-without-veto-could-get-it.html on April 5, 2013.

[14]Although veto power was conferred in 1997, the first veto was not issued until November 2002 by Governor Mike Easley.

[15]Coalition sizes are often greater than minimum majority-sized, consistent with empirical research on coalition

sizes in Congress (Browne 1993; Krehbiel 1998). Thus, we take the pre-veto prevalence of close votes as evidence that the legislature was not considering supermajoritarian veto override pivot on these votes.

[16]In fact, in the pre-veto period, there would be no gridlock interval, as the median and the veto override pivot are the same actors.

[17]States differ between stipulating members elected and members voting to create an override majority. In practice, this distinction is minor because nearly all legislators cast a vote on most roll calls.

[18]Jenkins, Crespin, and Carson (2003), Van Houweling (2001), and Krehbiel, Meirowitz, and Woon (2005) all stress the importance of focusing on final passage votes.

[19]These omitted off-year election states are Kentucky, Louisiana, Mississippi, New Jersey, and Virginia. The results reported below hold when we alternatively include these states. In addition, due to its unicameral and nonpartisan legislature, Nebraska is omitted from the analysis. We also omit the Tennessee Senate, for which the documentation do not allow us to distinguish votes on final passage. This provides data for roll call votes in 87 chambers in total.

[20]See Table B-1 in the supplementary appendix.

[21]It is difficult to separate votes on important issues, on which one would expect legislative coalitions to behave strategically, from "hurrah" votes. This problem is especially acute when analyzing roll calls across the U.S. states. Even if we were able to code each vote in the data for issue area, a gargantuan task, the state politics literature has yet to identify substantive areas that might be more or less salient across the states. While studies of Congress have classified vote importance using measures of national media attention (e.g., Binder 2003; Howell, Adler, Cameron, and Riemann 2000; Krehbiel and Woon 2005; Mayhew 1991) there is no analogous method for the states and, therefore, no *a priori* method of identifying legislation important enough to elicit political opposition.

[22]We estimated additional variants of our main empirical models (shown in Table 3 below) using thresholds of 70% and 80%. Our substantive conclusions do not change. See Table B-2 in the supplementary appendix. In addition, as an alternative to the threshold approach, we identified all final passage roll calls on budget/appropriations bills in the Wright (2004) data, thinking that these bills would be more salient on average than other types of proposed legislation. Instead, we found that budget bills across the states are actually *less* contentious than non-budget bills (average coalition size of .80 on budget bills versus .77 on non-budget bills, and nearly a third of budget votes had coalition sizes greater than .90). The process of identifying these budget bills in the data indicated that budget bills in many states represent very narrow appropriations for essentially distributive projects—something that does not often engender much political contention in legislatures. In the end, the difficulty in identifying salient issues *ex ante* strengthens our argument for the threshold approach that we have adopted here.

[23]An initial inspection of the raw averages across simple majority and supermajority states supports the validity of this approach; when examining these samples of more contested votes, mean coalition sizes are larger (.644) in states with supermajoritarian requirements compared to those with simple majority requirements (.634), and this difference is statistically significant. Again, see Table B-1.

[24]This variable is right skewed, so we also estimated models using logged values of this quantity. The results remain

substantively and statistically identical. We report the results for the untransformed dependent variable for ease of interpretation.

[25]We use the traditionally-understood definition of divided government in which at least one chamber of the legislature is controlled by the party opposite the governor's. Fortunately for us, North Carolina had divided government across the sessions we analyzed above. We use divided government instead of a chamber-governor indicator for different/same party to control for the possibility that chambers anticipate the other chamber's behavior as well as the governor's reaction. We have also used an indicator for whether or not each chamber was controlled by the governor's party and these results comport with those reported here, indicating that either potential proxy for inter branch policy divergence captures the concept adequately.

[26]Clustering on state rather than chamber does not change our substantive findings. The results are also remarkably consistent across a variety of alternative specifications. For instance, our findings are robust to the inclusion/exclusion of controls (specifically, the results here are nearly identical to a model which controls for majority party and chamber sizes alone). Table B-2 shows that the results here are consistent with models using alternative salience thresholds. Table B-3 shows that the results are robust to a multi-level specification which explicitly models the fact that votes are nested in chambers, which themselves are nested in states.

[27]One potential concern is that state legislatures may have adopted different rules governing the majority size needed for passage (see, e.g., Krehbiel and Woon 2005). Unfortunately, the data do not allow us to distinguish bills that require a simple majority from those that require, for instance, three-fifths. However, states do have different rules regarding the majority size required to pass budgetary items; some states require only a simple majority while others require a supermajority. After identifying only those bills that concerned the state budget (described in note 23 above), we re-estimated the models shown in Table 3 for the states that require only a simple majority to pass budgetary legislation. The pattern of results broadly conforms to the findings in Table 3. In fact, the coefficients for supermajoritarian override requirements are larger in magnitude. This suggests that, by not accounting for the precise requirement for bill passage, the coefficients shown in Table 3 may *underestimate* the true strength of the relationship between veto override requirements and legislative coalition size. See Table B-4.

[28]There is only one state with a majority override and unified government in this time period, so these specific results should be interpreted with caution.

[29]We also conducted a supplementary analysis using Krehbiel's (1998) notion of regime change, in which a *change* in the executive party should have a negative conditional effect on coalition size. A discussion of these results can be found in Appendix A, available online.

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Tables

Table 1: North Carolina Political Landscape Before and After the Veto is Introduced

	1995-1996 term	1997-1998 term
Governor	Jim Hunt	Jim Hunt
Party	Democrat	Democrat
Gubernatorial election result	55.0% (1992)	56.7% (1996)
House Control	Republican	Republican
# of Dems	52	59
# of Reps	68	61
Senate Control	Democratic	Democratic
# of Dems	26	30
# of Reps	24	20
Veto available	No	Yes

Table 2: Winning Legislative Coalitions in North Carolina General Assembly

Sample of Votes		House		Senate	
		1995-1996	1997-1998	1995-1996	1997-1998
All	(N)	280	314	361	323
	Mean Coalition Size	.910	.947	.915	.955
	SD	(.124)	(.097)	(.119)	(.082)
	Mean difference		.037		.040
	t-statistic		4.08		5.12
	p-value		.008		.001
Non-unanimous	(N)	203	187	242	153
	Mean Coalition Size	.876	.912	.872	.906
	SD	(.131)	(.112)	(.127)	(.097)
	Mean difference		.036		.034
	t-statistic		2.86		2.75
	p-value		.005		.005
Coalition size ≤ 0.95	(N)	110	83	152	75
	Mean Coalition Size	.787	.826	.815	.837
	SD	(.118)	(.122)	(.010)	(.011)
	Mean difference		.039		.022
	t-statistic		2.24		1.31
	p-value		.026		.100

Roll call votes on final passage only. One-tailed t-tests conducted.

Table 3: Coalition Sizes Across the States (1999-2000)

| Independent Variables	Divided government		Unified government	
	(1)	(2)	(3)	(4)
Supermajority	.019**		-.014	
	(.007)		(.009)	
Three-fifths requirement		.017*		-.001
		(.008)		(.012)
Two-thirds requirement		.021**		-.013
		(.007)		(.009)
Majority party size	.090**	.090**	.023	.014
	(.028)	(.028)	(.031)	(.030)
Chamber size (*100)	-.006*	-.006*	-.013	-.013
	(.002)	(.002)	(.007)	(.007)
Legislative professionalism	.071**	.071**	.018	.015
	(.020)	(.020)	(.010)	(.009)
Governor power to call session	.013**	.013**	-.001	.000
	(.004)	(.004)	(.004)	(.005)
Line-item veto	-.005	-.005	.013	.018
	(.006)	(.006)	(.017)	(.017)
(Constant)	.567**	.567**	.637**	.637**
	(.021)	(.021)	(.024)	(.023)
N	2527	2527	3578	3578
MSE	.067	.067	.063	.063
Clusters	45	45	42	42

Entries are linear regression coefficient estimates and standard errors, clustered by chamber-state. The dependent variable is the size of legislative winning coalitions expressed as a percentage of the number of voting members in the chamber. To capture only contested votes, we restricted the sample to coalition sizes ≤ 0.75.
* indicates $p < 0.05$ and ** indicates $p < 0.01$, two-tailed tests.
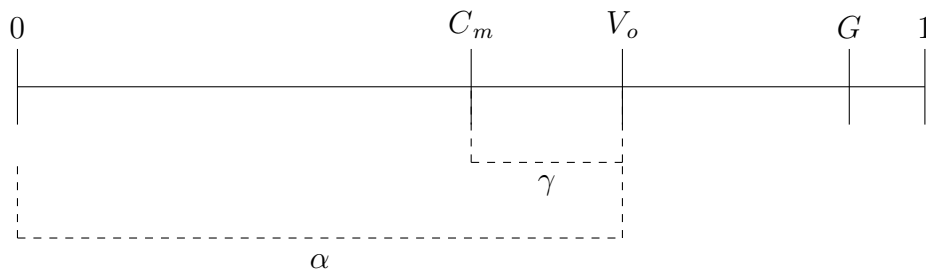
Figures

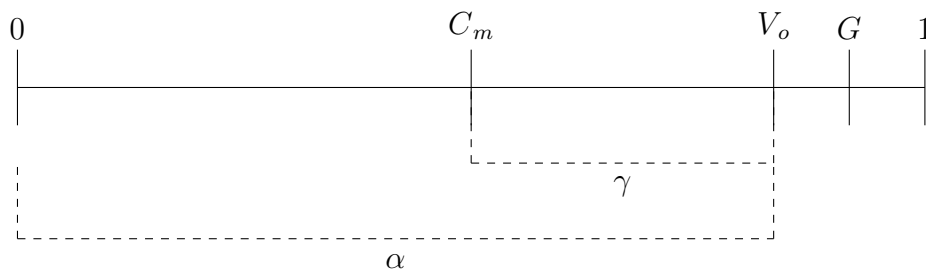Figure 1: Veto Override Pivots and Legislative Coalition Size

(a) Simple majority requirement
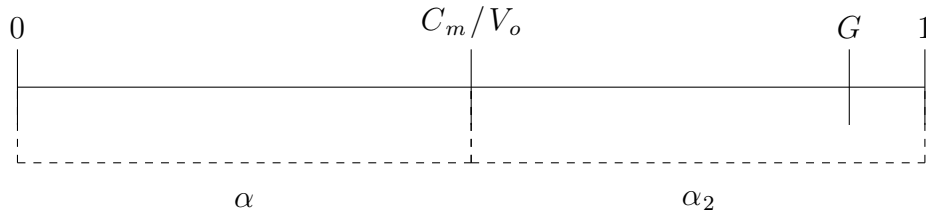
(b) three-fifths requirement

(c) two-thirds requirement

- C_m = Chamber median's ideal point

- V_o = Veto override pivot's ideal point

- G = Governor's ideal point

- α = Minimum winning coalition when SQ is to the right of V_o

- α_2 = Minimum winning coalition when SQ is to the left of V_o

- γ = Gridlock interval

Figure 2: Distribution of Coalition Sizes in North Carolina ($\leq$ .95)
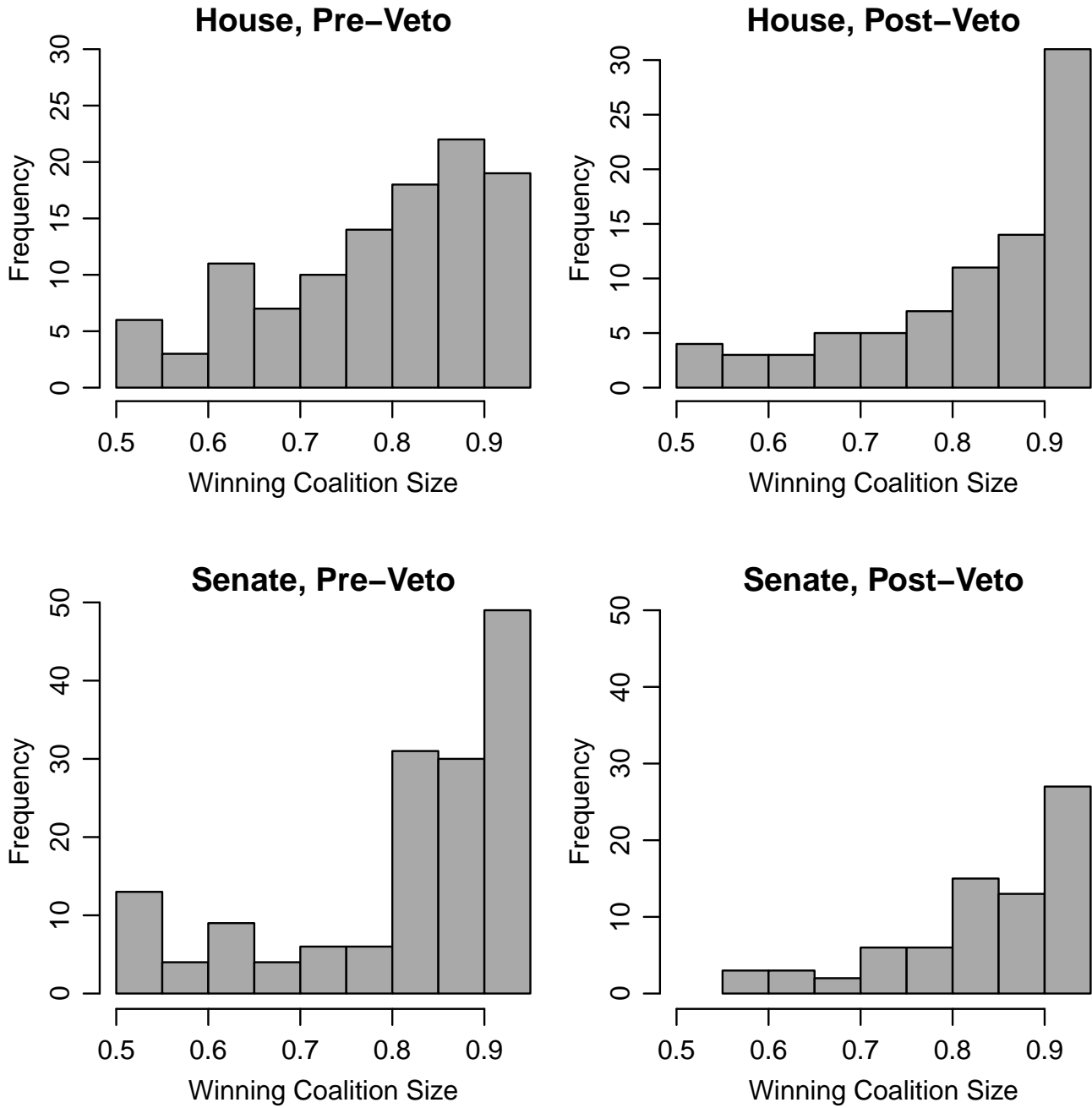
Plots show the distributions of winning coalition sizes on votes of final passage. Pre-veto votes occurred in the 1995-1996 General Assembly, and post-veto votes took place in the 1997-1998 General Assembly.

Figure 3: Veto Override Requirements by State
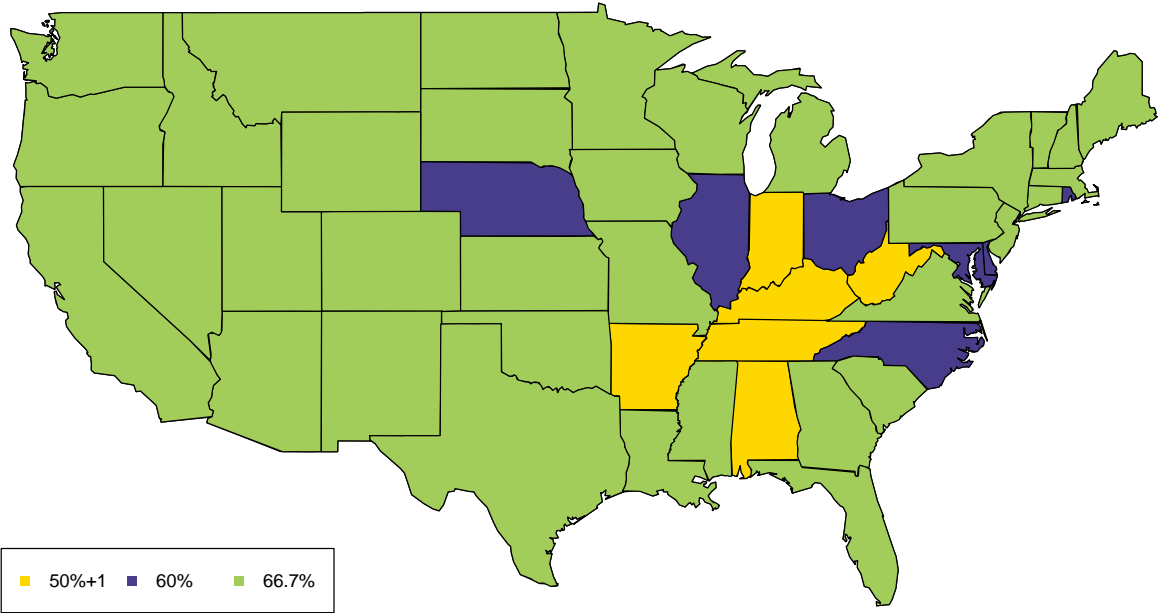
Note: North Carolina did not provide for a gubernatorial veto until 1997. Alaska and Hawaii both have two-thirds override requirements.

Appendix A: Coalition Sizes and Gubernatorial Regimes

The pivotal politics theory also predicts that a *change* in the party of the executive will have a negative conditional effect on coalition size. Such a change, what Krehbiel (1998) calls a "new regime," results in the veto pivot moving from the right to the left (or vice versa) of the median voter's ideal point as a result of a shift in the governor's ideal point. This jump over the median's ideal point allows status quos that were in the gridlock interval during the old regime to be changed in the new regime. Empirically, we would expect that under a new regime, the size of the gridlock interval prior to the new regime would have a negative effect on coalition size, and that this negative effect would be larger in states with higher veto override thresholds. These regime changes are not our primary focus, but here we evaluate these arguments from Krehbiel (1998), chapter 4.

The results shown in Table A-1 below test and largely confirm these expectations. Here, we create an indicator variable equal to one if the governor in the 1999-2000 legislative session is from a different party than their immediate predecessor. As expected, the new regime variable is negative and statistically significant and the supermajority variable is positive and significant. The effect sizes of the two variables are about the same, demonstrating that a change in the governor's party reduces coalition size by about as much as a supermajority requirement increases it. In a second model, we interact new regime with supermajority and find this term to be negative, consistent with expectations, suggesting that new regime has a smaller effect in supermajority threshold states than in majority override states. However, we note that the coefficient for the interaction term is not statistically significant ($p < 0.396$), precluding stronger statistical inferences.

Table A-1: The Effect of a "New Regime" and Override Requirements on Coalition Size

Independent Variables	"New regime"	"New regime" w/ interaction
Supermajority	.017	.016
	(.003)	(.005)
Majority party size	.101	.053
	(.033)	(.022)
Chamber size (*100)	-.011	-.007
	(.002)	(.002)
Divided government	.033	.003
	(.003)	(.004)
"New regime"	-.016	.016
	(.006)	(.008)
"New regime"*Supermajority		-.008
		(.010)
(Constant)	.556	.600
	(.019)	(.013)
N	6105	6105
MSE	.0642	.0654
Clusters	87	87

Entries are linear regression coefficient estimates and standard errors, clustered by chamber-state. The dependent variable is the size of legislative winning coalitions expressed as a percentage of the number of voting members in the chamber. To capture only contested votes, we restricted the sample to coalition sizes ≤ 0.75