

Helping the Incoming Administration

Lay the Groundwork For Transition Assistance

Former governors have two chances to view a transition—coming in and going out. Many have been dissatisfied with both. Too often, transition assistance from one administration to the next can be perceived as disorganized and insensitive. It is debatable whether this dissatisfaction is in the eye of the beholder, a function of transition politics or a fault of transition planning.

Advance planning will increase the odds that transition assistance will be well-offered and well-received. This includes statutory and financial arrangements for transition assistance, a policy for cooperation and a documentation plan.

A majority of states have enacted some legislation pertaining to gubernatorial transition. (See the table that follows for a comparison of the assistance provided by states.) Most states appropriate funds, the amounts of which vary considerably and often require supplementation (through emergency and contingency funds or budgetary reallocations). Such funds and other statutory provisions are designed to cover staffing, office space, equipment and sometimes the inauguration of the governor-elect. Virtually all such assistance is targeted for the governor-elect. The departing governor is the designated provider, not the recipient.

These statutory and financial arrangements, if they exist, often prove to be inadequate. State statutes and appropriations should be reviewed for coverage and sufficiency. What is not covered statutorily must be provided administratively. Statute or none, the incumbent administration should develop an overall plan for helping the incoming administration—action items to be completed, by whom and by when.

Plans generally convey substance, not style. A cooperation policy should be established to reflect the

incumbent governor's commitment to a smooth transition, regardless of campaigns or successor party. Staff and agency directors should be advised to cooperate fully. The designation of a transition coordinator can underscore and signal that commitment.

Handling the Candidates

Incumbent governors who are term limited or not seeking reelection should develop a strategy for handling candidates seeking that office. Some former governors have invited candidate participation in their administration before the general election. Examples include representation at cabinet meetings, involvement in budget preparations, requests or suggestions for transition preparations and even recommendations on pending appointments. Most have been less inclusive.

Despite concerns, departing governors can and should offer assistance to, and respond to requests from, their prospective successors, generally through a certain point of contact or contacts. In so doing, it is important to recognize that there may be legal issues relative to staff members engaging in political activity. It is highly likely that some staffers will want to be helpful to a campaign or campaigns. These issues need to be reviewed by legal Transitioning Out: Helping the Incoming Administration National Governors Association counsel and the staff members need to be instructed on the rules and what activities are appropriate.

Once the governor-elect has been chosen, the legal issues surrounding political activity are mostly moot, but one should continue to oversee the process and procedures of contacts between the governor's office and the governor-elect's transition team.

Prepare Briefing Materials for the Incoming Administration

Transition documents can be an important part of transition assistance. Outgoing administrations frequently prepare transition books and volumes of briefing documents for the incoming administration, which require large investments of staff time and energy. Too often, these documents are overly detailed and much of what is done may be ignored. A strategy for transition documents should be developed that is tailored for the various targets of transition assistance: the governor-elect (and family), the incoming transition team, counterpart gubernatorial staff and incoming cabinet officials and staff.

It also is recommended that a realistic approach to the process be taken. A governor-elect of the same party as the current governor is more likely to welcome in-depth detail and analysis of strategic issues. A governor-elect of the opposing party will value and prefer simple, factual information (e.g., budgets, contracts, pending legal issues). In short, acknowledge that the final products made available to the incoming transition team will vary according to who is the winner.

Following are general “rules” on what the National Governors Association (NGA) has found to be best practices on preparing briefing materials for the governor-elect, the incoming transition team and new administration members. Please note, NGA does not advocate one single correct way to organize briefing materials, but suggests integrating best practices with the style and traditions of individual states and administrations.

Given this initial disclaimer, here are some axioms and procedures:

1. Create uniform briefing documents without losing the individuality needed to transmit essential agency specific information.

- Appoint a team to envision and create a template for transition briefing materials. Ideally, the team should include the chief of

staff (or a designee), a few governor’s senior staff members along with a few (2-3) hand-picked members from different agencies whose skills and collaboration ethic you trust.

- Prepare a draft template for transition materials to be approved by the governor’s office.
- Ensure each agency’s briefing materials are reviewed by the governor’s office before being made final.
- Disseminate each agency’s briefing materials to the governor-elect’s transition team through a single point of contact in the governor’s office.

2. Brevity is critical.

- Lengthy and complex agency briefing materials may not be read by the governor-elect’s transition team because of the short timeframe and flurry of activity that normally accompany incoming transitions.
- If an agency cannot commit its key points to a two-page memo, then an executive summary should accompany the memo.
- Appendixes are fine for details, but the reader probably will not have time for them until deeper into the life of the administration, so appendixes should contain information and statistics that are intended for a more mature office.

3. Be focused and sparing on the information you organize—the governor-elect’s transition team will have little time for voluminous detail. Accordingly, provide the following information:

- **Key overview information:** The present executive operating budget (allocated and expended year-to-date); authorized and actual full-time equivalents (FTEs); information systems and communications systems presently in use and whether their continuation is operational or a contractual obligation beyond the life of the present administration; other similar substantial contractual obligations.

- **Present operations information:** Organizational charts of present agency structure; résumés of key civil service personnel; schedules of regular intra-agency meetings, events, key business cycles, etc.
 - **Other informative material:** Landmines likely to be encountered in the early days, such as pending litigation; reports to be given to the incoming legislature; likely constituent groups who have a history of advocating for their causes.
4. **Try to identify with the reader, but realize that they, by the nature of change, have to make their own way.**
- **Avoid items** such as laundry lists of accomplishments and achievements of the outgoing agency; suggestions for policy decisions or other discretionary decision making in the early days of the new administration; expensive printing or binding (keeping the emphasis on information and not impressive—and expensive—presentation).
 - **Offer meetings** for new appointees with their present counterparts, but do not take it personally if these offers are not accepted.
 - **Prepare everything** with the mindset, “What would I have wanted to know on day one if I had not held this position?” rather than the more subtle “tricks of the trade” that require experience on the job to appreciate.

Help the Incoming Transition Team

It is likely that the governor-elect will not be fully prepared for the transition. Typically, if one does not exist already, an incoming transition team is formed quickly. That team has immediate needs for logistical support and information. Those needs should be anticipated and actions should be taken before the election to help the team move quickly and intelligently. The transition team needs the most

relevant information in the most succinct form with greater in-depth details reserved for later.

In terms of logistics, the incoming transition team needs office and parking space and equipment (e.g., telephones, computers and copying machines). Staff support also may be needed. The outgoing transition coordinator should plan for such requirements, either by actually providing the space, equipment and staff, or by making financial arrangements for it.

Over time, informational needs of the incoming transition team become more urgent, focused and sophisticated. Immediate needs are basic. The first transition package should be available immediately after the election, if not before, to answer these and other basic questions:

- What funds and logistical support are available for transition?
- What is the budget for the governor’s office?
- What are the basic state employment laws and procedures?
- What positions are serving at the pleasure of the governor and what are the salaries and benefit packages for those positions?
- What appointments to boards and commissions are pending?
- Whom should the incoming transition team contact when help is needed?

Information overload at an early stage in transition may be distracting or unwelcome. Meetings between counterparts of the incoming and outgoing transition teams should proceed at a tenable pace.

More detailed and descriptive information should be provided as the incoming transition team becomes better oriented and the faces of the new administration take shape. This information and assistance should be designed to help the governor-elect, counterpart gubernatorial staff and incoming cabinet officials prepare to assume their new duties.

Help the Governor-Elect

The governor-elect will look for help primarily from his or her own transition team. Thus, the quality of help provided to that team will indirectly help the governor-elect. The departing governor is in the best position to directly help the governor-elect. The same is true for spouses and families. There is no substitute for personal experience.

Departing governors are advised to offer help to the incoming governor, rising above any differences of opinion that may accompany a changing of the guard. At the same time, the departing governor should be cautioned that what is given may not always be noted or remembered. As one former governor said: “We held a few meetings in my office talking about issues and policies. I told him what I thought was ripe for leadership, things I would have done if I stayed on. He didn’t want much. He didn’t follow my advice.”

The governor-elect and family should be helped with those matters most immediate and critical to them. Personal meetings and tours should be scheduled to deal with personal concerns such as the office itself, pay and allowances, the executive residence and security. Substantive issues of interest can be discussed in private sessions or through involvement in ongoing events and preparations.

A schedule should be prepared of forthcoming events and meetings that might help orient the governor-elect. Key resources should be made available, such as planning and budgeting staff, that otherwise might be underutilized during the transition period. Participation in the budget process, where appropriate, can be valuable, particularly if the governor-elect’s positions on key matters can be accommodated.

The governor-elect will seek and need help from many quarters. The incumbent governor should reflect on his or her own incoming experiences and improve on them accordingly.

Help the Counterpart Gubernatorial Staff

The members of the incoming transition team often act as surrogate gubernatorial staff until various staff members are appointed. At this stage in the transition, the outgoing staff can and should provide information to help counterparts understand and prepare for those positions.

This is easier said than done. As one former chief of staff commented: “Transition never has been an organized process. Incoming staff don’t feel they should ask questions of their departing counterparts and outgoing staff don’t think those coming in want their help.” These perceptions may be at odds with compelling realities: Incoming staff need help and outgoing staff can provide it.

Transition team members who are organizing the new governor’s office and those who will run it need to know how the office currently operates. The outgoing staff can help in several ways. Separate profiles should be prepared for each component of the incumbent office, summarizing roles and functions, organization and management, special procedures or processes and any special issues that warrant immediate attention. Most profiles can and should be written. Others, including politically sensitive issues or functions, may be best handled in private conversations.

Even in the most adversarial transition, several matters must be profiled. A natural disaster can occur during the first weeks of a new administration requiring an immediate and informed response. Therefore, emergency management authorities and contingency plans must be clearly communicated and understood. Other matters are boiling-point issues that may erupt or require decisions in the first few weeks or months in office.

More routine, but not at all trivial, are office, human resource and administrative procedures. The outgoing staff should describe in detail the essential functions for operating the office, such as handling the mail and phones, budget and personnel

administration and general administrative support. Special orientations and training should be provided regarding equipment and technology in use—e.g., computer software, data and telecommunication networks.

What is done for governor's office operations also applies to the executive residence. Briefings and profiles, where appropriate, should be prepared and provided on basic operations, including scheduling and hosting public functions, housekeeping and maintenance, food service and security.

Help Incoming Cabinet Officials and Staff

The governor's office is only one part of an administration. Actions taken to help the governor-elect and incoming gubernatorial staff should be mirrored in cabinet agencies. One sage observer of gubernatorial transitions offers this advice to departing governors, cabinet officials and their staff: "Show in your last days of office what you did in your first."

Incoming cabinet officials and staff should be oriented and briefed as they prepare to assume their respective offices. Briefing packages should be planned and coordinated. (A uniform format across agencies could prove helpful.) Analytical studies or personal briefings on major problems and issues also should be planned.

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Table 4.7
THE GOVERNORS: PROVISIONS AND PROCEDURES FOR TRANSITION

State or other jurisdiction	Legislation pertaining to gubernatorial transition	Appropriation available to gov-elect (\$)	Provision for:					
			Gov-elect's participation in state budget for coming fiscal year	Gov-elect to hire staff to assist during transition	State personnel to be made available to assist gov-elect	Office space in buildings to be made available to gov-elect	Acquainting gov-elect staff with office procedures and routine office functions	Transfer of information (files, records, etc.)
Alabama	★	●	●	●	●	●
Alaska	●	●	...	●	●	●	●	★
Arizona	★	...	●	●	●	●
Arkansas	●	10,000	...	...	...	...	...	...
California	★	450,000	★	★	★	★	●	●
Colorado	★	10,000	★	★	★	★	●	★
Connecticut	★	★	★	★	★	★	★	★
Delaware	★	15,000	●	★	●	●	●	●
Florida	★	(b)	●	★	●	★	●	●
Georgia	★	50,000	●	★	★	★	●	★
Hawaii	★	50,000	★	★	●	★	●	●
Idaho	★	15,000	★	★	★	★	★	★
Illinois	★	●	...	★	★	★
Indiana	★	40,000	...	...	...	★	★	★
Iowa	●	100,000	★	●	●	●	●	★
Kansas	★	150,000 (c)	★	★	★	★	★	★
Kentucky	★	220,000	★	★	★	★	★	★
Louisiana	★	● 65,000	★	★	...	★	...	●
Maine	●	5,000	★	●	●	●	●	●
Maryland	★	●	...	★	★	★	★	★
Massachusetts	●	●	●	...	●	●	●	●
Michigan	●	\$1.5 million ●(v)	...	●	●	●	●	●
Minnesota	★	(e)	★	★	★	★	●	★
Mississippi	●	★(f)	★	★	★	★	★	★
Missouri	★	100,000	★	★	●	★	●	●(g)
Montana	★	★	★	★	★	★	★	●
Nebraska	★	85,288	★	...	★	★	★	★
Nevada	★	Reasonable amount	★	★	...	★	...	★
New Hampshire	★	75,000	★	★	...	★	★	...
New Jersey	★	★(j)	●	★	★	★	●	★
New Mexico	★	(k)	★	★	★	★	★	★
New York	★	★	★	★
North Carolina	★	★(l)	...	★	●	★	★	★
North Dakota	●	10,000	(m)	(n)	●	...	●	★
Ohio	★	Unspecified (o)	●	★	●	...	●	★
Oklahoma	●	●	★	●	●	★	●	●
Oregon	★	★	★	★	★	★	★	★
Pennsylvania	★	★	●	●	●	...
Rhode Island	★	(u)	●	★	★	★	●	●
South Carolina	...	●	●	●	●	●	●	●
South Dakota	★
Tennessee	★	★	●	★	★	★	●	●(u)
Texas	●	●	●	●	●	★	●	●
Utah	★	★(p)	★	★	★	★	★	★
Vermont	●	★(q)	★	★	★	...	...	...
Virginia	★	★(h)	★	★	★	★	★	★
Washington	★	★	●	★	●	★	●	●
West Virginia	...	●	...	●	...	●	●	●
Wisconsin	★	Unspecified	★	★	★	★	★	★
Wyoming	●	...	●	●	●	●	●	●
American Samoa	...	Unspecified	★(i)	★	●	●	★	...
Guam	★	(t)	...	...	★	★	★	...
No. Mariana Islands	★	Unspecified	...	★	★	★	★	★
Puerto Rico	★	...	★	★	★	★	★	★
U.S. Virgin Islands	★	100,000	...	★	★	★	★	★

See footnotes at end of table.

THE GOVERNORS: PROVISIONS AND PROCEDURES FOR TRANSITION — Continued

Source: The Council of State Governments' survey of governors' offices, August 2016.

Key:

... — No provisions or procedures.

★ — Formal provisions or procedures.

● — No formal provisions, occurs informally.

N.A. — Not applicable.

(a) Varies.

(b) Section 14.057, Florida Statute provides: Governor-elect; establishment of operating fund.—(1) There is established an operating fund for the use of the Governor-elect during the period dating from the certification of his or her election by the Elections Canvassing Commission to his or her inauguration as Governor. The Governor-elect during this period may allocate the fund to travel, expenses, his or her salary, and the salaries of the Governor-elect's staff as he or she determines. Such staff may include, but not be limited to, a chief administrative assistant, a legal adviser, a fiscal expert, and a public relations and information adviser. The salary of the Governor-elect and each member of the Governor-elect's staff during this period shall be determined by the Governor-elect, except that the total expenditures chargeable to the state under this section, including salaries, shall not exceed the amount appropriated to the operating fund. The Executive Office of the Governor shall supply to the Governor-elect suitable forms to provide for the expenditure of the fund and suitable forms to provide for the reporting of all expenditures therefrom. The Chief Financial Officer shall release moneys from this fund upon the request of the Governor-elect properly filed.

(c) Transition funds are used by both the incoming and outgoing administrations.

(d) Amount to be determined.

(e) 1.5% of amount appropriated for the fiscal year to the Governor's office.

(f) Miss. Code Ann. § 7-1-101 provides as follows: the governor's office of general services shall provide a governor-elect with office space and office equipment for the period between the election and inauguration. A special appropriation to the governor's office of general services is hereby authorized to defray the expenses of providing necessary staff employees and for the operation of the office of governor-elect during the period between the election and inauguration. The department of finance and administration shall make available to a governor-elect and his designated representatives information on the following: (a) all information and reports used in the preparation of the budget report; and (b) all information and reports on projected income and revenue estimates for the state.

(g) Activity is traditional and routine, although there is no specific statutory provision.

(h) Determined every 4 years.

(i) Can submit reprogramming or supplemental appropriation measure for current fiscal year.

(j) No specific amount—necessary services and facilities.

(k) Legislature required to make appropriation; no dollar amount stated in legislation.

(l) Governor receives \$80,000 and lieutenant governor receives \$10,000.

(m) Responsible for submitting budget for coming biennium.

(n) Governor usually hires several incoming key staff during transition.

(o) Determined in budget.

(p) Appropriated by legislature at the time of transition.

(q) Governor-elect entitled to 70% of Governor's salary.

(t) Appropriations given upon the request of governor-elect.

(u) The governor's transition team was authorized \$130,000 for transition costs during the 2014–2015 transition. Approximately \$120,000 was spent.

(v) Typically the appropriation is included in the budget but may fluctuate in size.

(u) Subject to records retention and archival requirements.