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Institutional Innovativeness in Southern State Governments, 1960-2010

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This research focuses on state government reform in the South over the period 1960-2010 and why some southern states have adopted many institutional innovations while other states in the region have not. For each of the 11 southern states I note whether or not the state has adopted up to 31 institutional innovations and the date those innovations were adopted. I calculate an institutional innovativeness score for each southern state, and use factor analysis to identify sub-regions of the South that differ with regard to this measure. I find that institutional innovation in southern state governments is associated with socioeconomic factors such as education, income, and urbanization, as well as the extent of two-party competition for southern legislative seats and governorships during the 1960s and 1970s. Two states of the Lower South, Mississippi and Texas, have engaged in hold-out behavior by failing to adopt many now-common institutional reforms.

Introduction

Why have some southern states embraced extensive reform of their governmental institutions while others have not? Are the standard explanations for the diffusion of state *public policy* innovations sufficient to explain *institutional* innovations within a geographic and political region usually studied for its distinctiveness? I suggest that one such explanation, political party competitiveness, has been important in the South because of a lack of two-party competition in the region throughout much of the twentieth century. In particular, a sustained period of two-party competition for legislative seats and governorships after mid-century led to more rapid institutional innovation in some parts of the South.

The literature on policy innovativeness only indirectly relates to an important topic thus far ignored by scholars, how and why states change the original structures and procedures of their main governing institutions – the legislature, the executive, and the judiciary. In other words, why states practice institutional innovativeness and how they differ in this regard. The South is fertile ground for attempting to answer these questions because of the region's history of resistance, a largely traditionalistic political culture, and a long devotion to conservative politics and policies.

Southern State Governments in the 1960s

The decade of the 1960s brought several transformations of southern politics: the reapportionment of state legislatures, civil rights and voting rights, partisan realignment in presidential elections, and reform of state government institutions. But while representation in state legislatures, African American political participation, and presidential Republicanism would amount to complete transformations for the South, institutional reform would remain incomplete. Where some southern states embraced substantial reform of their legislative, executive, and judicial branches of state government, others remained largely unreformed a half century later.

State government in the South in 1960 was frequently unlike that of other states, with the southern states seemingly disdainful of some of the standard practices of legislatures, executives, and judiciaries elsewhere in the nation. North Carolina governor Terry Sanford in *Storm over the States* (1967) finds the southern governorships of that time lacking, declaring that the practice of limiting governors to only a single term of office had been particularly devastating in the South where all but three states had a one-term limit. Two southern states without executive term limits, Arkansas and Texas, still used a two-year term for governors – a practice that had been abandoned in most American states.

Partisan election of trial court judges was the norm in the South in 1960, and no southern state had followed Missouri's lead and adopted a merit plan for selecting judges. More than half the southern states lacked intermediate courts of appeal, and only two southern states, Louisiana and Virginia, had established the position of state court administrator. Teaford (2002) notes that Alabama's judiciary was recognized as one of the nation's worst, "... an embarrassment and badly in need of reform" (209).

As of 1960, Mississippi and North Carolina had no legislative research agency. Mississippi did not employ any full-time professional legislative staff in any capacity. No southern state legislature had permanent, professional staff for standing committees. Governors appointed House speakers in Alabama, Georgia, and Louisiana. Speakers were limited to a single term in that position in Arkansas, Florida, Georgia, and North Carolina. Legislatures in Alabama, Mississippi, and Tennessee had not undergone reapportionment and redistricting in more than 40 years, and the Alabama, Florida, and Georgia legislatures were among the most malapportioned in the nation. According to *The Book of the States*, in 1960 the

median number of standing House committees in all fifty state legislatures was 23, and the median number of Senate committees was 20. Yet the Arkansas House of Representatives had 69 committees, the Florida House 53 and the Florida Senate 38, the Mississippi House 50 and the Mississippi Senate 46, the North Carolina House 45, and the Texas House of Representatives 43.

Nearly all southern states set legislative salaries in the state constitution rather than by statute, and some of the legislative compensation was among the lowest in the nation: \$10 per day in Alabama, Georgia, and Tennessee for example. Among the southern states, only Louisiana's legislators received compensation greater than the \$3,600 national median for the biennium.

Woodard (2006) writes of the South of the early 1960s that

The pervasive localism led to legislatures that were unrepresentative, malapportioned, and dominated by rural interests. They did not meet often or address major problems in the state; instead they lacked clerical staff and professional assistance. Urban areas were ignored in pending legislation. As a group legislators were poorly paid and at the mercy of special interests. (380)

At the end of decade of the 1960s, the Citizens Conference on State Legislatures (CCSL) issued a 50-state report on the capabilities of state legislatures. The legislatures of several of the southern states ranked very low: Mississippi 42nd, South Carolina 44th, Georgia 45th, Arkansas 46th, North Carolina 47th, and Alabama 50th. Except for Florida, all of the southern state legislatures ranked among the ten worst nationally on one or more components of the report's FAIR Index: how *functional*, *accountable*, *informed*, *independent*, and *representative* the legislatures were.

Sanford (1967) notes, however, that the 1960s brought a wave of reform in the American states. He observes that "In the 1966 elections alone, voters in 14 states considered amendments to reorganize the legislatures; in eight states they voted on changes in the executive branch; in 13 states, on judicial improvement; in four states, on other basic constitutional amendments; and in 11 states, on revision in the relations between state and local governments" (43-44). Teaford (2002) finds that reform continued in the 1970s, producing an era of change in state legislatures, the executive branch, and judiciaries. Many of the reforms had been pioneered in earlier decades, such that institutional innovation for many states meant adopting a number of existing best practices of government. Teaford (2002) posits that every

state felt the influence of the reform cause, and that particularly the state courts and legislatures were by 1980 notably different from their counterparts of 1960. Hedge (1998) finds that the two decades after 1960 marked the states' resurgence of the capacity to govern for their legislatures, governors, and courts. Bowman and Kearney (1986) also agree that the states' capacity to act has been strengthened through the reforms of that era. Importantly, they stress that "the reform process is never closed" (Bowman and Kearney, 50). Indeed, I show in this paper that some southern states that lagged behind the reform pace of others in the 1960s and 1970s have nevertheless continued to catch up through recent adoptions of institutional innovations.

Institutional Innovativeness as Capability Building

Bowman and Kearney (1988) use the phrases "improving institutional performance" and "capability building" to describe efforts by states "to make them more capable by improving their effectiveness, efficiency, and representation" (341). They note that the terms "capacity" and "capability" are used interchangeably in the scholarly literature on state government reform. Teaford (2002) describes the purpose of institutional innovations as "to improve the governing mechanism" (196). Bowman and Kearney (1986) explain such institutional innovations as either constitutional reforms to increase executive, legislative, and judicial branch capacity, or non-constitutional internal adjustments intended to improve operations of state government. I include innovations of both types in this study of southern state governments.

The report of the Citizens Conference on State Legislatures (1971) is concerned with the "technical capabilities" of state legislatures, and LeLoup (1978) describes the kinds of reforms advocated by CCSL as increasing "institutional capability." Thompson and Moncrief (1992) refer to the adoption of these legislative practices as "modernization," and Rosenthal (1996) speaks of "capacity building" and "strengthening the institutional capacity" of state legislatures.

I examine 31 institutional innovations in this paper, many recommended by the Citizens Conference on State Legislatures. I selected those innovations recommended in the CCSL report for a majority of the southern states, as well as recommendations aimed at particular southern states. The institutional innovations include annual legislative sessions, the legislature's power to call special sessions and to add to the special session agenda called

by the governor, sunset review of executive branch agencies, professional staff for standing committees, legislative compensation by statute, renovation and expansion of legislative facilities, House and Senate committee reform, the establishment of formal party leadership positions, single-member districts, selection of the speaker of the House by the members of the body, consecutive terms permitted for the speaker, and the removal of legislative powers from statewide elected lieutenant governors.

The executive branch innovations speak to the institutional powers of state governors as set forth by Schlesinger (1965) and are among those investigated by Bowman and Kearney (1988). They include consecutive terms permitted for the governor, four-year terms for governors, executive elections held in non-presidential years, regular and line-item veto power for the governor, adequate appointment and budget power for the governor, the establishment of a governor's cabinet, reorganization of the executive branch, and team election of the governor and lieutenant governor.

The judicial reforms are those advocated in two national studies of state courts in the early 1970s by the National Advisory Commission on Criminal Justice Standards and Goals, and the American Bar Association Commission on the Standards of Judicial Administration. The reports are cited in *The Book of the States 1974-75*, and the particular innovations are also among those studied in an earlier work by Bowman and Kearney (1986). They include the establishment of intermediate appeals courts, merit selection of some judges, unified or consolidated court systems, selection of trial court judges by other than partisan election, and the establishment of the position of state court administrator. Taken together, the list of institutional innovations in Appendix A represents the underlying dimension of state government capability in the South.

Research Design: Theory, Hypotheses, Measures, and Data

In theory, *institutional innovation* in state governments should be explainable in terms of the same factors that have been documented as contributing to *policy innovation*. The legislative, executive, and judicial institutions of state government that play a role in advancing or opposing innovative public policies should themselves be subject to the same kinds of influences reflected in the innovativeness, or lack thereof, of the state government. This should particularly be the case for states within a region having a distinctive history and political culture such as the South.

I use V.O. Key's (1949) 11-state definition of the South in his classic *Southern Politics in State and Nation*: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Other scholars define the region as from 10 to 16 states; Bullock and Rozell (1998) employ a 12-state definition, for example, while Castle (2011) uses the 15 states comprising the Southern Legislative Conference. Hadley (1981) correctly points out that different scholarly definitions of the South can lead to different findings and conclusion about the region.

Scholars also disagree about the sub-regions of the South. Most agree that the Rim South includes Arkansas, North Carolina, Tennessee, and Virginia. Lamis (1990) adds Florida and Texas to the Rim South, whereas Swansbrough and Brodsky (1988) classify those two as the Sunbelt South. Bullock and Rozell (1998) add Oklahoma to Lamis's Rim South definition, while Swanbrough and Brodsky place Kentucky in the Rim South group. In this study I use exploratory factor analysis based on institutional innovativeness scores to identify two relevant southern sub-regions: the Upper South composed of Virginia, Tennessee, and North Carolina; and the other southern states, excluding Arkansas, as the Lower South. Arkansas is found not to load on either sub-regional factor. The factor analysis approach to identifying regional groups of states on policy innovations was pioneered by Walker (1969), and has been used by Canon and Baum (1981) and Berry (1994).

The institutional innovations I focus on are 31 practices common to many, and in some cases, all, of the 50 American state governments. As with the way that Walker and others define policy innovation as a law new to the state adopting it, a state need not be the first in the region to adopt a particular governmental practice. Institutional innovativeness indicates merely that a southern state has adopted a particular practice, not that the state was necessarily the first to do so. The extent of the diffusion of these institutional innovations across the South in the last half century is a major focus of the paper.

For each southern state I note whether or not each of the 31 institutional innovations was being used at the end of 2010, and the year in which the state adopted it. For two innovations for which no precise adoption date is available for one or more states, I use the mid-point of the decade in which the continuous use of the practice in the state began. Because my research interest is the change in the South since 1960, I use that year as the beginning point and 2010 as the endpoint. I modify Walker's (1969) methodology to

calculate an institutional innovativeness score for each state on each practice. The first step is to record the total number of years during the period between the first adoption by a southern state and the last adoption. Each state is then given a score corresponding to the percentage of time that elapsed before that state's own acceptance of the institutional innovation. For example, if 40 years passed between the first adoption of a particular institutional innovation by a southern state in 1962 and the last adoption in 2002, and if Alabama adopted the innovation 20 years after the first adoption, then Alabama receives a score of .500 on that particular institutional innovation. An innovation adopted before 1960 is recorded as .000 and a state that had not adopted the practice by the end of 2010 is scored as 1.000. Non-adopter states are also scored as a 1.000. The institutional innovation score for each state is then expressed as 1.000 minus the average of all scores across all practices. The main data source for the year of adoption of the institutional innovations is *The Book of the States*. Other sources include Sharp and Sharp's (1999) *American Legislative Leaders in the South*, the National Conference of State Legislatures, Beyle's (2007) data on the institutional powers of state governors since 1960, and Garnett's (1980) *Reorganizing State Government: The Executive Branch*.

The decade of the 1960s was a period of increasing institutional innovation among southern state governments. Following two less-active decades of change in which only seven such reforms occurred among the 11 southern states in the 1940s and only 13 during the 1950s, 53 institutional innovations were adopted in the region during the 1960s. The 1970s were an even busier time of change in southern state governments, with 59 innovations adopted throughout the region. The pace of reform has slowed dramatically since then – 24 institutional innovations adopted during the 1980s, 14 in the 1990s, and another 14 from 2000-2010.

Walker (1969) suggests that policy innovation is more likely in a state if other states have already adopted the idea, particularly other states in the region. Jacob and Vines (1971) argue that reformers often look only as far as neighboring states for inspiration because they consider regional experiences more relevant than those in other parts of the nation. Berry and Berry (1992) find support for a regional diffusion explanation. They argue that the greater the number of neighboring states that have previously adopted a particular tax, the greater the probability that a state will adopt that tax, and the probability of a tax adoption increases as the number of recent adoptions of new taxes by neighboring states becomes larger. I hypothesize that

institutional innovativeness scores will be similar for geographically contiguous southern states.

I also expect that the variation in southern states' institutional innovativeness scores is in part due to the usual set of demographic, socio-economic, and political variables common in the literature on policy innovativeness and research on the development of legislative professionalism. Berry (1994) describes this kind of analysis as the "internal determinants explanation" of the diffusion of innovations. Gray (1973) finds that innovative states are both wealthier and more competitive politically. Bowman and Kearney (1986) note that "Among the states, reform, like policy innovation, has tended to begin with the most populous, urban, and industrialized states with high levels of two-party competition and gradually to diffuse elsewhere" (50). I add to the list of independent variables Ranney's (1971) index of interparty competition, a measure of political party competitiveness during the key years of reform in the South. Interparty competition has been found by several scholars to be associated with state policy innovation (see for example Haider-Markel 2001; Mintrom 1997).

I use Ranney's party competitiveness measure to hypothesize that the southern states that were politically similar in terms of the development of two-party competition for state legislative seats and the governorship during the 1960s and 1970s are similar in terms of their institutional innovativeness scores. Volden (2006) finds that innovations spread to states with similar partisanship and ideology, and that these are not necessarily states that share a border. A role for partisanship and ideology is also found by Spill, Licari, and Ray (2001), and by Roh and Haider-Markel (2003).

I employ Ranney's interparty competition measure for 1956-1970 and extend it to cover the years 1971-1979 because those years coincide with the move of some southern states away from Democratic Party dominance and the modern era of state government reform. The measure involves first tabulating the percentages of the two-party vote for governor received by each party in each election from 1956 through 1979, and the percentages of the seats in each house of the legislature held by each party in each legislative session. Ranney then computes the average percentage of the popular vote won by Democratic gubernatorial candidates, the average percentage of the seats in the state senate held by the Democrats, the average percentages of the seats in the lower house held by the Democrats, and the percentage of all terms for governor, senate, and house in which the Democrats had control in the state. For each state, Ranney averages together

all four percentages to produce an “index of competitiveness” carried to four decimal places. A score of 1.0000 describes total Democratic Party success, with .5000 representing a perfectly competitive two-party system over that time period.

Finally, some southern states might exhibit *hold-out behavior* with regard to institutional innovation. Ingle, Cohen-Vogel, and Hughes (2007) find hold-out behavior for particular policy innovations, and Mooney (2001) shows that a regional policy diffusion effect is not consistently positive. Mooney (2001) also finds that regional effects are positive but non-linear; early adoptions influence other early adoptions, but as time goes on there is no impact for neighboring state adoptions. As a result, regional diffusion is not complete. Some states in a region simply fail to adopt an innovation. Ingram and Mann (1980) find that cases of non-adoption in regions where diffusion is nearly complete may be due to the intractability of the policy environment or to particular political constraints within the hold-out states.

Findings

Table 1 presents each southern state’s average institutional innovativeness score described in the previous section. Tennessee, Virginia, and Florida are the most institutionally innovative southern states over the last half century, with Mississippi and Texas the least. The average innovativeness scores are approximately normally distributed, with an overall mean of .576 and a standard deviation of .121. Two states show scores more than one standard deviation above the mean (Tennessee and Virginia) and two states are more than a standard deviation below the mean (Texas and Mississippi).

Table 1: Average Institutional Innovativeness Scores of Southern States, 1960-2010

<u>Southern State</u>	<u>Innovativeness Score</u>
Tennessee	.788
Virginia	.711
Florida	.689
South Carolina	.634
Louisiana	.611
North Carolina	.560
Arkansas	.519
Alabama	.493
Georgia	.489
Texas	.441
Mississippi	.405

Comparing the southern states on the percentage of legislative, executive, and judicial innovations shows some differences among them. The southern states average 77.4% adoptions of the legislative innovations, with Tennessee adopting all the legislative reforms. Mississippi trails all other southern states in this regard, having adopted less than half (43.8%) of the legislative innovations. The average for executive branch innovation adoptions in the region is 75.0%. Florida alone has adopted all the executive branch innovations, while Texas has adopted the fewest (50.0%). The average for judicial innovation adoptions is 74.0% across the region, with Florida and South Carolina at 100.0% and several southern states showing a low of 60.0%.

Upper South and Lower South Differences

The pattern of diffusion of institutional innovations across the South does not conform neatly to the Rim South vs. Deep South distinctions of many scholars. Factor analysis with Maximum Likelihood Estimation (see Tabachnick and Fidell 2007) of the 31 institutional innovation scores identifies two sub-regional groupings with the states assigned to their highest factor-loading component (Table 2). Factor I, which I term the Lower South, contains seven states that include the traditional Deep South states plus Florida and Texas. Factor II, which I label the Upper South, looks more like the typical Rim South: Virginia, Tennessee, and North Carolina.

Table 2: Factor Analysis of Institutional Innovativeness Scores for 1960-2010

	Factor I	Factor II
Alabama	.735	.079
Arkansas	.125	.047
Florida	.316	-.014
Georgia	.393	.221
Louisiana	.459	.388
Mississippi	.704	.332
North Carolina	.038	.428
South Carolina	.627	.228
Tennessee	.067	.463
Texas	.720	-.023
Virginia	.219	.975

Studies of policy innovation suggest a role for the geographical contiguity of states. This also appears to be the case for institutional innovation. The three Upper South states identified by factor analysis (Virginia, Tennessee, and North Carolina) are geographically contiguous,

and the diffusion pattern of reforms for North Carolina comes most from innovations first adopted by the other two states of the sub-region.

Factor loadings less than .300 are considered low (Morgan et al. 2012). Arkansas’s low scores place the state in neither sub-regional factor. This underscores the scholarly disagreement about whether Arkansas is a Deep South state (Gatewood and Whyne 1996, Pierce 1974) or more properly a Rim South state (Blair and Savage 1988; Castle 1988).

Florida would appear to be an anomaly, being one of the three most institutionally innovative southern states along with Tennessee and Virginia but yet closer in the factor loadings to the Lower South states. Florida is pulled toward the Lower South factor by low correlations with the Upper South states but a high correlation with South Carolina.

I use the Upper South and Lower South distinctions to investigate traditional hypotheses about state innovativeness (Table 3). The independent variables in the table reflect the difference between them as measured in 2010 and 1960. Generally the states of the Upper South show larger increases in education, income, and urbanization over the 50-year period than do the states of the Lower South. It thus appears that institutional innovativeness in the South is positively associated with the kinds of socio-economic and demographic measures found by scholars of state policy innovativeness. The institutional innovativeness scores themselves show a substantial and statistically significant ($t = +1.972$, sig. $< .05$) difference of means between the Upper South (.686) and the Lower South (.537).

Table 3: Southern Socio-Demographic Variables, 2010 and 1960

	BA or higher (percentages)		Median Household Income (thousands)		Urban Population (percentages)	
	2010	1960	2010	1960	2010	1960
Upper South	27.4	6.7	\$49.8	\$31.3	74.4	49.1
Lower South	23.2	6.6	\$44.2	\$31.7	71.3	57.3
Arkansas	17.4	5.7	\$39.4	\$23.2	56.2	42.8

Politically Similar Southern States

The policy innovation literature also references the impact of partisanship and ideology. This permits a hypothesis about effect of political similarity on institutional innovativeness among southern states. The southern states that Ranney finds as having moved away from one-party Democratic dominance during the years 1956-1979 (Virginia, Tennessee,

North Carolina, and Florida) can be said to have been politically similar during that fertile period of institutional reform. A *t* test for the difference in institutional innovativeness scores between this four-state group and the group of other southern states shows statistical significance, $t = 3.168$, sig. < .01 for a one-tail test.

The Ranney index does not measure two-party competition for national offices. However, the same southern states that first moved away from one-party Democratic dominance at the state level were also the first to move away at the national level. Modern “presidential Republicanism” in the South was first displayed by Virginia, Tennessee, and Florida voting for Dwight D. Eisenhower in 1952. The first Republican U.S. senators elected in the South after World War II were in Florida in 1968, Tennessee in 1970, and North Carolina in 1972. Virginia and North Carolina elected a Republican U.S. House member in 1952, Florida did so in 1954, and Tennessee even before the 1950s.

On the Ranney index, the higher the positive score the more one-party Democratic the state. Ranney’s index shows that four southern states ceased to be one-party Democratic during the 1956-1979 period: Virginia, Tennessee, North Carolina, and Florida. Note that Florida, while not identified by the factor analysis as part of the Upper South, is in fact one of the three southern states having the highest average institutional innovativeness score. The other southern states remained one-party Democratic for much longer according to scholars who have used Ranney’s measure: until the 1980-86 period for Alabama, Arkansas, Louisiana, South Carolina, and Texas (Hill and Mladenka 1996), and until 1999-2003 for Georgia and Mississippi (Bibby and Holbrook 2004). Generally then, the most institutionally innovative southern states during the last half century are those that moved first toward two-party competition.

One aspect of the two-party competition was the election of Republican governors. In the twentieth century, southern Republican governors were first elected in Arkansas, Florida, and Virginia in the 1960s, in Tennessee in 1970, and in North Carolina in 1972. Most of the Lower South states were slower to elect Republican chief executives: Louisiana, South Carolina, and Texas later in the 1970s, Alabama in 1986, Mississippi in 1991, and Georgia not until 2002.

The conservative state Democratic parties of the South left a history of southern state resistance of new policies and programs, low spending levels,

and weak governmental institutions (Nice 1994). The move away from one-party dominance in particular southern states meant an increase in legislative and executive influence for both the Republican Party and the liberal wing of the Democratic Party. Governors elected in these states during the 1960s and 1970s included a number of notably moderate Republicans: Linwood Holton in Virginia, Lamar Alexander in Tennessee, James Holshouser in North Carolina. Progressive “New South” Democratic governors were elected in North Carolina (Terry Sanford) and Florida (Reuben Askew), and reform-minded Democratic lieutenant governors wielded legislative power in Virginia (Henry Howell) and Tennessee (John Wilder). Democratic house speakers John Warren Cooke in Virginia and Ned McWherter in Tennessee acted to modernize and strengthen their legislative institutions as well as those of the executive and the judiciary.

How did two-party competition in the South work to increase institutional innovativeness and governmental reform? Since nearly all the institutional innovations derive from acts of the state legislatures (whether internal legislative reforms, statutory changes, or proposals for state constitutional amendments), we can speculate that one or both political parties had an interest in change – southern Democrats in order to hold onto electoral power or to counteract the political power of Republican governors, and southern Republicans to change the institutional arrangements associated with the old one-party Democratic dominance of their states. Similarly, southern Republican state legislators might have wanted to strengthen the executive and judicial branches of state government once the party was finally competitive in elections for those offices.

There is also a “good government” aspect to the relationship between partisan competition and institutional reform. In one-party systems the dominant political party has little or no incentive to provide voters with good government, since the party’s candidates for office will win election anyway. But as two-party competition develops, both parties have the incentive to practice good government in order to distinguish themselves from the other. The currently dominant political party must practice policy innovation and institutional innovation lest the voters turn to the reform-minded opposition party – while the increasingly competitive opposition party views reform as a path to power in state government.

Ranney’s 1956-1979 measure is significantly correlated (Pearson $r = -0.75$, sig. $< .01$) with the average scores on institutional innovativeness (the lower the score on Ranney’s measure, the more two-party competition).

Reform of southern state governments continued after this time, of course, but the statistical relationship between party competition and institutional innovativeness remained strong. The index of interparty competition scores for the southern states remained significantly correlated with institutional innovativeness scores for the years 1980-1986 (Hill and Mladenka 1996), and 1981-1988 (Bibby and Holbrook 1996). The association between partisan competition scores and innovativeness measured for the 1960-2010 period declined to non-significance for measurement periods after 1989 (Bibby and Holbrook 2004; Holbrook and La Raja 2008). Therefore, institutional innovativeness during the fifty-year period is related to increased two-party competition during roughly the first half of the period. The era of relatively competitive balance between the parties did not last long, as many southern states moved quickly into the one-party Republican category on Ranney's interparty competition measure.

Structural Determinants of Institutional Innovation

Some southern state government reforms required amending the state constitution, whereas others called for only internal legislative rules changes. Therefore a key explanatory factor in state institutional innovativeness is the flexibility of the constitutional amendment process within each state, particularly the ease or difficulty of constitutional change. The most flexible constitutional amendment processes are those in which there are: (1) more than one plausible way to propose amendments, as well as (2) a lower majority requirement for proposing and ratifying amendments. The most common method, used in several southern states, is for there to be two ways of proposing amendments – by a two-thirds majority vote of both houses of the legislature or by constitutional convention, followed by a simple majority of the voters to ratify.

Florida has the most flexible constitutional amendment process, and is the only southern state to have adopted all but one of the 31 institutional innovations. Proposed amendments can come from the Florida legislature by a three-fifths vote of both houses, from a Constitutional Revision Commission that meets every 20 years, from the Taxation and Budget Commission, from a constitutional convention called by voter initiative, or from direct voter initiative and referendum.

Virginia also displays more flexibility in constitutional change than most other southern states. Amendments can be proposed by simple legislative majorities in one legislative session, followed by simple majorities in the next

legislative session following an intervening election. The Virginia legislature can also call for a constitutional convention to propose amendments. All proposed amendments are ratified by a simple majority of voters in the state.

Only three southern states have some form of initiative and referendum. Florida has the direct initiative for placing constitutional amendments on the ballot and for calling a constitutional convention to consider and propose amendments. Arkansas has a direct initiative for both state statutes and the state constitution, as well as a popular referendum for statutes. Mississippi has an indirect initiative for constitutional amendments that is so restrictive that it is nearly impossible to use to bring about constitutional change. However, only one of the institutional innovations examined in this paper were the subject of citizen initiative – a four-year term for the Arkansas governor.

Mississippi's cumbersome initiative process means that the citizen initiative is not a plausible way to propose constitutional amendments, thus leaving the state with only a single way to propose constitutional amendments – by a two-thirds majority in both houses of the legislature. Mississippi, like Texas, has no provision for a constitutional convention. Texas is therefore also left with only the two-thirds legislative majorities to propose amendments. Mississippi and Texas, therefore, have the least flexibility among southern states for constitutional change.

Hold-out Behavior by Mississippi and Texas

The inflexibility of the constitutional amendment process in Mississippi and Texas helps explain why they appear to be the least institutionally innovative states in the South. Other possible explanations for hold-out behavior by Mississippi are straightforward, but are less visible for Texas. Mississippi ranks at or near the bottom on the variables associated with institutional and policy innovativeness: education, income, urbanization, and political party competitiveness.

Mississippi was found to have the most traditionalistic political culture among the southern states (Sharkansky 1969), and the highly traditionalistic Mississippi legislature resisted both internal reforms and proposing constitutional amendments to adopt modern executive branch and judicial practices during the more than 50 years that arch-conservative Walter Sillers served in the state House of Representatives, including a record-setting 22 years as speaker. Sillers' immediate successor as speaker commissioned a

study by the Eagleton Institute of Politics at Rutgers University in 1969 on strengthening the Mississippi legislature. The Eagleton Institute report took the unusual step of additionally recommending that the legislature undertake the task of reorganizing and strengthening the executive branch of government (Ogle 1971). Opposition in the state senate doomed most of the 103 legislative changes recommended by the Eagleton report, and the Mississippi legislature today remains one of the most unreformed in the nation. Similarly, the legislature defeated the efforts of two Mississippi governors in the 1980s to have the legislature propose constitutional amendments for the purpose of modernizing aspects of the state government.

Texas ranks relatively high on most of the socio-economic and demographic variables on which Mississippi rates low, therefore the explanation for hold-out behavior by Texas must be found in the politics of the state. Despite constant calls for judicial reform by several of the state's chief justices during their biennial State of the Texas Judiciary address to the legislature over the last three decades, the presiding officers of the Senate and the House of Representatives have resisted the call for an end to partisan election of judges in the state. The legislative leaders have similarly balked at increasing the institutional powers of the Texas governorship, currently one of the weakest in the nation (Beyle 2007). Texas legislative leaders have rarely shown interest in any of the kinds of institutional innovations that are the subject of this paper. Texas state government remains unreformed because there has been almost no support for reform from the politically powerful lieutenant governors who have served as legislative leader of the state senate, or from those who have been speaker of the House.

Institutional Innovation in Arkansas

Arkansas does not load on either the Upper South or Lower South factor. The state has not been as institutionally innovative as the Upper South states, but ranks above four Lower South states (Alabama, Georgia, Texas, and Mississippi) on the measure. Arkansas more resembles the average Lower South state in terms of the change over time in education, income, and urbanization, and the state did not move away from one-party Democratic dominance until the 1980s when other Lower South states such as Alabama, Louisiana, South Carolina, and Texas did. Yet Arkansas has adopted more of the 31 institutional innovations than any of the Lower South states except Florida.

The reason that Arkansas does not load on the more institutionally innovative Upper South factor is due to the state's later dates of adoption. In fact, Arkansas political leaders tried to move the state toward reform early in the period studied. An Arkansas constitutional convention in 1969 proposed annual legislative sessions, special session power for the legislature, legislative salaries set by statute, greater veto power for the governor, a four-year term for the governor, a unified court system, and other reforms. However, Arkansas voters rejected the proposed new constitution in November, 1970. In 1979-1980 another constitutional convention produced a new document that contained many of the institutional innovations of the earlier proposal, but the result was the same – Arkansas voters rejected the proposed change.

Unlike the hold-out states of Texas and Mississippi, however, most Arkansas legislative leaders did not resist reform and did not give up on the reform effort in the face of voter disapproval. Institutional innovations were successfully presented piecemeal to the voters in later years – revision of the judicial article of the state constitution in 1998, state executive departments amendments in 2002, annual legislative sessions in 2008. And eventually Arkansas voters themselves helped the reform effort – after rejecting a stand-alone amendments for a four-year term for the governor in 1944, 1950, and 1954, an initiative petition to do so passed in 1984.

Insights from Policy Innovation Studies and Implications for Future Research

Generally, the southern states that have been either the most or the least institutionally innovative have shown the same tendencies with regard to adopting particular public policies. Walker's (1969) data for southern states on 88 programs enacted prior to 1965 show Virginia as one of the most innovative states in the region, with Mississippi last and Texas next-to-last on policy innovativeness in the South. Rankings from Savage's (1978) study of 69 public policies enacted from 1930-1970 show Tennessee followed by Florida as the most innovative southern states, with South Carolina last and Mississippi next-to-last in the region. Foster's (1978) regression model using Walker's (1969) data showed Texas as having the largest negative residual among all states, indicating much slower or much less policy innovation than predicted for the state by the regression model.

The South differs significantly from the rest of the nation in policy innovation studies. Two-group *t* tests using Walker's (1969) policy

innovativeness scores comparing the South to other regions defined by the Council of State Governments show statistically significant differences at the .01 level with the East ($t = -4.345$), and the Midwest ($t = -3.380$). Savage's policy innovativeness scores indicate that the South has been substantially less innovative with regard to public policies compared to all the other regions (East $t = -3.712$, Midwest $t = -3.295$, West $t = -2.900$). Future research on institutional innovativeness in state government might therefore benefit from comparing the South to other geographic regions. It seems likely that the South has lagged behind other regions on institutional innovativeness in state government. An interesting and important research question, therefore, is how the South compares with other regions on institutional innovativeness.

Summary and Conclusion

The state governments of the South have, as a group, substantially enhanced their governing capabilities over the last half century. In 1960 the southern states were notable for weak governors, malapportioned legislatures, and embarrassingly bad courts systems. One indicator of the enhanced governmental capacity over time is the number of institutional innovations adopted by most of the southern states. On average, the southern states currently adhere to more than three fourths of the now-common ways of arranging state legislative, executive, and judicial powers and procedures.

There is, however, considerable variation in the extent to which the southern states have reformed their institutions of government. Based on the number and date of legislative, executive, and judicial reforms, Tennessee and Virginia score highest on institutional innovativeness in the South. Texas and Mississippi score lowest and have exhibited hold-out behavior by adopting only about half the institutional innovations. In this sense, the Texas and Mississippi state governments remain largely unreformed.

Factor analysis of scores on the 31 institutional innovations identifies two southern sub-regions: the more institutionally innovative Upper South of Virginia, Tennessee, and North Carolina, and the less institutionally innovative Lower South composed of Alabama, Texas, Mississippi, South Carolina, Louisiana, Georgia, and Florida. Arkansas is distinct from both the Upper South and Lower South on institutional innovativeness, trying and failing at institutional reform earlier in the 1960-2010 period but persisting successfully in reform efforts in later years.

Differences on institutional innovativeness among southern states appear to be related to increases in education, income, and urbanization, with the more institutionally innovative Upper South states generally increasing more on these socio-demographic measures than has the Lower South. The relative ease or difficulty of the constitutional amendment process among the southern states also likely accounts for differences in the institutional innovativeness among southern states, particularly for the hold-out behavior of Texas and Mississippi.

Beyond socio-demographic differences, the degree of institutional innovativeness in the southern states is related to the timing and the extent of two-party competition for legislative seats and governorships. The southern states that were trending away from one-party Democratic dominance in the 1960s and 1970s were more receptive to the nationwide state governmental reform movement that began in the 1960s and accelerated in the 1970s. Moreover, particular southern legislative leaders and governors produced by the two-party competition embraced reform of their institutions and states. The slow pace of substantial two-party competition, and the dearth of reform-minded governors and legislative leaders in several Lower South states substantially accounts for the relative lack of institutional innovativeness in some southern states and the fact that some states in the South remain largely unreformed.

Governmental institutions in many southern states today are much more capable than they were in 1960. Reforms of southern legislatures have made them more functional and efficient, more informed and independent, and thus less subject to influence by the executive branch and interest groups. The southern governors now have greater capacity for public policy leadership. Increased appointment power and budget power, along with longer terms and the possibility for consecutive terms in office, have strengthened the ability of the executive to govern in cooperation with the now more dynamic and professionalized legislatures. Reforms of the southern judiciaries have made them better organized and more efficiently administered, and fewer southern states now rely solely on a system of partisan election of judges with the attendant problems of campaign contributions and conflicts of interest.

While the South as a whole is better positioned now than a half century ago in having capable governing institutions, some southern states have reformed their legislatures, executives, and judiciaries much less so than have others. The failure of reform in some southern states seems particularly

a failure of political leadership, whereas positive and persistent legislative and executive leadership has been and remains today the hallmark of institutional innovativeness in the South.

Appendix A: Institutional Innovations

Innovation	AL	AR	FL	GA	LA	MS	NC	SC	TN	TX	VA
annual sessions	<1960	2008	1969	<1960	1973	1968	<1960	<1960	1966	No	1970
special sessions	No	No	<1960	<1960	<1960	No	1970	2002	1966	No	<1960
special session agenda	<1960	<1960	<1960	No	<1960	No	<1960	<1960	1962	No	<1960
legislative sunset review	1976	No	1976	2010	1977	No	No	No	1977	1977	No
add committee staff	No	1973	1969	No	1977	No	1975	1992	1973	1975	1971
change legis. compensation	No	2002	1967	1968	<1960	<1960	1967	1963	1968	No	<1960
renovate/expand legis. facilities	1985	1969	1977	No	No	No	1963	1995	1972	1988	1962
fewer senate committees	1973	1973	1967	No	<1960	1977	1998	1978	<1960	1973	1972
no legis. power for lt. governor	1999	1966	<1960	2010	1974	No	1989	1995	n.a.	No	1973
senate party leader positions	1997	2000	1966	1990	No	No	1968	2003	1968	No	1971
single member senate districts	1966	1966	1982	1962	1968	1983	2002	1992	1968	<1960	1967
house speaker elected	1975	<1960	<1960	1974	No	<1960	<1960	<1960	<1960	<1960	<1960
house speaker terms	1975	No	No	1974	<1960	<1960	1969	<1960	<1960	<1960	<1960
house party leader positions	1977	2000	1966	1990	No	No	1966	2003	1964	No	1971
fewer house committees	No	1963	1967	No	<1960	No	No	<1960	<1960	No	1972
single member house districts	1966	1966	1982	1992	1968	1983	2002	1966	1966	1976	1983
allow governor more terms	1968	<1960	1969	1983	1964	1987	1976	1978	1978	<1960	No
exec. elections in off years	<1960	1990	1968	<1960	1975	<1960	No	<1960	<1960	1974	1978
four-year term for governor	<1960	1984	<1960	<1960	<1960	<1960	<1960	<1960	<1960	1974	<1960
governor's budget power	<1960	<1960	1980	<1960	<1960	1988	<1960	1988	<1960	No	<1960
appointment power	<1960	1968	1988	No	1980	No	1980	No	<1960	No	<1960
governor's veto power	<1960	<1960	<1960	<1960	<1960	<1960	No	<1960	<1960	<1960	<1960
governor's cabinet	<1960	1968	1988	No	1980	No	1980	No	<1960	No	<1960
exec. branch reorganization	No	1968	1969	1972	1975	No	1971	No	1960	No	1972
team election of gov. and lt. gov.	No	No	1968	No	No	No	No	No	No	No	No
governor's line item veto	<1960	<1960	<1960	<1960	<1960	<1960	No	<1960	<1960	<1960	<1960
intermediate appellate courts	1960	1978	<1960	<1960	<1960	1993	1967	1986	1960	<1960	1983
merit plan for some judges	<1960	No	1976	No	No	No	No	1997	1971	No	No
non-part. trial court elections	No	1998	1971	1983	No	1994	2001	<1960	No	No	No
state court administrator	1971	1965	1972	1973	<1960	1974	1965	1973	1963	1977	<1960
unified court system	1972	1998	<1960	1982	1975	No	1960	1973	No	1977	1973

<1960 indicates before 1960

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