

An Overview of the Transition Process

Introduction

By design, governors will transition out of office. All governors eventually become former governors, whether by choice or constitutional mandate or through election defeat, death or incapacity.

While our systems for gubernatorial transition are designed to ensure an orderly transfer of power, the transition process can be difficult for both the incoming and outgoing administrations. Much greater attention is paid to transitioning in than to transitioning out. The governor-elect is “news,” and the incoming administration needs a great deal of help to coalesce. Accordingly, many states have legislation and funding for the transition-in process.

In contrast, the scarcity of attention to transitioning out is not only detrimental to an outgoing administration, but also to an incoming administration, which may be faced with an insufficient foundation. One former governor observed: “No corporation, even in a hostile takeover situation, would ever handle transition the way we do in the states. It’s as though you fired the president of a company, all the heads of operating divisions and the staff of the central office at once.”

Start the “Transition Out” Process Early

In the transition process, departing governors face four challenges: completing the outgoing administration’s agenda, preparing for a new administration, documenting the governor’s tenure and making plans for a new life. Successfully meeting these challenges requires an orchestrated, coordinated effort.

A year after leaving office, one former governor observed: “Is there life after being governor? Yes—a good one. The kind of life can be determined only by the governor. Preparing for the new life makes leaving much easier for the governor who plans early enough and takes advantage of the lessons learned by those who have already gone down the path.”

One governor’s chief of staff referred to the transition as “one of the most mishandled aspects of the institution of American Governor.” In that chief’s experience, governors-elect often do not heed advice of peers and predecessors, too few guidelines exist for transition planning and incumbents are not inclined to begin planning early in the term.

Former governors and senior staff have expressed regrets about not doing enough to ensure a smooth transition. They believe their efforts were too little too late, generally disorganized and hampered by mistrust. They strongly urge departing governors to start planning early for the transition out, organize the effort and act on it.

Planning for the transition is important for governmental, political and personal reasons. Effective planning can help reduce chaos and trauma often associated with the “changing of the guard,” while promoting governmental continuity and an orderly transfer of power. Good governance is good politics. Departing governors can make the transition a positive part of their record. They also can help to ease their own adjustment to the “good life” after being governor.

Although advance planning may not seem compelling and feasible to a governor seeking reelection, administrative and legislative provisions for any transition can and should be made routinely. Specific transition and organization plans should begin early. One former governor advised: “Start planning for transition now. It’s never too early.”

Coordinate the Transition Out

The “players” in a gubernatorial transition represent incoming and outgoing teams, each with vastly different levels of experience. The outgoing team has an advantage because it has played the game before. Like any other team, it must be organized.

One former governor compared the transition to a musical saying: “We have run our [state] governments like a pick-up orchestra, where the members meet at a dance, shake hands with each other and start to play.” To prevent discordance, the “musical scores” and the “practices” must be carefully arranged, orchestrated and conducted.

Governors should assign an outgoing transition coordinator to orchestrate the effort. The coordinator should be a person respected within and outside the incumbent administration and someone who can devote the time and energy needed to direct the gubernatorial transition from beginning to end. For some departing governors, the position is filled by their chief of staff. Others choose to give the responsibility to some other trusted and capable staff member. Few governors reach outside the incumbent administration. Most advise a very early—even if invisible—appointment.

Governors should consider creating a transition planning team to be mindful of all the complexities and diverse aspects related to a transition while developing a plan. Planning and oversight of implementation of major requirements should be assigned to the appropriate individuals or groups. Progress can be monitored through staff and cabinet meetings.

Because transition is a major legacy of any administration, the ultimate responsibility rests with the governor. The personal commitment and attention provided by the incumbent governor is as crucial to his or her administration as to the one that will follow.

Follow a Transition Out Timetable

In retrospect, former governors and their staff advise paying attention to transition matters over a much longer period of time than what is usually associated with the process. The narrowest and stereotypical conception is the two-month period between the election and inauguration of a new governor. A broader view covers the last year of an incumbent’s term. The broadest vision extends over a two-year period which includes the first six months out of office.

A ‘to do’ checklist for transitioning out of office is included in the following table, which distinguishes three periods: pre-election, post-election and post-term. It targets primarily those who plan to leave office, so those running for reelection that are not successful may have to catch up quickly.

The checklist is divided into categories of actions to be taken, each of which is described in greater detail in a stand-alone “Transition Out” issue brief, including this one. Additional Transition Out Issue Briefs include:

- *Transitioning Out: Lessons and Advice from Former Governors*
- *Transitioning Out: Completing the Governor’s Agenda*
- *Transitioning Out: Helping the Incoming Administration*
- *Transitioning Out: Retaining Records and Documenting the Governor’s Legacy*
- *Transitioning Out: Preparing Your Staff and Yourself*

*Contact: Nikki Guilford
Director, NGA Consulting
202-624-5422*

PLAN AND ORGANIZE FOR TRANSITION			
Suggested Action	Pre-Election	Post-Election	Post-Term
Assign a transition coordinator	✓		
Assign a small transition-planning team	✓		
Develop and approve a transition plan	✓		
Assign the planning and oversight of the implementation of major requirements.	✓		
Use staff and cabinet meetings to monitor progress.	✓	✓	

MAINTAIN CONTROL IN COMPLETING YOUR AGENDA			
Complete the Administration's Agenda			
Suggested Action	Pre-Election	Post-Election	Post-Term
<p>Finish what has been started.</p> <ul style="list-style-type: none"> • Monitor and report progress on major administration goals. • Continue attending to policy issues of major concern. 	✓	✓	
<p>Institutionalize major programs and initiatives.</p> <ul style="list-style-type: none"> • Develop ownership among those who will serve in the next administration; involve the incoming governor. • Build programs into the ensuing budget with involvement of incoming gubernatorial staff. 	✓	✓	
<p>Undertake any new initiatives with caution.</p> <ul style="list-style-type: none"> • Recognize that others in the political process (e.g., the legislature) are not inclined to take on new initiatives. • Consider whether there is enough time to complete the initiative, sufficient demand for it and reasonable chance for success in achieving its adoption. 	✓		

MAINTAIN CONTROL IN COMPLETING YOUR AGENDA			
Promote Continuity of Government			
Suggested Action	Pre-Election	Post-Election	Post-Term
Analyze staff positions that are likely to be vacated in the final days of the administration and those most critical to completing the agenda and develop a contingency plan for staff replacement.	✓		
Research the history of staff turnover in prior transitions	✓		
Analyze the legal rights of staff in positions to be vacated and communicate those rights to current occupants	✓		
Send clear messages to staff through words and deeds about the administration's intention to lead and work fully to the end.	✓	✓	
Reinforce Appropriate Staff Behavior			
Suggested Action	Pre-Election	Post-Election	Post-Term
Develop and disseminate ground rules covering political activities of state employees.	✓		
Develop guidelines for dealing with: <ul style="list-style-type: none"> • Outside concerns (e.g., public apathy, candidates, legislature). • Inside concerns (e.g., appointments, travel, political involvement). 	✓	✓	

HELP THE INCOMING ADMINISTRATION			
Lay the Groundwork for Transition Assistance			
Suggested Action	Pre-Election	Post-Election	Post-Term
Review statutes on gubernatorial transition and prepare to provide administratively what may not be available statutorily.	✓		
Develop an overall plan to deal with candidates and staff and to help the incoming administration.	✓		
Deal with Candidates			
Suggested Action	Pre-Election	Post-Election	Post-Term
If not running for reelection, develop a plan to deal with candidates pre-election (e.g., include them in cabinet meetings).	✓		
Coordinate and respond to candidate requests. <ul style="list-style-type: none"> • Identify a point or points of contact for sharing information with candidates. • Have legal counsel research any legal issues surrounding your staff's attributes (e.g., what activities may be considered 'political') and instruct staff on rules and what activities are appropriate. 	✓		
Prepare Briefing Materials for the Incoming Administration			
Suggested Action	Pre-Election	Post-Election	Post-Term
Tailor materials to your audience (i.e., are you preparing materials a governor elect from your own or another party; is the material for the governor or staff?) and try to identify with your reader(s).	✓	✓	
Create uniform briefing documents agency-by-agency without losing sight of agency individuality.	✓	✓	
Be clear, concise and focused in the information you provide, keeping in mind that your target audience will have little time for voluminous detail.	✓	✓	

Help the Incoming Transition Team			
Suggested Action	Pre-Election	Post-Election	Post-Term
Anticipate the team's immediate needs.	✓		
Ensure logistical support (e.g., space, equipment, staff).	✓		
Provide critical information (e.g., organization charts, budgets, exempt positions and salaries, pending appointments).		✓	
Arrange meetings between the counterparts of the outgoing and incoming transition teams.		✓	

Help the Governor-Elect			
Suggested Action	Pre-Election	Post-Election	Post-Term
Invite participation in scheduled events and meetings (e.g., budget preparation).		✓	
Orient the governor-elect (e.g., critical issues and personnel matters).		✓	
Orient the governor-elect's family (e.g., residence, security)		✓	
Make key resources available, such as planning and budgeting staff.		✓	

Help Counterpart Gubernatorial Staff and Cabinet			
Suggested Action	Pre-Election	Post-Election	Post-Term
Develop and provide profiles of major offices and staff functions.	✓	✓	
Identify critical issues (“boiling points” and politically sensitive matters that should be handled verbally).		✓	
Describe office and administrative procedures.		✓	
Provide for special orientations and training (e.g., software applications and social media)		✓	

RETAIN RECORDS AND DOCUMENT THE GOVERNOR’S LEGACY			
Establish a Records Retention Policy			
Suggested Action	Pre-Election	Post-Election	Post-Term
Begin the effort early.	✓		
Seek assistance of legal and archival experts.	✓		
Distinguish Personal Papers from Public Documents			
Seek the help of legal counsel and the state archivist to interpret applicable state laws.	✓		
Establish guidelines for retention and disposition of personal papers vs. public documents.	✓		
Transfer Official Records			
Look to the state archivist to appraise documents and recommend retention and disposition schedules according to their archival value.	✓		
Maintain Active Files for the New Administration			
Arrange for staff to identify files that will be useful to the incoming administration.	✓		
Arrange for outgoing staff to collaborate with incoming staff in determining what documents and files should be kept active.		✓	
Make copies of active files being left behind to ensure retention of a complete set of present administration documents.		✓	

Handle Personal Papers			
Suggested Action	Pre-Election	Post-Election	Post-Term
Identify the appropriate repository for papers (e.g., state archives, historical society, universities).	✓		
Determine how long papers should be held and how accessible they should be.	✓		
Consider whether taking advantage of state permission to seal records for a specific period of time could provoke criticism.	✓		
Document the Outgoing Administration's Legacy			
Suggested Action	Pre-Election	Post-Election	Post-Term
Supplement the official record of your administration with documentation of your "legacy," highlighting the accomplishments of your administration via your choice of media (e.g., film, DVD, social media, blog).	✓		
Investigate whether legacy documentation requires the use of private funds, and if so, prepare a fundraising plan.	✓		

PREPARE STAFF AND SELF			
Prepare Staff			
Suggested Action	Pre-Election	Post-Election	Post-Term
<p>Maintain a core nucleus of staff.</p> <ul style="list-style-type: none"> • Employ incentives available to retain staff (e.g., a portion of the salary of the vacated position may be apportioned among remaining staff). • Determine whether tasks of outgoing staff can be reassigned to remaining employees. • If replacing a departing staffer is necessary, look within for staff who can take over the position. 	✓	✓	
<p>Prepare staff who hope to carry over to the new administration.</p> <ul style="list-style-type: none"> • Make sure staff recognize that the new administration may be reluctant to carry over staff. • If appropriate, use personal persuasion to impress upon the new administration the value of the continuity that comes with retaining staff. 	✓	✓	

Suggested Action	Pre-Election	Post-Election	Post-Term
Provide placement and exit assistance to outgoing staff, including: <ul style="list-style-type: none"> • Offer contacts, set up interviews, make recommendations, arrange outside professional help. • Make use of in-house sources (e.g., labor department) of career counseling, skills training, résumé writing assistance, etc. • Brief staff on administrative and personnel procedures (e.g., health insurance conversion), as well as on policies regarding conflict of interest and restrictions that may affect future employment and activities. 	✓	✓	
Express appreciation to staff.		✓	

Prepare Self			
Suggested Action	Pre-Election	Post-Election	Post-Term
Plan future employment. <ul style="list-style-type: none"> • Review state laws and policies on conflicts of interest or other provisions that may affect future business interest and/or contracts with state officials. • Consider possible self-imposed constraints (e.g., avoiding registered lobbying). 	✓		
Plan for move and new housing. <ul style="list-style-type: none"> • Decide on post-term location. • Prepare to transfer furniture and personal effects. • Consider what possessions may need to be reacquired. 	✓	✓	
Plan for transportation and security. <ul style="list-style-type: none"> • Arrange for security, if applicable. • Secure personal transportation and driver's license. 		✓	
Attend to family's needs. <ul style="list-style-type: none"> • Pay particular attention to transition needs and concerns of the governor's spouse (e.g., employment, staff support, household help). • Pay particular attention to the transition needs of school-age children (e.g., personal adjustment, school arrangements). 	✓	✓	

Prepare Self			
Suggested Action	Pre-Election	Post-Election	Post-Term
<p>Explore assistance available during transition.</p> <ul style="list-style-type: none"> • Identify and arrange for sources of financial support. • Research availability of post-term assistance from state government (e.g., stipend or staff retention) to handle residual “state business.” • Identify and arrange for other potential sources of supplementary assistance (e.g., foundations, academic institutions.) • Seek advice and technical assistance. • Look to former governors for experience and guidance. • Request transition guidance and assistance from NGA’s Office of Management Consulting and Training (OMCT). 	✓	✓	
<p>Manage the months following the end of your term.</p> <ul style="list-style-type: none"> • Prepare to handle inquiries—including residual letters and requests for assistance using help from new governor (e.g., arranging for office space) if available. • Continue involvement in state affairs. • Establish a policy on dealing with public issues and public appearances. • Arrange for scheduling assistance as needed. 		✓	✓