OHIO COMMON GROUND RESEARCH CENTER

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Governor and General Assembly

Institutional Leverage Under a Legislative Supermajority

A Descriptive Analysis of Gubernatorial Powers, Legislative Override Authority, and the Marginal Effect of Ohio's Other Statewide Executive Offices, Under a Legislative Supermajority of Either Party

Prepared by the Ohio Common Ground Research Center

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Review: Two rounds of internal peer review conducted directly against the Ohio Constitution and Ohio Revised Code. All resulting factual corrections were independently verified by OCG against primary sources (codes.ohio.gov) before adoption, consistent with OCG's standard review protocol.

Update cadence: This is a mechanism-level report intended to remain accurate across election cycles; it will be revisited if Ohio's constitutional veto-override threshold, statewide-office structure, or relevant case law changes materially, or upon completion of the primary-source historical and 50-state comparative research identified in Future Research.

Contents

Executive Summary

This report describes the institutional mechanisms available to the Ohio General Assembly and to the Governor of Ohio when one political party holds a legislative supermajority in both chambers and the other party holds only the governorship — with particular attention to how that dynamic changes depending on which party holds Ohio's four other statewide executive offices (Attorney General, Auditor of State, Secretary of State, and Treasurer of State).

This report is symmetric by design: every mechanism described applies regardless of which party occupies which office. It does not evaluate, predict, or take a position on any specific candidate, officeholder, or election outcome. It documents what the Ohio Constitution, Ohio Revised Code, and established institutional practice make possible — the actual levers available — ***as distinct from rhetorical claims made about them in political discourse.***

Ohio's veto-override threshold is three-fifths (3/5) of the members elected to each chamber — 20 of 33 in the Senate and 60 of 99 in the House — not the two-thirds threshold used in most other states. This report explains that threshold's practical effect, catalogs the non-veto-related tools available to a legislative supermajority to constrain a governor of the opposite party, and separately analyzes the marginal institutional effect of each of Ohio's four other statewide executive offices, distinguishing formal legal authority from informal political leverage throughout. A recurring theme is that not every legislative tool actually depends on holding a three-fifths supermajority: the threshold's distinctive significance is principally that it neutralizes the Governor's veto, while several other mechanisms — including Senate confirmation votes and initial statutory passage — operate at an ordinary-majority threshold.

Key Findings

- Ohio's veto-override threshold (three-fifths of each chamber) is lower than the two-thirds threshold used in most other states, meaning a legislative supermajority under Ohio's specific definition is reached, and is capable of overriding vetoes, at a smaller vote share than in most states. A precise state-by-state count is identified as a priority for future original research rather than asserted here from a secondary source.
- Not every legislative leverage point actually depends on holding a three-fifths supermajority. Ordinary legislation, appropriations bills, and statutory restrictions on agency discretion all pass with a simple majority in the first instance (Ohio Constitution, Article II, Section 15); the three-fifths threshold's distinctive significance is that it lets a legislative majority make that ordinary-majority power effective over a gubernatorial veto. Senate confirmation votes require only a majority of the Senate's full membership (17 of 33), not three-fifths.
- A legislative supermajority's most consequential tools for constraining a governor of the opposite party are not limited to veto overrides. Appropriations control, statutory narrowing of agency rulemaking discretion, Joint Committee on Agency Rule Review (JCARR) review, and compulsory investigative process (subpoena and contempt authority) are all independently available mechanisms.

- Ohio's Senate confirmation requirement is a real check on gubernatorial appointments, but it is bounded by Ohio Constitution Article III, Section 21: the Senate cannot indefinitely block a nominee simply by declining to vote. Failure to act by roll-call vote within the constitutionally prescribed period constitutes consent to the appointment.
- Ohio's other four statewide executive offices — Attorney General, Auditor of State, Secretary of State, and Treasurer of State — are each independently elected and carry distinct statutory functions. This report distinguishes each office's formal statutory capacity (fixed, and unaffected by party) from the informal political leverage that party alignment may affect — a distinction this report treats as more reliable than predictions about how any individual officeholder would use that capacity.
- None of the mechanisms described in this report permit the legislature to remove a governor from office for policy disagreement. Removal requires impeachment by a majority of the House and conviction by two-thirds of the Senate, for "any misdemeanor in office" (Ohio Constitution, Article II, Sections 23–24) — a distinct and substantially higher-bar process than any tool in Sections 3 or 4.
- This report's analysis is structural and mechanism-level. It does not attempt to forecast any specific election outcome, and readers should not interpret any example configuration discussed as a prediction.

Why This Report Matters

Ohio political discourse frequently invokes claims about what a governor "could do" if elected, or what a legislative supermajority "could do" to stop one — often without distinguishing genuine institutional mechanisms from rhetorical hyperbole. This report is intended to give Ohioans a factual reference point: a mechanism-by-mechanism account of what the Ohio Constitution and Ohio Revised Code actually authorize, independent of who currently or prospectively holds any given office. Because the report is structural rather than candidate-specific, it remains a stable reference across election cycles.

Data and Methodology

This report is based on the Ohio Constitution (Article II, Article III) and the Ohio Revised Code provisions governing the powers and duties of the Governor, Attorney General, Auditor of State, Secretary of State, and Treasurer of State, consulted directly at codes.ohio.gov. It also draws on the Joint Committee on Agency Rule Review's statutory authority (R.C. 106.04 and related sections), the General Assembly's investigative and compulsory-process authority (R.C. 101.41, 101.43, and Ohio Constitution Article II, Section 6), and Ohio Senate and Ohio House official explanatory materials on the veto-override process.

This report does not model or forecast the outcome of any future Ohio election. Where an illustrative numeric composition of the General Assembly is referenced, it is described as illustrative or as the composition in effect on the report's status date, not as a prediction of any future composition. This version (1.1) incorporates corrections from an internal peer review conducted against primary constitutional and statutory text; see Revision History.

Definitions

Legislative supermajority (Ohio-specific). In this report, a legislative supermajority means a political party holding at least three-fifths (3/5) of the seats in both the Ohio Senate (20 of 33) and the Ohio House of Representatives (60 of 99) — the threshold required to override a gubernatorial veto without any votes from the opposite party.

Isolated governorship. A configuration in which a governor's party holds no other statewide executive office — Attorney General, Auditor of State, Secretary of State, and Treasurer of State are all held by the opposite party, which also holds a legislative supermajority in both chambers.

Formal constitutional power. Authority granted directly by the Ohio Constitution — for example, the veto, clemency, and impeachment — that cannot be altered by ordinary statute.

Formal statutory power. Authority granted by the Ohio Revised Code — for example, Senate confirmation requirements, JCARR review, or Auditor performance-audit authority — that exists independent of any officeholder's party and can itself be modified by future legislation.

Informal political leverage. The practical, non-legal effect of party alignment between offices — for example, whether an Attorney General of the Governor's party is more inclined to defend a contested executive action. This report treats informal leverage as a plausible tendency, not an institutional fact, and labels it accordingly throughout.

Line-item veto. The governor's constitutional authority (Ohio Constitution, Article II, Section 16) to disapprove specific items within an appropriations bill without vetoing the entire bill; subject to the same three-fifths override threshold as a full veto.

JCARR. The Joint Committee on Agency Rule Review, a bicameral legislative committee with statutory authority to review administrative rules and, when statutory grounds are met, recommend legislative invalidation of a proposed or existing rule.

1. Ohio's Constitutional Framework: Gubernatorial Powers

The Ohio Constitution and Ohio Revised Code vest the Governor with a defined set of powers. This section catalogs those powers without evaluating whether any particular use of them would be wise, appropriate, or effective.

1.1 Supreme Executive Power and Faithful Execution

Ohio Constitution, Article III, Section 5, vests “the supreme executive power of this state” in the Governor. Article III, Section 6, directs that the Governor “shall see that the laws are faithfully executed” and may require written information from executive-department officers on any subject relating to their duties. These two provisions are the constitutional foundation for the administrative authority discussed throughout the remainder of this report: they establish that executive-branch administration is a distinct constitutional function belonging to the Governor, separate from and not contingent upon legislative composition.

1.2 Veto and Line-Item Veto

Under Article II, Section 16 of the Ohio Constitution, the Governor may veto a bill passed by the General Assembly, or, for appropriations bills specifically, disapprove individual items (a line-item veto) without vetoing the bill in its entirety. Both forms of veto are subject to override by a three-fifths vote of the members elected to each chamber, discussed in Section 2. A vetoed bill or item cannot be repassed by a smaller vote than was required for its original passage.

1.3 Appointments

The Governor appoints the directors of Ohio's cabinet-level executive agencies (for example, the Ohio Department of Transportation, Ohio Environmental Protection Agency, Ohio Department of Medicaid, and Ohio Department of Job and Family Services — 24 such administrative-department-head positions are listed at R.C. 121.03) and members of numerous state boards and commissions. Where required by law, these appointments are subject to the advice and consent of the Ohio Senate under Article III, Section 21.

That confirmation requirement is a real check, but it is bounded: the Senate may refuse consent, in which case “an appointment of another person shall be made” to fill the vacancy, but the Senate cannot indefinitely defeat an appointment simply by declining to hold a vote. Article III, Section 21 provides that an appointment submitted during a legislative session must be acted on during that session (with a limited carryover for late submissions), and that “failure of the Senate to act by a roll call vote on an appointment by the governor within the time provided for herein shall constitute consent to such appointment.” A legislative majority hostile to a gubernatorial nominee therefore has the power to reject that specific nominee — requiring another appointment — but not the power to leave a position permanently unfilled through inaction alone. This confirmation check also requires only an ordinary majority of the full Senate (17 of 33 members) to withhold consent, a materially lower bar than the three-fifths veto-override threshold discussed in Section 2; see Section 3 for the distinction between mechanisms that depend on the three-fifths threshold and those that do not.

Judicial vacancies are filled by gubernatorial appointment under Ohio Constitution, Article IV, Section 13. Ordinarily, a successor is elected for the unexpired term at the first general election for the vacant office occurring more than forty days after the vacancy. If the unexpired term ends within one year after that election, however, no election to fill the unexpired term is held, and the gubernatorial appointee serves the remainder of that term.

1.4 Executive Orders and Agency Administration

The Governor may issue executive orders directing the operation of executive-branch agencies. Executive orders operate within, and cannot exceed, authority already granted to the executive branch by the Ohio Constitution or by statute; they cannot create new legal obligations on private parties beyond what existing law authorizes and cannot appropriate funds. Agencies under gubernatorial control also exercise day-to-day administrative discretion — enforcement priorities, permitting timelines, and program administration — within the bounds set by their enabling statutes.

1.5 Clemency

Ohio Constitution, Article III, Section 11, gives the Governor power, after conviction, to grant reprieves, commutations, and pardons for all crimes and offenses except treason and cases of impeachment. This substantive grant is not subject to ordinary legislative veto-override, but it is not wholly unregulated: the Constitution expressly subjects it “to such regulations, as to the manner of applying for commutations and pardons, as may be prescribed by law,” meaning the General Assembly may set procedural requirements for clemency applications by statute. Treason receives separate, more limited treatment — the Governor may only suspend a treason sentence and refer the case to the General Assembly, which then decides whether to pardon, commute, direct execution of the sentence, or grant a further reprieve.

1.6 Commander of the Ohio National Guard; Special Sessions; Budget Proposal

The Governor serves as commander-in-chief of the state's military forces when not called into federal service, may convene the General Assembly in special session and limit that session's purpose (Ohio Constitution, Article III, Section 8), and submits the executive budget proposal that opens each biennial budget process — though the General Assembly retains full authority to rewrite the budget bill it ultimately passes. The Governor is not the only route to a special session: Ohio Constitution, Article II, Section 8, also permits the General Assembly's presiding officers, acting jointly, to convene one, so the legislature is not wholly dependent on the Governor for this purpose.

2. The Three-Fifths Override Threshold

Ohio Constitution, Article II, Section 16, requires a three-fifths vote of the members elected to each chamber to repass a bill or line-item over the Governor's veto — 20 of the Ohio Senate's 33 members and 60 of the Ohio House's 99 members. This is a materially lower bar than the two-thirds threshold used in most states nationally; Ohio is among a smaller group of states using a three-fifths standard rather than two-thirds.

Practically, this means a legislative caucus that holds three-fifths of seats in both chambers can override any gubernatorial veto on a party-line vote, without needing any support from the governor's own party. This report describes the 136th General Assembly's composition below solely as an illustration of how the threshold applies numerically as of the status date; it is not a prediction of any future General Assembly's composition.

Chamber	Total Seats	Seats Needed to Override (3/5)
Ohio Senate	33	20
Ohio House of Representatives	99	60

Table 1. Ohio's constitutional veto-override thresholds by chamber (Ohio Constitution, Article II, Section 16).

3. Legislative Leverage Points Over the Executive

A legislative supermajority's capacity to constrain a governor of the opposite party extends well beyond the veto-override process. This section catalogs the principal non-veto mechanisms, each grounded in a specific constitutional or statutory provision.

Not every mechanism below actually depends on holding a three-fifths supermajority. The General Assembly can pass ordinary legislation, including statutes narrowing agency discretion or restricting appropriations, with a simple majority of members elected to each chamber (Ohio Constitution, Article II, Section 15). The three-fifths threshold's distinctive importance is that it lets a legislative majority make that ordinary-majority statutory power effective over a governor's veto — without it, a governor of the opposite party could block such legislation by veto unless enough of the governor's own party crossed over to help override it. Confirmation authority, similarly, requires only a majority of the Senate's full membership (17 of 33) to withhold consent, not three-fifths. Table 2 classifies each mechanism in this section by the vote threshold it actually requires, to avoid conflating “powers the legislature holds” with “powers created specifically by a veto-proof supermajority.”

- **Confirmation authority (ordinary majority; bounded).** The Ohio Senate must consent to the Governor's appointment of numerous administrative department heads and other officials where required by law, by a majority of the Senate's full membership. The Senate may withhold consent, in which case another appointment must be made. It cannot indefinitely defeat an appointment merely by refusing to act: Ohio Constitution, Article III, Section 21, provides that failure to act by roll-call vote within the constitutionally prescribed period constitutes consent.
- **Appropriations control (ordinary majority; override-dependent if vetoed).** The General Assembly writes the operating and capital budget bills by ordinary majority vote. It can decline to fund, or specifically restrict funding for, agency programs or initiatives a governor prioritizes, and can attach narrow appropriations language limiting agency spending discretion. If the Governor line-item vetoes such a restriction, repassing it requires the three-fifths threshold discussed in Section 2.
- **Statutory narrowing of agency discretion (ordinary majority; override-dependent if vetoed).** Where an agency has used rulemaking or enforcement discretion in a manner the legislature opposes, the General Assembly can enact a new statute narrowing or eliminating that discretion going forward, by ordinary majority vote in the first instance; a three-fifths vote is needed only to override a gubernatorial veto of that statute.

- **JCARR review (statutory procedure).** The Joint Committee on Agency Rule Review can review proposed administrative rules and, under specified statutory standards, recommend invalidation (R.C. 106.04), which triggers a legislative process — a concurrent resolution — that can void a rule before or after it takes effect. JCARR itself recommends; the General Assembly acts on that recommendation through its own statutory procedure, distinct from the veto-override threshold.
- **Oversight, investigation, and compulsory process (committee authorization; not threshold-dependent).** Legislative committees can conduct oversight hearings and summon agency directors and cabinet officials for testimony. This authority is not merely a request: Ohio Constitution, Article II, Section 6, and Ohio Revised Code Sections 101.41 and 101.43 authorize a standing or select committee or subcommittee authorized to send for persons and papers to subpoena witnesses and compel production of books, papers, and records, with contempt proceedings — including a warrant for a witness's arrest and appearance before the relevant house — available for willful noncompliance. This authority generally does not depend on the three-fifths threshold.
- **Structural reallocation between offices (ordinary majority, subject to constitutional limits).** For duties created by statute rather than assigned directly to a particular office by the Constitution, the General Assembly may generally alter the statutory allocation of those duties through subsequent ordinary legislation, subject to constitutional limits (some duties, such as the Secretary of State's countersigning of commissions under Article III, Section 13, are directly constitutionally assigned) and to gubernatorial veto.

What these tools do not include: the legislature cannot remove a sitting governor for policy disagreement. Ohio Constitution, Article II, Sections 23–24, require a majority of the members elected to the House to impeach and a two-thirds vote of the Senate to convict, for “any misdemeanor in office.” This is a distinct process from, and a substantially higher bar than, any of the mechanisms above, and this report does not interpret the scope of “misdemeanor in office” beyond the Constitution's own text.

Mechanism	Vote Threshold Where Legislative Power Originates	Why the Three-Fifths Threshold Matters (or Doesn't)	Threshold-Dependent?
Reject Senate-confirmable nominee	Senate majority (17 of 33)	Does not require three-fifths at all.	No
Pass restrictive statute	Ordinary majority, each chamber	Three-fifths needed only to override a gubernatorial veto of the statute.	Only if vetoed
Enact appropriations restriction	Ordinary majority, each chamber	Same as above — override-dependent only if line-item vetoed.	Only if vetoed
Override a veto	Three-fifths, each chamber	This is the direct threshold itself.	Yes

Mechanism	Vote Threshold Where Legislative Power Originates	Why the Three-Fifths Threshold Matters (or Doesn't)	Threshold-Dependent?
JCARR rule-invalidation process	Statutory committee/concurrent-resolution procedure	Independent statutory track, not the override threshold.	No
Investigation / subpoena	Committee authorization under statute	Generally exercised without regard to chamber-wide vote share.	No
Impeachment and conviction	House majority to impeach; Senate two-thirds to convict	A distinct constitutional threshold, higher than three-fifths in the Senate.	No (different threshold)

Table 2. Legislative mechanisms classified by the vote threshold each actually requires. A three-fifths legislative supermajority's distinctive institutional significance is principally that it neutralizes the Governor's veto; several of the mechanisms above are available to an ordinary legislative majority regardless of whether it also holds a veto-proof supermajority.

4. Statewide Executive Offices: Three Categories of Leverage

Ohio elects five statewide executive officers independently: Governor, Attorney General, Auditor of State, Secretary of State, and Treasurer of State (Ohio Constitution, Article III, Section 1). Each derives its authority from the Ohio Constitution and Ohio Revised Code, not from the Governor, and each can be held by a different party than the Governor regardless of legislative composition.

This report's central methodological commitment — distinguishing actual institutional levers from political rhetoric — requires care in this section specifically, because it is easy to convert a plausible political expectation about partisan officeholders into an institutional finding without adequate support. This report therefore separates each office's leverage into three categories:

- **Formal constitutional power** — fixed by the Ohio Constitution, unaffected by any officeholder's party (for example, the Governor's veto or clemency authority).
- **Formal statutory power** — fixed by the Ohio Revised Code, likewise unaffected by any officeholder's party, though modifiable by future legislation (for example, the Auditor's performance-audit authority or JCARR review).
- **Informal political leverage** — the practical effect of party alignment on how an office's existing formal authority is likely to be used — for example, litigation posture or audit emphasis. This category is a matter of political tendency, not law, and this report labels it as such rather than presenting it as an institutional fact.

The analysis below applies this framework to each of the four other statewide offices. Party alignment directly affects neither constitutional nor statutory authority — both remain constant regardless of who holds an office; its potential effect is instead concentrated entirely in the third category, informal political leverage.

4.1 Attorney General

Formal authority: the Attorney General is Ohio's chief law officer and generally represents state departments and agencies in legal matters (R.C. 109.02) and must provide legal advice to state officers and boards upon request (R.C. 109.12). This formal representation and advisory function exists regardless of party and gives the Attorney General's office a substantial, statutorily grounded role in how executive-branch legal questions are resolved.

Informal leverage: party alignment may affect litigation strategy, the emphasis given to particular legal interpretations, and the degree of informal coordination between the Attorney General's office and the Governor's office. This report does not assume that an Attorney General will take or decline any specific legal position because of party affiliation — that is a prediction about individual behavior this report is not positioned to make. What this report does conclude is that, among the four other statewide offices, the Attorney General's formal statutory functions create the largest direct institutional nexus to gubernatorial administration, because litigation posture and legal advice and interpretation intersect directly with how executive-branch agencies operate day to day.

4.2 Auditor of State

Formal authority: the Auditor of State audits state agencies, boards, and local governments, and can issue findings for recovery when public funds are found to have been spent unlawfully. R.C. 117.46 requires the Auditor to conduct at least four performance audits each biennium. The statute requires the Auditor to make agency/program selections and scope determinations in consultation with the Governor and with legislative leaders of both parties, while leaving the selection and scope determination with the Auditor — the consultation requirement does not give those other officials approval or veto authority over the Auditor's choices.

Informal leverage: an independently elected Auditor can subject executive agencies and programs to financial and performance scrutiny outside the Governor's chain of command, regardless of party. Whether that scrutiny is used, in a specific instance, in a manner more or less favorable to the Governor is a matter of political tendency affected by party alignment and by the statutory consultation requirement noted above; this report does not characterize that tendency as a fixed institutional fact.

4.3 Secretary of State

Formal authority: the Secretary of State is Ohio's chief election officer, appoints county boards of elections, issues election directives and rules, determines ballot forms and ballot language in specified circumstances, administers statewide petition processes, investigates election-law administration and irregularities, and holds subpoena authority in that capacity (Ohio Revised Code, Chapter 3501).

This report's finding, stated precisely, is narrower than a general ranking would suggest: the Secretary of State's functions carry the smallest direct marginal effect on a Governor's day-to-day administration of executive-branch agencies among the four other statewide offices, because the office's core statutory duties do not principally involve overseeing, funding, or constraining those agencies. This is a distinct question from the office's broader institutional importance. The Secretary of State's election-administration authority is substantial in its own right and may carry significant political consequence in specific circumstances — including election years — even though it operates largely outside the specific governor-versus-legislature dynamic this report analyzes.

4.4 Treasurer of State

Formal authority: the Treasurer of State's functions are substantially custodial and investment related. R.C. 113.051 distinguishes the Treasurer's custodial role from investment decisions that belong to other fund owners or their authorized agents, and R.C. 135.143 grants the Treasurer specific statutory investment authority over state interim funds. That investment authority is not entirely unilateral: under R.C. 135.143, the Treasurer must report monthly to the State Board of Deposit, and if the Board does not concur in the Treasurer's classifications, investments, or deposits, it may order the Treasurer to sell or liquidate them. These are defined, statute-specific authorities rather than general control over state financial policy or over debt issuance, which this report does not find a specific statutory basis to attribute to the Treasurer's office in this context.

Informal leverage: party alignment may affect the degree of informal coordination between the Treasurer's office and the Governor's office concerning the management or investment of state funds where the Treasurer possesses statutory authority, but this report does not identify a general statutory mechanism by which an opposite-party Treasurer could directly constrain gubernatorial policy action, as distinct from the state's financial operations generally. This report accordingly places the Treasurer's marginal effect on gubernatorial leverage as limited and context-dependent, tied to specific fund-management circumstances — further bounded by the State Board of Deposit's own oversight role — rather than a general lever comparable to the Attorney General's or Auditor's.

4.5 Summary Matrix

Table 3 summarizes each office's formal authority and its category of marginal effect on a Governor's administration of executive-branch agencies specifically — not the office's broader institutional importance, which in the Secretary of State's case is substantial within its own domain (elections) but distinct from the agency-administration question this report otherwise examines. Because each office is independent, any of the sixteen possible combinations of the four offices' party alignment can be read directly from this table without a separate narrative for each combination.

Office	Formal Authority (Fixed, Unaffected by Party)	Informal Leverage (May Be Affected by Party)	Category: Direct Nexus to Agency Administration
Attorney General	Represents state agencies in litigation; provides required legal advice (R.C. 109.02, 109.12).	Litigation posture and legal-advice emphasis may vary with party alignment.	High

Office	Formal Authority (Fixed, Unaffected by Party)	Informal Leverage (May Be Affected by Party)	Category: Direct Nexus to Agency Administration
Auditor of State	Audits agencies and local governments; performance-audit authority, in consultation with the Governor and both parties' leadership (R.C. 117.46).	Degree to which audit findings generate public/political pressure on executive programs may vary with party alignment.	Moderate
Secretary of State	Chief election officer; ballot administration, election directives, petition processing (R.C. Chapter 3501).	Minimal direct interaction with gubernatorial agency operations; substantial independent importance within elections specifically.	Limited (agency administration); substantial (elections)
Treasurer of State	Custodial and investment authority over state interim funds, subject to State Board of Deposit oversight (R.C. 113.051, 135.143).	Informal coordination on fund-management priorities tied to budget priorities may vary with party alignment.	Limited, context-dependent

Table 3. Formal authority versus informal leverage for each statewide executive office, and this report's qualitative category for each office's direct nexus to a Governor's administration of executive-branch agencies specifically. This is an editorial categorization based on each office's statutory functions, not an empirically weighted score, and does not measure each office's overall political or institutional importance.

4.6 The Fully Isolated Configuration

The limiting case within this framework is the configuration in which a legislative supermajority of Party A in both chambers coincides with a Governor of Party B, and all four other statewide executive offices — Attorney General, Auditor of State, Secretary of State, and Treasurer of State — are also held by Party A. This is Table 3 read with every office's informal-leverage column understood to run in Party A's favor simultaneously.

In this configuration, the Governor is the only statewide elected official of Party B. The Governor's formal constitutional and statutory authority — the veto (subject to override), appointments (subject to bounded Senate confirmation), executive orders within existing authority, clemency, and administrative discretion within agencies the Governor directs — is entirely unchanged by which party holds the other four offices; that authority derives from the Constitution and statute, not from any other officeholder's cooperation. What changes in this configuration is the informal political leverage described in Sections 4.1–4.4: the Governor operates without an Attorney General inclined to favor the executive branch's litigation posture, without an Auditor whose informal relations favor the Governor's office, and without informal coordination from the Treasurer's office. This report characterizes that change as a reduction in informal coordination, not as a reduction in the Governor's formal legal authority, which Section 3 already fully describes as constrained primarily by the legislature, not by the other statewide offices.

5. Historical Pattern: Vetoes and Overrides

Secondary reporting citing Ohio legislative records indicates that Ohio governors have vetoed a substantial number of bills since 1969, that the General Assembly has attempted override on a minority of those vetoes, and that a smaller number of those attempts succeeded. This report is not publishing specific figures in this version, because OCG has not yet independently reconstructed a precise veto, override-attempt, and successful-override count directly from a primary Ohio General Assembly veto log or Legislative Service Commission compilation to the standard OCG requires for a published statistic. That reconstruction is listed as a priority in Future Research; this report will publish exact figures only once independently verified against primary records.

Ohio has experienced substantial periods of unified partisan control between the Governor and General Assembly majorities since 1969, though this report has not tabulated the precise years of unified versus divided control and does not quantify “substantial.” A simple governor/House/Senate party-control table since 1969 is listed in Future Research to replace this qualitative statement with a verified figure. The underlying institutional logic, independent of the exact historical count, is that periods of unified control would tend, as a matter of institutional incentive rather than a predicted future outcome, to reduce both the frequency of vetoes issued against a hostile legislature and the political incentive to attempt an override, relative to a sustained period of opposite-party control between the Governor and a three-fifths legislative supermajority.

6. Symmetry Analysis

Every mechanism described in this report — the three-fifths override threshold, the bounded confirmation process, the non-veto legislative leverage points in Section 3, and the formal-authority/informal-leverage distinction in Section 4 — applies without regard to party. A Republican legislative supermajority facing a Democratic governor, and a Democratic legislative supermajority facing a Republican governor, are analyzed identically under this framework: the same constitutional provisions, the same statutory authorities, and the same institutional incentives apply in either direction. This report's illustrative references to current officeholders or the current General Assembly's composition are included solely to show how the mechanisms apply numerically as of the status date and should not be read as implying that the analysis favors either party's institutional position.

Interpretive Considerations

- Not every legislative leverage point requires a three-fifths supermajority. As Table 2 shows, a legislative supermajority's distinctive institutional significance is principally that it neutralizes the Governor's veto; ordinary-majority tools such as Senate confirmation votes, initial statutory passage, and committee investigations do not themselves depend on holding three-fifths of either chamber.
- Formal constitutional and statutory authority (Sections 1 and 4) does not change based on which party holds any office; what changes with party alignment is informal political leverage (Section 4), a distinct and generally smaller effect than the legislature's own formal tools

(Section 3). This report treats that distinction as its central interpretive contribution and the primary safeguard for its descriptive, non-predictive methodology; Table 3's categorizations follow directly from it and should be read as qualitative editorial judgments rather than empirical measurements.

- The Secretary of State illustrates why this report separates “direct nexus to agency administration” from an office's overall institutional importance: the office ranks lowest on the former specifically because election administration is largely a distinct function from overseeing executive agencies, not because election administration itself is unimportant.

Limitations and What This Report Does Not Claim

- This report does not predict the outcome of any Ohio election, including the composition of the 137th General Assembly or the outcome of any 2026 statewide race.
- This report does not evaluate whether any specific candidate, if elected, would or would not use any of the described mechanisms, or whether such use would be appropriate.
- This report does not assert specific historical veto, override-attempt, or successful-override counts pending independent verification against a primary Ohio General Assembly veto log or Legislative Service Commission compilation; see Section 5 and Future Research.
- This report does not assert a precise count of how many other states use a two-thirds veto-override threshold; it states only that Ohio's three-fifths threshold is lower than the two-thirds standard used in most states, pending the 50-state tabulation described in Future Research.
- This report's Table 2 categorizations are qualitative editorial judgments, not the product of a quantitative model, and Section 4's discussion of informal political leverage describes plausible tendencies affected by party alignment, not predictions about how any specific officeholder would act.
- This report does not address county- or municipal-level home-rule authority, which operates largely independently of the state-level dynamics described here.
- This report does not interpret the scope of “misdemeanor in office” under Ohio Constitution Article II, Section 24, beyond quoting the constitutional text itself.

Future Research

- Independently reconstruct Ohio's historical veto, override-attempt, and successful-override counts since 1969 directly from a primary Ohio General Assembly veto log or Legislative Service Commission compilation, for publication in a future version once verified.
- Build a simple governor/House/Senate party-control table since 1969 to replace this version's unquantified statement that Ohio has experienced “substantial periods” of unified partisan control.
- Build an original 50-state appendix tabulating each state's veto-override threshold, the applicable denominator (elected members vs. members present), any bill-type-specific

exceptions, and a constitutional or statutory citation, to replace this version's general statement that Ohio's three-fifths threshold is lower than the two-thirds standard used in most states.

- Examine specific historical episodes of divided Ohio state government (governor and legislative majority of different parties, or governor and one or more other statewide offices of different parties) as case studies of which mechanisms in Sections 3 and 4 were actually used, and with what effect — to move Section 4's informal-leverage discussion from plausible tendency toward an evidence-based account where the historical record permits it.
- Analyze JCARR's rule-review and invalidation-recommendation track record to quantify, rather than qualitatively describe, its practical effect on agency rulemaking discretion.
- Analyze the frequency and outcomes of legislative subpoenas and contempt proceedings under R.C. 101.41 and 101.43 directed at executive-branch officials, to assess how often the compulsory-process authority described in Section 3 has actually been exercised.
- Identify the specific statutes governing state debt issuance (as distinct from the interim-fund custodial and investment authority addressed in this version) to determine whether any additional Treasurer or General Assembly leverage point exists in that area.

Sources

- Ohio Constitution, Article II (Legislative), including Sections 6 (investigative and compulsory-process authority), 8 (special sessions), 15–16 (bill passage, veto, and override procedure), and 23–24 (impeachment) (codes.ohio.gov).
- Ohio Constitution, Article III (Executive), including Sections 1 (executive department offices), 5–6 (supreme executive power; faithful execution), 8 (gubernatorial special sessions), 11 (clemency), and 21 (advice and consent of the Senate) (codes.ohio.gov).
- Ohio Constitution, Article IV (Judicial), Section 13 (filling of judicial vacancies) (codes.ohio.gov).
- Ohio Revised Code, Section 101.41 and 101.43 (legislative committee subpoena and contempt authority); Section 106.04 (JCARR rule review and invalidation recommendation); Section 109.02 and 109.12 (Attorney General representation and advisory duties); Section 113.051 and 135.143, including its State Board of Deposit reporting and liquidation-order provisions (Treasurer of State custodial and investment authority); Section 117.46 (Auditor of State performance audits, including the consultation requirement); Section 121.03 (Governor-appointed administrative department heads); Chapter 3501 (Secretary of State election administration) (codes.ohio.gov).
- Ohio Senate, official explanatory materials: "How a Bill Becomes a Law" and glossary entries on veto and override procedure (ohiosenate.gov).
- Ohio Legislature, official glossary entry on veto overriding (legislature.ohio.gov).
- 136th Ohio General Assembly, official chamber party-composition records, consulted for illustrative current seat counts.

- Secondary reporting on Ohio's historical veto and override record since 1969, consulted but not adopted for specific figures in this version pending primary-source verification; see Section 5 and Future Research.

Conclusion

Ohio's constitutional and statutory framework gives a governor a defined, specific set of powers — supreme executive power and the duty of faithful execution, the veto and line-item veto, appointments (subject to a bounded confirmation process), executive orders within existing authority, clemency, and agency administration — all of which persist regardless of the General Assembly's partisan composition or which party holds the state's other four executive offices. What changes across the configurations this report examines is not the Governor's formal authority, but the practical ease or difficulty of exercising it: a three-fifths legislative supermajority can override vetoes, control appropriations, narrow agency discretion by statute, and compel testimony and records through subpoena authority; and the party alignment of the Attorney General, Auditor of State, Secretary of State, and Treasurer of State separately affects the informal litigation, audit, and coordination support available to the Governor, without altering any office's formal legal authority. This report has described those mechanisms symmetrically and has distinguished formal capacity from informal political tendency throughout, so that Ohioans can evaluate future political claims about gubernatorial power against the actual institutional record.

Revision History

This report has undergone two rounds of internal peer review, each conducted directly against the Ohio Constitution and Ohio Revised Code, with all resulting corrections independently verified by OCG against primary sources (codes.ohio.gov) before adoption. Version 1.0 is the release version.

Version 1.0 (First Released Version) — Revised following second-round internal peer review; assigned official catalog identifiers (White Paper No. 017, RL-2026-027) and published.