CHAPTER 24

Governing the States

SECTION 1  State Constitutions

SECTION 2  State Legislatures

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Section 1: State Constitutions

• What are the history, contents, and importance of the first State constitutions?

• What are the basic principles and the kinds of provisions found in every State constitution?

• What is the process for constitutional change?

• Is there a need for reform of State constitutions?
The First State Constitutions

• Most were modeled after colonial charters.

• Each proclaimed the principles of popular sovereignty, limited government, separation of powers, and checks and balances.

• Most of the authority was given to the legislature.

• None provided for full religious freedom.

• Each set rigid qualifications for voting and officeholding.

• All gave property owners a favored standing.
State Constitution Principles

• Basic principles of popular sovereignty, limited government, separation of powers, and checks and balances
• Protections of civil rights
• Governmental structure
• Governmental powers and processes
• Constitutional change
• Miscellaneous provisions
Constitutional Change

How to Propose Changes to a State Constitution

Proposal by a Convention
- Constitutional conventions are used most often to revise existing constitutions and to write new ones.
- Every State legislature can call a constitutional convention. That call is generally subject to voter approval.

Proposal by a Legislature
- Most constitutional amendments are proposed by the legislature.
- The process varies among the States. Where the process is simpler, more amendments are proposed and adopted.

Proposal by Initiative
Voters can propose amendments in some States:
- A specified number of voters must sign a petition.
- The proposal goes on the ballot.
- The people approve or reject the amendment.
The Need for Reform

Length of Constitution

• Popular distrust of government has lead to detailed provisions aimed at preventing the misuse of power

• There has been a failure to separate fundamental law from statutory law

Age of Constitution

• Most States have constitutions that are over 100 years old, with outdated provisions
1. In the first State constitutions, most of the power was given to
   (a) the people.
   (b) the legislature.
   (c) the governor.
   (d) the courts.

2. Which of the following is not a method used to propose State constitution changes?
   (a) by convention
   (b) by legislature
   (c) by court order
   (d) by ballot initiative
SECTION 2
State Legislatures

• How are State legislatures structured, and what size are they?

• What are the election process, terms, and compensation of State legislatures?

• What are the powers of State legislatures and how are they organized?

• What is the legislative process at the State level?
The Legislature: Structure and Size

• The basic function of the legislature is to translate the public will into public policy.

• Most State legislatures are bicameral, with a Senate and House of Representatives.

• An ideal size is one in which there are not too many people to make business difficult to conduct, but not so few that many interests go unrepresented.

• Legislators are elected from districts drawn by the legislature every 10 years on the basis of population equality.
The State Legislators

- State constitutions define legislator requirements regarding age, citizenship, and residence.
- Legislators are chosen by popular vote, usually in November of even-numbered years.
- Legislators serve either two- or four-year terms.
- The typically low compensation keeps many qualified people from running for these offices.
- Most States hold annual legislative sessions, and special sessions may be called for urgent matters.
Powers of the Legislature

Legislative Powers

• Legislatures can pass any law that does not conflict with federal law or with the State constitution.

• Legislatures have the powers to tax, spend, borrow, establish courts, define crimes and punishments, regulate commerce, and maintain public schools, among other powers.
Presiding Officers

- The officer presiding over lower house sessions is the speaker, chosen by the senate members.
- The senate’s presiding officer is either the lieutenant governor or a member chosen by the senate.
- The presiding officer refers bills to committee and appoints committee members, recognizes members to speak on the floor, and interprets and applies procedural rules.

Committee System

- Committees are set up by subject matter.
- Committee members determine which bills reach the floor.
- They amend and rewrite bills introduced by members of the legislature.
The Legislative Process

Bills are introduced by legislators, but may be written by
• officers and agencies of State and local government
• interest groups and lobbyists, and
• private individuals.

Voters can propose constitutional amendments or propose statutes by **initiative**, which involves submitting signed petitions.

A **referendum** is a process by which a legislative measure is decided upon by the State’s voters.
Section 2 Review

1. How are voting districts determined by legislators?
   (a) by land area
   (b) by tax base
   (c) by urban or rural status
   (d) by population

2. Most States hold new legislative sessions every
   (a) year
   (b) two years
   (c) month
   (d) two months

Want to connect to the Magruder’s link for this section? Click Here!
The Governor and State Administration

- What is the office of governor?
- What roles does the governor have?
- What are other State executive offices?
The Governorship

• Typically, governors must be American citizens, 25 or 30 years of age, have lived in the State for at least five years, and be a qualified voter.

• The governor is chosen by popular vote.

• In most States, governors serve four-year terms, with a two-term limit.

• In most States, if a governor leaves office during a term, he or she is succeeded by the lieutenant governor.

• Typically, governors can be removed from office by impeachment.

• They earn salaries from $65,000 to $179,000.
A Governor’s Many Roles

The governor’s basic legal responsibility is “to take care that the laws be faithfully executed.” This is accomplished through these tasks, among others:

• Appointment and removal of assistants
• Supervising the staff of the State’s executive branch
• Preparing the annual or biennial budget to go to the legislature
• Commanding the State militia, or National Guard
The governor shares powers with other elected officials.

- The lieutenant governor presides over the senate in most States.
- The secretary of state serves as the State’s chief clerk and record-keeper.
- The treasurer is the custodian of State funds.
- The attorney general is the State’s lawyer.
Section 3 Review

1. How long is the term of most governors?
   (a) four years
   (b) three years
   (c) two years
   (d) one year

2. Who is the state’s lawyer?
   (a) the secretary of state
   (b) the governor
   (c) the attorney general
   (d) the lieutenant governor

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In the Courtroom

• What kinds of law are applied in State courts?
• What are the differences between civil law and criminal law?
• How can we describe the jury system?
Kinds of Law Applied in State Courts

- **Constitutional Law**, based on the U.S. and State constitutions
- **Statutory Law**, based on laws enacted by the U.S. and State legislatures
- **Administrative Law**, composed of rules, orders, and regulations by federal, State, or local executive officers
- **Common Law**, based on judge-made rulings dependent upon accepted ideas of right and wrong
- **Equity**, preventative laws based on “fairness, justice, and right”
### Criminal and Civil Law

<table>
<thead>
<tr>
<th>Criminal Law</th>
<th>Civil Law</th>
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<tbody>
<tr>
<td>• Defines public wrongs and provides for their punishment</td>
<td>• Relates to disputes between private parties or private parties and the government that are not covered by criminal law</td>
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<tr>
<td>• There are two levels: felonies and misdemeanors.</td>
<td>• These cases are referred to as “law suits.”</td>
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<td>• They lead to an award of money or a fine.</td>
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# The Jury System

## The Grand Jury
- Determines whether the evidence against a person is sufficient to justify a trial.
- Consists of from 6 to 23 persons, depending on the State.
- A majority is needed to indict.
- They meet in secret.

## The Petit Jury
- Hears the evidence in a case and decides the disputed facts.
- The usual number of jurors is 12.
- Their verdict must be either unanimous or by a large majority depending on the State.
1. Cases in Civil Court are referred to as
   (a) jury trials.
   (b) crimes against humanity.
   (c) capital cases.
   (d) law suits.

2. Juries who decide on a person’s or parties’ guilt or innocence are called
   (a) grand juries.
   (b) lawyers.
   (c) petit juries.
   (d) criminal juries.

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The Courts and Their Judges

• How are State courts organized?
• What kind of work does each type of State court do?
• What are the different ways that State judges are selected?
Organization of State Courts

- **Justices of the peace** preside over minor offenses in rural areas.
- **Magistrates** handle minor civil complaints in urban areas.
- **Municipal courts** hear civil cases involving several thousands of dollars and misdemeanors.
- **Juvenile courts** decide cases for individuals under 18 years of age.
- **General trial courts** try the more important civil and criminal cases.
- **Intermediate appellate courts** are courts of appeal between trial courts and the State’s supreme court.
- **State supreme courts** review the decisions of lower courts.
- **Unified court systems** are based on geographic area and cover all areas of the law.
Most often, judges are selected by:

- Popular vote,
- Governor appointment, or
- Legislative appointment.
Section 5 Review

1. Most of the more important civil and criminal cases in the U.S are heard by the
   (a) general trial courts.
   (b) justices of the peace.
   (c) juvenile courts.
   (d) intermediate appellate courts.

2. In what way are judges not selected?
   (a) by the legislature
   (b) by the governor
   (c) by popular vote
   (d) by a court committee

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