

Viking Quest: Government Assignments

April-May 2015

Week: 27th -May 1st

- *Read and complete Chapter 23 Study Guide handout pages 260-273*
- *Read and complete chapter 23 section (1 & 2) assessments pages 636-647, Government textbook*

Name _____

Date _____

Class _____

STUDY GUIDE Chapter 23, Section 1

For use with textbook pages 637–640.

STATE CONSTITUTIONS

KEY TERMS

initiative A method by which citizens propose a constitutional amendment or a law (page 639)

constitutional convention A gathering of citizens elected to consider changing or replacing a constitution (page 639)

constitutional commission A group of experts appointed to study a state constitution and recommend changes (page 639)

DRAWING FROM EXPERIENCE

Have you ever seen a copy of your state constitution? It is probably a lot longer than the United States Constitution. It probably includes several provisions that affect your daily life.

This section focuses on the importance of state constitutions.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about the similarities and differences between the United States Constitution and state constitutions.

UNITED STATES CONSTITUTION	BOTH	STATE CONSTITUTIONS

STUDY GUIDE (continued) Chapter 23, Section 1

READ TO LEARN

Introduction (page 637)

Constitutional government in America began with colonial charters. This was long before the United States Constitution was written. Some states kept their old colonial charters as their state constitutions. Other states wrote new constitutions. Since 1776, 20 states have kept their original constitutions, and all the states have added many amendments.

Importance of Constitutions (page 637)

State constitutions are important for the following reasons:

- A. They provide for the separation of powers among three branches – legislative, executive, and judicial.
- B. They establish the different types of local governments, such as counties, townships, and parishes.
- C. They regulate the ways state and local governments can raise and spend money.
- D. They establish independent agencies, boards, and commissions that have power in areas that affect citizens' lives directly. For example, public utility commissions regulate gas and electric rates.

The state constitution is supreme above all other laws made within the state. However, it cannot disagree with or contradict the Constitution of the United States.

1. How do state constitutions directly affect citizens' daily lives?

Constitutional Characteristics (page 638)

Most state constitutions share the following basic characteristics:

Bill of Rights This is in all state constitutions. It includes all or most of the protections of the Bill of Rights in the United States Constitution. Some state constitutions include protections not in the national Constitution. An example is the worker's right to join a union.

Length The average state constitution has more than 30,000 words, over four times the length of the United States Constitution.

Detail State constitutions are filled with detail. They cover many aspects of life in the state. For example, one state constitution includes a special tax to help Civil War veterans. State constitutions are sometimes very detailed because groups and individuals have lobbied to include provisions that help them.

2. Describe the typical state constitution.

STUDY GUIDE (continued)

Chapter 23, Section 1

Amendments and Changes (page 639)

Changing a constitution may be necessary because new conditions require new actions or policies. The amendment process has two steps.

Proposal State constitutions provide for the following methods of proposing amendments:

- In every state the state legislature has the power to propose an amendment to the constitution. This method is the one most often used.
- Eighteen states also allow people to propose constitutional amendments by popular initiative. An initiative is a method by which citizens propose an amendment or a law. The initiative process begins when an individual or group writes a proposed amendment. People in favor of the amendment sign a petition. The number of signatures required varies from state to state.
- A gathering of citizens, usually elected by a popular vote, meets to consider changing or replacing the constitution in a constitutional convention.
- Many states use a constitutional commission. This is a group of experts appointed to study the state constitution and recommend changes.

Ratification All states except Delaware require ratification of amendments by popular vote. The kind of majority needed to approve an amendment varies. When the voters rather than the legislature vote on an issue, it is called a *referendum*.

3. What four methods do state constitutions provide for proposing constitutional amendments?

Criticism and Reform (page 640)

Over the years many people have criticized state constitutions for being too long or full of needless detail. Most states require a constitutional convention to replace existing state constitutions. In a few states, a special commission may also draft a new constitution that must be reviewed by the state legislature followed by ratification by the people.

The process of calling a constitutional convention begins when the state legislature proposes the convention. If the people vote their approval, the state holds an election to choose delegates. The delegates may write a new constitution or suggest changes in the existing document. The voters then must ratify the changes or the new constitution.

The number of amendments to state constitutions have declined in the last twenty years. However, more and more state judges have begun to interpret state constitutions. Judicial review has become an important means of constitutional change in state government as well as in the national government.

4. In what two ways do states replace existing state constitutions?

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STUDY GUIDE Chapter 23, Section 2

For use with textbook pages 641–647.

THE THREE BRANCHES

KEY TERMS

bicameral Two house legislative body (page 641)

lieutenant governor The presiding officer of the upper house in some state legislatures (page 642)

plurality The largest number of votes in an election (page 644)

item veto The power to turn down a particular item in a bill without vetoing the entire bill (page 645)

civil case Legal issue usually involving a dispute between two or more private individuals or organizations (page 646)

criminal case Legal issue in which the state brings charges against a citizen for violating the law (page 646)

DRAWING FROM EXPERIENCE

Who is your state's governor? Who represents your district in the state legislature? More than the United States president and members of Congress, these people affect your daily life.

This section focuses on the three branches of state government.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about the different officials in the three branches of state government.

EXECUTIVE	LEGISLATIVE	JUDICIAL

STUDY GUIDE (continued)**Chapter 23, Section 2****READ TO LEARN****Introduction** (page 641)

The states divide power among three branches - legislative, executive, and judicial.

The Legislative Branch (page 641)

The state legislature has the power:

- A. To pass laws that deal with health, crime, labor, education, transportation, and other matters
- B. To tax, spend, and borrow money
- C. To check the power of the governor and the bureaucracy

Almost every state has a *bicameral* legislature. This means one with two houses. Nebraska has the only unicameral, or one-chambered, state legislature in the United States.

Members of state legislatures are elected from legislative districts with roughly equal populations. Until 1964 many state voting districts were based on area rather than population. Then the Supreme Court ruled that voting districts for both houses of state legislatures had to be based on equal populations. Most states redrew voting districts to comply with the Court's "one person, one vote" ruling.

In most states a person must be a resident of the district he or she wishes to represent. A person usually must be at least 25 years old to be a senator, or serve in the upper house. A person usually must be 21 years or older to serve in the lower house. Many state legislators are lawyers. A large number of state legislators work in fields that state law directly affects, such as real estate and insurance. Most state legislators are part-time lawmakers and are not well paid. In seven states, legislatures meet every other year. They meet every year in all other states.

In the lower house, the presiding officer is called the speaker of the house. In 26 states the presiding officer of the upper house is the *lieutenant governor*. He or she serves much like the vice president of the United States, who presides over the United States Senate. Committees conduct most work in state legislatures.

Lawmaking usually follows these steps:

- A. A member of either house in the state legislature may introduce a bill. However, many of the bills begin in the departments and agencies within the executive branch.
- B. The presiding officer sends the bill to a committee that specializes in its subject matter. The committee discusses the bill and may hold hearings. It may rewrite or change the bill.
- C. The bill is sent back to the full house with a recommendation to pass or not pass it.
- D. If the bill passes one house, it must go through a similar process in the other house. Sometimes the other house changes a bill it has received. Then a conference committee from both houses resolves the differences.
- E. Both houses vote on the conference committee's bill.
- F. If passed, the bill goes to the governor for signature or veto.

STUDY GUIDE (continued)

Chapter 23, Section 2

1. Compare the requirements for serving as a legislator in the upper and lower houses of most states.
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The Executive Branch (page 643)

In most states a governor must be at least 30 years old, an American citizen, and a state resident for 5 years or more. Most governors have served in state or local government before running for governor. One-half of the recently elected governors are lawyers.

Most states follow these steps when electing governors:

- A. A person gets the nomination of a major political party by winning a party primary.
- B. The party nominee goes on to win the general election. In most states the candidate who wins a plurality vote is elected governor. A *plurality* is the largest number of votes in a election. In five states, however, a majority, or more than half the votes, is required.

Most governors serve four-year terms. Most states limit the number of terms a governor may serve. Governors' salaries range from \$179,000 in New York to \$65,000 in Nebraska. Eighteen states also allow *recall*, which allows people to vote to remove state officials, including governors, from office.

The amount of control a governor has over the executive branch varies from state to state. Since 1965 more than half the states have reformed their constitutions to give governors greater executive power. Governors are usually looked upon as the leaders of the party in their state.

In all but eight states, the governor prepares the state budget. This allows the governor to push certain programs and policies. All governors can exercise military powers as commander in chief of the state National Guard. He or she calls on the guard in case of state emergencies.

Governors often play an important legislative role. A governor can propose legislation to the legislature and arouse public opinion to support these legislative proposals. Today all governors have a veto power over legislation the state legislature passes. In all but a few states the governor also possesses an *item veto*. This is the power to turn down a particular section or item in a bill without vetoing the entire law. Finally, the governor can call a special session of the legislature to deal with issues important to the state.

Governors appoint about one-fourth of the judges in a state. Governors also may have the power to grant pardons, shorten sentences, waive fines, and release prisoners on parole.

In most states, voters elect other executive branch officials. These include the:

- A. Lieutenant governor, who presides over the state senate
- B. Attorney general, or top legal officer in state government
- C. Secretary of state, or official in charge of state records and official state documents
- D. State treasurer, who pays the bills of state government and often serves as the state tax collector

2. How do many governors affect legislation in their state?
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STUDY GUIDE (continued)

Chapter 23, Section 2

☐ The Judicial Branch (page 646)

State courts interpret and apply state and local laws. The courts deal with two general types of cases:

- A. *Civil cases*, which involve disputes between two or more private individuals or organizations
- B. *Criminal cases*, which the state brings against citizens for violating laws

In general, the state court systems involve three types of courts:

Minor Courts The best known minor court is the justice court headed by a justice of the peace. The justice of the peace performs marriages, handles minor civil and criminal cases, and legalizes documents. In many cities, police courts, municipal courts, or magistrate courts handle minor legal matters. Other minor courts include:

- A. Small claims court, involving civil cases about small amounts of money
- B. Juvenile court, involving people under age 18
- C. Domestic relations court, involving family disputes
- D. Traffic court, dealing with traffic and parking violations
- E. Probate court, which handles cases involving inheritance of property

General trial courts These are also known as county courts, circuit courts, courts of common pleas, superior courts, and district courts. They may hear any type of civil or criminal case. Serious cases involving crimes like murder, arson, and robbery are heard in general trial courts.

Appeals courts These hear cases that a lower court has already decided. The highest court is usually called the supreme court. The supreme court is the state court of final appeal.

State judges are selected in the following ways:

- A. Some judges are elected in popular elections.
- B. Others are elected by the legislature.
- C. Governors appoint some judges.
- D. Others are chosen through the Missouri Plan, which combines appointment by the governor and popular election.

One method of removing judges is impeachment, or accusing the judge of misconduct. Another method is having a disciplinary board or commission investigate complaints about judges. The board or commission makes a recommendation to the state supreme court, and the court may suspend or remove the judge.

3. What are the different kinds of minor courts that states have?
