

Chapter 24: Governing the States

Section 1

Lecture Notes

AMERICAN
GOVERNMENT

PEARSON

► Objectives

1. Examine the history, content, and significance of the first State constitutions.
2. Describe the basic principles common to all State constitutions today.
3. Explain the procedures used to change State constitutions.
4. Analyze why State constitutions are in need of reform.

▶ Key Terms

- **popular sovereignty:** the principle that the people are the sole source of authority for government
- **limited government:** the idea that the power of government must be closely limited
- **fundamental laws:** laws, such as those in constitutions, that are so basic and important they cannot be changed as easily as other laws

▶ Key Terms, cont.

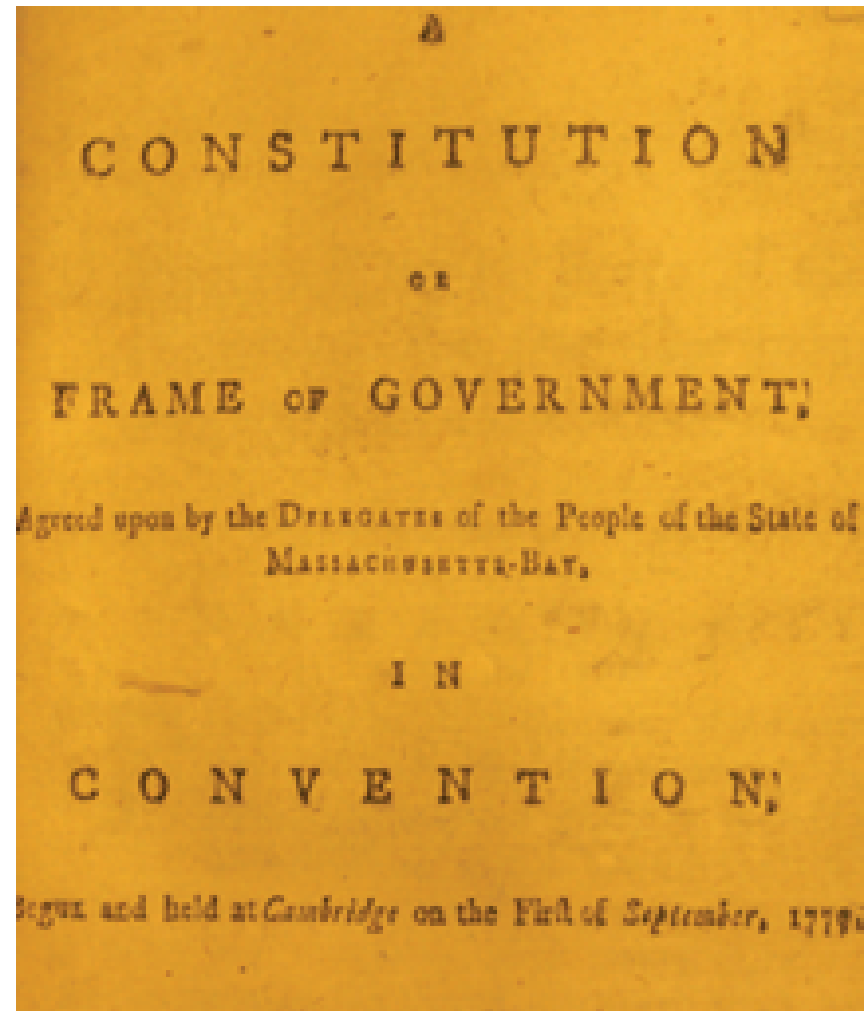
- **initiative:** a process in which a minimum number of qualified voters must sign a petition in favor of a proposal, which then goes to the ballot to be approved or rejected by the people
- **statutory law:** a law passed in an ordinary fashion by the legislature, as opposed to a fundamental law

▶ Introduction

- What are the defining features of State constitutions?
 - They support popular sovereignty, limited government, and separation of powers.
 - They include a bill of rights.
 - They describe the structure and powers of government.
 - They include procedures for amending the constitution, as well as various miscellaneous provisions.

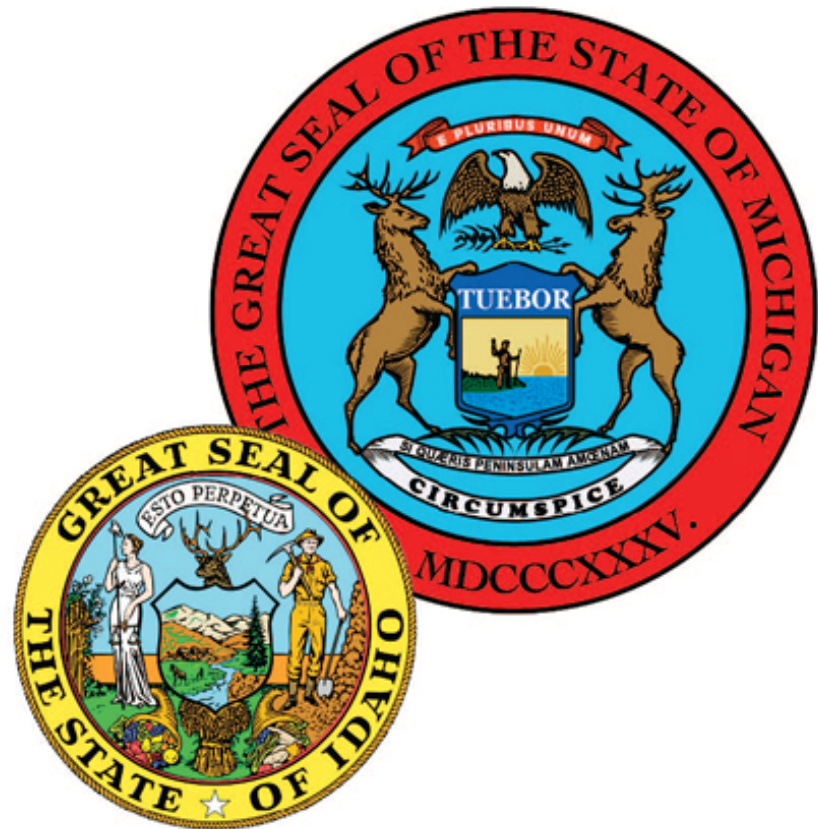
▶ State Constitutions

- Each State has a written constitution.
- The first constitutions were based on colonial charters.
- State assemblies drafted all the current constitutions and nearly all were approved by popular vote.
- Only 17 current State constitutions were written after 1900.



► State Constitutions Today

- Checkpoint: What are the six elements of State constitutions?
 - Basic principles
 - Governmental structure
 - Protection of civil rights
 - Governmental power
 - Provisions for change
 - Miscellaneous provisions
- State constitutions often specify designs for State symbols, including the State seal.



▶ Principles and Protections

- Each State constitution supports **popular sovereignty**, limited government, and the separation of powers among branches.
- Each State constitution includes a **bill of rights** listing individual rights.
 - Many of these rights are similar to those in the federal Bill of Rights, but some States include additional guarantees.

▶ Structure and Powers

- Each State constitution describes the structure of both State and local governments.
 - Some constitutions simply outline this structure, while others are quite detailed.
- The powers of each branch and the units of local government are described in considerable detail.
 - Powers involving **taxation**, **education**, and **elections** are very prominent.

► Change and Other Provisions

- Each State constitution describes the process for changing that constitution.
- State constitutions also include so-called miscellaneous provisions.
 - Some of these are “dead letter” items that have no effect today due to changes in society.
 - Many constitutions have schedules that explain how revised constitutions should be put into effect.

▶ State Constitutions

Elements of State Constitutions



PRINCIPLES

- Popular sovereignty; power comes from the people
- Separation of powers
- Checks and balances



CIVIL RIGHTS

- Similar to U.S. Bill of Rights
- May guarantee right to education or gender equality



STRUCTURE

- Outline of State and local government
- Rules for establishing governance, legislature, and courts

▶ State Constitutions, cont.



POWERS

- Lists powers held by State officials to govern and provide services
- Empowers States to tax, spend, and borrow



CHANGE

- Processes for amendment.



OTHER

- Preambles without legal force
- “Dead letter” provisions that no longer apply

▶ Constitutional Change

- State constitutions can be changed:
 - By amending part of the document
 - By revising or rewriting a large part of the document

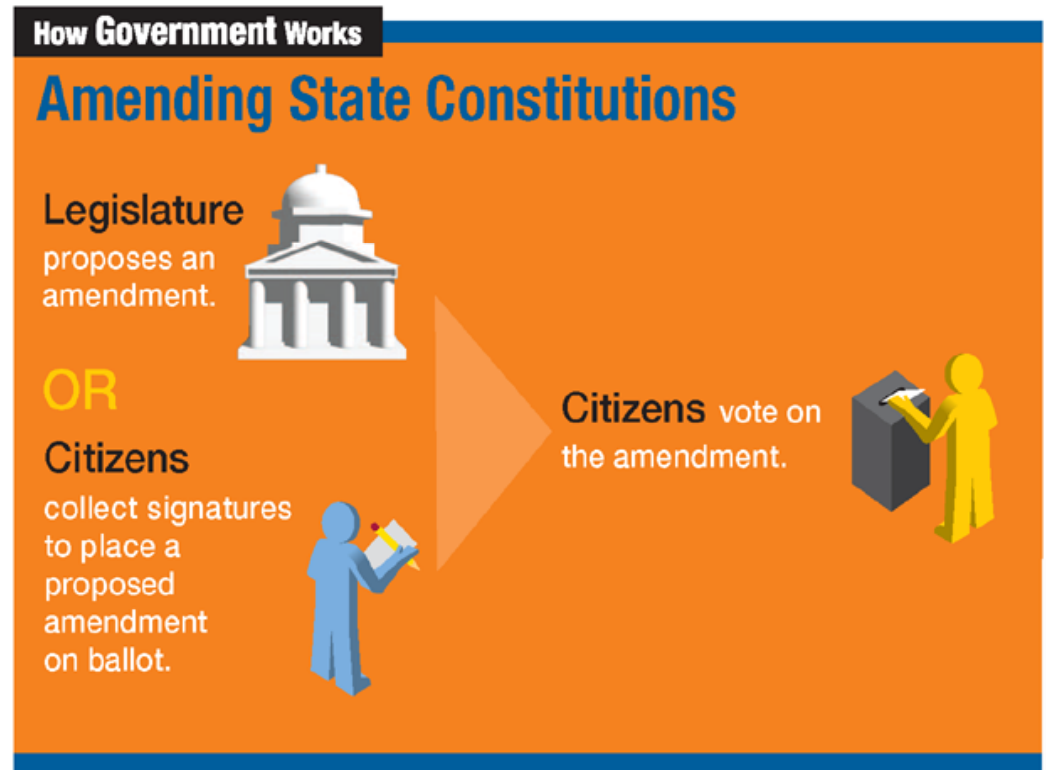
▶ Constitutional Change, cont.

- Any formal change must be proposed.
 - In most States, amendments are proposed by the legislature.
 - In 18 States, voters can propose their own amendments using the initiative.
 - State conventions are called to revise old constitutions or write new ones.

▶ Ratifying Amendments

- Proposed amendments must be ratified before becoming part of the constitution.

- In every State but Delaware, it takes a majority vote of the people to ratify a proposed amendment.



▶ Constitutional Issues

- Checkpoint: What are the two main problems of State constitutions today?
 - **Length**: State constitutions have grown very long as States have taken on new functions and added new provisions to the document.
 - **Age**: Some 35 States have constitutions more than 100 years old. They include many outdated provisions that no longer apply to modern society.

► Need for Reform

- States need to distinguish between fundamental law and statutory law.
 - Only the most basic and important principles need to be in a constitution.
 - Yet many provisions of limited significance are added to State constitutions instead of being passed as ordinary laws.
 - Interest groups favoring such laws want them in the constitution, where they are harder to change than ordinary laws.

▶ Need for Reform, cont.

- States need to revise their constitutions to cut down on length and outdated material.
 - Laws that are statutory rather than fundamental can be removed.
 - Obsolete provisions that no longer have effect can be removed.
 - Several States, such as Louisiana and Georgia, have had several constitutions, each one rewritten and revised.

▶ Review

- Now that you have learned about the defining features of State constitutions, go back and answer the Chapter Essential Question.
 - How much power should State government have?