

HOW STATE GOVERNMENT WORKS



INSTRUCTIONS

Step 1: Grab your phone.

Step 2: Open your browser and go to kahoot.it

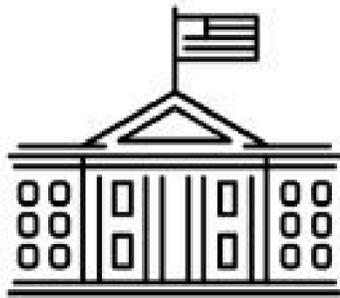
Step 3: In a minute, we're going to give you a code to join the game. Enter the 6-digit code in the field where it says "Game PIN." Or you can use your phone to scan the QR code you see on the screen.

Step 4: Enter a nickname and click "Ok, go!"



STATE GOVERNMENT

Layers of Government



Federal



State



County



City

BACKGROUND INFORMATION

State Legislatures

- Pass laws that regulate all elections within the state.

State Board of Elections

- Conduct elections according to the state statutory laws and regulations.

Election laws vary from state to state

Voters prepare to select a candidate ...



STATE VS. COMMONWEALTH

- Basically the same thing in the US
- Virginia, Massachusetts, Pennsylvania, and Kentucky use the term “commonwealth” related to their unique historical developments

- States are limited **sovereign governments** according to the 10th Amendment of the Constitution
- States have their **own unique and reserved powers**, separate from the US government
- States are **closer to their constituents** and affect their daily lives more closely

WHAT WE WILL COVER

- **Structure of state governments**
- **Power of state governments**
- **Limits to the power of state governments**

STATE GOVERNMENT OVERVIEW

Structure

- Three branches with checks and balances

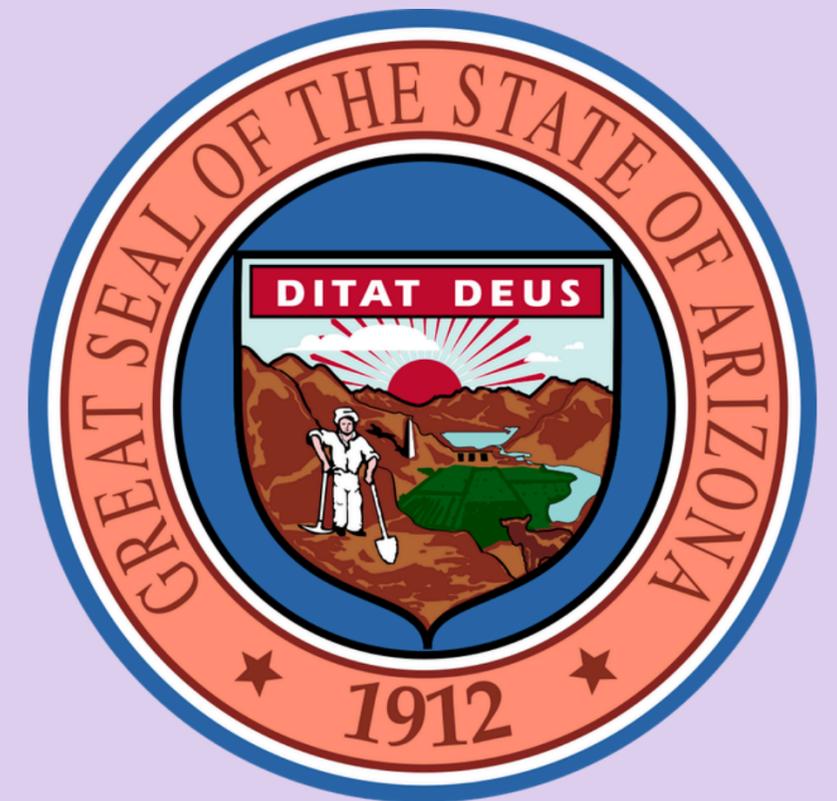
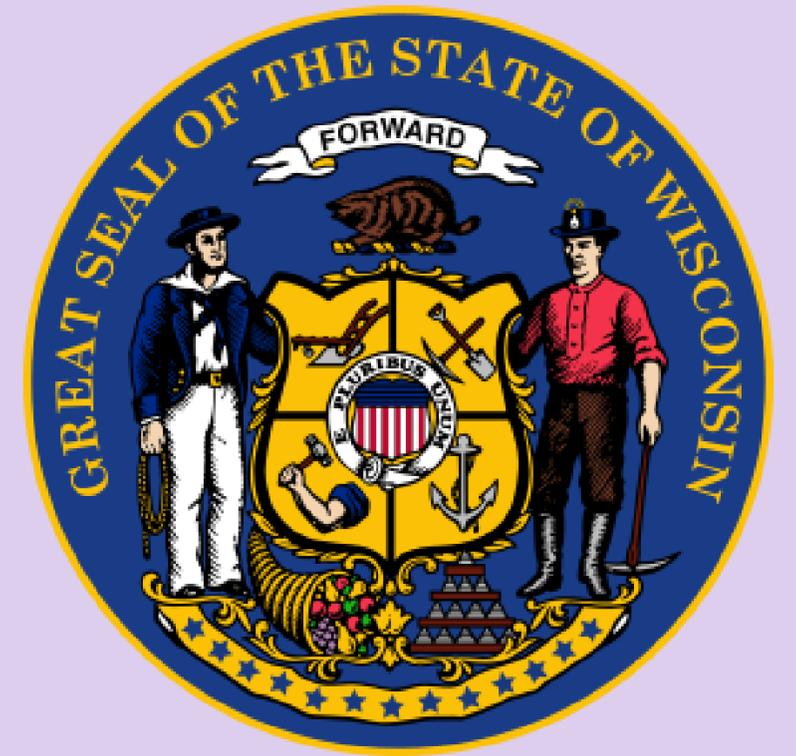
Powers

- Reserved powers
- Article IV “full faith and credit”
- 10th Amendment powers reserved to the states/people

Limits to State Power

- Federalism, intergovernmental revenues, public opinion, and 14th Amendment

STATE GOVERNMENTS



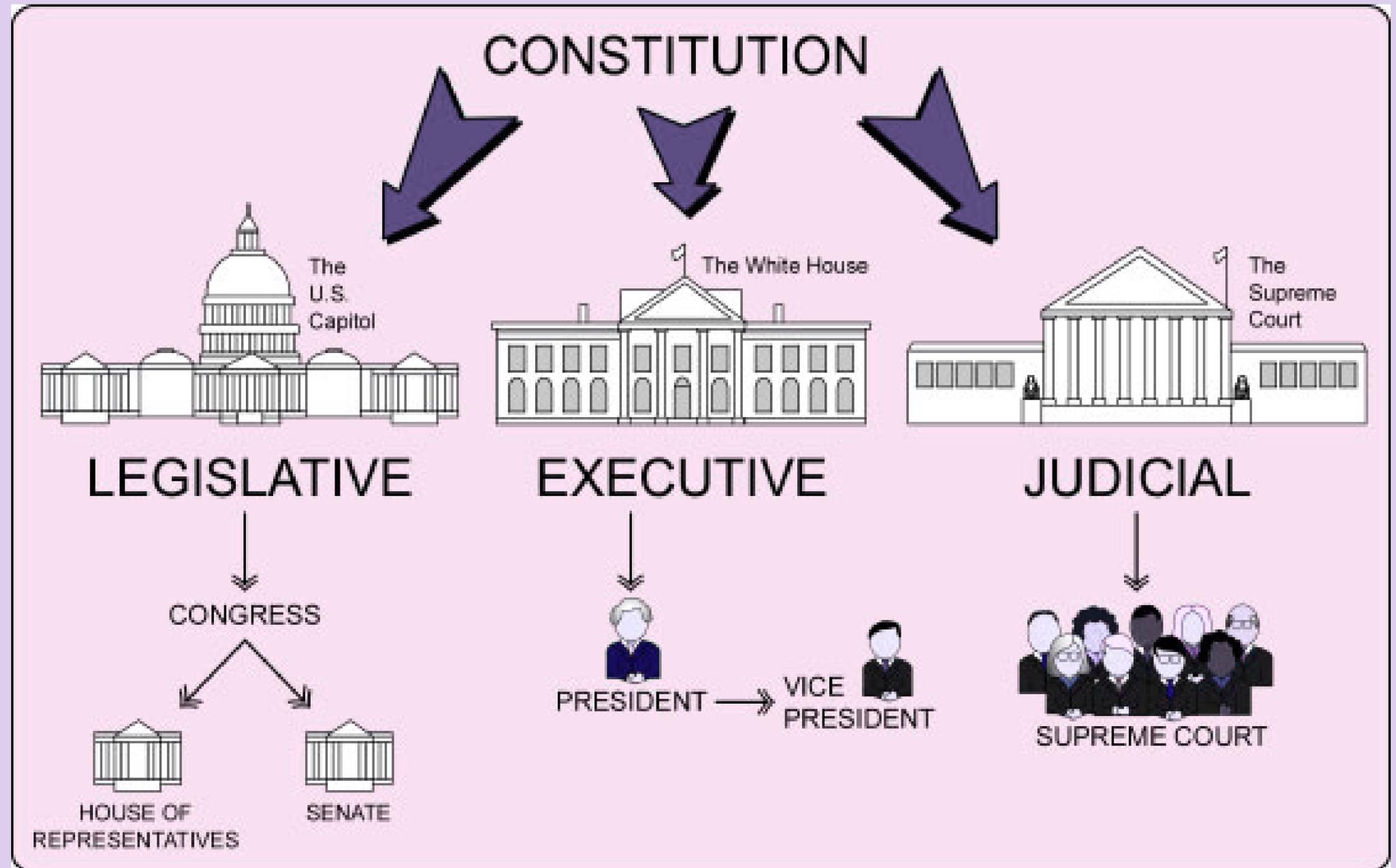
STATE GOVERNMENT STRUCTURES

NOTICE THE SIMILARITIES
TO THE STRUCTURE OF
THE FEDERAL
GOVERNMENT



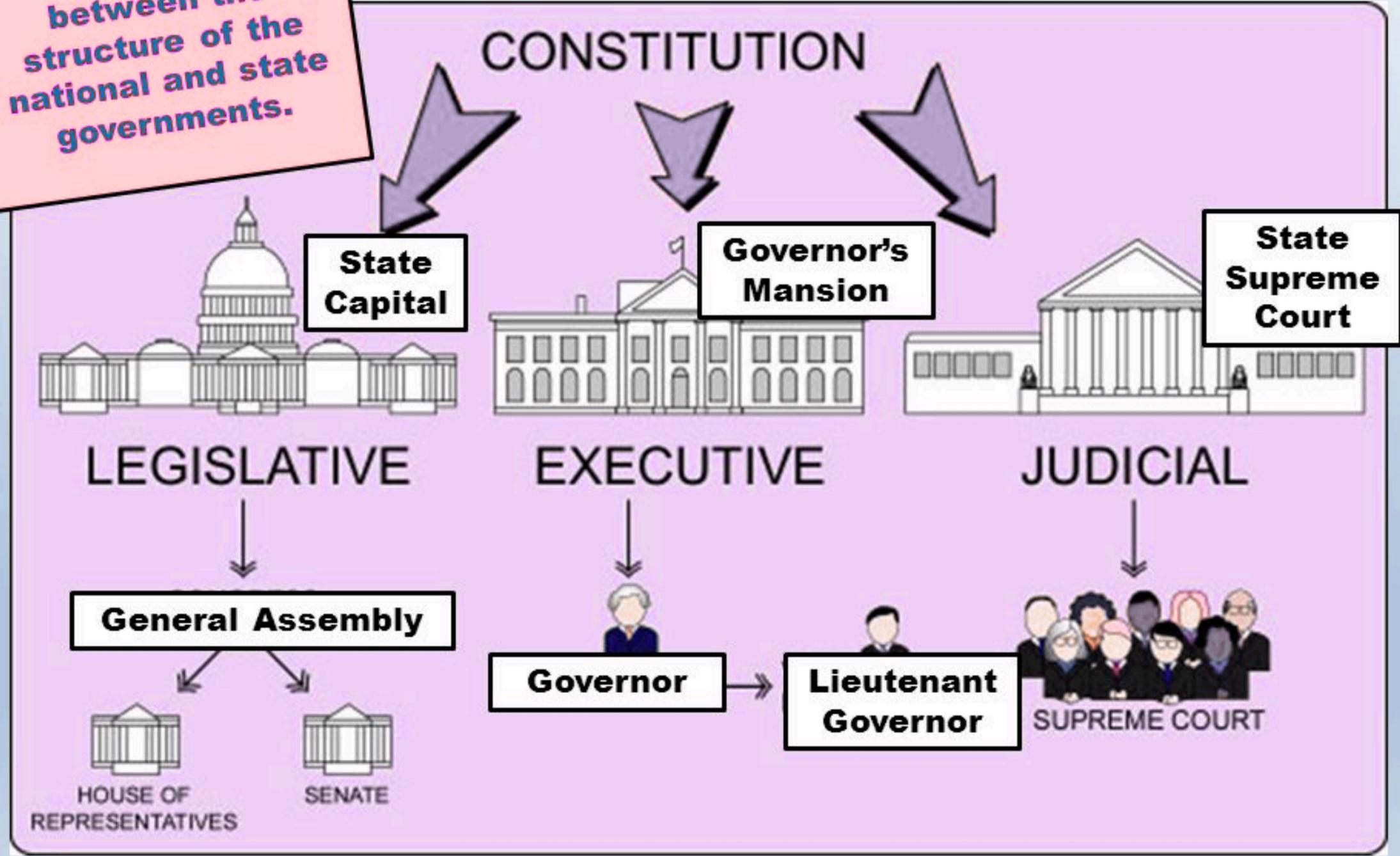
US GOVERNMENT REVIEW

- 3 BRANCHES OF GOVERNMENT
- SEPARATION OF POWERS WITH CHECKS AND BALANCES

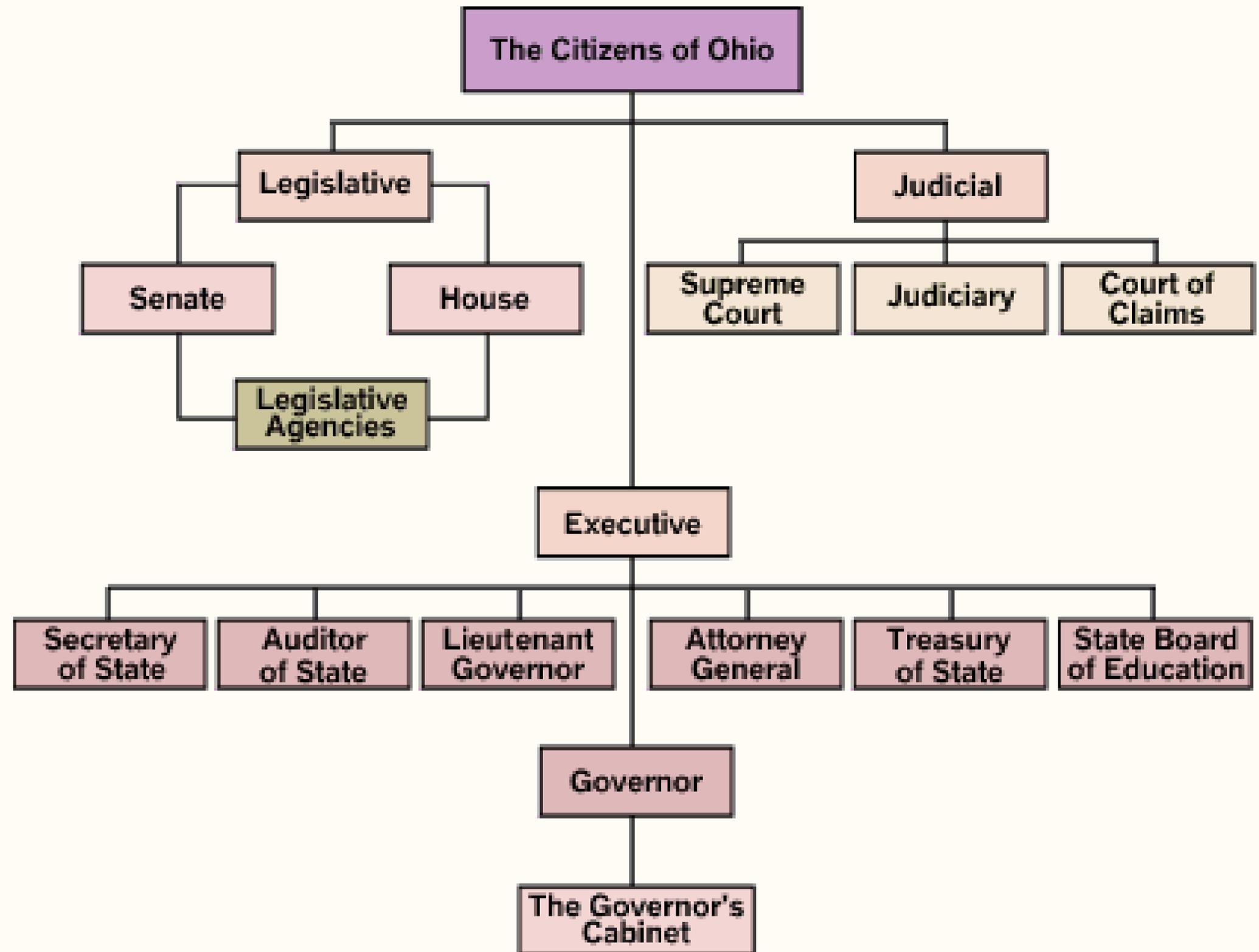


Structure of Georgia Government

Notice the similarities between the structure of the national and state governments.



State of Ohio Organizational Chart



OH

STATE LEGISLATURES

LEGISLATIVE BRANCH

- **Elected to office for two or four year terms**
- **All states are bicameral (2 houses) and partisan**
 - Exception is Nebraska which is unicameral and non partisan

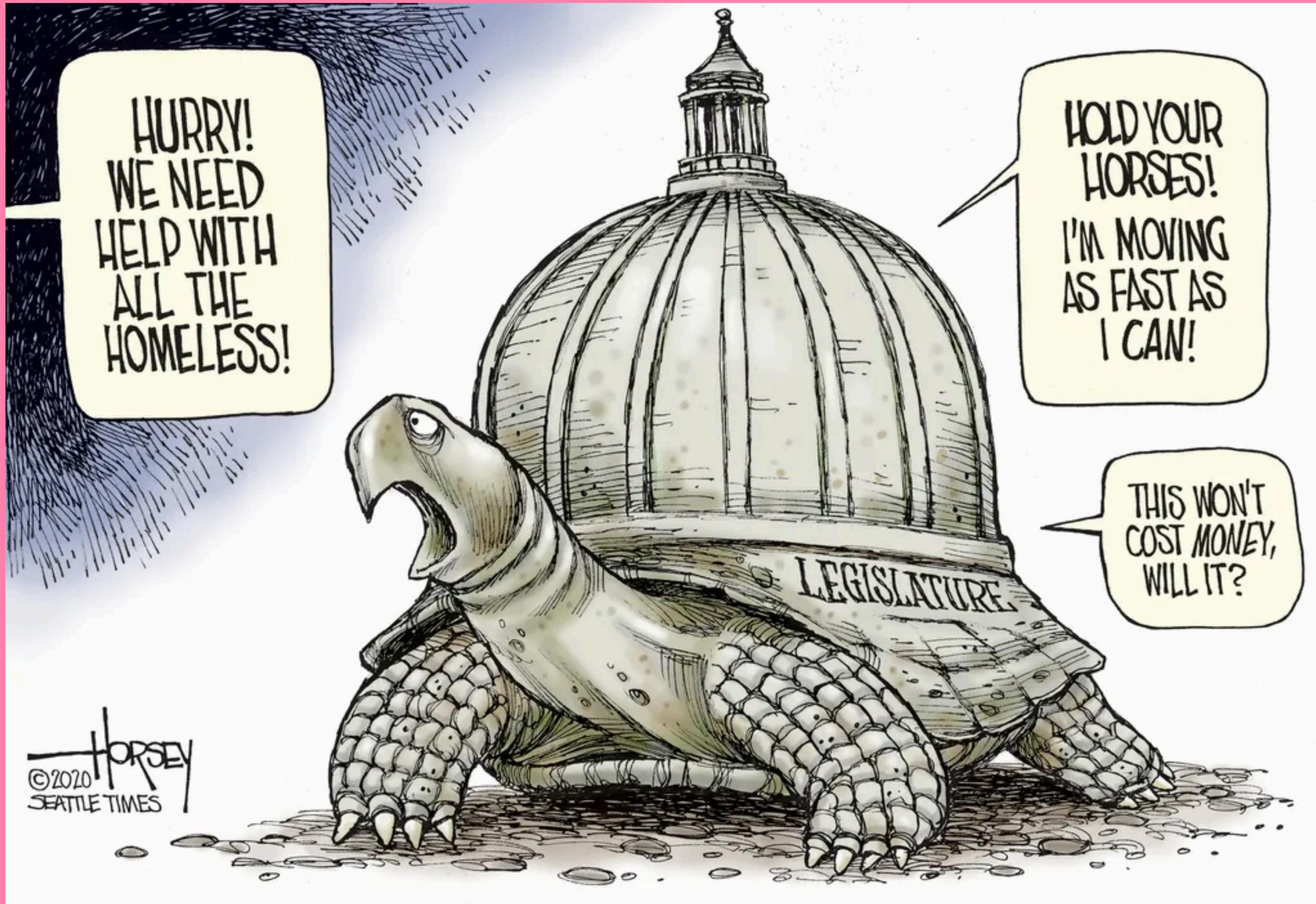
HURRY!
WE NEED
HELP WITH
ALL THE
HOMELESS!

HOLD YOUR
HORSES!
I'M MOVING
AS FAST AS
I CAN!

THIS WON'T
COST MONEY,
WILL IT?

LEGISLATURE

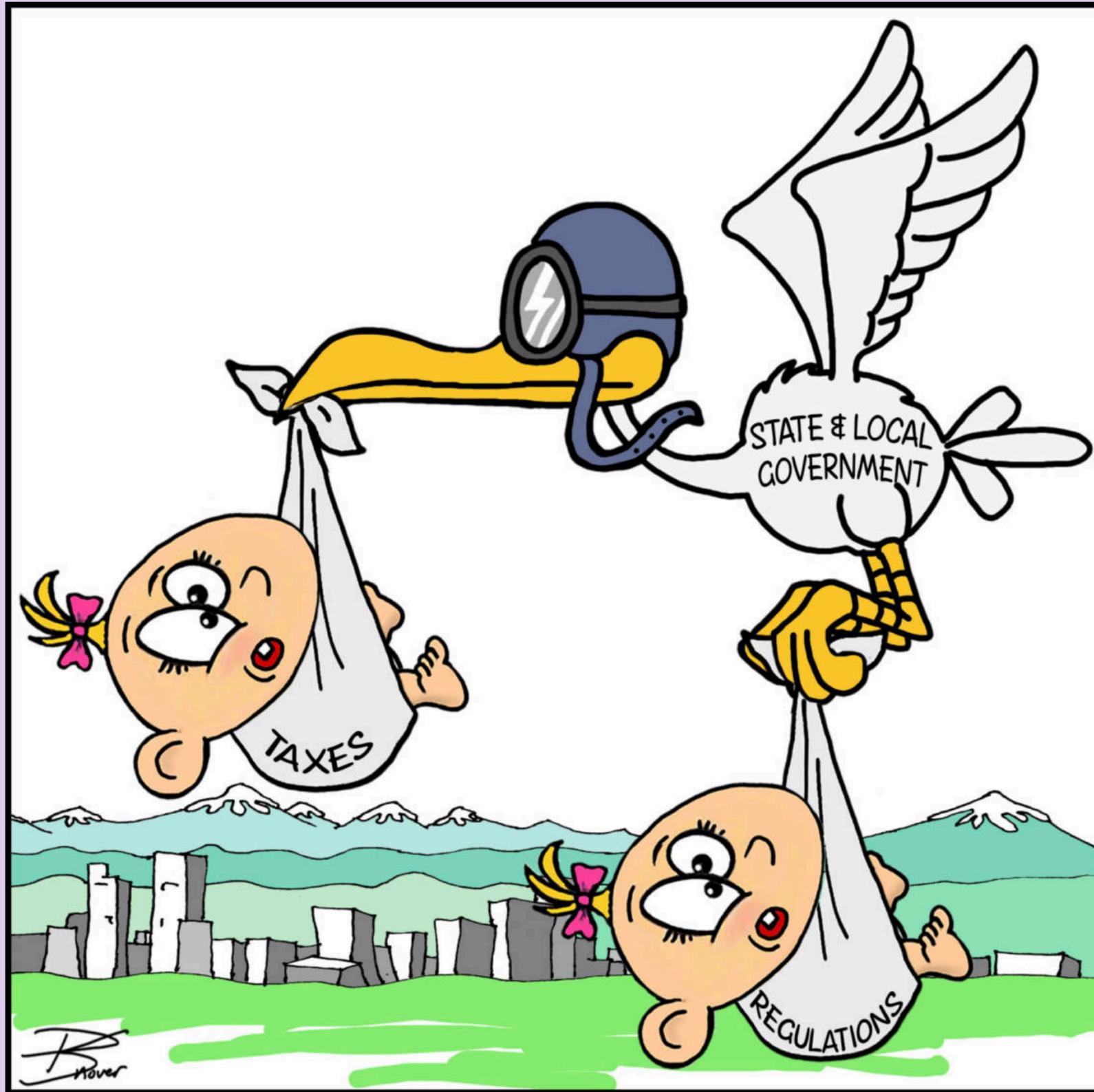
HORSEY
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SEATTLE TIMES



BASIC LEGISLATIVE POWERS

- Pass state **statutory laws**
- Final power/decision on the state **budget**
- Levy **state revenue** such as state income taxes*, sales taxes*, property taxes*, fees, and fines

**VARIES BY STATE*



A non-returnable special delivery coming to your life...soon.

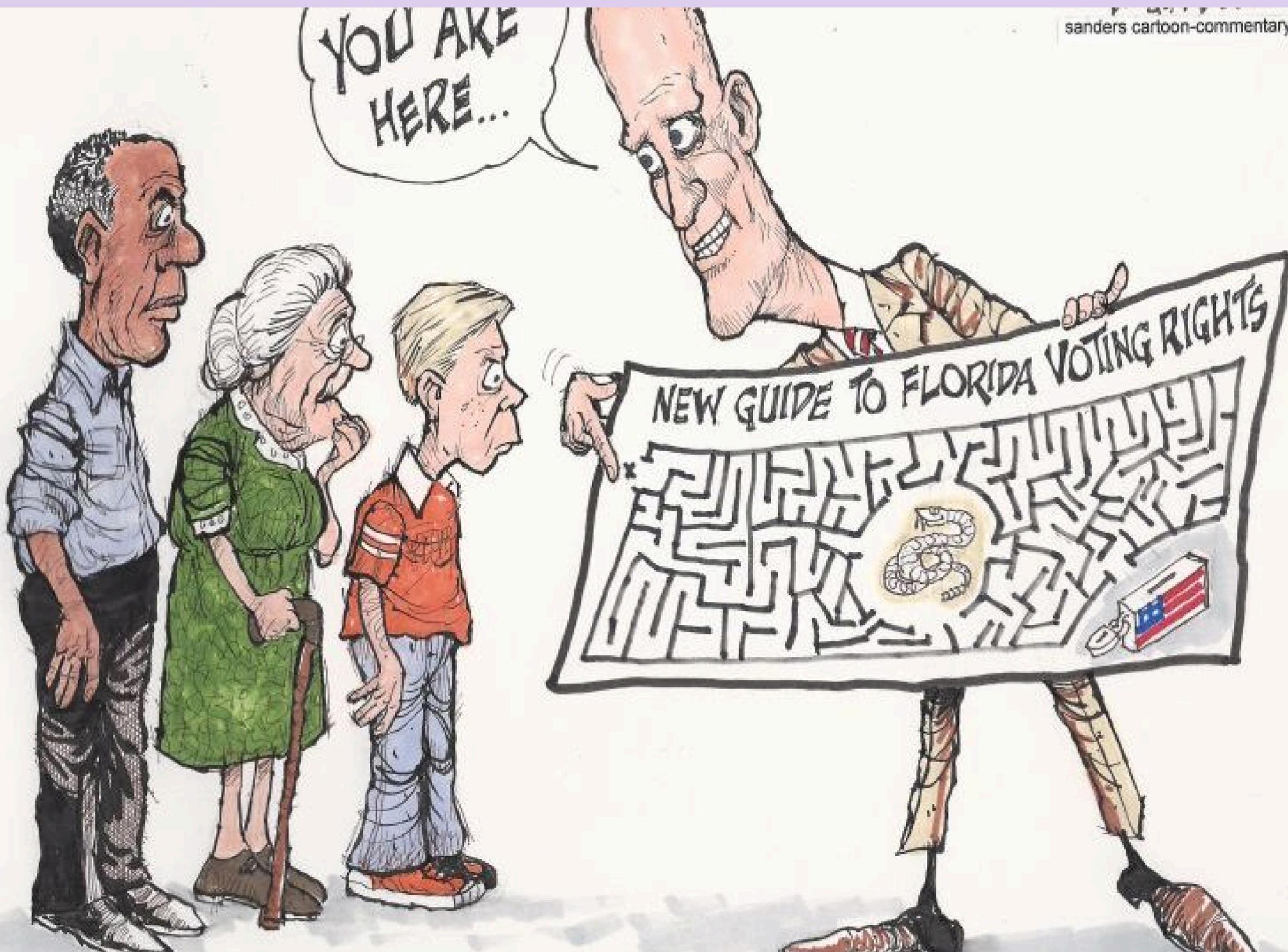
BASIC LEGISLATIVE POWERS

- The **majority party** has the **legislative power** and controls leadership positions
- 46 state legislatures **meet every year**
- Montana, Nevada, North Dakota, and Texas **meet every two years**

BASIC LEGISLATIVE POWERS

CONTROLS VOTING LAWS

- **Early Voting**
- **Absentee Ballot / Vote by Mail / Mail In Ballots**
- **Voter ID**
- **Precinct locations**
- **Distribution of equipment to precincts**



JOHNCOLE
PENKAP TAL-STAR. WM
CALECARIONS. WM



BASIC LEGISLATIVE POWERS

- **Redistricting/reapportionment** as outlined in the US Constitution under Article I, Section 2
- **Opportunity for gerrymandering**
 - US Congressional districts are redrawn **every 10 years** after the US census and all state legislative and judicial districts are also redrawn

A GOVERNOR HAS TO WEAR MANY HATS...

JEFF LANDRY



VADT HANDELSMAN
THE TIMES-PICAYUNE
THE ADVOCATE
© 2024

I PREFER THIS ONE.



STATE EXECUTIVE: GOVERNOR

Elected to Office

- Most serve **4 year terms** with term limits (NH and VT = 2 yr terms)
- **Term limits** - 13 states have no term limits, some states have 2 term limits, & some states have consecutive term limits

BASIC EXECUTIVE POWERS OF THE GOVERNOR

- **COMMANDER IN CHIEF INCLUDING THE NATIONAL GUARD**
- **CLEMENCY INCLUDING PARDONS OR COMMUTATIONS FOR STATE CRIMES**
- **EXECUTIVE ORDERS FOR STATE ISSUES**

BASIC EXECUTIVE POWERS OF THE GOVERNOR

- **COLLECT STATE REVENUE SUCH AS TAXES, FEES, AND FINES**
- **ENFORCE THE STATE LAWS**
- **STATE OF THE STATE YEARLY PUBLIC SPEECH**
- **DISASTER RESPONSE AND EMERGENCY POWERS**

STATE EXECUTIVE: GOVERNOR

LIMITS TO POWER

- All states except Oregon have an impeachment process
- Term limits for 36 state Governors

STATE EXECUTIVE: GOVERNOR

LIMITS TO GOVERNOR'S POWER

- Legislative Branch **finalizes the budget**
- Legislative Branch may **override vetoes**
- Judicial Branch **decisions** can limit the Governor's power

STATE EXECUTIVE DEPARTMENTS

THE CABINET

- **USUALLY APPOINTED BY THE GOVERNOR**
- **FORTY-FOUR STATES AND ALL COMMONWEALTHS HAVE CABINETS AND/OR SUB-CABINETS AS ADVISERS TO THE GOVERNOR**

STATE EXECUTIVE DEPARTMENTS

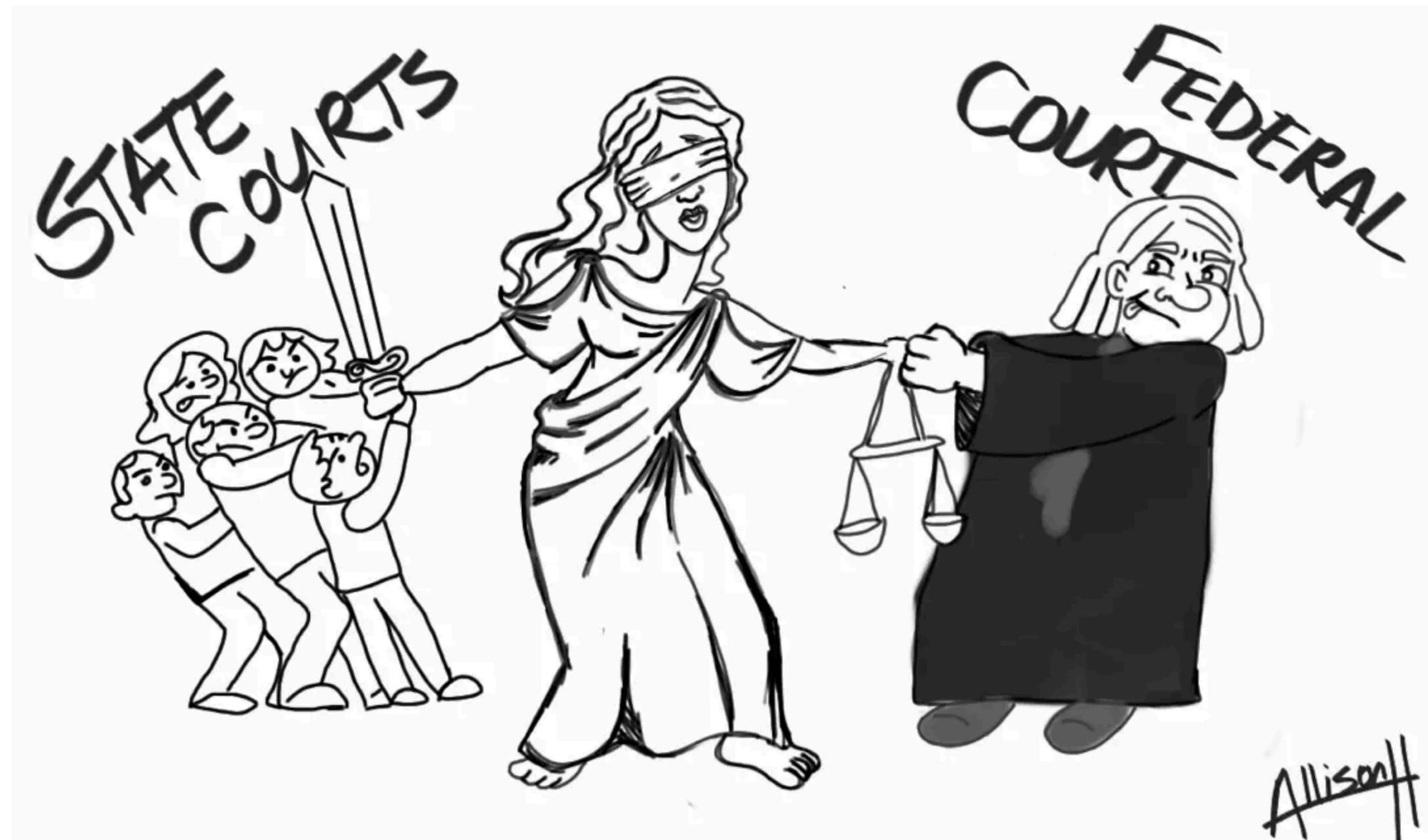
EXECUTIVE DEPARTMENTS

- **THE SECRETARY OF STATE, ATTORNEY GENERAL, AND SECRETARY OF TREASURY ARE ELECTED IN THE MAJORITY OF THE STATES**
- **HEAD OF EDUCATION IS ELECTED OR APPOINTED BY A BOARD/AGENCY IN EACH OF THE 50 STATES**

**STATE ATTORNEYS GENERAL HAVE FILED
LAWSUITS AGAINST RECENT FEDERAL
EXECUTIVE ORDERS ADDRESSING:**

- BIRTHRIGHT CITIZENSHIP
- IMMIGRATION ENFORCEMENT
- FEDERAL FUNDING FREEZES
- FEDERAL STAFFING CUTS
- GENDER AFFIRMING CARE
- DEI
- CUTS TO HEALTH & EDUCATION FUNDING
- ILLEGAL TARIFFS
- PLANNED PARENTHOOD
- MEDICAID CUTS
- TRANSFER OF PERSONAL INFO (USDA/SNAP TO FOOD AND NUTRITION SERVICES)

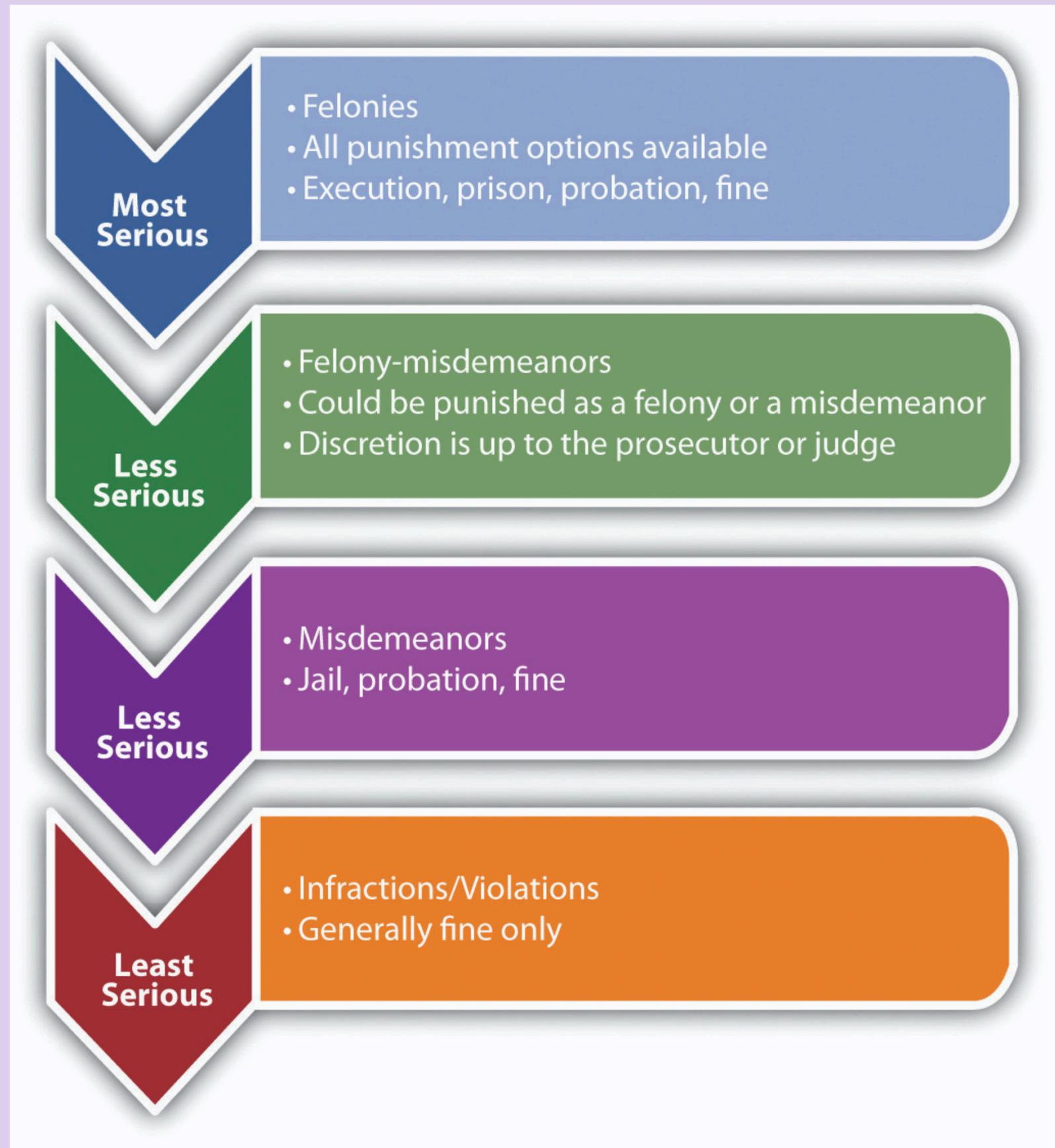
STATE JUDICIAL BRANCH



BASIC JUDICIAL POWERS:

- **Interpret** state laws and the state constitution
- Hold state criminal and civil **trials**

CRIME
CLASSIFICATIONS
TEND TO BE
CONSISTENT
FROM STATE TO
STATE



Selection of Judges

The Federal Court System	The State Court System
<p>The Constitution states that federal judges are to be nominated by the President and confirmed by the Senate.</p> <p>They hold office during good behavior, typically, for life.</p> <p>Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior.</p>	<p>State court judges are selected in a variety of ways, including</p> <ul style="list-style-type: none">• election,• appointment for a given number of years,• appointment for life, and• combinations of these methods, e.g., appointment followed by election.



STATE JUDICIAL BRANCH

CAN BE APPOINTED, ELECTED, OR COMBINATION

TYPES OF COURTS (VARIES BY STATE)

- TRIAL COURTS FOR LAWSUITS & CRIMINAL PROSECUTIONS
- MAGISTRATE COURTS (ISSUE WARRANTS, SET BAIL, SMALL CLAIMS, ETC)
- JUVENILE COURTS
- FAMILY COURTS
- TRAFFIC COURTS
- APPELLATE COURTS
- STATE SUPREME COURT

Court Structure

The Federal Court System	The State Court System
<p>Article III of the Constitution invests the judicial power of the United States in the federal court system. Article III, Section 1 specifically creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.</p>	<p>The Constitution and laws of each state establish the state courts. A court of last resort, often known as a Supreme Court, is usually the highest court. Some states also have an intermediate Court of Appeals. Below these appeals courts are the state trial courts. Some are referred to as Circuit or District Courts.</p>
<p>Congress has used the authority granted in Article III to create 13 U.S. Courts of Appeals, 94 U.S. District Courts, the U.S. Court of International Trade, U.S. Bankruptcy Courts, and U.S. Magistrate Judges. U.S. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters.</p>	<p>States also usually have courts that handle specific legal matters, e.g., probate court (wills and estates); juvenile court; family court; etc.</p>

Courts of Last Resort

State Supreme Courts

Number of Judges

9 JUDGES



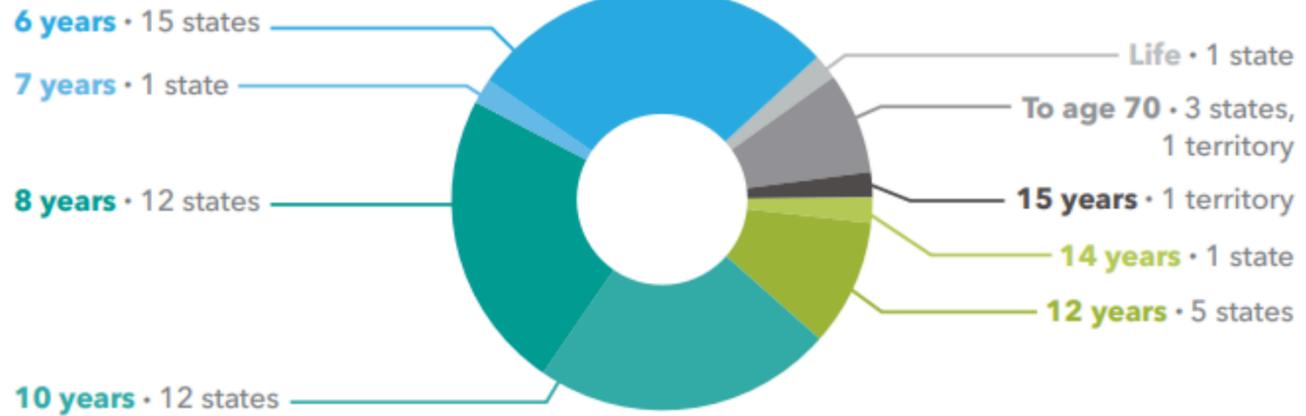
7 JUDGES



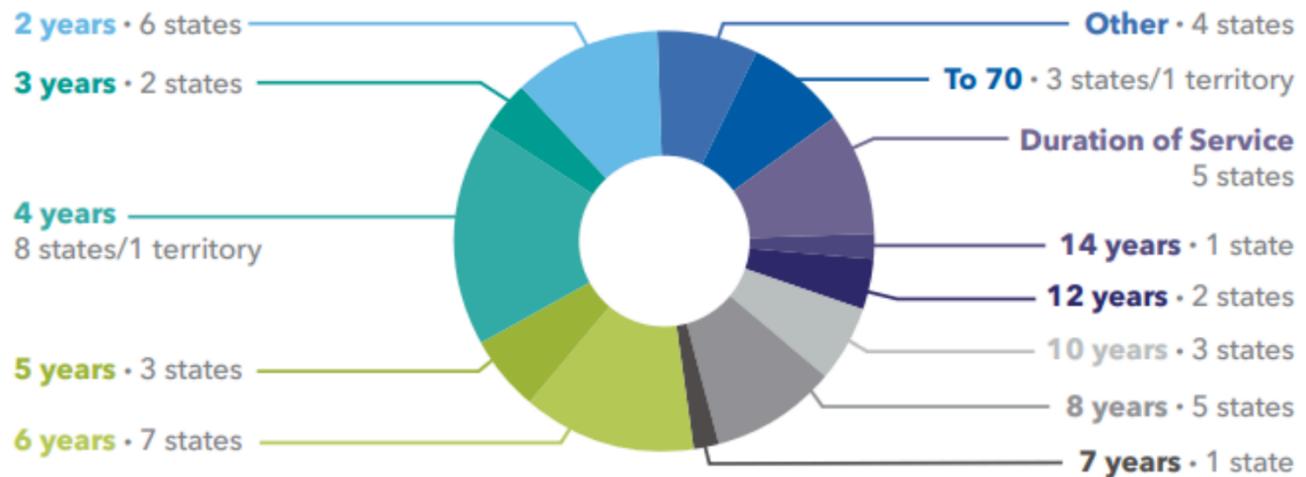
5 JUDGES



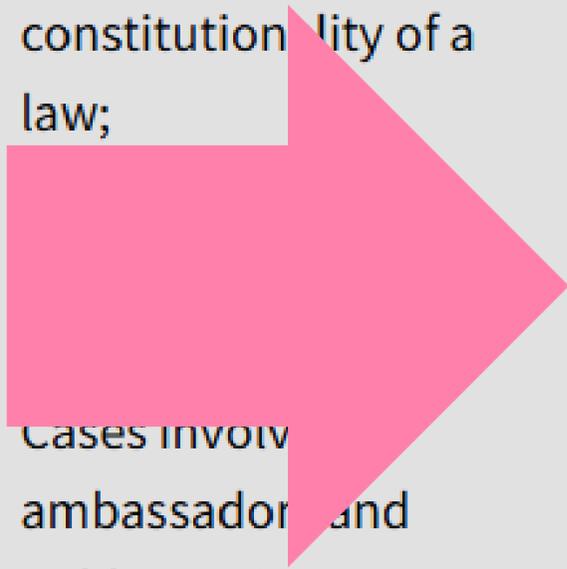
Term of Office for Judges



Term of Office for Chief Justices



Types of Cases Heard

The Federal Court System	The State Court System
<ul style="list-style-type: none">• Cases that deal with the constitutionality of a law;• • Cases involving ambassadors and public ministers;• Disputes between two or more states;• Admiralty law;• Bankruptcy; and• Habeas corpus issues.	<ul style="list-style-type: none">• Most criminal cases, probate (involving wills and estates)• Most contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc. <p>State courts are the final arbiters of state laws and constitutions. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.</p>

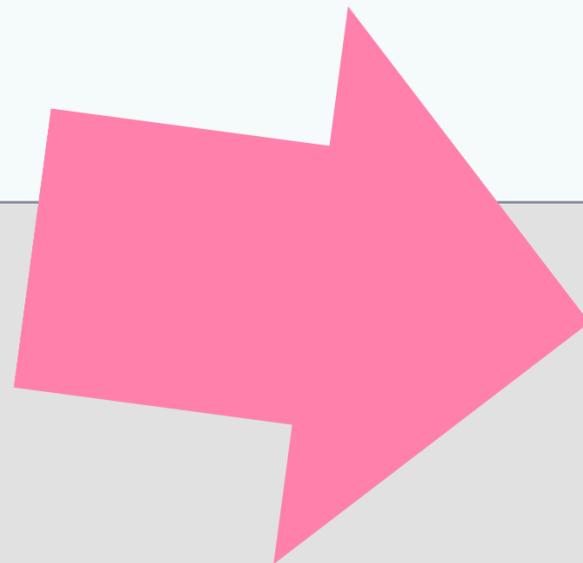
Parties dissatisfied with a decision of a U.S. District Court, the U.S. Court of Claims, and/or the U.S. Court of International Trade may appeal to a U.S. Court of Appeals.

Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals.

A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.

Parties have the option to ask the highest state court to hear the case.

Only certain cases are eligible for review by the U.S. Supreme Court.



NORMAN ROCKWELL “FREEDOM OF SPEECH”





POWERS OF STATE GOVERNMENT

- **CONCURRENT POWERS (US + STATE)**
- **RESERVED POWERS (“STATE ONLY” = STATE SOVEREIGNTY)**
- **ARTICLE IV OF THE US CONSTITUTION**
- **10TH AMENDMENT**

SUMMARY OF STATE GOVERNMENT STRUCTURES

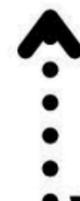
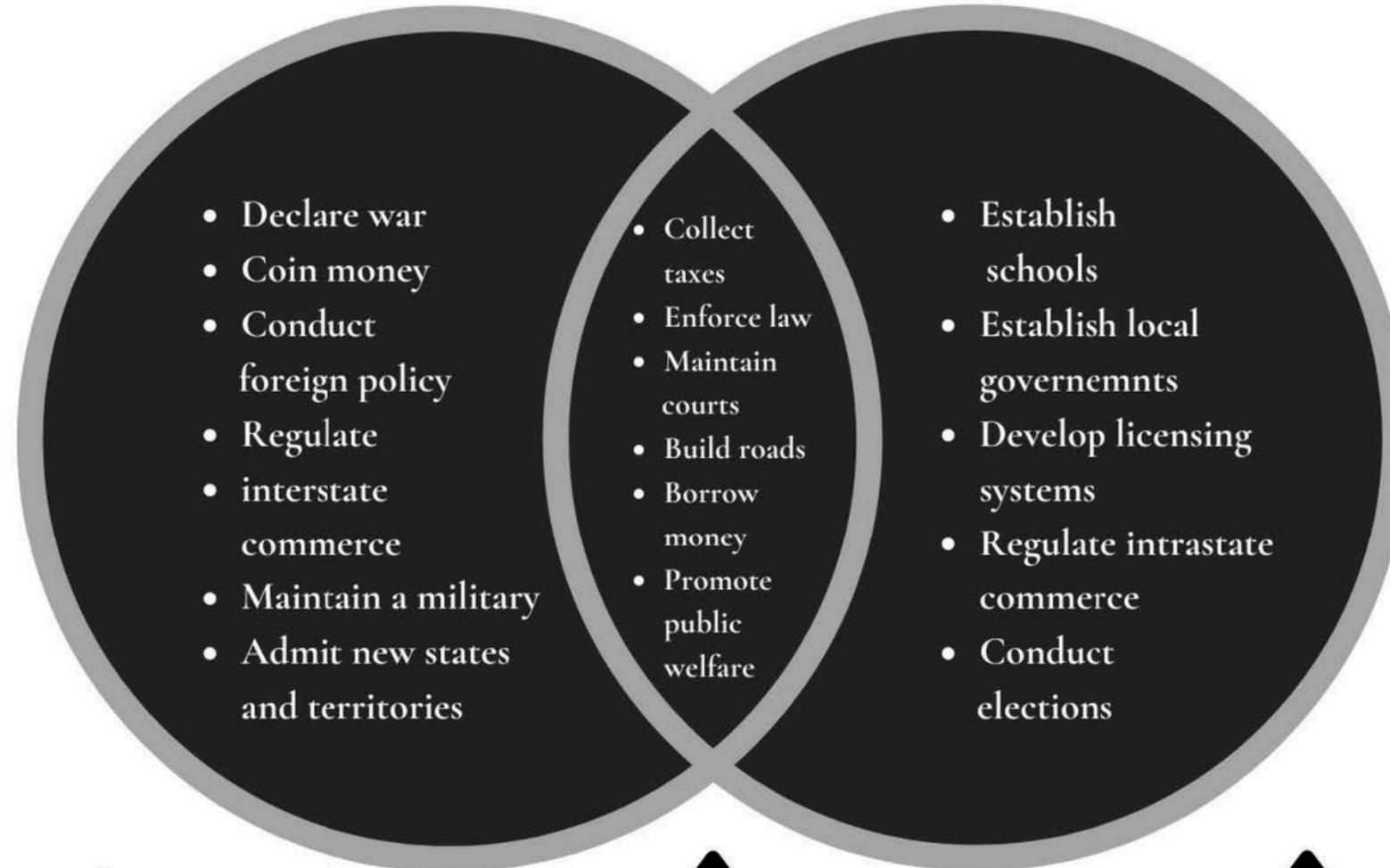
- **CONCURRENT POWERS:** THE POWERS OF THE STATES OVERLAP WITH THE POWERS OF THE US GOVERNMENT SUCH AS COURTS AND TAXATION
- **RESERVED POWERS:** RESERVED TO THE STATES SUCH AS EDUCATION, STATE ROADS AND PARKS, LICENSING, ELECTIONS

A Federal System

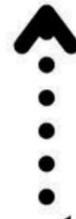
Federal Government

Both

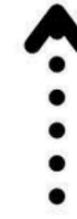
State Government



Delegated Powers



Concurrent Powers



Reserved Powers



Federal Government

- Makes laws that apply to all states
- Makes money
- Manages economy
- Declares war
- Manages trade relationships and interstate commerce
- Levies taxes
- Enforces laws



State Governments

- Manages public health and safety within the state
- Levies taxes
- Makes state laws
- Enforces laws

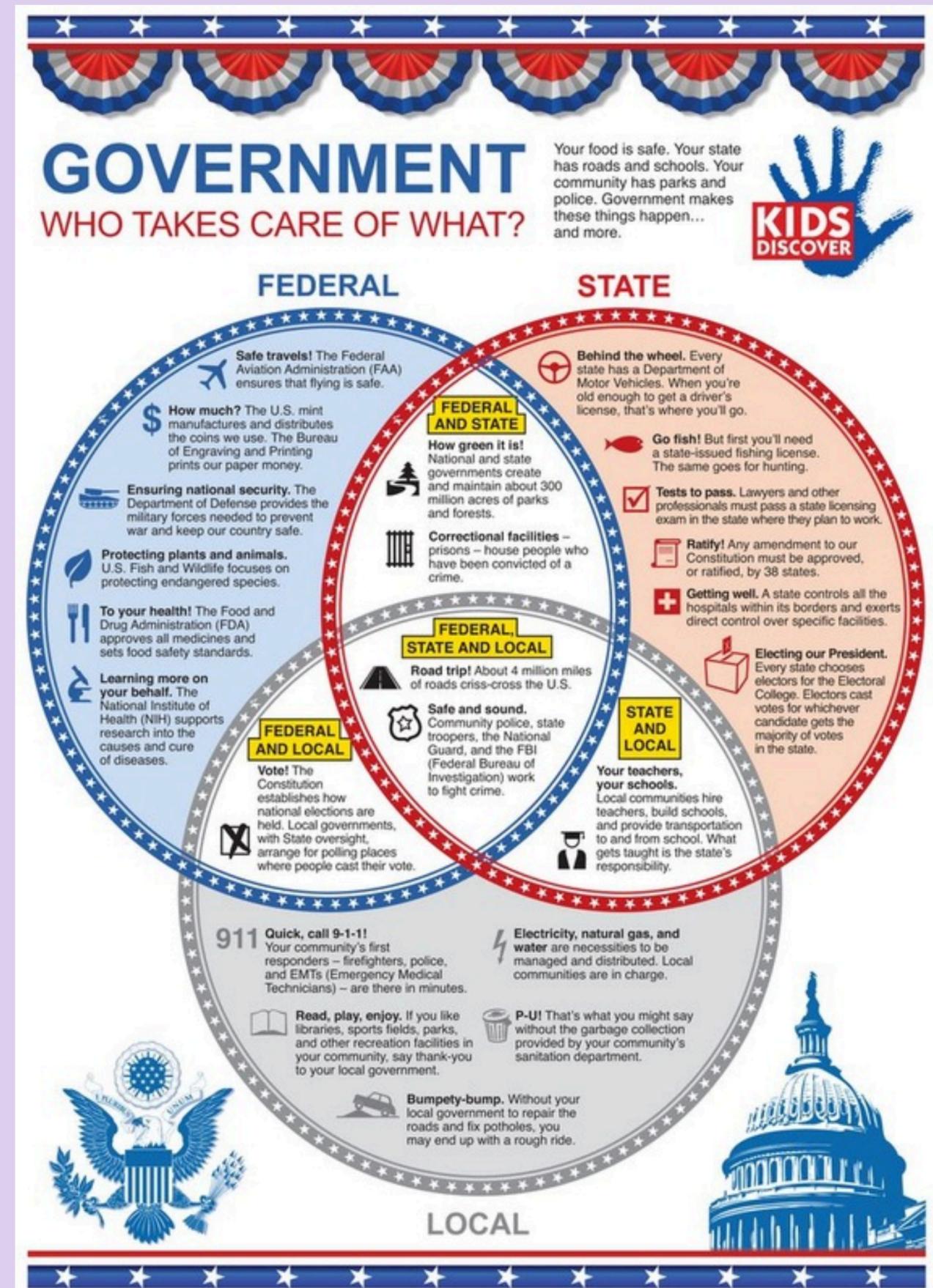
FEDERAL, STATE, AND LOCAL GOVERNMENTS

OVERLAPPING

RESPONSIBILITIES, POWERS,
JURISDICTIONS

SEPARATE

RESPONSIBILITIES, POWERS,
JURISDICTIONS



POWERS FOR STATE GOVERNMENTS

ARTICLE IV OF THE US CONSTITUTION

Full Faith and Credit shall be given in each State to the public **Acts, Records,** and judicial Proceedings of every other State. And the **Congress** may by general Laws **prescribe** the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

POWERS FOR STATE GOVERNMENTS

ARTICLE IV OF THE US CONSTITUTION

In recent years, *the most controversial applications* of the Full Faith and Credit Clause have involved **family law**. ... (US Supreme Court decision, *Obergefell v. Hodges* (2015)) ... **divorces** ... usually do receive nationwide affect ... **Congress** has **rarely** used its power under the Clause, but it has passed statutes clarifying which courts may issue orders on **child custody**—and child support—when a family is spread across multiple states

**OBERGEFELL
V. HODGES
DECISION
DAY IN
2015**



POWERS FOR STATE GOVERNMENTS

10TH AMENDMENT

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are **reserved to the States** respectively, or to the people

STATES WITHOUT VOTER ID LAWS

- Voters must present at least one form of ID to **register to vote**
- **First time voters** will most likely need to present an ID
- Regulations **vary by state**

LIMITS ON THE POWERS OF STATE GOVERNMENT

- State Constitutions
- Fourteenth Amendment
- Federalism - US Constitution Article 1 Section 10
- Intergovernmental revenues
- Public opinion
- Voters

LIMITS ON THE POWERS OF STATE GOVERNMENTS

14TH AMENDMENT

All **persons born or naturalized** in the United States, and subject to the jurisdiction thereof, are **citizens** of the **United States** and of the **State** wherein they reside

LIMITS ON THE POWERS OF STATE GOVERNMENTS

14TH AMENDMENT

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws**

LIMITS ON THE POWERS OF STATE GOVERNMENTS

14TH AMENDMENT & DUE PROCESS

... the **rights protected** under the Fourteenth Amendment can be understood in three categories:

- (1) “**procedural** due process;”
- (2) certain individual rights listed in the **Bill of Rights** ... and
- (3) “**substantive** due process”

LIMITS ON THE POWERS OF STATE GOVERNMENTS

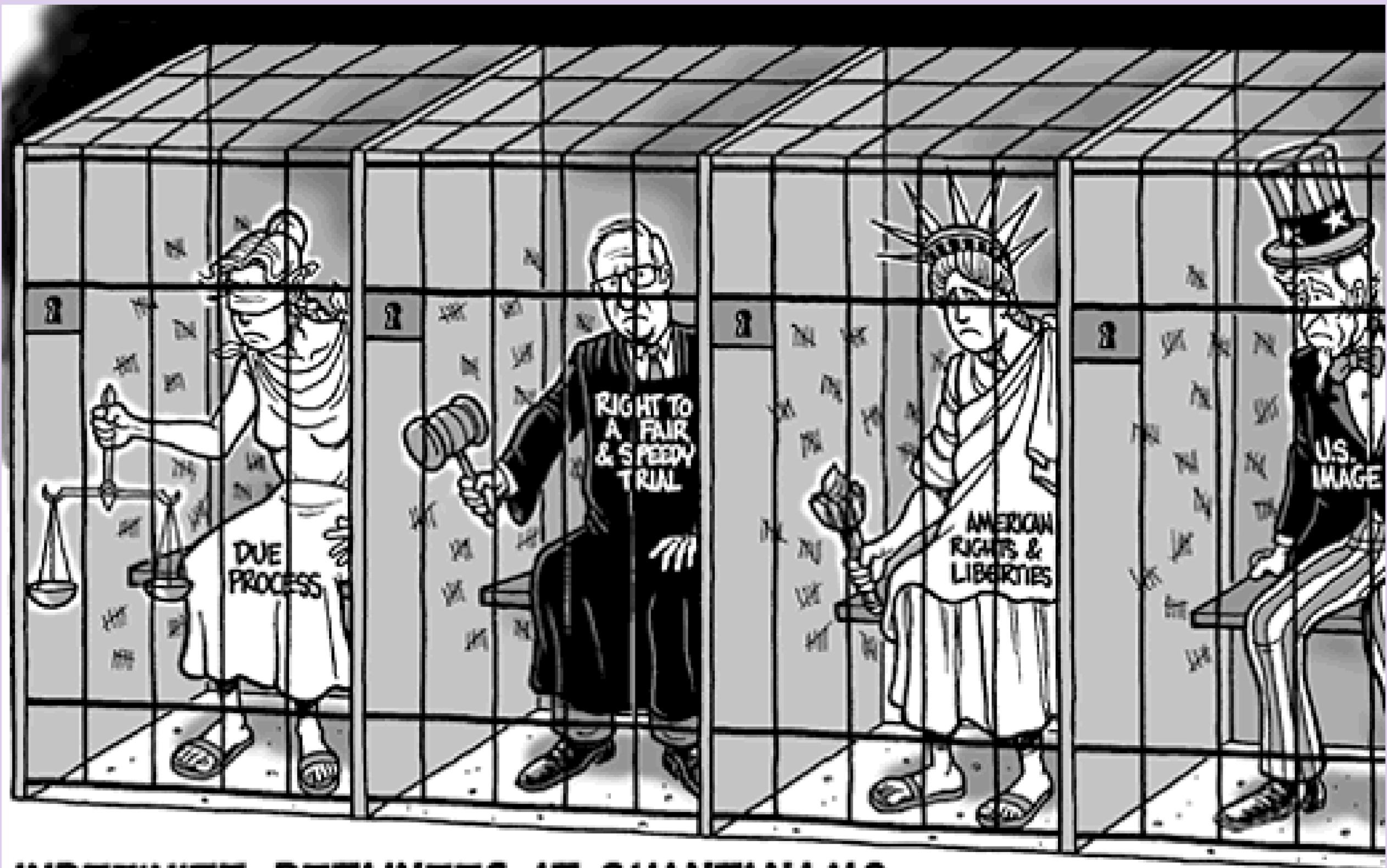
14TH AMENDMENT & PROCEDURAL DUE PROCESS

The Court has determined that **due process** requires, at a minimum:

- (1) **notice**;
- (2) an opportunity to **be heard**; and
- (3) an **impartial tribunal**. *Mullane v. Central Hanover Bank* (1950)

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CAREERS@NCHENSURE.COM





INDEFINITE DETAINEES AT GUANTANAMO

LIMITS ON THE POWERS OF STATE GOVERNMENTS

14TH AMENDMENT & DUE PROCESS

States must guarantee certain individual rights listed in the **US Bill of Rights**

- Freedom of religion, assembly, press, petition, speech, bear arms, due process, a public jury trial, and a civil trial
- Freedom from cruel and unusual punishment, search and seizure, double jeopardy, and self incrimination

The First Amendment...



LIMITS ON THE POWERS OF STATE GOVERNMENTS

14TH AMENDMENT & SUBSTANTIVE DUE PROCESS

Substantive due process is the most controversial and most unclear

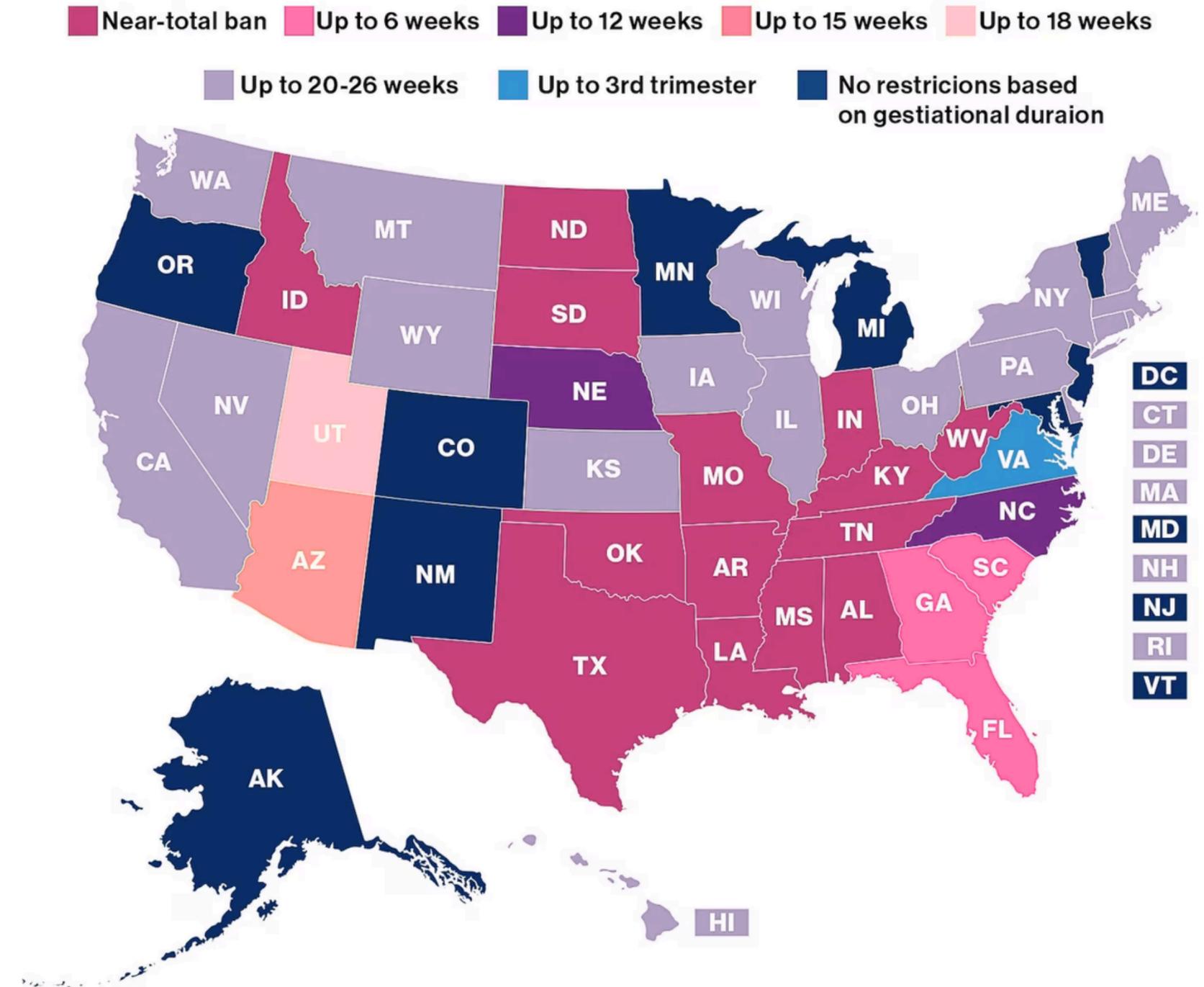
- Example: “**the right to privacy**” which protects contraception, marriage, abortion

ABORTION ACCESS

THE RIGHT TO AN ABORTION AND HEALTH CARE ASSOCIATED WITH ABORTION IS NOW CONSIDERED A POWER RESERVED TO THE STATES, A RESERVED POWER.

Abortion Access in the United States Post-Dobbs Decision

AS OF JUNE 21, 2024



SOURCE: STATE LAWS, GUTTMACHER INSTITUTE

abc NEWS

LIMITS ON THE POWERS OF STATE GOVERNMENTS

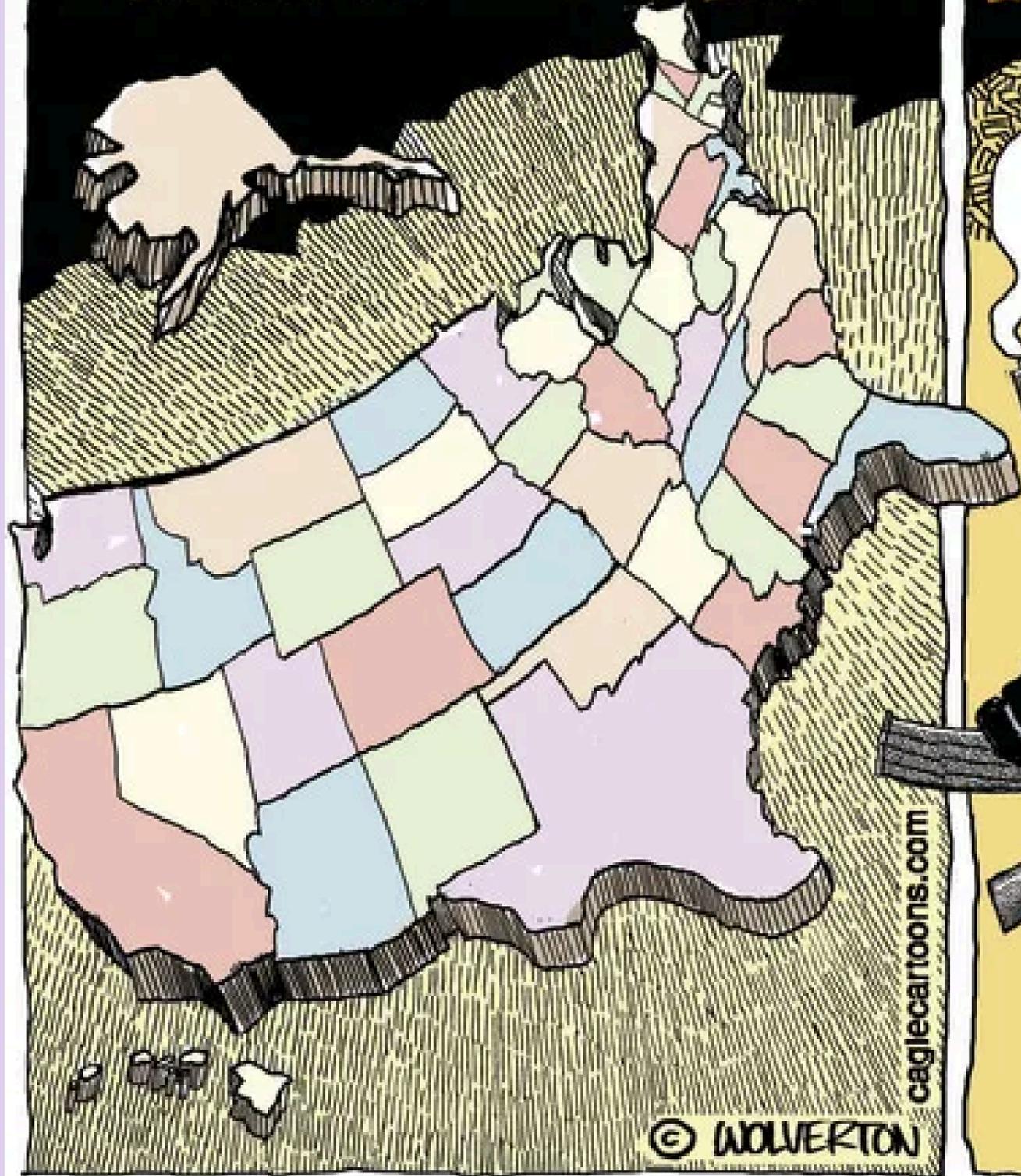
14TH AMENDMENT & EQUAL PROTECTION

Can't be denied equal protection under the law due to:

- **Race**
- **Gender**
- **National origin**
- **Immigration status**
- **Wedlock status at birth of a child (for legal implications of inheritance, support and citizenship)**

Age and poverty are not included in protections

GOP BACK IN THE DAY...
STATES' RIGHTS



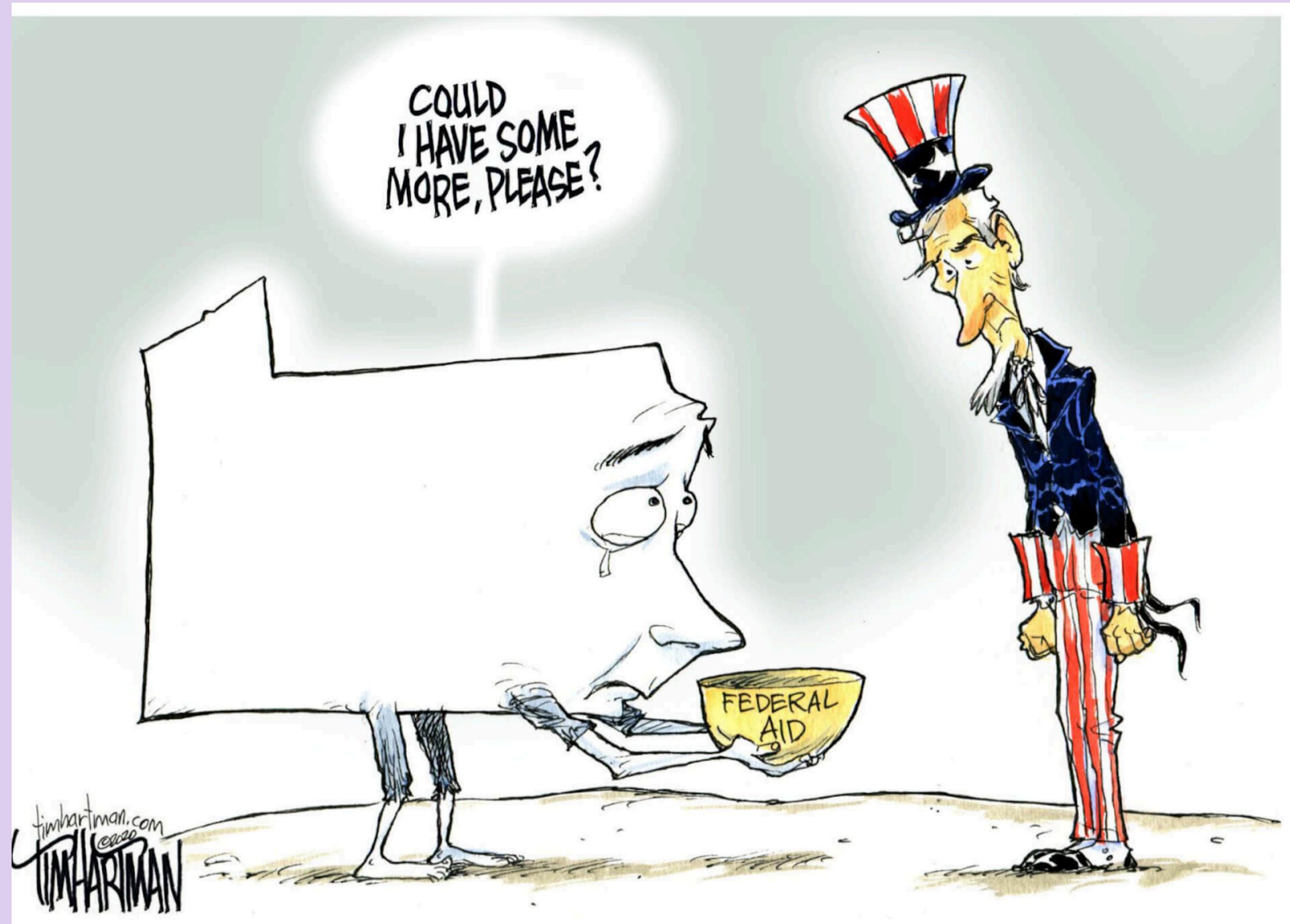
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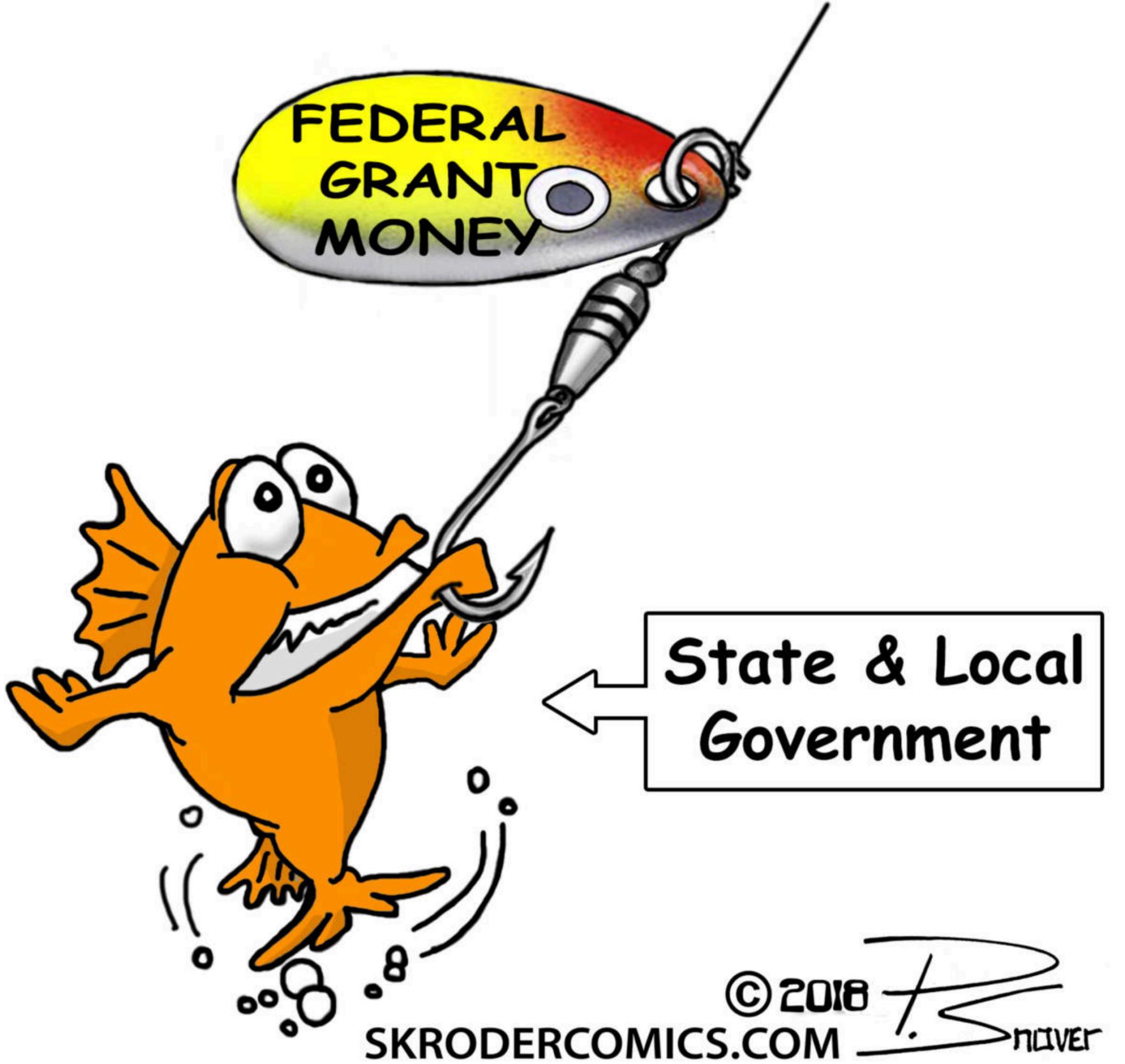
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GOP NOW...
FEDERAL CONTROL



INTERGOVERNMENTAL REVENUE GRANTS ARE A MAJOR FORM OF REVENUE TRANSFER HELPING STATES.



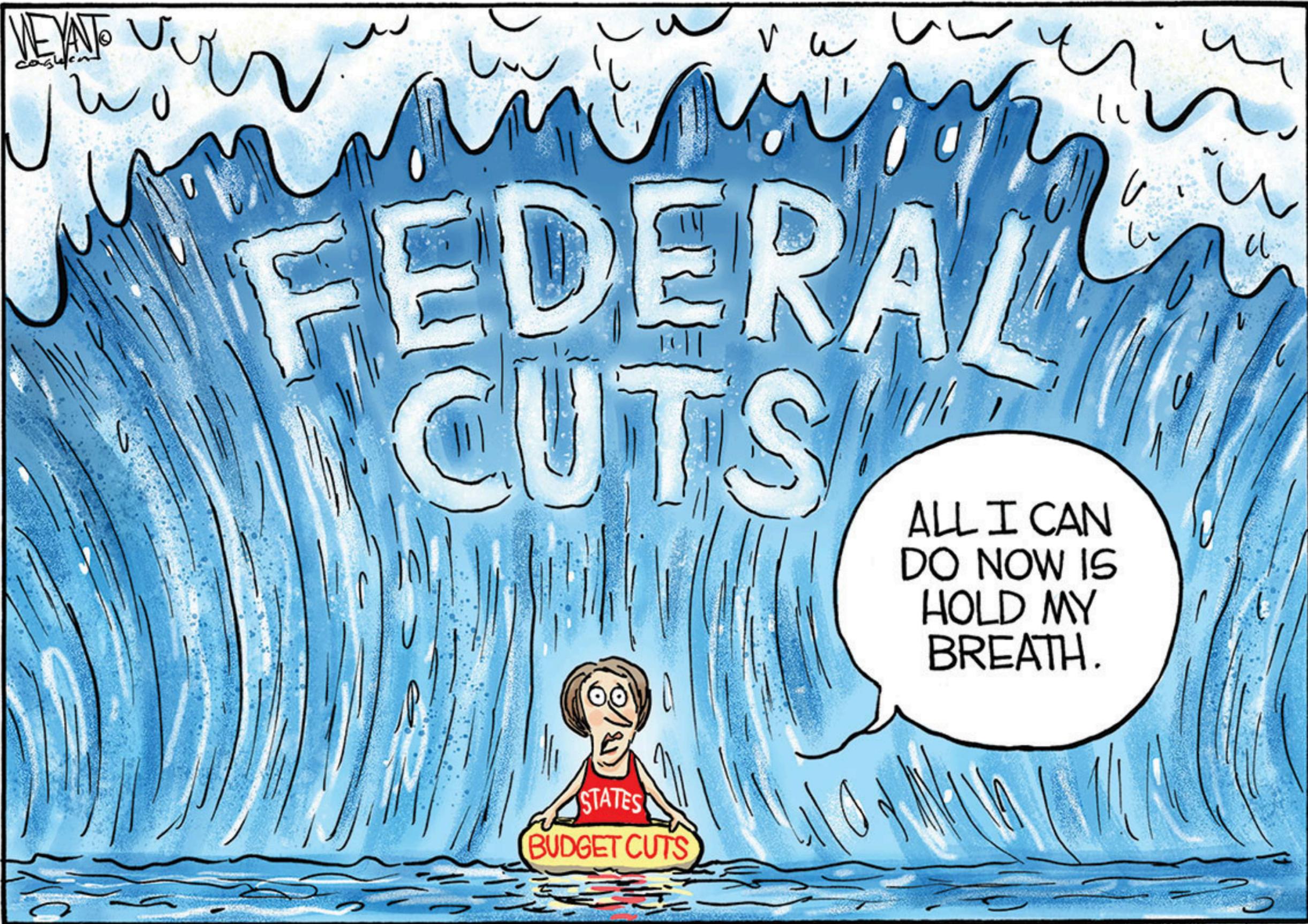


FEDERAL
GRANT
MONEY

State & Local
Government

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[Signature]
NEVER



ALL I CAN
DO NOW IS
HOLD MY
BREATH.

BUDGET CUTS

STATES

FEDERAL
CUTS

WEYANT
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LIMITS ON THE POWERS OF STATE GOVERNMENTS

**PUBLIC OPINION
AND VOTERS**

WE THE PEOPLE!



STATE AND LOCAL GOVERNMENTS

- THIS IS WHERE **CHANGE BEGINS**
- THIS IS WHERE WE **FOCUS OUR ENERGIES**
- THIS IS WHERE **OUR LIVES ARE MOST AFFECTED**

JOHN COLE
TENNESSEELOOKOUT.COM
CAGLOCCARTOONS.COM



'There was an agency
That lived in a shoe
Teeming with children,
And with tax dollars few.'

Why the sudden interest in playing "Operation?"

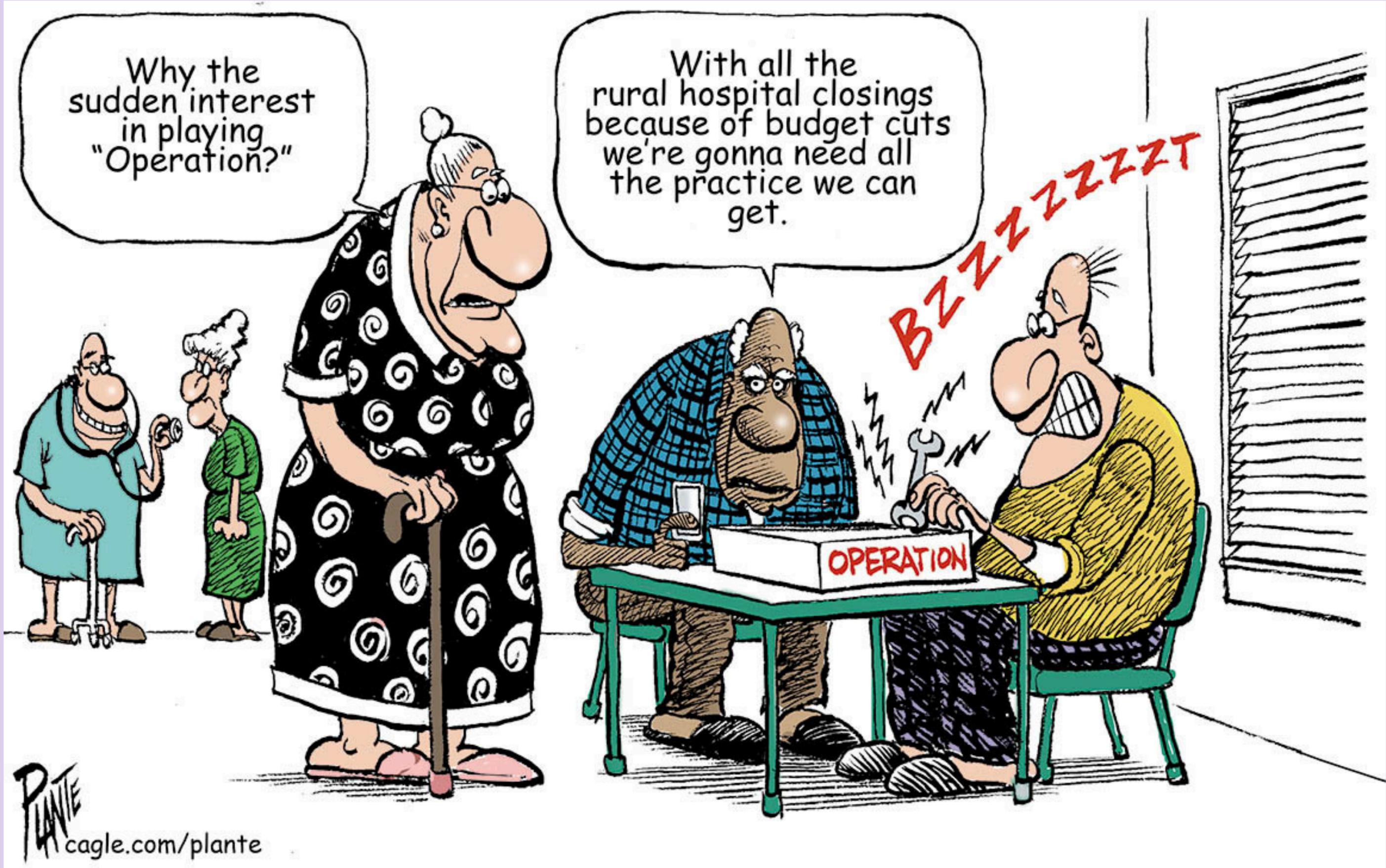
With all the rural hospital closings because of budget cuts we're gonna need all the practice we can get.

BZZZZZZZZT

OPERATION

PLANTE

cagle.com/plante

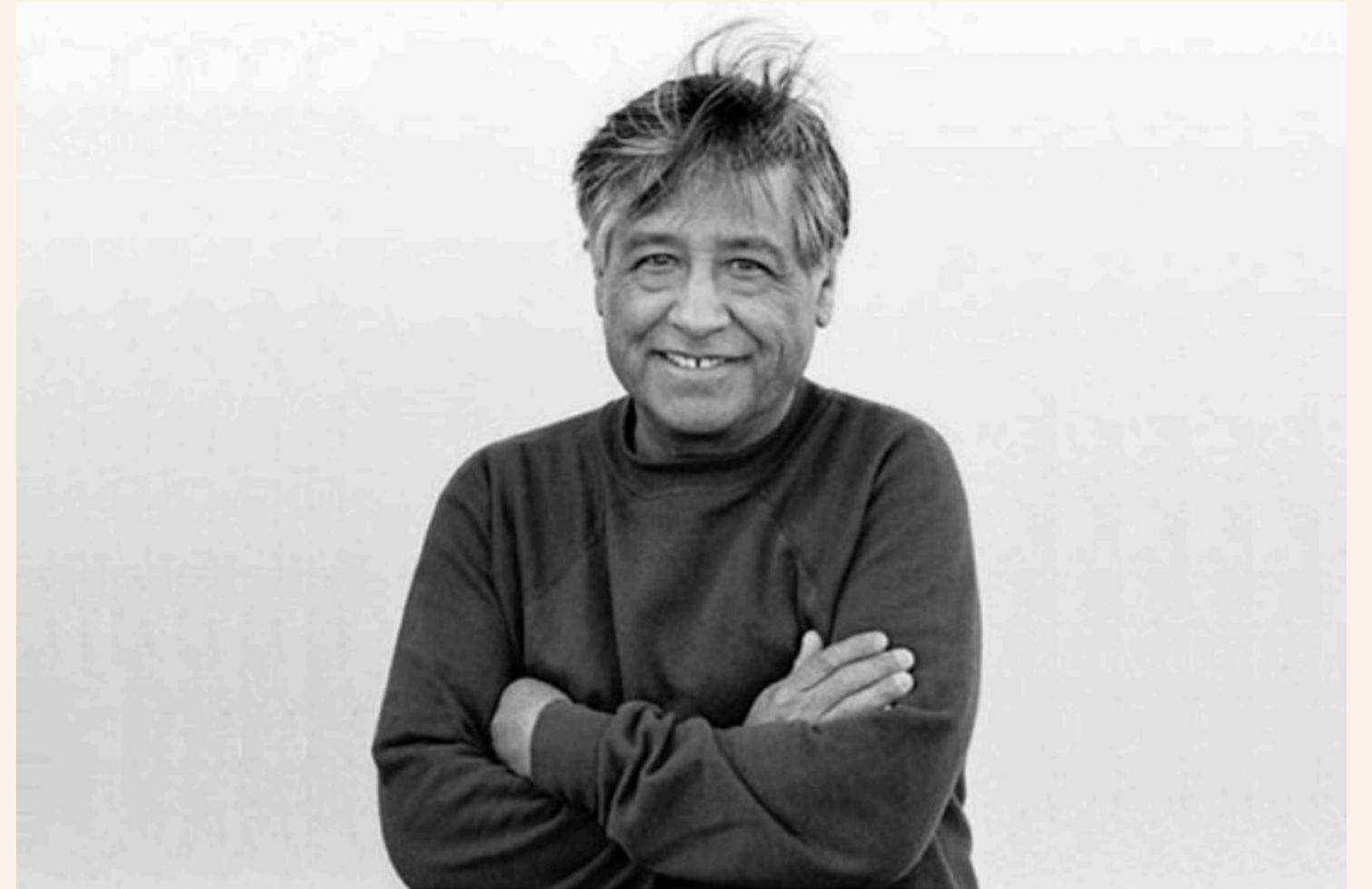


THOMAS JEFFERSON:

“...THE QUALIFICATIONS FOR SELF-GOVERNMENT IN SOCIETY ARE NOT INNATE. THEY ARE THE RESULT OF HABIT AND LONG TRAINING.”

**"Once social change begins
it cannot be reversed. You
cannot uneducate the
person who has learned to
read. You cannot humiliate
the person who feels pride.
You cannot oppress the
people who are not afraid
anymore."**

-Cesar Chavez



A woman in a white dress and black hat stands in the center, holding a large American flag. She is surrounded by a large crowd of people, many wearing hats. In the background, there are banners with purple and yellow ribbons, and a large white building, likely the White House, is visible. The scene is set outdoors with trees and a clear sky.

**WOMEN WEREN'T
GIVEN THE VOTE.
THEY TOOK IT.**

THE VOTE



Q&A Time!

