Why Do State Constitution Differ?

Ch. 3 A
What is a constitution?

- What purpose does it serve?
- Defines the relationship between citizen & the Gov
- Interest in creating effective gov
- Supreme law of the land
Direct Democracy

Colorado: Ballot Initiative

- Citizens directly make laws
- Vote on proposed laws & Constitutional Amendments
- Voters can even override elected officials
Colonial Charters

- Originally States did not have constitutions
- Preceded by rules established by Magna Carta, 1215, describing government’s role
- British King 1607 established rules governing activities of businesses & corporations
- Regulate lives of colonists
First Generation of State Constitution

• Founding 13 colonies encouraged to establish governance based on authority of their people
• Set the stage for individual state constitution
• Several chose to modify their existing charters
• Introduced Bi cameral legislatures first introduced
• Vermont, Georgia, Pennsylvania constructed unicameral legislatures
• Franchise: Voting rights accorded to white men who owned properties
• Women & non whites were excluded
Judicial Federalism

- State Supreme Courts determine the boundaries of state-federal relations
- Several States believe that the States’ Supreme Courts afford a layer of rights above & beyond those afforded by the US Supreme Court
  - Eg: Same Sex Marriage
Plenary Powers

- State Govt’s powers extend beyond powers laid down by US Constitution
- 10th. Amendment/Reserve Clause accord new rights to states/citizens
Length & Breath

- US Constitution rarely amended
- States frequently amend their constitutions
- State Constitution average 2x longer & more specific
- States’ limitations on Budget overruns
- Several States are mandated to have balanced budgets
Appropriation Bills

- Specific Laws governing transfer of monies to the executive branch
- Several states require super majority votes to increase taxes
Amending Constitution

Formal Process:
• Constitutional Convention: powers to amend/replace state constitution
• Legislative Proposals: Changes can arise from the legislatures
• Through ballot initiatives: Voters directly instruct legislature of laws to be changed
• Referendum: Voters accept/reject laws approved by legislature
• Constitutional Conventions: Common method and first adopted by Massachusetts
• Often delegates are elected from local districts to decide on amendments
Ballot Initiatives

- Used to push through controversial legislations
- 1994 Physician assisted suicide in Oregon
- California decided to impose term limits on elected officials

Criticism

Decisions are easily influenced by big money
Florida

• Every 20 years Constitutional Revision Committee must convene every 20 years
• Committee assembled to assess constitutional changes/suggestions to amend constitution
Ratification

• By simple majority
• Some states require simple majority in both houses
• Some require 2/3 majority
• Occasionally via State supreme courts’ interpretation = judicial reviews
Distribution of Power

- So while every State constitution appears to share powers between the branches
- Several end up granting more powers to one branch, usually the executive branch
- Line Item Veto
Municipalities

- Largely operate under state constitutions

Minor Exception

Municipal Charter: Not constitution but governing documents derived from the state constitutions.

Home Rule: right of self-governance and regulations over local matters/jurisdictions

Non interference from the state as long as regulations do not violate US/ state constitutions
Key Terms

• Appropriation Bills
• Ballot Initiatives
• Referendum
• Colonial Charters
• Direct Democracy
• Judicial Federalism
• Home Rule
• Plenary Power