**Chapter 2**

**DEMOCRACY AND CONSTITUTIONALISM IN THE STATES**

**CHAPTER SUMMARY**

**CONSTITUTIONAL GOVERNMENT IN THE STATES**

State constitutions contain many policy provisions that involve hard-fought political battles. Constitutions establish the structure of the government, the powers of the three branches, and the rules of policy making, as well as limitations on the power of government and the rights of citizens.

**Limited Government**- Limited government is synonymous with **constitutionalism,** protecting individual civil liberties. All fifty state constitutions contain a bill of rights with some constitutions extending those rights beyond the protections provided in the U.S. Constitution.

**Legal Status**- State constitutions are the supreme law of that state, while the U.S. Constitution is the supreme law of the nation, superseding any provisions of state law or state constitution.

**Origins of Written Constitutions**- The American tradition of written constitutions was reinforced with the charters establishing the colonial settlements.

**Colonial History**- **Colonial charters**, “documents granted to American colonies by English kings establishing governments”, firmly established the tradition of written constitutions. A constitution is the “legal structure establishing governmental bodies, granting their powers, determining how their members are selected, and prescribing the rules by which they make their decisions.”

**State Constitutional Politics**- Constitutional decision making decides the rules for policy making. These include amendments to state constitutions that are often based on policy questions.

**Interest Group Influence**- Many interest groups prefer to include policy decisions within the state constitution itself because of the difficulty in amending the constitution in the future.

**Citizens’ Movements**- Many grassroots movements have displayed a distrust of government officials and have sought to bind those officials and their power by way of constitutional provisions.

**Reformers’ Influence**- With the growth of policy-laden state constitutions, many “good government” groups have sought to remove policy from state constitutions with some success.

**Growth of State Constitutional Law**- The role of state supreme courts has increased with numerous rights and liberties written in state constitutions.

**STATE CONSTITUTIONS: AN OVERVIEW**

**Bill of Rights**- All state constitutions have written basic freedoms, including the right to free speech, press, religion, and assembly. Most mimic what is already listed in the U.S. Constitution, but some state constitutions go further. (See also “***Up Close*: State Constitutions and the Right to Bear Arms**.”)

**Separation of Powers**- All state constitutions reflect the basic principle of **separation of powers** among the three branches of government (legislative, executive, and judicial); as well as the principle of **checks and balances**. Traditionally, however, most state constitutions reflect the distrust of gubernatorial executive authority and emphasize legislative power over executive power.

**Weak Governors**- State executive branches are weakened due to the separation of executive power among the governor and separately elected executive officials. In addition, separate boards and commissions that do not report directly to the governor can severely weaken the power of the governor in state affairs.

**Legislative Powers**- Forty-nine state legislatures are **bicameral**- consisting of two separate chambers. Nebraska is **unicameral**- a one house chamber.

**Local Governments**- Local governments are “creatures” of the state and are not independent governmental bodies. State constitutions establish the organization and powers of local governments.

**Interest Group Regulation**- Many state constitutions include regulatory language that is also preferred by interest groups for the special protections written in the constitution that cannot be easily amended.

**Taxation and Finance**- Many state constitutions place severe restrictions on the taxation authority of state and local governments. Some of these include exceptions to certain taxable properties like **homesteads**- owner-occupied homes.

**Debt Limitation**- Most state constitutions require balanced budgets that prohibit state and local governments from running deficits.

**CONSTITUTIONAL CHANGE IN THE STATES**

There are four basic methods of constitutional change in the states. These are:

**Legislative Proposal**- This is the most commonly used method of amending a state’s constitution and is available in all states. A state legislature proposes an amendment, usually with a two-thirds majority in both chambers. The proposal is then put to the voters for approval in a referendum in every state (except Delaware where it need not be submitted to the voters). (See Table 2-3.)

**Popular Initiative**- This method is a reform out of the Progressive Era and is available in 17 states. It allows for citizens to petition to place amendments directly on the ballot if they obtain the requisite percentage of signatures of registered voters. Most have placed limits on the powers of legislators, e.g., term limitations for state legislators.

**Constitutional Convention**- While there have been over 230 state constitutional conventions, this method has fallen out of favor in recent years with both legislators and voters. State constitutional conventions are usually called by state legislatures (subject to voter approval). The legislature decides the selection method of delegates and the scope of the convention’s work. Any changes to the state constitution must be submitted to voters in a referendum for approval.

**Constitutional Revision Commissions**- The purpose of these commissions is to “study and recommend” constitutional changes. State legislatures create the commissions and the commissions must report back their recommendations to the legislatures (except in Florida where recommendations can go directly to voters for approval).

**DEMOCRACY IN THE STATES**

The definition of democracy is “popular participation in government.” The Founders preferred a system of representational democracy- “the selection of public officials by vote of the people in periodic, competitive elections in which candidates and voters can freely express themselves.” Many state and local governments have provisions for direct democracy where “people themselves can initiate and decide policy questions by popular vote.”

**History of Direct Democracy in the States**- The populist movement and progressive reformers sought to open up many policy decisions to be decided by the people instead of wealthy business elites and corrupt party machines. These groups pursued reforms that would serve the “public interest” including initiatives, referenda, and recall election measures. Note that none of these measures are available at the national level. (See Table 2-4 for a state by state listing.)

**Initiative**- “A device by which a specific number or percentage of the voters may petition to have a constitutional amendment or law placed on the ballot for adoption or rejection by the electorate” that effectively bypasses the state legislature.

**Referenda**- “Proposed laws or constitutional amendments submitted to the voters for their direct approval or rejection.”

**Recall**- “An election to allow voters to decide whether or not to remove an elected official before his or her term expires.”

**DIRECT VERSUS REPRESENTATIVE DEMOCRACY**

The U.S. Constitution does not provide for direct democracy measures, but many state constitutions do.

**Arguments for Direct Democracy**- Proponents claim direct democracy:

* Enhances government responsiveness and accountability.
* Allows citizen groups to bring their concerns directly to the public.
* Stimulates debate about policy issues.
* Stimulates voter interest and improves election-day turnout.
* Increases trust in government and diminishes alienation.

**Arguments for Representative Democracy**- Opponents of direct democracy believe representative democracy better protects individual liberties and rights of minorities. They claim **direct democracy**:

* Encourages majorities to sacrifice the rights of individuals and minorities.
* Facilitates the adoption of unwise and unsound policies.
* Is hampered by the insufficient knowledge of many voters.
* Does not allow consideration of alternative policies or modifications or amendments to the propositions set forth on the ballot.
* Enables special interests to mount expensive initiative and referendum campaigns.

**The Decline of Representative Government**- Popular participation in government is widely supported among the public at the expense of representative democracy.

**THE POLITICS OF STATE INITIATIVES**

The ideological makeup of a state is often determinative of whether an initiative device is decidedly liberal or conservative.

**Tax Limitation Initiatives**- California’s Proposition 13 in 1978 sparked the nation’s “tax revolt.” However, not all tax limitation provisions have passed successfully. In fact, since Proposition 13 passed, almost as many states have **defeated** such proposals as have passed them. States that allow for citizen initiatives are more likely to pass tax limitation constitutional amendments.

**Crime and Drugs**- “Getting tough on crime” has been largely successful with referendum voters. However, many states have also passed referenda allowing for the medicinal use of marijuana (many of which have been overturned by the U.S. Supreme Court). Note that federal law still prohibits its use, and the Supreme Court has held that federal law prevails in drug regulation.

**Abortion and Physician-Assisted Suicide**- Referenda both limiting and protecting abortion rights have been taken up in states. There is also no consensus throughout the states regarding physician-assisted suicide.

**Prohibiting Same-Sex Marriages**- In response to judicial decisions by Vermont and Massachusetts, most states have passed referenda that prohibit same-sex marriage. Conversely, as of June 2009, same sex marriage was legal in six states (Massachusetts, Iowa, Vermont, Maine, New Hampshire, and Connecticut).

**School Vouchers**- Proposals to expand school vouchers have been rejected by voters in several states, including California and Michigan. However, with an increasing number of failing schools, and growing budget constraints, the issue is gaining momentum.

**Affirmative Action and Racial Preferences**- The California Civil Rights Initiative approved by voters in 1996 banned preferential treatment to individuals or groups based on “race, sex, color, ethnicity or national origin” in state employment, education and contracting. Michigan has since passed a measure that bans preferential treatment on the basis of race for public university admissions. Arizona passed measures that were seen to curb the influence of illegal immigrants in the electoral process. **Immigration**- Several states have approved amendments dealing with illegal immigration problems in their states.

Redistricting- After the Census every ten years, states must redraw their congressional and state legislative districts to reflect population shifts and to ensure each district has the same number of voters. Often a fierce political battle, redistricting is usually accomplished by the legislatures but several states have appointed independent commissions to complete the task.

**Eminent Domain**- Traditionally, local governments may “take” private property for the public good, provided the owner is paid for such property. In the 2005 U.S. Supreme Court case, *Kelo v. City of New London*, the Court held that state and local governments have the authority to take private property for economic development purposes (through private developers). The case sparked successful constitutional amendments in many states to limit this power.

**Initiative Campaigns**- Initiative campaigns have become costly and politically sophisticated. These campaigns are often sponsored by “special interests” that have the funding and organizational capacity to promote these initiatives statewide.

**Initiatives Impact a Candidate’s Campaign**- Candidates often take a stance on these measures and are impacted by the resultant voter turnout and competition for money, votes, and interest.

**The Threat of Initiatives**- Legislatures may be called to action with a looming threat of initiatives, especially those that are popular with voters.

**Reform Proposals**- Reform efforts to limit the initiative process in the eighteen states that have these provisions have not met with much success because they remain popular devices among the electorate.

**Citizens’ Initiatives and Term Limits**- Term limits- “constitutional limits on the number of terms or the number of years that a public official can serve in the same office”- have been popular with voters. (Table 2-6 lists states that term limit their state legislators. Also see “***What Do You Think?* Are Term Limits a Good Idea?”**)

**U.S. Supreme Court Rejection of Congressional Term Limits by States**- The U.S. Supreme Court has determined in *U.S. Term Limits v. Thornton* (1995) that states did not have the constitutional authority to limit congressional terms.

**Term Limits Kick In**- Fifteen states currently have term limits on the books. While there has been numerical turnover and a large increase in the number of freshman legislators, there has also been institutional memory loss. This has tended to increase the influence of legislative staff and lobbyists in the policy-making process.

**CLASS DISCUSSION QUESTIONS**

1. What are the differences and similarities between the U.S. Constitution and the typical state constitution?

2. How should the Second Amendment and the “right to bear arms” be interpreted? What does it mean to the federal government, the state governments, and individuals?

3. Should state constitutions that are decidedly closer to the people be easily amended? Should the amendment process include questions of public policy? Or should the amendment process be more difficult as it is with the U.S. Constitution?

4. Discuss the arguments for and against direct democracy measures. Should the national government have a direct democracy mechanism as the states do and, if so, what would it take to accomplish this? Use a contemporary public policy problem to illustrate.

5. If popular initiatives are meant to promote “citizen” concerns, what is the validity if powerfully funded and organized interest groups are capable of promoting narrow interests that may not be in the public’s interest? Are voters well informed enough to vote on these issues?

6. Discuss the evolution of state tax initiatives beginning with California’s “Prop 13” in 1978. What were the “politics” behind these measures?

Or, an alternative question:

Discuss term limits. Do you support them? Why or why not?

**ACTIVITIES/PROJECTS**

1. Provide copies of your state’s bill of rights or have students research their state constitution. Compare the Bill of Rights in the U.S. Constitution to the bill of rights in your state constitution. Does your state constitution extend the rights and liberties of citizens beyond what is provided in the national constitution?

2. As a research project, assign each student a state and discuss the changes each state has undergone in terms of amending its constitution. What policy questions are included in these constitutions?

3. Divide the class into sections and require each section to analyze a successful state initiative that generated controversy. Require each section to make a presentation to the class explaining the proposition, the controversy associated with the proposition, and reasons for its passage.

4. Have students research the effect of term limits in one of the fifteen states that has state legislative term limits. There have been several case studies done on many of these states. Alternatively, have students compare the different provisions in these states including term limit length, lifetime versus consecutive limits, and how and why some states have repealed term limit laws.

**CHAPTER TEST BANK**

**TRUE-FALSE QUESTIONS**

1. All fifty U.S. states have written constitutions.

ANSWER: TRUE *Page 36*

2. By definition, constitutionalism requires limited government.

ANSWER: TRUE *Page 36*

3. Most state constitutions do not protect individual liberties from infringement by the state government.

ANSWER: FALSE *Page 36*

4. State constitutions are the supreme law of the state.

ANSWER: TRUE *Page 36*

5. The tradition of written constitutions in the U.S. has its roots in the early colonial charters.

ANSWER: TRUE *Page 37*

6. State constitutions do not allow for the inclusion of substantive policy issues.

ANSWER: FALSE *Page 37*

7. Unlike the U.S. Constitution, some state constitutions are laden with detailed policy decisions.

ANSWER: TRUE *Page 38*

8. Some state constitutions have an extensive bill of rights above and beyond protections granted in the national constitution.

ANSWER: TRUE *Page 42*

9. Generally, state constitutions emphasize executive power over legislative power.

ANSWER: FALSE *Page 42*

10. Only the Nebraska Constitution provides for a unicameral legislature.

ANSWER: TRUE *Page 44*

11. State governments have the authority to determine the organization and powers of local government.

ANSWER: TRUE *Page 44*

12. A number of state constitutions provide for an individual’s right to bear arms.

ANSWER: TRUE *Page 44*

13. States have virtually unlimited taxation authority.

ANSWER: FALSE *Page 46*

14. Many states are mandated to balance the state budget.

ANSWER: TRUE *Page 46*

15. The most common method of amending state constitutions is through popular initiatives.

ANSWER: FALSE *Page 48*

16. Popular initiatives have been most successful when the measure seeks to limit the power of legislators.

ANSWER: TRUE *Page 48*

17. State constitutional conventions have lost favor with both legislators and voters in recent years.

ANSWER: TRUE *Page 48*

18. Constitutional revision commissions in every state have the authority to submit recommendations directly to the voters for ratification.

ANSWER: FALSE *Page 50*

19. Direct democracy allows for elected representatives to decide matters of public policy.

ANSWER: FALSE *Page 5*

20. Initiatives provide a process, through citizen petition drives, to place constitutional amendments or statutes on the ballot for voter approval.

ANSWER: TRUE *Page 52*

21. All states have mechanisms for initiatives, referenda, and recall elections in their state constitutions.

ANSWER: FALSE *Pages 52-53*

22. A recall election provides for the removal of elected officials from office before their term is completed.

ANSWER: TRUE *Page 52*

23. Proponents of direct democracy claim mechanisms such as initiatives and referenda increase voter interest and trust in government.

ANSWER: TRUE *Page 54*

24. Proponents of representative democracy argue that the Founding Fathers preferred this system in order to protect against the tyranny of the majority.

ANSWER: TRUE *Page 54*

25. California’s Proposition 13 began a “tax revolt” in the U.S. through the citizen initiative process.

ANSWER: TRUE *Page 55*

26. Constitutional amendments outlawing the use of medicinal marijuana have been approved by voters in almost every state.

ANSWER: FALSE *Pages 56 (chart) - 57*

27. Referenda prohibiting same-sex marriages have been largely successful in those states where they have appeared on the ballot.

ANSWER: TRUE *Page 59*

28. The “California Civil Rights Initiative” passed in 1996 eliminated racial and gender preferences and quotas in the state’s affirmative action programs.

ANSWER: TRUE *Page 59*

29. Ballot initiatives often do not have any significant impact on a candidate’s campaign.

ANSWER: FALSE *Page 62*

30. The U.S. Supreme Court has held that states have the authority to limit terms of both members of Congress and state legislatures.

ANSWER: FALSE *Page 63*

31. One of the main arguments in support of term limits is the need to replace career politicians with citizen legislators.

ANSWER: TRUE *Page 64*

**MULTIPLE CHOICE QUESTIONS**

Select the one best answer out of the options provided.

32. State constitutions contain all of the following elements EXCEPT

A. the organizational structure of state government.

B. detailed limitations of the rights of citizens.

C. a set of rules by which decisions will be made.

D. the distribution of powers among the three branches of government.

ANSWER: B *Pages 37, 42*

33. Constitutionalism is synonymous with

A. free elections.

B. representative taxation.

C. limited government.

D. unlimited government.

ANSWER: C *Page 36*

34. State constitutions take precedence over any state law in conflict with them, but they are subordinate to the laws of the United States and to the

A. Articles of Confederation.

B. U.S. Declaration of Independence.

C. U.S. Constitution.

D. state legislature.

ANSWER: C *Page 36*

35. Charters, like those found in the British colonies, are also called

A. constitutions.

B. compacts.

C. deeds.

D. cartas.

ANSWER: A *Page 37*

36. The colonists claimed that their charters granted them protection

A. from Indian attacks on their settlements.

B. against British interference in colonial affairs.

C. against invasion from other countries wishing to establish colonies in the New World.

D. against excessive taxation without representation.

ANSWER: B *Page 37*

37. Royal charters establishing a system of colonial governments became the basis for what important legal tradition in the U.S.?

A. Civil law

B. Universal suffrage

C. Direct democracy

D. Written constitutions

ANSWER: D *Page 37*

38. Unlike the U.S. Constitution, state constitutions contain

A. many policy mandates on diverse topics.

B. vague references to governmental operations.

C. the history of the state's evolution to statehood.

D. a list of the state's by-laws.

ANSWER: A *Pages 337-38*

39. State constitutions tend to be very lengthy documents because they are

A. written in legalese.

B. poorly worded and confusing.

C. laden with detailed policy decisions.

D. packed with historical information.

ANSWER: C *Page 38*

40. The reason why interest groups and citizen movements have increasingly sought policy change through amendments to state constitutions is

A. once enacted amendments are much more difficult to reverse than state statutes.

B. due to a distrust of elected officials.

C. to place these policies beyond the reach of elected officials.

D. all of the above.

ANSWER: D *Page 38*

41. Constitutional reformers argue policy matters should not be part of the constitution for all the following reasons EXCEPT

A. elected officials should not be bound by detailed policy matters mandated in the constitution.

B. officials need flexibility in confronting new challenges.

C. policy issues are not detailed enough in the constitution.

D. state governments are weakened when groups seek to “constitutionalize” their policy preferences.

ANSWER: C *Page 38*

42. Which of the following groups has contributed to the growth of state constitutional law**?**

A. Interest groups

B. Judges

C. Lawyers

D. All of the above

ANSWER: D *Page 38*

43. All state constitutions provide for basic freedoms including the right to free speech and procedural rights of defendants, known as the

A. bill of rights.

B. article of basic freedoms.

C. basic freedoms clause.

D. constitutional freedoms.

ANSWER: A *Page 42*

44. State governments mirror the basic structure of the U.S. federal government with separate legislative, executive, and judicial branches, a principle referred to as

A. divisions of authority.

B. hierarchy of powers.

C. separation of powers.

D. separation divisions.

ANSWER: C *Page 42*

45. Even with a system of checks and balances, state constitutions tend to emphasize

A. executive power over judicial power.

B. legislative power over executive power.

C. executive power over legislative power.

D. judicial power over legislative power.

ANSWER: B *Page 42*

46. The constitutional power of a governor is severely limited by

A. the state constitution.

B. separately elected executive officials.

C. boards and commissions created to oversee executive agencies.

D. all of the above.

ANSWER: D *Page 42*

47. Almost every state has a \_\_\_\_\_\_\_\_\_\_ legislature.

A. unicameral

B. bicameral

C. tricameral

D. None of the above

ANSWER: B *Page 44*

48. Local governments derive their authority from

A. the national government.

B. independent county governments.

C. the state government.

D. the courts.

ANSWER: C *Page 44*

49. Unlike the wording of the Second Amendment to the U.S. Constitution, many state constitutions explicitly

A. grant individuals the right to bear arms.

B. ban all handguns.

C. do not provide individuals with a specific right to bear arms.

D. refer only to a militia’s right to bear arms.

ANSWER: A *Page 44*

50. State constitutions frequently place severe restrictions on the taxation power of

A. the federal government.

B. state and local governments.

C. special interest groups.

D. religious interest groups.

ANSWER: B *Page 46*

51. Local governments often face restrictions on taxation of certain types of property including

A. homesteads.

B. religious buildings.

C. educational facilities.

D. all of the above.

ANSWER: D *Page 46*

52. The most common and successful method of amending state constitutions is through

A. legislative proposals.

B. popular initiatives.

C. constitutional conventions.

D. constitutional revision commissions.

ANSWER: A *Page 48*

53. Popular initiatives allow citizens to place an amendment to a state constitution on the ballot

A. with a majority vote of all citizens.

B. without requiring citizens' approval.

C. without the approval of the state legislature.

D. omitting the governor's signature.

ANSWER: C *Page 48*

54. When a constitutional convention is called in a particular state, who decides how the delegates will be chosen and the extent of the commission’s work?

A. The state’s electorate

B. The state legislature

C. The governor

D. An independent commission

ANSWER: B *Page 48*

55. Constitutional conventions have fallen out of favor with voters for which of the following reasons?

A. Voter suspicion over what kinds of “reforms” will be proposed

B. Low level of trust and confidence in government

C. Lack of general consensus on highly controversial issues

D. All of the above

ANSWER: D *Pages 48-50*

56. The job of constitutional revision commissions is to

A. make wholesale changes to the constitution.

B. study and recommend specific constitutional changes.

C. petition voters to place an amendment on the ballot.

D. draft legislative proposals.

ANSWER: B *Page50*

57. \_\_\_\_\_\_\_\_\_\_ refers to popular participation in government.

A. Anarchy.

B. Polyarchy

C. Democracy.

D. Plutocracy.

ANSWER: C *Page 51*

58. Representational democracy includes all of the following components EXCEPT

A. voter approval of national policies.

B. competitive elections.

C. the selection of public officials by voters.

D. policy making conducted by elected representatives.

ANSWER: A *Page 51*

59. The form of government that allows voters to initiate and approve policy decisions is called

A. direct democracy.

B. representational democracy.

C. total democracy.

D. elite democracy.

ANSWER: A *Page 52*

60. The populist movement in the early twentieth century is responsible for all of the following reforms EXCEPT

A. ballot initiatives and recall elections.

B. the selection of party nominees through primary elections.

C. the direct election of U.S. senators.

D. the creation of political parties.

ANSWER: D *Page 52*

61. A device used in some states that allows for citizens to place a proposed constitutional amendment on the ballot for voter approval or rejection is called a/an

A. initiative.

B. referendum.

C. convention.

D. recall.

ANSWER: A *Page 52*

62. A device that allows the electorate to have final approval over proposed laws or constitutional amendments submitted by the legislature is referred to as a/an

A. initiative.

B. referendum.

C. convention.

D. recall.

ANSWER: B *Page 52*

63. An electoral process that provides voters the opportunity to remove an elected official before the end of his or her term is called a/an

A. initiative.

B. referendum.

C. convention.

D. recall.

ANSWER: D *Page 52*

64. What type of election removed California’s former Governor, Gray Davis, from office in 2003?

A. Initiative

B. Referendum

C. Recall

D. Hasta la Vista election

ANSWER: C *Pages 52- 53*

65. Which of the following is NOT a provision found in the U.S. Constitution?

A. Eligibility requirements to serve in Congress

B. The selection of federal judges

C. A national initiative and referenda process

D. Presidential term limits

ANSWER: C *Page 53*

66. Proponents of direct democracy believe reforms such as initiative and referendum devices

A. create unwise and unsound policies.

B. enhance government responsiveness and accountability.

C. grant fewer protections for individual liberties and the rights of minorities.

D. do not allow for alternative policies or modifications to the ballot proposals.

ANSWER: B *Page 54*

67. Opponents of direct democracy argue in favor of a representative system of government to

A. protect against the tyranny of the majority.

B. stimulate debate about policy issues.

C. increase trust in government.

D. encourage government accountability.

ANSWER: A *Page 54*

68. Which of the following applies to the political nature of state initiatives?

A. The ideological leanings of a state often affect what types of issues appear on the ballot.

B. Ideology plays no role in what types of issues appear on the ballot.

C. Liberal states tend to put amendments banning same-sex marriage up for voter approval.

D. Conservative states tend to put amendments legalizing medicinal marijuana up for voter approval.

ANSWER: A *Page 55*

69. Recent trends indicate that states with constitutional provisions for citizen initiatives

A. are more likely to pass tax limitation initiatives.

B. are not more likely to pass tax limitation initiatives.

C. dislike tax revolts.

D. None of the above.

ANSWER: A *Pages 55, 57*

70. Voters in individual states have recently passed ballot initiatives on the following topics EXCEPT

A. raising cigarette taxes.

B. legalizing marijuana for medicinal purposes.

C. outlawing state-funded education.

D. requiring parental notification when teens seek an abortion.

ANSWER: C *Pages 56-58*

71. Following judicial decisions in both Vermont and Massachusetts that paved the way for the legality of same-sex marriages,

A. a large number of states passed initiatives supporting same-sex marriage.

B. several other states quickly amended their constitutions to legalize same-sex marriages.

C. supreme courts in a majority of states found same-sex marriage to be valid.

D. several other states moved to amend their constitutions to prohibit same-sex marriages.

ANSWER: D *Page 59*

72. One of the most controversial ballot initiatives in recent decades has been the issue of

A. banning racial preferences.

B. rejecting term limits for state legislators.

C. supporting local government power over eminent domain.

D. all of the above.

ANSWER: A *Pages 56, 59, 60-1*

73. Over time, initiative campaigns have become

A. less sophisticated and more costly.

B. more sophisticated and more costly.

C. less sophisticated and less costly.

D. more sophisticated and less costly.

ANSWER: B *Page 61*

74. A reason why special interests sponsor some initiative campaigns is to

A. work directly with the legislature to enact favored laws.

B. accomplish their goals through the legislative process.

C. bypass the state capital and its power holders.

D. lobby the legislature in support of their issues.

ANSWER: C *Page 61*

75. Having a high-profile initiative on the ballot can do each of the following EXCEPT

A. increase turnout among party-line voters.

B. decrease turnout among party-line voters.

C. skew voter turnout.

D. create competition for money, interests, and votes.

ANSWER: B *Page 62*

76. When asked their opinion of the initiative process, a majority of Americans

A. overwhelmingly support laws that allow citizens to place initiatives on the ballot by petition.

B. overwhelmingly reject laws that allow citizens to place initiatives on the ballot by petition.

C. do not have an opinion about the initiative process.

D. claim they do not understand the initiative process.

ANSWER: A *Page 62*

77. The U.S. Supreme Court has determined that a state does not have the constitutional authority to A. demand a balanced budget amendment. B. expand the responsibilities of public officials. C. impose term limits on members of Congress. D. decline federal financial aid to municipalities.

ANSWER: C *Page 63*

78. Whenever term limits have appeared on referenda ballots,

A. they have usually been defeated by large margins.

B. they have usually been defeated by narrow margins.

C. they have usually been approved with landslide margins.

D. None of the above

ANSWER: C *Pages 63-65*

79. All of the following are arguments in favor of term limits EXCEPT

A. long-term incumbents face little or no electoral competition.

B. public officials no longer relate to the concerns of average citizens.

C. career politicians respond more to media, polls, and interest groups than to their constituents.

D. career politicians are more valuable than citizen legislators.

ANSWER: D *Page 64*

80. Opponents of term limits argue

A. citizen legislators are preferable to career politicians.

B. politicians should serve a fixed number of years in office.

C. there should be a prescribed limit on the number of years a public official can serve in the same office.

D. voters should have the option to reelect an experienced legislator if they choose.

ANSWER: D *Page 64*

81. One of the effects of term limits has been

A. an increase in the experience levels of legislators.

B. the increased influence of staffers and lobbyists in the legislative process.

C. a decrease in opposition to term limits by state legislators.

D. a decrease in opposition to term limits by lobbyists.

ANSWER: B *Page 65*

**SHORT ANSWER QUESTIONS**

82. Explain the concept of “constitutionalism.” What basic concepts are found in state constitutions that limit governmental power?

*Pages 36, 42*

83. Describe the importance of colonial charters in establishing the tradition of written constitutions.

*Page 37*

84. Compare and contrast the bill of rights in state constitutions to that of the U.S. Constitution.

*Page 42*

85. What does the term “bicameral” refer to?

*Page 44*

86. Why have constitutional conventions fallen out of favor with both voters and political leaders?

*Page 47-48, 50*

87. Discuss the evolution of the nation’s “tax revolt” in the states through citizen initiatives.

*Pages 55-57*

88. Discuss the controversy over changes to affirmative action and racial preference policies through initiative movements.

*Pages 56, 59-60*

89. What was the legal reasoning behind the Supreme Court’s rejection of congressional term limits by the states?

*Pages 63-65*

**ESSAY QUESTIONS**

90. Provide an overview of state constitutions and a discussion of the key principles and concepts detailed in these documents.

*Pages 42-46*

91. Discuss the two competing interpretations of the Second Amendment to the U.S. Constitution and how state constitutions typically address the issue of gun control.

*Pages 43-44*

92. List and describe the four methods of constitutional change. Which method has generally been most successful in enacting change? Which method has been the least successful in enacting change? Why?

*Pages 47-51*

93. Explain the motivation of the populist movement in pursuing progressive reforms at the state level. Include a discussion of initiatives, referenda, and recall elections as examples of these reforms.

Pages 51-53

94. Discuss the politics of state initiatives. Why do special interests support or oppose particular ballot measures? How are these campaigns run? Provide some examples of recent ballot measures and the reason for their success or failure.

*Pages 55-61*

95. How do state constitutions differ from the U.S. Constitution? Include a discussion of differences in design, principles, and mechanisms for change between state constitutions and the U.S. Constitution. Which more closely reflects the principles of direct democracy? Why?

*Entire chapter*