CHAPTER 21

THE NEW FACE OF STATE AND LOCAL GOVERNMENT

CHAPTER OUTLINE

I. Politics in Action: Subnational Governments and Homeland Security (pp. 661–664)
   A. State and local governments have traditionally been responsible for criminal justice policy.
   B. Since September 11, 2001 the national government has become more involved in criminal justice policy.
   C. Subnational governments are state and local governments.
   D. Subnational governments have been characterized by revitalization and diversity.

II. State Constitutions (pp. 664–666)
   A. State constitutions provide far more detail than the federal constitution.
   B. Amending State Constitutions

III. State Elections (pp. 666–673)
   A. Gubernatorial Elections
   B. State Legislative Elections
      1. Apportionment
      2. Partisan Competition, Legislative Turnover, and Term Limits
   C. The Changing Face of State-Elected Officials

IV. Governors and The Executive Branch (pp. 673–676)
   A. The Job of Governor
      1. Governors perform many roles.
      2. The line-item veto allows governors to veto only certain parts of a bill while allowing the rest of it to pass into law.
      3. Personal powers
   B. Other Executive Officers
      1. Lieutenant governors often preside over the state senate and are first in succession for governor.
      2. Other state executives may include attorney general, treasurer, secretary of state, auditor, comptroller, and various commissioners.

V. State Legislatures (pp. 676–679)
   A. Legislative professionalism reforms have improved the effectiveness of state legislatures.
   B. Some states have seen the beginning of a “de-professionalizing” trend.
VI. State Court Systems (pp. 679–681)
A. State Court Organization
B. Selecting Judges
   1. In many states, voters elect judges for various courts.
   2. Many states follow a form of the Merit Plan that attempts to make appointments to the courts based upon merit.

VII. Direct Democracy (pp. 682–684)
A. Direct democracy is government controlled directly by citizens.
B. Under the legislative initiative, the people directly author and vote on legislation.
C. Under the referendum, the people can approve or reject measures submitted to them by the legislature.
D. Under the recall, voters can gather enough signatures to call an election to decide whether a representative should continue in office.

VIII. State and Local Government Relations (pp. 684–685)
A. According to Dillon’s Rule, local governments have only those powers that are explicitly given to them by the states.
B. A local charter is the organizational statement and grant of authority from the state to a local government often used to give home rule to local governments.

IX. Local Governments (pp. 685–692)
A. Types of Local Government
   1. Counties
   2. Townships
   3. Municipalities
      a. Originally, many local communities operated under a form of direct democracy called the town meeting.
      b. Mayor-council government.
      c. Council-manager government: An appointed city manager carries out policy with the city bureaucracy.
      d. Commission government.
   4. School Districts
   5. Special Districts
B. Fragmentation, Cooperation, and Competition
   1. Each governing body in a fragmented metropolis tends to look at problems from its own narrow, partial perspective.
   2. A council of governments (COG) consists of officials from various localities who meet to discuss mutual problems and plan joint action.

X. State and Local Finance Policy (pp. 692–696)
A. State revenues are derived primarily from taxes, intergovernmental aid, state insurance programs, and charges and fees.
B. Half of state money is spent on state programs and 30 percent is given to local governments.
C. Local governments receive their revenues from taxes, user charges, and intergovernmental aid.
D. Local governments spend their money primarily on education, social services, and public safety.

XI. Understanding State and Local Governments (pp. 696–698)
A. Democracy at the Subnational Level
B. The Scope of Subnational Governments

XII. Summary (pp. 698–699)

LEARNING OBJECTIVES

After studying Chapter 21, you should be able to:

1. Describe the nature of state constitutions and how they differ from the U.S. Constitution.
2. Discuss the different types of state elections and how they differ from national elections.
3. Explain the function of state governors and the executive branch.
4. Understand the nature and function of state legislatures and how legislatures make policy.
5. Describe the structure of the state court systems.
6. Explain how direct democracy is used in the states.
7. Discuss the relationship between state and local governments.
8. Compare and contrast the different types of local government in the United States in terms of organization, functions, and policy roles.
9. Discuss the fiscal and budgetary policies of state and local governments.
10. Evaluate state and local government in the United States in terms of their contributions to democracy and the scope of government.
The following exercises will help you meet these objectives:

Objective 1: Describe the nature of state constitutions and how they differ from the U.S. Constitution.

1. Explain two important characteristics of subnational government.
   1.
   2.

2. What is the key difference between the federal and state constitutions?

3. Explain three methods used by states to amend their constitutions.
   1.
   2.
   3.

Objective 2: Discuss the different types of state elections and how they differ from national elections.

1. Explain the "presidentialization" of gubernatorial elections.

2. Explain the "congressionalization" of state legislative elections.

3. What are the major consequences of divided government in the states?
4. List and explain three things that tend to increase legislative partisanship and polarize legislative deliberations in the states.

1. 

2. 

3. 

Objective 3: Explain the function of state governors and the executive branch.

1. Explain the two most important formal powers that governors have for controlling state government.

1. 

2. 

2. What is the role played by most lieutenant governors?

3. List four major executive positions elected in some states and explain the primary duties of each.

1. 

2. 

3. 

4.
Objective 4: Understand the nature and function of state legislatures and how legislatures make policy.

1. List four functions performed by all state legislatures.
   
   1. 
   
   2. 
   
   3. 
   
   4. 

2. Explain the three legislative professionalism reforms.
   
   1. 
   
   2. 
   
   3. 

3. Explain the "de-professionalizing" trend in some state legislatures.
Objective 5: Describe the structure of the state court systems.

1. Complete the following table on the nature of state courts.

<table>
<thead>
<tr>
<th>Court</th>
<th>Geographic Jurisdiction</th>
<th>Number of Presiding Judges</th>
<th>Types of Cases</th>
<th>Use of Jury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Courts</td>
<td></td>
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<tr>
<td>Intermediate Courts of Appeals</td>
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<tr>
<td>Court of Last Resort</td>
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</tbody>
</table>

2. What is the Merit Plan?

Objective 6: Explain how direct democracy is used in the states.

1. List and explain three procedures for direct democracy used in the states.
   1. 
   2. 
   3. 
2. Give three examples of how initiatives have been used in the states.
   1.
   2.
   3.

Objective 7: Discuss the relationship between state and local governments.

1. Explain Dillon’s Rule.

2. What are three ways in which local governments can influence their own destiny?
   1.
   2.
   3.

Objective 8: Compare and contrast the different types of local government in the United States in terms of organization, functions, and policy roles.

1. What are the common functions of most counties?
2. List the three modern forms of municipal government and complete the following table explaining where executive and legislative power lies and naming at least one city as an example.

<table>
<thead>
<tr>
<th>Government Form</th>
<th>Executive</th>
<th>Legislature</th>
<th>Example</th>
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3. Explain why regional cooperation at the local level is so difficult to achieve.

4. What is a council of government and what purpose does it serve?

Objective 9: Discuss the fiscal and budgetary policies of state and local governments.

1. List the three main sources of state revenues.
   1. 
   2. 
   3.
2. List four main areas of state expenditures.
   1.
   2.
   3.
   4.

3. List the three main sources of local revenues.
   1.
   2.
   3.

4. List the three main areas of local expenditures.
   1.
   2.
   3.

Objective 10: Evaluate state and local government in the United States in terms of their contributions to democracy and the scope of government.

1. Give four reasons state and local politics may fall short of the democratic ideal.
   1.
   2.
   3.
   4.
2. Explain two ways in which state and local governments have attempted to control spending, taxing, and employment growth.

1.

2.

KEY TERMS

Identify and describe:

subnational governments

line-item veto

lieutenant governor

Merit Plan

direct democracy

initiative

referendum

recall
Dillon’s Rule

local charter

home rule

town meeting

city manager

council of governments

*Compare and contrast:*
direct democracy, initiative, referendum, and recall

Dillon’s Rule and local charter

local charter and home rule
Name that term:

1. These are also known as state and local governments.

_________________________

2. A governor has this power to veto part of a bill while leaving the rest intact.

_________________________

3. This is the second-highest state executive officer.

_________________________

4. Under this system, state judges are appointed from a list of persons recommended by the state bar or a committee of officials.

_________________________

5. Under this system, all voting-age adults in a community gather once a year to make public policy.

_________________________

6. This is the local government administrator who implements and administers council-manager government.

_________________________

7. This organization of officials from various localities exists to discuss mutual problems and plan cooperative action.

_________________________

USING YOUR UNDERSTANDING

1. Choose a state of interest to you, such as your home state or the state in which your college or university is situated. Compare the government of this state to the federal government on a number of dimensions including, but not necessarily limited to, constitutional arrangements, the structure and organization of government, the powers of the policymaking bodies, particularly the legislative and executive bodies, the judicial structure and the role of the courts, the budgetary process including how revenues are collected and spent, and the nature and extent of regulation, and bureaucratic involvement. You may wish to either write a comprehensive outline or use this exercise as the basis of a term paper.
2. Explore the issue of federalism by choosing a federal policy that is implemented by the states. Examples include various environmental regulations or social welfare policies. How do states implement these policies? Which state bureaucracies are involved and how? Does the state legislature get involved in the act? Are any local governments involved and, if so, how? What individuals have the most impact on implementing the policy and how? What are the financial arrangements? Who controls how the money is spent? Evaluate the implementation of the policy on the basis of the policy’s intention. This exercise may be a case study of one state or a comparison of different states.

MULTIPLE CHOICE QUESTIONS

Circle the correct answer:

1. Another term for state and local governments is
   a. Federal governments
   b. Secondary governments
   c. Tertiary governments
   d. Subnational governments
   e. Subterranean governments

2. Most states allow for amending their constitutions, and this is usually accomplished through
   a. a simple majority vote of the legislature followed by the governor's signature.
   b. a two-thirds vote of the legislature followed by the governor's signature.
   c. a two-thirds vote of the legislature followed by a simple majority vote of state voters in the next election.
   d. a two-thirds vote of the legislature followed by ratification by three-fourths of the counties.
   e. a simple majority vote of the legislation followed by a simple majority vote of the state voters in the next election.

3. What does it mean when political scientists talk about the “presidentialization” of gubernatorial elections?
   a. Gubernatorial races have increasingly become focused on individual candidates rather than party affiliation.
   b. Gubernatorial races are now all timed to coincide with presidential elections.
   c. Governors are now becoming presidents.
   d. Running for governor has become nearly as expensive as running for president.
   e. In the past 20 years, presidents have not made a difference when they supported gubernatorial candidates.
4. Until the mid-1960s, the one group that was overrepresented in state legislatures was
   a. the rural population.
   b. women.
   c. urban dwellers.
   d. minorities.
   e. Southerners.

5. Which of these is INCORRECT?
   a. The Nebraska legislature only has one house.
   b. Although it is the second largest state, the Texas legislature is only scheduled to
      meet every other year.
   c. All states now limit the terms of their legislators.
   d. Most state legislatures have become much more professionalized over the past
      thirty years.
   e. Many state legislators are part-timers who have other careers.

6. The fact that most states have a number of elected state executives in addition to the
governor
   a. gives the governor greater authority.
   b. reduces the authority of the governor.
   c. reduces the authority of the legislature.
   d. reduces the democratic accountability of the executive branch of state
government.
   e. has no effect on the authority of the governor.

7. Except for Nebraska, each state has a
   a. governor and lieutenant governor.
   b. unicameral legislature.
   c. bicameral legislature.
   d. supreme court.
   e. plural executive.

8. The organization of the states’ courts reflects
   a. the model of organization set by the national courts.
   b. the judicial preferences of each state’s citizens as manifested in state constitutions
      and statutes.
   c. the will of the executive.
   d. gubernatorial clemency.
   e. both a and b

9. Which of the following statements about selecting judges is TRUE?
   a. Like national judges, state judges are appointed for life.
   b. At the nation’s founding, almost all state judges were appointed by the governor
      or state legislature.
   c. States began selecting judges by partisan ballot during the Jacksonian era.
   d. All of the above are true.
   e. Both b and c are true.
10. Which of the following is provided for by the Merit Plan?
   a. The governor appoints judges from a list of persons recommended by the state bar or a committee of jurists and other officials.
   b. Each appointed judge serves a short “trial run” term before facing a retention election.
   c. Judges are elected in retention elections for life-term appointments.
   d. All of the above.
   e. Both a and b.

11. The recall, referendum, and initiative are forms of
   a. direct democracy
   b. indirect democracy
   c. republican democracy
   d. minority rule
   e. both a and d

12. Iowa Judge John Dillon, articulated Dillon’s Rule in 1868, arguing that
   a. local governments were “creatures of the state.”
   b. state governments were “creatures of local governments.”
   c. local governments were “creatures of the people.”
   d. state governments were “creatures of the people.”
   e. the national government is a “creature of local governments.”

13. Which of the following is NOT a type of local government?
   a. School district
   b. Special district
   c. County
   d. Township
   e. None of the above

14. States’ reserved powers are protected by the ____ Amendment to the Constitution.
   a. Second
   b. Fifth
   c. Tenth
   d. Fifteenth
   e. Twentieth

15. County government usually consists of an elected county ________ that makes policy and a collection of "row officers" who run county services.
   a. congress
   b. board of education
   c. directorate
   d. commission
   e. mayor
16. In a council-manager form of government, the implementation and administration of policy is placed in the hands of
   a. the city council itself.
   b. a mayor.
   c. a city manager.
   d. a county manager.
   e. the chief administrative officer.

17. Which of the following do rural residents rely on most for services?
   a. state governments
   b. county governments
   c. the Farm Bureau
   d. special districts
   e. agricultural cooperatives

18. In the past 45 years
   a. many small, often rural, school districts have been consolidated into larger districts.
   b. the number of school districts has dropped 66%.
   c. the number of school districts has increased by 66%.
   d. both a and c.
   e. both b and c.

19. Particularly in rural areas, ________ government is the administrative arm of most state governments, keeping records of births, deaths, and marriages, conducting a system of justice and law enforcement, maintaining roads and bridges, and providing other services.
   a. regional
   b. county
   c. municipal
   d. township
   e. commission

20. Councils of governments have been formed to
   a. reform state and local campaign practices.
   b. improve the public image of local governments.
   c. lobby state legislatures on behalf of localities.
   d. improve cooperation between local governments.
   e. streamline local government bureaucracy.