

## Chapter 14

# State and Local Government



**Figure 14.1** In February 2015, parents, students, and teachers rallied against proposed cuts in education funding in the state budget put forth by Arizona governor Doug Ducey. Education policy and administration is primarily a state and local matter. (credit: modification of work by Andy Blackledge)

### Chapter Outline

- 14.1 State Power and Delegation
- 14.2 State Political Culture
- 14.3 Governors and State Legislatures
- 14.4 State Legislative Term Limits
- 14.5 County and City Government

### Introduction

Controversial national policy decisions by lawmakers and justices tend to grab headlines and dominate social media, while state and local government matters often evoke less enthusiasm. Yet, if we think about which level of government most directly affects us on a daily basis, it is undoubtedly the level closest to us, including our city, county, school districts, and state government. Whether it is by maintaining roads we drive on each day, supplying clean water with which we brush our teeth, or allocating financial support to higher education, state and local government provides resources that shape our everyday lives, including your final tuition bill (Figure 14.1).

How do state and local governments gain the authority to make these decisions, and how are their actions guided by cultural and other differences between the states? What tensions exist between national and state governments on policy matters, and what unique powers do mayors and governors enjoy? By answering these and other questions, this chapter explores the role of state and local governments in our lives.

## 14.1 State Power and Delegation

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### Learning Objectives

By the end of this section, you will be able to:

- Explain how the balance of power between national and state governments shifted with the drafting and ratification of the Constitution
- Identify parts of the Constitution that grant power to the national government and parts that support states' rights
- Identify two fiscal policies by which the federal government exerts control over state policy decisions

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When the framers met at the Constitutional Convention in 1787, they had many competing tensions to resolve. For instance, they had to consider how citizens would be represented in the national government, given population differences between the states. In addition, they had to iron out differences of opinion about where to concentrate political power. Would the legislative branch have more authority than the executive branch, and would state governments retain as many rights as they had enjoyed under the Articles of Confederation?

Here we look at the manner in which power was divided between the national and state governments, first under the Articles of Confederation and then under the U.S. Constitution. As you read, observe the shifting power dynamic between the national government and subnational governments at the state and local level.

### STATE POWER AT THE FOUNDING

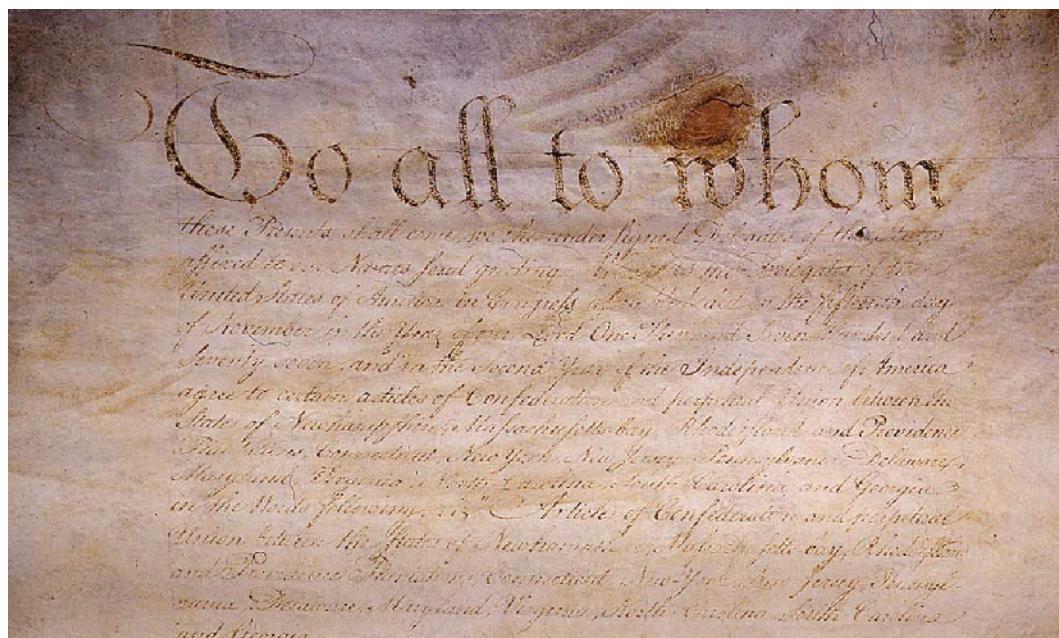
Before the ratification of the Constitution, the state governments' power far exceeded that held by the national government. This distribution of authority was the result of a conscious decision and was reflected in the structure and framework of the Articles of Confederation. The national government was limited, lacking both a president to oversee domestic and foreign policy and a system of federal courts to settle disputes between the states.

Restricting power at the national level gave the states a great deal of authority over and independence from the federal government. Each state legislature appointed its own Congressional representatives, subject to recall by the states, and each state was given the authority to collect taxes from its citizens. But limiting national government power was not the delegates' only priority. They also wanted to prevent any given state from exceeding the authority and independence of the others. The delegates ultimately worked to create a level playing field between the individual states that formed the confederation. For instance, the Articles of Confederation could not be amended without the approval of each state, and each state received one vote in Congress, regardless of population.<sup>1</sup>

It wasn't long after the Articles of Confederation were established that cracks began to appear in their foundation. Congress struggled to conduct business and to ensure the financial credibility of the new country's government. One difficulty was its inability to compel the individual states to cover their portion of Revolutionary War debt. Attempts to recoup these funds through the imposition of tariffs were vetoed by states with a vested financial interest in their failure.<sup>2</sup>

Given the inherent weaknesses in the system set up by the Articles, in 1787 the delegates came together once again to consider amendments to the Articles, but they ended up instead considering a new design for the government (**Figure 14.2**). To produce more long-term stability, they needed to establish a more effective division of power between the federal and state governments. Ultimately, the framers settled on a system in which power would be shared: The national government had its core duties, the state governments had their duties, and other duties were shared equally between them. Today this structure

of power sharing is referred to as federalism.



**Figure 14.2** The Articles of Confederation, written in 1777 and adopted in 1781, established the first government of the United States. The Articles were replaced by the Constitution in 1787.

The Constitution allocated more power to the federal government by effectively adding two new branches: a president to head the executive branch and the Supreme Court to head the judicial branch. The specific delegated or **expressed powers** granted to Congress and to the president were clearly spelled out in the body of the Constitution under Article I, Section 8, and Article II, Sections 2 and 3.

In addition to these expressed powers, the national government was given **implied powers** that, while not clearly stated, are inferred. These powers stem from the *elastic clause* in Article I, Section 8, of the Constitution, which provides Congress the authority “to make all Laws which shall be necessary and proper for carrying into Execution the Foregoing powers.” This statement has been used to support the federal government’s playing a role in controversial policy matters, such as the provision of healthcare, the expansion of power to levy and collect taxes, and regulation of interstate commerce. Finally, Article VI declared that the U.S. Constitution and any laws or treaties made in connection with that document were to supersede constitutions and laws made at the state level. This clause, better known as the *supremacy clause*, makes clear that any conflict in law between the central (or federal) government and the regional (or state) governments is typically resolved in favor of the central government.

Although the U.S. Constitution clearly allocated more power to the federal government than had been the case under the Articles of Confederation, the framers still respected the important role of the states in the new government. The states were given a host of powers independent of those enjoyed by the national government. As one example, they now had the power to establish local governments and to account for the structure, function, and responsibilities of these governments within their state constitutions. This gave states sovereignty, or supreme and independent authority, over county, municipal, school and other special districts.

States were also given the power to ratify amendments to the U.S. Constitution. Throughout U.S. history, all amendments to the Constitution except one have been proposed by Congress and then ratified by either three-fourths of the state legislatures or three-fourths of the state conventions called for ratification purposes. This process ensures that the states have a voice in any changes to the Constitution. The Twenty-First Amendment (repealing the Eighteenth Amendment's prohibition on alcohol) was the only amendment ratified using the state ratifying convention method. Although this path has never been

taken, the U.S. Constitution even allows for state legislatures to take a direct and very active role in the amendment proposal process. If at least two-thirds of the state legislatures apply for a national convention, constitutional amendments can be proposed at the convention.

## Finding a Middle Ground

### Debating the Need for a National Convention

As of 2015, twenty-seven states had passed applications to hold a national convention. These states are pushing for the opportunity to propose a constitutional amendment requiring the national government to balance its budget in the same way most states are mandated to do. For a national convention to be held, at least thirty-four states must submit applications. Thus, only seven states currently stand in the way of the first national convention in U.S. history.<sup>3</sup>

Proponents see the convention as an opportunity to propose an amendment they argue is necessary to reduce federal spending and promote fiscal responsibility. Conservatives and Tea Party members believe reducing the deficit is important to maintaining the country's future economic health and its competitive strength in global markets. They also believe the growing roster of states favoring a convention may encourage Congress to take action on its own.

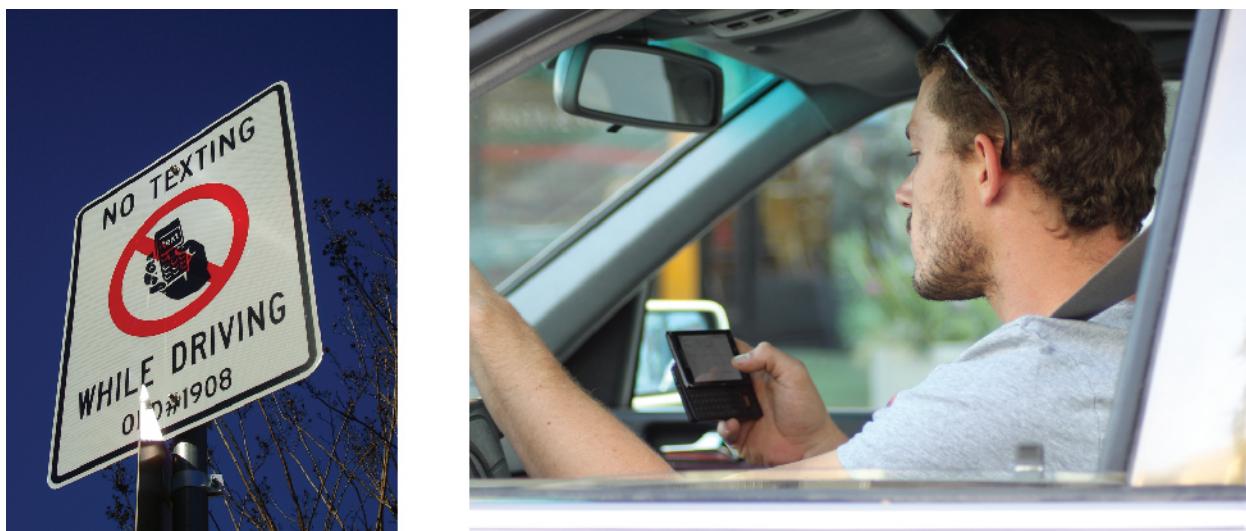
Opponents feel a balanced budget amendment is not realistic given the need for emergency spending in the event of an economic recession. They also worry about the spending cuts and/or tax increases the federal government would have to impose to consistently balance the budget. Some states fear a balanced-budget requirement would limit the federal government's ability to provide them with continued fiscal support. Finally, other opponents argue that states balance only their operating budgets, while themselves assuming massive amounts of debt for capital projects.

But perhaps the greatest fear is of the unknown. A national convention is unprecedented, and there is no limit to the number of amendments delegates to such a convention might propose. However, such changes would still need to be ratified by three-fourths of the state legislatures or state conventions before they could take effect.

*What are the potential benefits of a national constitutional convention? What are the risks? Are the benefits worth the risks? Why or why not?*

Despite the Constitution's broad grants of state authority, one of the central goals of the Anti-Federalists, a group opposed to several components of the Constitution, was to preserve state government authority, protect the small states, and keep government power concentrated in the hands of the people. For this reason, the Tenth Amendment was included in the Bill of Rights to create a class of powers, known as reserved powers, exclusive to state governments. The amendment specifically reads, "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." In essence, if the Constitution does not decree that an activity should be performed by the national government and does not restrict the state government from engaging in it, then the state is seen as having the power to perform the function. In other words, the power is reserved to the states.

Besides reserved powers, the states also retained concurrent powers, or responsibilities shared with the national government. As part of this package of powers, the state and federal governments each have the right to collect income tax from their citizens and corporate tax from businesses. They also share responsibility for building and maintaining the network of interstates and highways and for making and enforcing laws (**Figure 14.3**). For instance, many state governments have laws regulating motorcycle and bicycle helmet use, banning texting and driving, and prohibiting driving under the influence of drugs or alcohol.



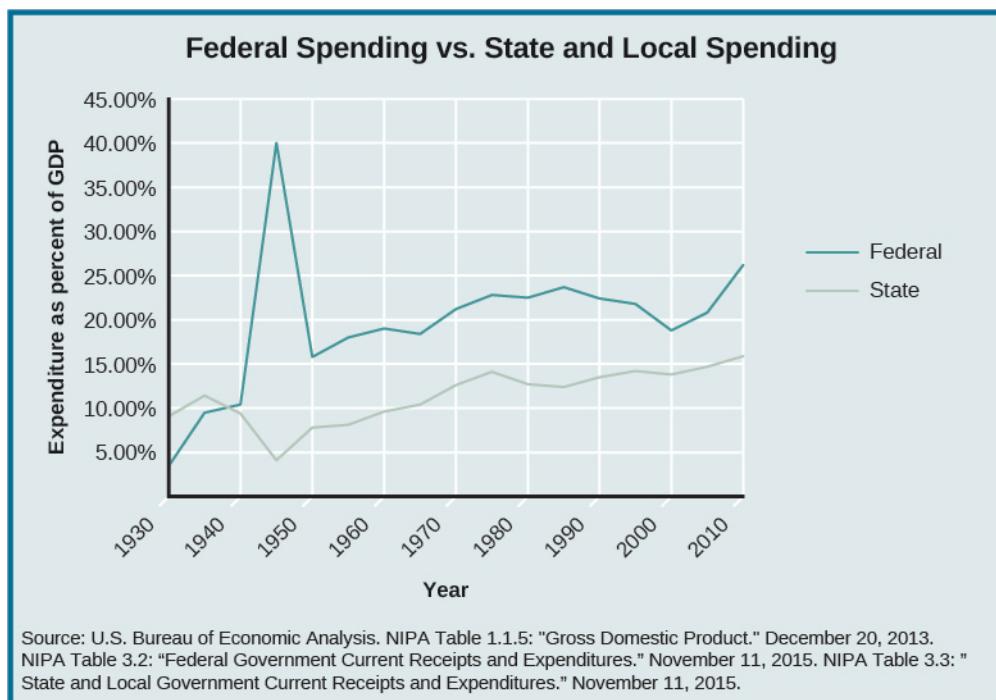
**Figure 14.3** State (and sometimes local) governments regulate items having to do with highway safety, such as laws against cellphone use while driving. (credit right: modification of work by "Lord Jim"/Flickr)

## THE EVOLUTION OF STATE POWER

Throughout U.S. history, the national and state governments have battled for dominance over the implementation of public policy and the funding of important political programs. Upon taking office in 1933 during the Great Depression (1929–1939), President Franklin D. Roosevelt initiated a series of legislative proposals to boost the economy and put people back to work. The enacted programs allowed the federal government to play a broader role in revitalizing the economy while greatly expanding its power. However, this result was not without its critics. Initially, the Supreme Court overturned several key legislative proposals passed under Roosevelt, reasoning that they represented an overreach of presidential authority and were unconstitutional, such as *Schechter Poultry Corp. v. United States*.<sup>4</sup> Eventually, however, the Supreme Court shifted direction to reflect public opinion, which was decisively behind the president and the need for government intervention in a time of economic turmoil.<sup>5</sup>

Just three decades later, during the 1964 presidential election campaign, incumbent President Lyndon B. Johnson declared a "War on Poverty," instituting a package of Great Society programs designed to improve circumstances for lower-income Americans across the nation. The new programs included Medicare and Medicaid, which are health insurance programs for seniors and low-income citizens respectively, and the food stamp program, which provides food assistance to low-income families. These initiatives greatly expanded the role of the federal government in providing a social safety net.<sup>6</sup> State and local governments became partners in their implementation and also came to rely on the financial support they received from the federal government in the form of program grants.<sup>7</sup>

As the federal government's role in policy creation expanded, so did its level of spending. Spending by the federal government began to surpass that of state and local governments shortly after 1940 (Figure 14.4). It spiked temporarily during the Great Depression and again during World War II, resuming a slow climb with the implementation of Johnson's Great Society programs noted above.



**Figure 14.4** After spiking during World War II, spending by the federal government has consistently exceeded that of state and local governments. Between 2000 and 2010, the gap between federal and state spending steadily widened.

Growing financial resources gave the federal government increased power over subnational governments. This increased power was because it could use categorical grants to dictate the terms and conditions state governments had to meet to qualify for financial assistance in a specific policy area. Over time, the federal government even began to require state and local governments to comply with legislative and executive authorizations when funding was not attached. These requests from the federal government are referred to as unfunded mandates and are a source of dissatisfaction to political actors at the state and local level. To provide more transparency to state and local governments and reduce the federal government's use of mandates, the Unfunded Mandates Reform Act was passed in 1995. This act requires the Congressional Budget Office to provide information about the cost of any proposed government mandate that exceeds a specified threshold before the bill can be considered in Congress.<sup>8</sup>

### Link to Learning



Explore the latest news on federal mandates at the **Congressional Budget Office** (<https://openstaxcollege.org/II/29fedmandates>) and the **Catalog of Cost Shifts to States** (<https://openstaxcollege.org/II/29catcostshifts>) at the National Conference of State Legislatures website.

Despite the national government's power to pass and fund policy that affects lower-level governments, states still have gained considerable headway since the late twentieth century. For instance, with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act in 1996, known as the welfare reform bill, states were given great discretion over the provision of welfare. The federal government reduced its level of monetary support for the program and, in exchange, the states gained more authority over its implementation. States were able to set more restrictive work requirements, to

place caps on the number of family members who could receive aid, and to limit the length of time someone could qualify for government assistance.<sup>9</sup>

Since then, states have been granted the flexibility to set policy across a number of controversial policy areas. For instance, a wide array of states require parental consent for abortions performed on minors, set waiting periods before an abortion can be performed, or require patients to undergo an ultrasound before the procedure. As another example, currently, almost half the states allow for the use of medical marijuana and three states have fully legalized it, despite the fact that this practice stands in contradiction to federal law that prohibits the use and distribution of marijuana.

### Link to Learning



For more on these two controversial policy areas, explore ["An Overview of State Abortion Laws"](https://openstaxcollege.org/l/29stateabortlaw) (<https://openstaxcollege.org/l/29stateabortlaw>) and ["State Medical Marijuana Laws."](https://openstaxcollege.org/l/29medmarijlaws) (<https://openstaxcollege.org/l/29medmarijlaws>)

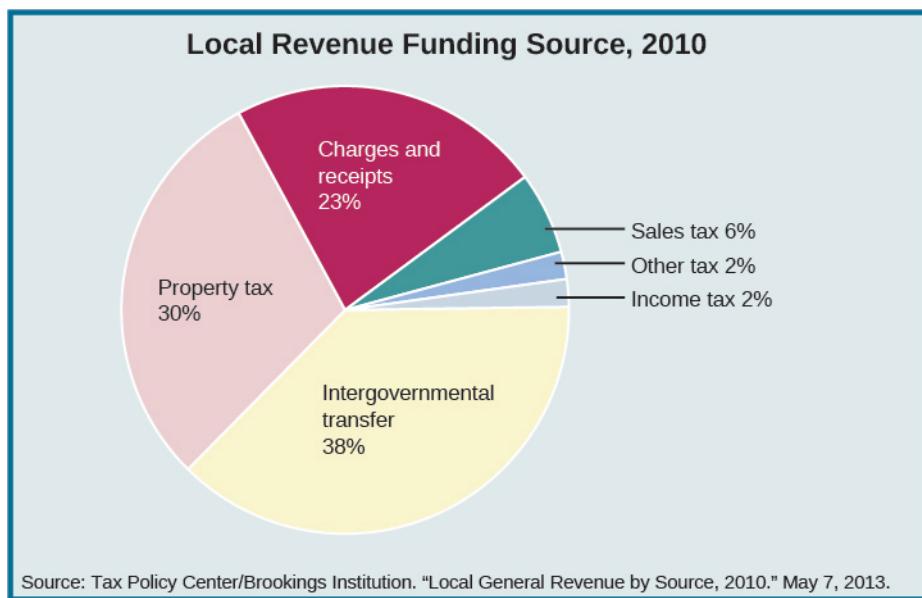
Today, it is not uncommon to see a patchwork of legal decisions granting states more discretion in some policy areas, such as marijuana use, while providing the federal government more authority in others, such as same-sex marriage. Decisions about which level controls policy can reflect the attitudes of government officials and the public, political ideology and the strategic advantage of setting policy on a state-by-state basis, and the necessity of setting uniform policy in the face of an economic downturn or unanticipated national security threat. What has not changed over time is the central role of the U.S. Supreme Court's views in determining how power should be distributed in a federalist system.

## POWER AT THE SUBSTATE LEVEL

The U.S. Constitution is silent on the dispersion of power between states and localities within each state. The fact that states are mentioned specifically and local jurisdictions are not has traditionally meant that power independent of the federal government resides first with the state. Through their own constitutions and statutes, states decide what to require of local jurisdictions and what to delegate. This structure represents the legal principle of **Dillon's Rule**, named for Iowa Supreme Court justice John F. Dillon. Dillon argued that state actions trump those of the local government and have supremacy.<sup>10</sup> In this view, cities and towns exist at the pleasure of the state, which means the state can step in and dissolve them or even take them over. Indeed, most states have supremacy clauses over local governments in their constitutions.

However, for practical purposes, state and local governments must work together to ensure that citizens receive adequate services. Given the necessity of cooperation, many states have granted local governments some degree of autonomy and given them discretion to make policy or tax decisions.<sup>11</sup> This added independence is called **home rule**, and the transfer of power is typically spelled out within a **charter**. Charters are similar to state constitutions: they provide a framework and a detailed accounting of local government responsibilities and areas of authority. Potential conflicts can come up over home rule. For example, in 2015, the State of Texas overruled a fracking ban imposed by the City of Denton.<sup>12</sup>

Like state governments, local governments prioritize spending on building and maintaining the transportation infrastructure, supporting educational institutions, promoting community protection, and funding healthcare.<sup>13</sup> As shown in **Figure 14.5**, local governments, just like state governments, receive a sizeable chunk of their revenue from grants and transfers from other levels of the government. The next biggest source of revenue for local governments is property tax collections.



**Figure 14.5** The largest source of revenue for local governments is grants and transfers from other levels of the government. The next biggest source is property tax collections.

Property taxes can be assessed on homes, land, and businesses. The local government's reliance on property tax revenue can be problematic for a number of reasons. First, unlike sales tax, the collection of which is spaced out in small increments across multiple transactions, property tax is collected in one or two lump sums and is therefore highly visible and unpopular.<sup>14</sup> In fact, in response to tax rate increases, many states have placed legal or constitutional limits on regional governments' ability to raise property taxes. The trend began in California with the 1978 passage of Proposition 13. This citizen-driven initiative capped the real estate tax at 1 percent of the cash value of property and stopped the practice of reassessing properties for tax purposes whenever a home in the neighborhood was sold.<sup>15</sup> After its passage, a number of other states followed suit, making it more difficult for states to reap the rewards of sharp increases in the market value of property.

Another drawback to local governments' reliance on property tax is that property values vary with the economic health of a given area, the quality of school districts, and the overall desirability of a state, municipality, or county. Significant parcels of land in many cities are also tax-exempt, including property occupied by colleges, churches, and other nonprofit organizations. Boston is a good example as almost 50 percent of the assessed value of property is tax-exempt.<sup>16</sup> College towns face the same challenge.

When the mortgage crisis began in 2007, property values decreased in many areas of the country, and many homeowners defaulted on their mortgages because their homes were now worth less than they had borrowed to buy them. With the decline in property values, local governments faced a loss in tax revenue at the same time states were cutting back on aid; tax collections were also down because of economic conditions and the inability to derive income tax from internet sales. A number of municipalities filed for bankruptcy in the face of fiscal distress during the economic recession. Perhaps the best known municipality was Detroit, Michigan, which filed for Chapter 9 bankruptcy in 2013 (Figure 14.6).



**Figure 14.6** This photo shows the wreckage of the ballroom at the Lee Plaza Hotel in Detroit, Michigan. Once a landmark, this building is an example of the city's crumbling infrastructure. (credit: modification of work by Mike Boening)

Detroit filed for bankruptcy due to massive debt obligations and demands for repayment that it could not meet due to a perfect storm of economic and democratic factors. The city owed money to investors who had loaned it money, and it had liabilities resulting from its failure to fulfill its pension and healthcare obligations to city workers. The bankruptcy allowed the city time to develop an exit strategy and negotiate with creditors and union representatives in an effort to restructure its debt load.<sup>17</sup> Indeed, Detroit recently emerged from bankruptcy and has started to rebuild economically.

Detroit's fiscal condition only highlights the unique challenges municipalities face. Local governments have to provide many of the same services as state and national governments, but they are often constrained by the boundaries the state prescribes. They may not have the authority to raise revenue above a certain threshold, and they do not have the ability to pass expenses on to another level of government because they lack sovereignty.

## 14.2 State Political Culture

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### Learning Objectives

By the end of this section, you will be able to:

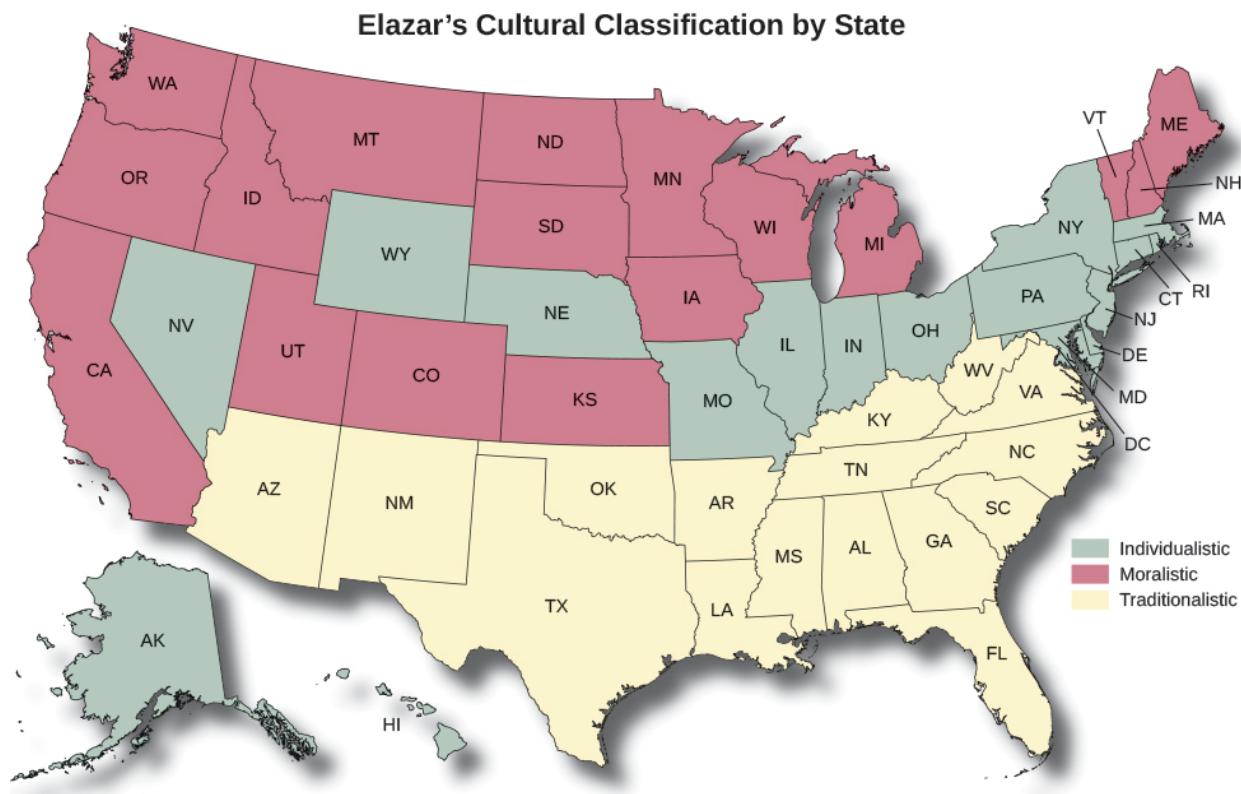
- Compare Daniel Elazar's three forms of political culture
- Describe how cultural differences between the states can shape attitudes about the role of government and citizen participation
- Discuss the main criticisms of Daniel Elazar's theory

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Some states, such as Alaska, are endowed with natural resources. They can use their oil or natural gas reserves to their advantage to fund education or reduce taxes. Other states, like Florida, are favored with a climate that attracts tourists and retirees each winter, drawing in revenues to support infrastructure improvements throughout the state. These differences can lead to strategic advantages in the economic fortunes of a state, which can translate into differences in the levels of taxes that must be collected from citizens.

But their economic fortunes are only one component of what makes individual states unique. Theorists have long proposed that states are also unique as a function of their differing political cultures, or their attitudes and beliefs about the functions and expectations of the government. In the book, *American*

*Federalism: A View from the States*, Daniel Elazar first theorized in 1966 that the United States could be divided into three distinct political cultures: moralistic, individualistic, and traditionalistic (Figure 14.7). The diffusion of these cultures throughout the United States is attributed to the migratory patterns of immigrants who settled in and spread out across the country from the east to the west coast. These settlers had distinct political and religious values that influenced their beliefs about the proper role of government, the need for citizen involvement in the democratic process, and the role of political parties.



**Figure 14.7** Daniel Elazar posited that the United States can be divided geographically into three types of political cultures—individualistic, moralistic, and traditionalistic—which spread with the migratory patterns of immigrants across the country.

## MORALISTIC POLITICAL CULTURE

In Elazar's framework, states with a **moralistic political culture** see the government as a means to better society and promote the general welfare. They expect political officials to be honest in their dealings with others, put the interests of the people they serve above their own, and commit to improving the area they represent. The political process is seen in a positive light and not as a vehicle tainted by corruption. In fact, citizens in moralistic cultures have little patience for corruption and believe that politicians should be motivated by a desire to benefit the community rather than by a need to profit financially from service.

Moralistic states thus tend to support an expanded role for government. They are more likely to believe government should promote the general welfare by allocating funds to programs that will benefit the poor. In addition, they see it as the duty of public officials to advocate for new programs that will benefit marginal citizens or solve public policy problems, even when public pressure to do so is nonexistent.

The moralistic political culture developed among the Puritans in upper New England. After several generations, these settlers moved westward, and their values diffused across the top of the United States to the upper Great Lakes. In the middle of the 1800s, Scandinavians and Northern Europeans joined this group of settlers and reinforced the Puritans' values. Together, these groups pushed further west through the northern portion of the Midwest and West and then along the West Coast.<sup>18</sup>

States that identify with this culture value citizen engagement and desire citizen participation in all forms of political affairs. In Elazar's model, citizens from moralistic states should be more likely to donate their time and/or resources to political campaigns and to vote. This occurs for two main reasons. First, state law is likely to make it easier for residents to register and to vote because mass participation is valued. Second, citizens who hail from moralistic states should be more likely to vote because elections are truly contested. In other words, candidates will be less likely to run unopposed and more likely to face genuine competition from a qualified opponent. According to Elazar, the heightened competition is a function of individuals' believing that public service is a worthwhile endeavor and an honorable profession.

### Milestone

#### Oregon's Efforts to Expand the Voting Franchise

In 1998, Oregon became the first state to switch to mail-in voting when citizens passed a ballot measure for it to take effect. In March 2015, Governor Kate Brown took another step to expand the voting franchise. She signed a bill into law that makes voter registration automatic for all citizens in the state with a driver's license. These citizens will now be automatically registered to vote in elections and will receive a mail-in ballot before Election Day unless they specifically opt out with the Oregon secretary of state's office.

In the United States, Oregon is the first to institute automatic voter registration, and it anticipates adding several hundred thousand residents to its voter participation list with the passage of this bill.<sup>19</sup> However, the new law lacks the support of Republicans in the state legislature. These party members believe automatic registration makes the voting process too easy for citizens and coerces them into voting.<sup>20</sup> Others argue that Oregon's new law is a positive move. They believe the change is a step in the right direction for democracy and will encourage participation in elections. If Oregon's law were to be adopted across the United States, it would affect about fifty million citizens, the number who are believed to be eligible to vote but who remain unregistered.<sup>21</sup>

*What are the benefits of Oregon's automatic voter registration policy? Are there any drawbacks? What advantages and disadvantages might arise if this policy were adopted nationwide?*

Finally, in Elazar's view, citizens in moralistic cultures are more likely to support individuals who earn their positions in government on merit rather than as a reward for party loyalty. In theory, there is less incentive to be corrupt if people acquire positions based on their qualifications. In addition, moralistic cultures are more open to third-party participation. Voters want to see political candidates compete who are motivated by the prospect of supporting the broader community, regardless of their party identification.

### INDIVIDUALISTIC POLITICAL CULTURE

States that align with Elazar's **individualistic political culture** see the government as a mechanism for addressing issues that matter to individual citizens and for pursuing individual goals. People in this culture interact with the government in the same manner they would interact with a marketplace. They expect the government to provide goods and services they see as essential, and the public officials and bureaucrats who provide them expect to be compensated for their efforts. The focus is on meeting individual needs and private goals rather than on serving the best interests of everyone in the community. New policies will be enacted if politicians can use them to garner support from voters or other interested stakeholders, or if there is great demand for these services on the part of individuals.

According to Elazar, the individualist political culture originated with settlers from non-Puritan England and Germany. The first settlements were in the mid-Atlantic region of New York, Pennsylvania, and New Jersey and diffused into the middle portion of the United States in a fairly straight line from Ohio to Wyoming.

Given their focus on pursuing individual objectives, states with an individualistic mindset will tend to

advance tax breaks as a way of trying to boost a state's economy or as a mechanism for promoting individual initiative and entrepreneurship. For instance, New Jersey governor Chris Christie made headlines in 2015 when discussing the incentives he used to attract businesses to the state. Christie encouraged a number of businesses to move to Camden, where unemployment has risen to almost 14 percent, by providing them with hundreds of millions of dollars in tax breaks.<sup>22</sup> The governor hopes these corporate incentives will spur job creation for citizens who need employment in an economically depressed area of the state.

Since this theoretical lens assumes that the objective of politics and the government is to advance individual interests, Elazar argues that individuals are motivated to become engaged in politics only if they have a personal interest in this area or wish to be in charge of the provision of government benefits. They will tend to remain involved if they get enjoyment from their participation or rewards in the form of patronage appointments or financial compensation. As a result of these personal motivations, citizens in individualistic states will tend to be more tolerant of corruption among their political leaders and less likely to see politics as a noble profession in which all citizens should engage.

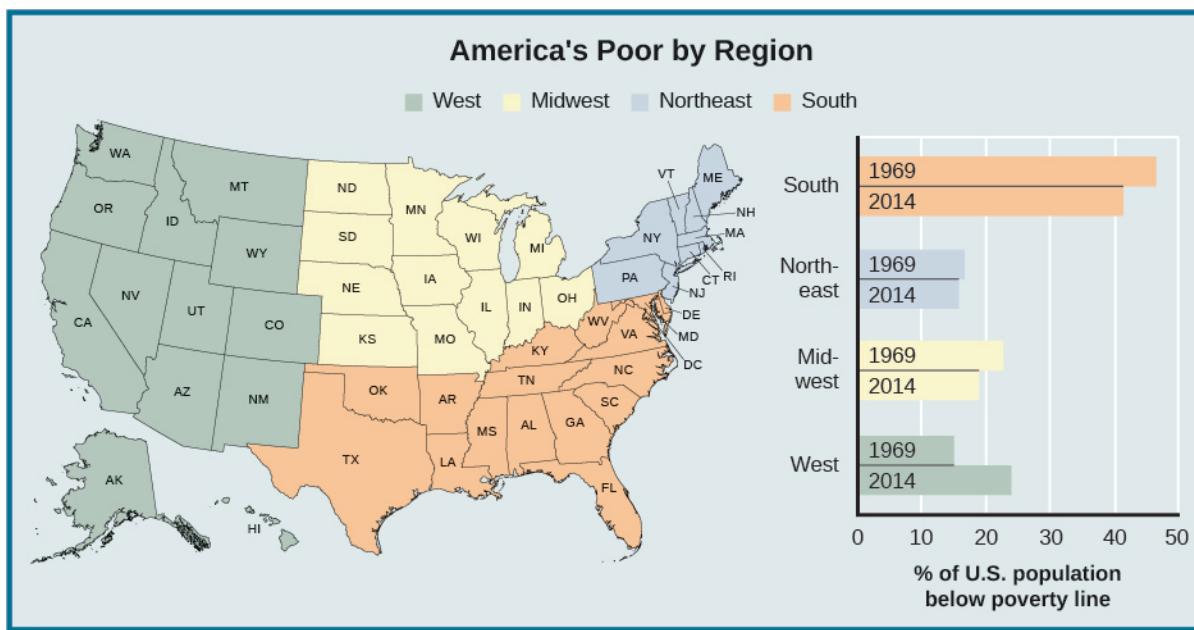
Finally, Elazar argues that in individualistic states, electoral competition does not seek to identify the candidate with the best ideas. Instead it pits against each other political parties that are well organized and compete directly for votes. Voters are loyal to the candidates who hold the same party affiliation they do. As a result, unlike the case in moralistic cultures, voters do not pay much attention to the personalities of the candidates when deciding how to vote and are less tolerant of third-party candidates.

## TRADITIONALISTIC POLITICAL CULTURE

Given the prominence of slavery in its formation, a **traditionalistic political culture**, in Elazar's argument, sees the government as necessary to maintaining the existing social order, the status quo. Only elites belong in the political enterprise, and as a result, new public policies will be advanced only if they reinforce the beliefs and interests of those in power.

Elazar associates traditionalistic political culture with the southern portion of the United States, where it developed in the upper regions of Virginia and Kentucky before spreading to the Deep South and the Southwest. Like the individualistic culture, the traditionalistic culture believes in the importance of the individual. But instead of profiting from corporate ventures, settlers in traditionalistic states tied their economic fortunes to the necessity of slavery on plantations throughout the South.

When elected officials do not prioritize public policies that benefit them, those on the social and economic fringes of society can be plagued by poverty and pervasive health problems. For example, although **Figure 14.8** shows that poverty is a problem across the entire United States, the South has the highest incidence. According to the Centers for Disease Control and Prevention, the South also leads the nation in self-reported obesity, closely followed by the Midwest.<sup>23</sup> These statistics present challenges for lawmakers not only in the short term but also in the long term, because they must prioritize fiscal constraints in the face of growing demand for services.



**Figure 14.8** While the greatest percentage of those living below the poverty line in the United States is found in the South, migration and immigration patterns over the past fifty years have resulted in a significant increase in the percentage of the nation's poor being located in the West.

While moralistic cultures expect and encourage political participation by all citizens, traditionalistic cultures are more likely to see it as a privilege reserved for only those who meet the qualifications. As a result, voter participation will generally be lower in a traditionalistic culture, and there will be more barriers to participation (e.g., a requirement to produce a photo ID at the voting booth). Conservatives argue that these laws reduce or eliminate fraud on the part of voters, while liberals believe they disproportionately disenfranchise the poor and minorities and constitute a modern-day poll tax.

### Link to Learning



Visit the National Conference of State Legislatures for an overview of [Voter Identification Requirements](https://openstaxcollege.org/II29voteridreq) (<https://openstaxcollege.org/II29voteridreq>) by state.

Finally, under a traditionalistic political culture, Elazar argues that party competition will tend to occur between factions within a dominant party. Historically, the Democratic Party dominated the political structure in the South before realignment during the civil rights era. Today, depending on the office being sought, the parties are more likely to compete for voters.

### CRITIQUES OF ELAZAR'S THEORY

Several critiques have come to light since Elazar first introduced his theory of state political culture fifty years ago. The original theory rested on the assumption that new cultures could arise with the influx of settlers from different parts of the world; however, since immigration patterns have changed over time, it could be argued that the three cultures no longer match the country's current reality. Today's immigrants are less likely to come from European countries and are more likely to originate in Latin American and

Asian countries.<sup>24</sup> In addition, advances in technology and transportation have made it easier for citizens to travel across state lines and to relocate. Therefore, the pattern of diffusion on which the original theory rests may no longer be accurate, because people are moving around in more, and often unpredictable, directions.

It is also true that people migrate for more reasons than simple economics. They may be motivated by social issues such as widespread unemployment, urban decay, or low-quality health care of schools. Such trends may aggravate existing differences, for example the difference between urban and rural lifestyles (e.g., the city of Atlanta vs. other parts of Georgia), which are not accounted for in Elazar's classification. Finally, unlike economic or demographic characteristics that lend themselves to more precise measurement, culture is a comprehensive concept that can be difficult to quantify. This can limit its explanatory power in political science research.

## 14.3 Governors and State Legislatures

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### Learning Objectives

By the end of this section, you will be able to:

- Identify the formal powers and responsibilities of modern-day governors
- List the basic functions performed by state legislatures
- Describe how state legislatures vary in size, diversity, party composition, and professionalism

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Public opinion regarding Congress has reached a dismal low, with more than 80 percent of those surveyed in 2014 saying they do not feel most members of Congress deserve to be reelected.<sup>25</sup> This attitude stems from partisan rivalry, media coverage that has capitalized on the conflict, fiscal shutdowns, and the general perception that Congress is no longer engaged in lawmaking.

The picture looks quite different at the subnational level, at least where lawmaking is concerned. State representatives and senators have been actively engaged in the lawmaking function, grabbing national attention at times for their controversial and highly partisan policies. Governors have been active in promoting their own policy agendas, either in cooperation with the state legislature or in opposition to it. Among the early 2016 Republican presidential contenders, nine were current or former state governors.<sup>26</sup> Increasingly, governors are using their office and the policies they have signed into law as a platform to gain national attention and to give voters a sense of their priorities should they ascend to the highest office in the country, the presidency.

### GOVERNORS IN CHARGE

Anyone elected to the office of governor assumes tremendous responsibility overnight. He or she becomes the spokesperson for the entire state and their political party, accepts blame or praise for handling decision-making in times of crisis, oversees the implementation of public policy, and helps shepherd legislation through the lawmaking process. These tasks require a great deal of skill and demand that governors exhibit different strengths and personality traits. Governors must learn to work well with other lawmakers, bureaucrats, cabinet officials, and with the citizens who elected them to office in the first place. The water crisis in Flint, Michigan, provides a good case in point.

Governors have tremendous power over the legislative branch because they serve year-round and hold office alone. They also command wide press coverage by virtue of being the leading elected official in their state. Finally, while there are variations in degree across the states, most governors have more power relative to their state legislatures than does the U.S. president relative to the U.S. Congress. State executive power flows from factors such as the propensity of state legislatures to meet for only part of the year and their resulting reliance for information on the governor and his/her administration, stronger formal tools (e.g., line-item vetoes), budget-cutting discretion, and the fact that state legislators typically hold down

another job besides that of legislator.

Three of the governor's chief functions are to influence the legislative process through an executive budget proposal, a policy agenda, and vetoes. Just as the president gives a State of the Union address once a year, so too do governors give an annual State of the State address before the state legislature (**Figure 14.9**). In this speech, they discuss economic and political achievements, cite data that supports their accomplishments, and overview the major items on their legislative agenda. This speech signals to members of the state legislature what priorities are high on the governor's list. Those who share the governor's party affiliation will work with him or her to see these goals achieved. Given that governors need the cooperation of state legislators to get their bills introduced and steered through the lawmaking process, they make developing good relationships with lawmakers a priority. This can entail helping lawmakers address the concerns of their constituents, inviting legislators to social events and meals, and scheduling weekly meetings with legislative leaders and committee chairs to discuss policy.<sup>27</sup>



**Figure 14.9** South Carolina governor Nikki Haley delivers her 2015 State of the State address from the State House in Columbia, South Carolina, on January 21, 2015.

In addition to providing a basic list of policy priorities, governors also initiate a budget proposal in most states. Here they indicate funding priorities and spell out the amounts that will be appropriated to various state agencies under their discretion. When the economy is strong, governors may find themselves in the enviable position of having a surplus of tax revenue. That allows them some flexibility to decide whether they want to reduce taxes, direct funds toward a new initiative or program, allocate more funds to current programs, restore funds that were cut during times of fiscal distress, or save surplus revenue in a rainy-day account.<sup>28</sup> Moreover, when cuts must be made, especially when the legislature is not in session, it is typically the governor or his or her finance director who makes the call on what gets cut.

Having introduced his or her priorities, the governor will work on the sidelines to steer favored bills through the legislative process. This may entail holding meetings with committee chairs or other influential lawmakers concerning their legislative priorities, working with the media to try to get favorable coverage of legislative priorities, targeting advocacy organizations to maintain pressure on resistant lawmakers, or testifying in legislative hearings about the possible impacts of the legislation.<sup>29</sup>

Once legislation has made its way through the lawmaking process, it comes to the governor's desk for signature. If a governor signs the bill, it becomes law, and if the governor does not like the terms of the legislation he or she can veto, or reject, the entire bill. The bill can then become law only if a supermajority of legislators overrides the veto by voting in favor of the bill. Since it is difficult for two-thirds or more of state legislators to come together to override a veto (it requires many members of the governor's own party to vote against him or her), the simple act of threatening to veto can be enough to get legislators to make concessions to the governor before he or she will pass the legislation.

The ability to veto legislation is just one of the **formal powers** governors have at their disposal. Formal powers are powers the governor may exercise that are specifically outlined in state constitutions or state law.<sup>30</sup> Unlike U.S. presidents, many governors also have additional veto powers at their disposal, which

enhances their ability to check the actions of the legislative branch. For instance, most states provide governors the power of the line-item veto. The **line-item veto** gives governors the ability to strike out a line or individual portions of a bill while letting the remainder pass into law. In addition, approximately 30 percent of governors have the power of an **amendatory veto**, which allows them to send a bill back to the legislature and request a specific amendment to it. Finally, a small number of governors, including the governor of Texas, also have the power of a **reduction veto**, which allows them to reduce the budget proposed in a piece of legislation.<sup>31</sup>

### Insider Perspective

#### The Vanna White and Frankenstein Vetoes in Wisconsin

Although the line-item, reduction, and amendatory vetoes give governors tremendous power to adjust legislation and to check the legislative branch, the most powerful and controversial vetoes, which have allowed governors to make selective deletions from a bill before signing, are dubbed the “Vanna White” veto and the “Frankenstein” veto. (Vanna White hosts the popular game show “Wheel of Fortune,” in which contestants guess what a phrase is based on a limited number of letters. As they guess the letters, White indicates the correct letters within the puzzle.) These powers have a colorful history in the state of Wisconsin, where voters have limited their influence on two occasions.

The first occurred in 1990 when voters passed a provision restricting the governor’s ability to use the “Vanna White” veto to change a bill by crossing out specific letters within a given word in order to create a new word. After this restriction took effect, the “Frankenstein” veto came into practice, which allowed a governor to remove individual words, numbers, or passages from a bill and string the remaining text together (like the fictional Dr. Frankenstein’s monster) in an effort to alter the original intent of the legislation.<sup>32</sup>

As an example of the Frankenstein veto, when an appropriations bill was sent to Wisconsin governor James E. Doyle for signature in 2005, Doyle scrapped over seven hundred words from a passage that would have appropriated millions of dollars to transportation. The words that remained in the bill redirected those funds to education. Lawmakers were outraged, but they were not able to override the veto.<sup>33</sup>

Then, in 2007, Governor Doyle used the veto once again to raise property taxes almost 2 percent.<sup>34</sup> As a result of these controversial moves, the state house and senate passed a referendum to end the ability of governors to create a new sentence by combining words from two or more other sentences. A legislative referendum is a measure passed by the state legislature, such as a constitutional amendment, that goes to the voters for final approval.<sup>35</sup> This referendum went to the voters for approval or rejection in the 2008 election, and the voters banned the practice. Governors in Wisconsin and all the states still have tremendous power to shape legislation, however, through the other types of vetoes discussed in this chapter.

*Should any state governor have the powers referred to as the “Vanna White” and “Frankenstein” vetoes? What advantage, if any, might state residents gain from their governor’s ability to alter the intent of a bill the legislature has approved and then sign it into law?*

Besides the formal power to prepare the budget and veto legislation, legislators also have the power to call special sessions of the legislature for a wide array of reasons. For instance, sessions may be called to address budgetary issues during an economic downturn, to put together a redistricting plan, or to focus intensively on a particular issue the governor wants rectified immediately.<sup>36</sup> In some states, only the governor has the power to call a special session, while in other states this power is shared between the legislative and the executive branches.

## Link to Learning



For more details on the calling of legislative **Special Sessions** (<https://openstaxcollege.org/l/29legspecsess>), visit the National Conference of State Legislatures website.

Although governors have a great deal of power in the legislative arena, this is not their only area of influence. First, as leaders in their political party, governors often work to raise money for other political figures who are up for reelection. A governor who has high public approval ratings may also make campaign appearances on behalf of candidates in tough reelection fights across the state. Governors can draw in supporters, contributions, and media attention that can be beneficial to other political aspirants, and the party will expect them to do their part to ensure the greatest possible number of victories for their candidates. Second, as the spokesperson for their state, governors make every effort to sell the state's virtues and unique characteristics, whether to the media, to other citizens across the United States, to potential business owners, or to legislative leaders in Washington, DC. Governors want to project a positive image of their state that will encourage tourism, relocation, and economic investment within its boundaries. Collectively, governors make a mark through the National Governors Association, which is a powerful lobbying force in the nation's capital.

For example, Texas governor Greg Abbott made headlines in 2015 for writing to the CEO of General Electric (GE), urging the company to relocate its corporate headquarters from Connecticut, which had just raised its corporate tax rate, to Texas.<sup>37</sup> As his state's spokesperson, Abbott promoted Texas's friendly corporate tax structure and investment in transportation and education funding in hopes of enticing GE to relocate there and bring economic opportunities with it. The company has since decided to relocate to Boston, after receiving incentives, worth up to \$145 million, from Massachusetts officials.<sup>38</sup> Another example involved Texas governor Rick Perry touring California in 2014 in order to bring prospective businesses from the Golden State to Texas.

In March 2015, the governor of Virginia, Terry McAuliffe, and the mayor of Chicago, Rahm Emanuel, both sent letters to corporate heads in Indiana after controversy erupted around the passage of that state's Religious Freedom Restoration Act.<sup>39</sup> This bill is designed to restrict government intrusion into people's religious beliefs unless there is a compelling state interest. It also provides individuals and businesses with the ability to sue if they feel their religious rights have been violated. However, opponents feared the law would be used as a means to discriminate against members of the LGBT community, based on business owners' religious objections to providing services for same-sex couples.<sup>40</sup> In the media firestorm that followed the Indiana law's passage, several prominent companies announced they would consider taking their business elsewhere or cancelling event contracts in the state if the bill were not amended.<sup>41</sup> This led opportunistic leaders in the surrounding area to make appeals to these companies in the hope of luring them out of Indiana. Ultimately, the bill was clarified, likely due in part to corporate pressure on the state to do so.<sup>42</sup> The clarification made it clear that the law could not be used to refuse employment, housing, or service based on an individual's sexual orientation or gender identity.<sup>43</sup>

Controversial legislation like the Religious Freedom Restoration Act is only one of the many environmental factors that can make or break a governor's reputation and popularity. Other challenges and crises that may face governors include severe weather, terrorist attacks, immigration challenges, and budget shortfalls.

New Jersey governor Chris Christie gained national attention in 2012 over his handling of the aftermath of Hurricane Sandy, which caused an estimated \$65 billion worth of damage and cost the lives of over 150 individuals along the East Coast of the United States.<sup>44</sup> Christie was famously photographed with

President Obama during their joint tour of the damaged areas, and the governor subsequently praised the president for his response (Figure 14.10). Some later criticized Christie for his remarks because of the close proximity between the president's visit and Election Day, along with the fact that the Republican governor and Democratic president were from opposite sides of the political aisle. Critics felt the governor had betrayed his party and that the publicity helped the president win reelection.<sup>45</sup> Others praised the governor for cooperating with the president and reaching across the partisan divide to secure federal support for his state in a time of crisis.<sup>46</sup>



(a)



(b)

**Figure 14.10** New Jersey governor Chris Christie (right) hosted President Obama (center) during the president's visit to the state in October 2012 following the destruction brought by Hurricane Sandy (a). After viewing the damage along the coastline of Brigantine, New Jersey, Christie and Obama visited residents at the Brigantine Beach Community Center (b).

If severe winter weather is forecasted or in the event of civil unrest, governors also have the power to call upon the National Guard to assist residents and first responders or aid in storm recovery (Figure 14.11). When governors declare a state of emergency, National Guard troops can be activated to go into local areas and assist with emergency efforts in whatever capacity they are needed.<sup>47</sup> In 2015, many governors in the New England region called press conferences, worked with snow-removal crews and local government officials, set up emergency shelters, and activated travel bans or curfews in the face of crippling snowstorms.<sup>48</sup> When winter storms fail to bring predicted levels of snow, however, politicians can be left to field criticism that they instigated unnecessary panic.<sup>49</sup> Governors feel the weight of their decisions as they try to balance the political risks of overreacting and the human costs of letting the state be caught unprepared for these and other major natural disasters. As the chief spokesperson, they take all the blame or all the credit for their actions. With that said, it is important to note that presidents can enlist the National Guard for federal service as well.



**Figure 14.11** Following a massive snowstorm in November 2014, New York governor Andrew Cuomo ordered the mobilization of more than five hundred members of the National Guard to assist with snow removal and traffic control. Here soldiers shovel snow from the roof of the Absolut Care senior center in Orchard Park, New York. (credit: Luke Udell, U.S. Army National Guard)

Governors also have the power to spare or enhance the lives of individuals convicted of crimes in their state. Although they may choose to exercise this formal power only during the closing days of their term, if at all, most governors have the authority to grant pardons just as U.S. presidents do. A **pardon** absolves someone of blame for a crime and can secure his or her release from prison. Governors can also commute sentences, reducing the time an individual must serve,<sup>50</sup> if there are doubts about the person's guilt, concerns about his or her mental health, or reason to feel the punishment was inappropriately harsh. In the past ten years, the governors of New Jersey and Illinois have commuted the sentences of all inmates on death row before repealing the death penalty in their states.<sup>51</sup>

Despite the tremendous formal powers that go with the job, being governor is still personally and professionally challenging. The demands of the job are likely to restrict time with family and require forgoing privacy. In addition, governors will often face circumstances beyond their control. For instance, the state legislature may include a majority of members who do not share the governor's party affiliation. This can make working together more challenging and lead to less cooperation during the legislative session. Another challenge for governors is the plural executive, which refers to the fact that many state officials, such as the lieutenant governor, attorney general, and secretary of state are elected independently from the governor; hence, the governor has no direct control over them the way a president might have sway over U.S. executive officials. Governors can also face spending restrictions due to the economic climate in their state. They may have to make unpopular decisions that weaken their support among voters. The federal government can mandate that states perform some function without giving them any funds to do so. Finally, as we saw above, governors can be swept up in crises or natural disasters they did not anticipate and could not have foreseen. This can drain their energy and hamper their ability to generate good public policy.<sup>52</sup>

## THE FUNCTIONS OF STATE LEGISLATURES

State legislatures serve three primary functions. They perform a lawmaking function by researching, writing, and passing legislation. Members represent their districts and work to meet requests for help from citizens within it. Finally, legislatures perform an oversight function for the executive branch.

All state representatives and senators serve on committees that examine, research, investigate, and vote on legislation that relates to the committee's purpose, such as agriculture, transportation, or education. The number of bills introduced in any given session varies. Some state legislatures have more restrictive

rules concerning the number of bills any one member can sponsor. Legislators get ideas for bills from lobbyists of various types of interest groups, ranging from corporate groups to labor unions to advocacy organizations. Ideas for bills also come from laws passed in other state legislatures, from policy that diffuses from the federal government, from constituents or citizens in the officeholder's district who approach them with problems they would like to see addressed with new laws, and from their own personal policy agenda, which they brought to office with them. Finally, as we explored previously, legislators also work with the governor's agenda in the course of each legislative session, and they must pass a budget for their state either every year or every two years.

Most bills die in committee and never receive a second or third reading on the floor of the legislature. Lawmaking requires frequent consensus, not just among the legislators in a given house but also between the two chambers. In order for a bill to become law, it must pass through both the state house and the state senate in identical form before going to the governor's desk for final signature.

Besides generating public policy, state legislatures try to represent the interests of their constituents. Edmund Burke was a political philosopher who theorized that representatives are either delegates or trustees.<sup>53</sup> A **delegate legislator** represents the will of those who elected him or her to office and acts in their expressed interest, even when it goes against personal belief about what is ultimately in the constituency's best interest. On the other hand, **trustees** believe they were elected to exercise their own judgment and know best because they have the time and expertise to study and understand an issue. Thus, a trustee will be willing to vote against the desire of the constituency so long as he or she believes it is in the people's best interest. A trustee will also be more likely to vote his or her conscience on issues that are personal to him or her, such as on same-sex marriage or abortion rights.

Regardless of whether representatives adopt a delegate or a trustee mentality, they will all see it as their duty to address the concerns and needs of the people they represent. Typically, this will entail helping members in the district who need assistance or have problems with the government they want addressed. For instance, a constituent may write an elected official asking for help dealing with the bureaucracy such as in a decision made by tax commission, requesting a letter of recommendation for acceptance into a military academy, or proposing a piece of legislation the member can help turn into a law.

Legislators also try to bring particularized benefits back to their district. These benefits might include money that can be spent on infrastructure improvements or grants for research. Finally, members will accept requests from local government officials or other constituents to attend parades, ribbon-cutting ceremonies, or other celebratory events within their district (Figure 14.12). They will also work with teachers and faculty to visit classes or meet with students on field trips to the state capitol.



**Figure 14.12** To celebrate the opening of the new Loyola Avenue streetcar line, the mayor of New Orleans, Mitch Landrieu, marched with the St. Augustine "Marching 100" on January 28, 2013. (credit: U.S. Department of Transportation)

The last primary function of state legislators is to oversee the bureaucracy's implementation of public policy, ensuring it occurs in the manner the legislature intended. State legislatures may request that agency heads provide testimony about spending in hearings, or they may investigate particular bureaucratic agencies to ensure that funds are being disbursed as desired.<sup>54</sup> Since legislators have many other responsibilities and some meet for only a few months each year, they may wait to investigate until a constituent or lobbyist brings a problem to their attention.

## THE COMPOSITION OF STATE LEGISLATURES

In most states, the legislative function is divided between two bodies: a state house and a state senate. The only exception is Nebraska, which has a unicameral state senate of forty-nine members. State legislatures vary a great deal in terms of the number of legislators in the house and senate, the range of diversity across the membership, the partisan composition of the chamber relative to the governor's affiliation, and the degree of legislative professionalism. This variation can lead to differences in the type of policies passed and the amount of power legislatures wield relative to that of the governor.

According to the National Conference of State Legislatures, at forty members, Alaska's is the smallest state (or lower) house, while New Hampshire's is the largest at four hundred. State senates range in size from twenty members in Alaska to sixty-seven members in Minnesota. The size of the institution can have consequences for the number of citizens each member represents; larger bodies have a smaller legislator-to-constituent ratio (assuming even populations). Larger institutions can also complicate legislative business because reaching consensus is more difficult with more participants.<sup>55</sup>

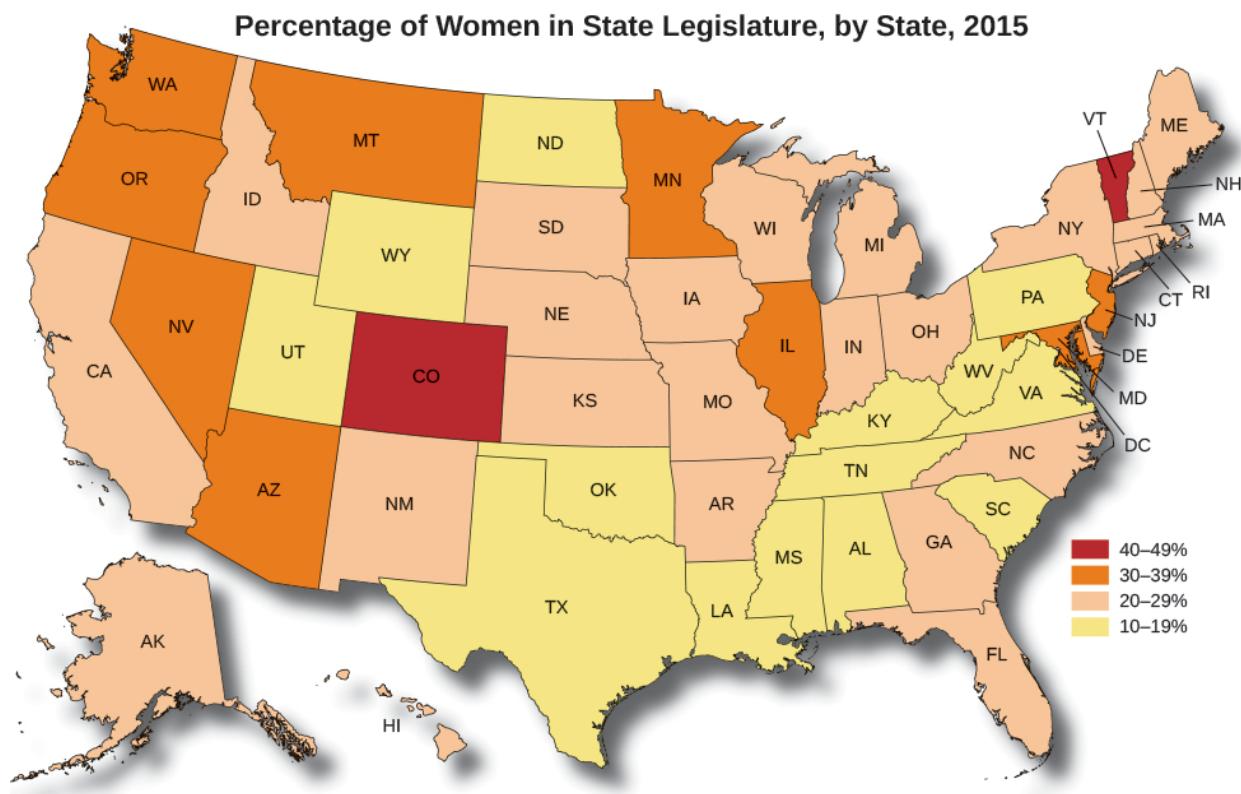
The term length in the state house is frequently two years, while in the state senate it is more commonly four years. These differences have consequences, too, because representatives in the state house, with the next election always right around the corner, will need to focus on their reelection campaigns more frequently than senators. On the other hand, state senators may have more time to focus on public policy and become policy generalists because they each must serve on multiple committees due to their smaller numbers.

### Link to Learning



The [number of legislators and term length](https://openstaxcollege.org/II/29legterm leng) (<https://openstaxcollege.org/II/29legterm leng>) varies by state.

In 2015, according to the National Conference of State Legislatures, women made up 24.3 percent of the nation's state legislators. However, the number varies a great deal across states (Figure 14.13). For instance, in Colorado and Vermont, women account for just over 40 percent of the state legislative membership. However, they make up less than 15 percent of the legislatures in Alabama, Louisiana, Oklahoma, South Carolina, West Virginia, and Wyoming.<sup>56</sup>



**Figure 14.13** In 2015, only one-quarter of state legislators across the United States were women. However, the percentage of women in state legislature varies greatly from state to state.

Data on minority representatives is more difficult to obtain, but 2009 estimates from the National Conference of State Legislatures paired with census estimates from 2010 show that African Americans and Latinos are both underrepresented in state government relative to their percentage of the population. In 2009, African Americans made up approximately 9 percent of state legislators, compared to the 13 percent of the population they constitute nationwide. On the other hand, Latino representatives made up approximately 3 percent of state legislators relative to their 14 percent of the total population in the United States.<sup>57</sup> The proportion of Latinos in the legislature is highest in Arizona, California, New Mexico, and Texas, while the proportion of African Americans is highest in Alabama, Georgia, and Mississippi.

Scholars in political science have spent a great deal of time researching the impact of women and minorities on the legislative process and on voter participation and trust. Some research demonstrates that female and minority representatives are more likely to advocate for policies that are of interest to or will benefit minorities, women, and children.<sup>58</sup> Other research suggests that the presence of African American and Latino representatives increases voter turnout by these groups.<sup>59</sup> Thus, increased diversity in state legislatures can have consequences for voter engagement and for the type of legislation pursued and passed within these bodies.

## Link to Learning



You can compare the numbers and percentages of **women in state legislature** (<http://www.openstaxcollege.org/l/29NCSLwomen>) , state by state.

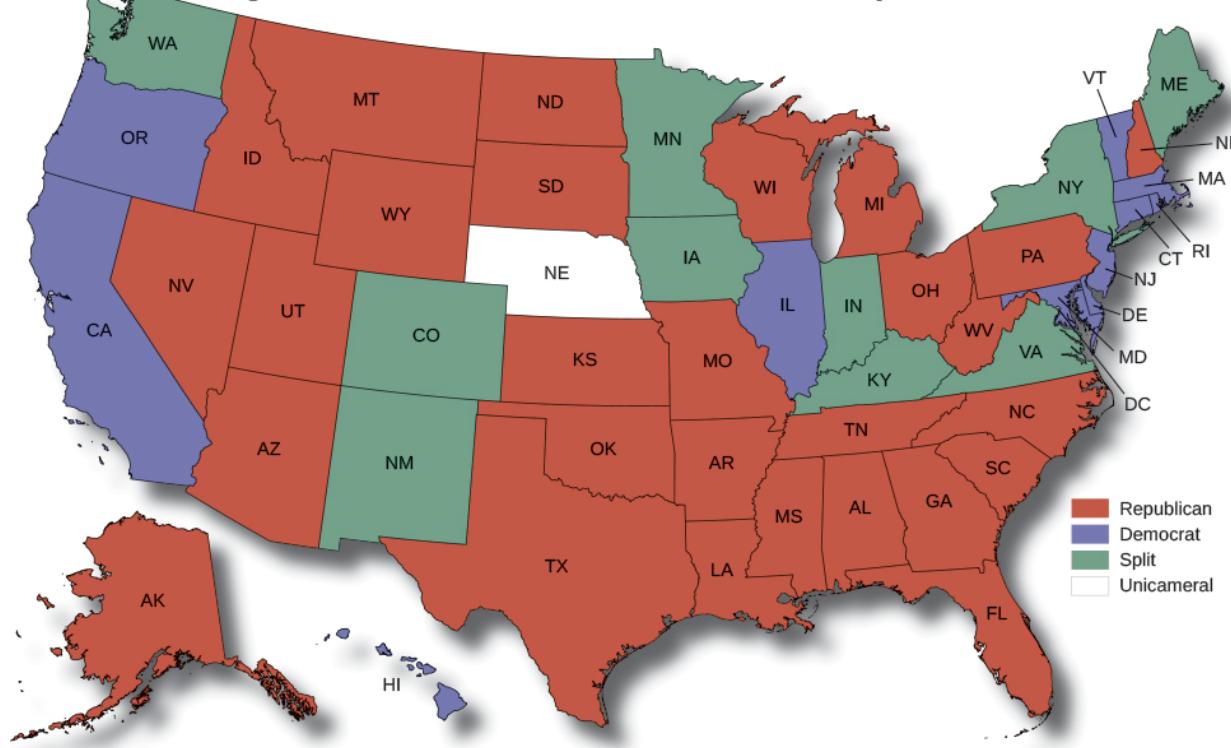
You can also compare the numbers and percentages of **African American representatives** (<https://openstaxcollege.org/l/29NCSLafamer>) .

Similar information about **Latino representation in state legislatures** (<https://openstaxcollege.org/l/29NCSLlatino>) is also available.

In 2014, twenty-six states had Republican majorities in the state house and senate, while in twenty states Democratic majorities were the norm. In just four states, party control was split so that the Democratic Party maintained control of one house while the Republican Party maintained control of the other.<sup>60</sup>

**Figure 14.14** illustrates the partisan composition across the United States. Note that states in New England and the West Coast are more likely to be unified behind the Democratic Party, while Republicans control legislatures throughout the South and in large parts of the Midwest. This alignment largely reflects differing political ideologies, with the more liberal, urban areas of the country leaning Democratic while the more conservative, rural areas are Republican.

**Legislative Control of State House and Senate by State, 2015**



**Figure 14.14** This map illustrates which party is in control of the house and senate within each state. When one party controls the senate and another party controls the house, the partisan composition is split. Nebraska is white because the state has nonpartisan elections and only one chamber (senate).

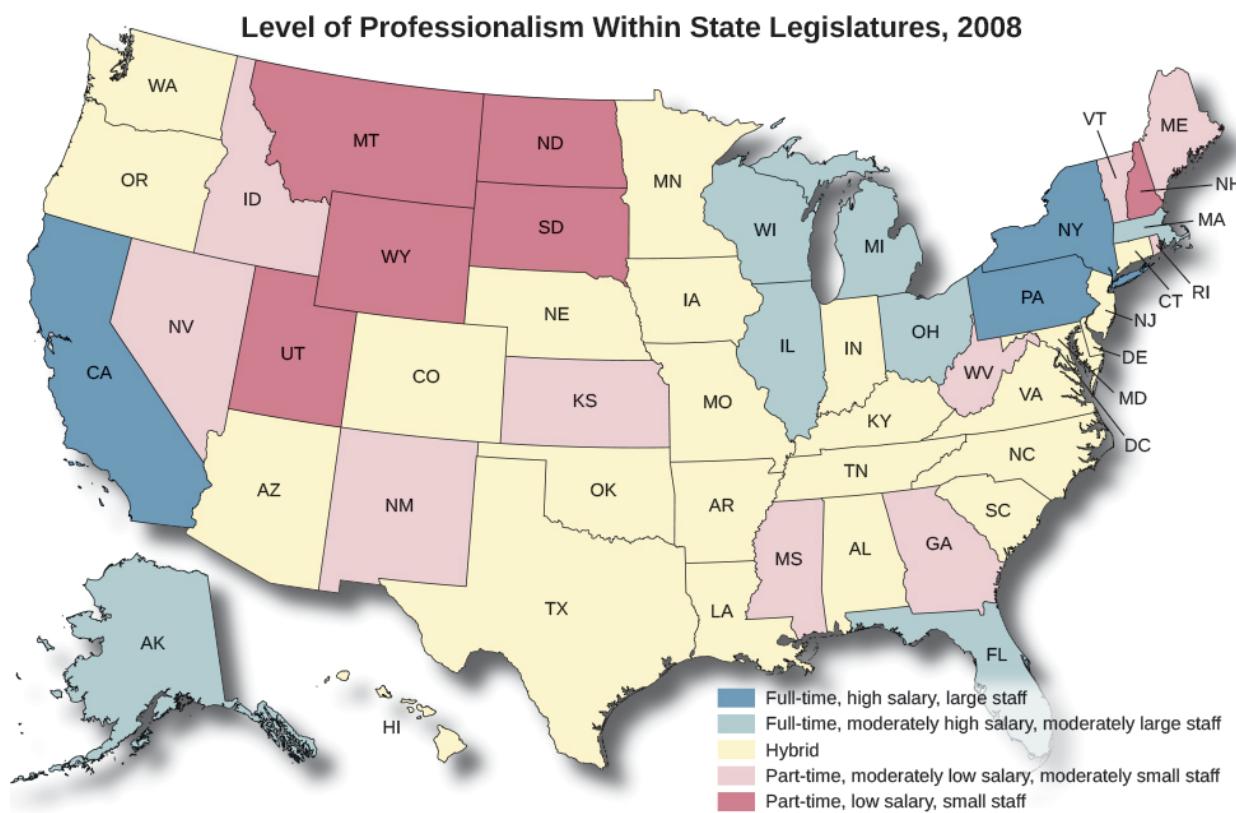
Like diversity, party composition has consequences for policymaking. Governors who are not from the same party as the one controlling the legislature can find it more difficult to achieve their agenda. This governing circumstance is popularly referred to as *divided government*. In a time of divided government,

a governor may have to work harder to build relationships and to broker consensus. In addition, when state party control is divided between the legislative and executive branches, the governor may find that legislators are more likely to muster the numbers to overturn at least some of their vetoes. In contrast, when the governor's own party controls the legislature—a situation known as *unified government*—conventional wisdom suggests that they will have a smoother and more productive relationship with the legislature.

Party composition also matters for the overall legislative agenda. The party in power will elect party members to the top leadership posts in the state house and senate, and it will determine who sits on each of the committees. Committees are chaired by members of the majority party, and the composition of these committees is skewed toward members affiliated with the party in power. This gives the majority party an advantage in meeting its policy objectives and relegates the minority party to the position of obstructionists. In addition, while Republicans and Democrats are both concerned about education, health care, transportation, and other major policy areas, the two parties have different philosophies about what is in the best interest of their citizens and where funds should be allocated to meet those needs. The result is vastly different approaches to handling pressing public policy problems across the states.

As a whole, state legislatures have become progressively more professional. Political scientist Peverill Squire, at several points throughout his career, has measured the degree of state legislative professionalism with a ranking across the fifty states.<sup>61</sup> Legislative professionalism is assessed according to three key factors: state legislators' salary, the length of time they are in session, and the number of staff at their disposal. Members of professional or full-time legislatures tend to consider legislative service their full-time occupation, and they are paid enough not to require a second occupation. They also have larger staffs to assist with their work, and they tend to be in session for much of the year. On the other end of the spectrum are citizen, or part-time, legislatures. Representatives and senators in these legislatures do not enjoy the same perks as their counterparts in professional legislatures. Generally, salary is much lower and so is staff assistance. Members typically need to seek outside employment to supplement their income from legislative work, and the legislature will meet for only a brief period of time during the year.

Between these two extremes are hybrid legislatures. Their members are compensated at a higher rate than in citizen legislatures, but they are still likely to need outside employment to make an income equal to what they were making prior to taking office. These representatives and senators will have some staff assistance but not as much as in a professional legislature. Finally, members in hybrid legislatures will not consider their service to constitute a full-time occupation, but they will spend more than part of their time conducting legislative business. As **Figure 14.15** shows, California, New York, and Pennsylvania are home to some of the most professional legislatures in the country. On the other hand, New Hampshire, North Dakota, Wyoming, and South Dakota are among the states that rank lowest on legislative professionalism.<sup>62</sup>



**Figure 14.15** This map illustrates the degree of professionalism within state legislatures. States in purple and green tend to meet full-time and have larger staff and salaries, while the opposite conditions exist in states colored in orange and red. States in blue fall somewhere in the middle of these conditions.

Like the other indicators discussed above, legislative professionalism also affects the business of state legislatures. In professional legislatures, elections tend to be more competitive, and the cost of running for a seat is higher because the benefits of being elected are greater. This makes these seats more attractive, and candidates will tend not to run unless they perceive themselves as well qualified. Since the benefits are more generous, elected officials will tend to stay in office longer and develop more policy expertise as a result. This experience can give professional legislatures an edge when dealing with the governor, because they are likely to be in session for about the same amount of time per year as the governor and have the necessary staff to assist them with researching and writing public policy.<sup>63</sup>

### Link to Learning



The [legislative pay](https://openstaxcollege.org/l/29legislapay) (<https://openstaxcollege.org/l/29legislapay>) varies across states.

Compare the [size of legislative staffs](https://openstaxcollege.org/l/29legisstaff15) (<https://openstaxcollege.org/l/29legisstaff15>) across states for the years 1979, 1988, 1996, 2003, and 2009.

## 14.4 State Legislative Term Limits

### Learning Objectives

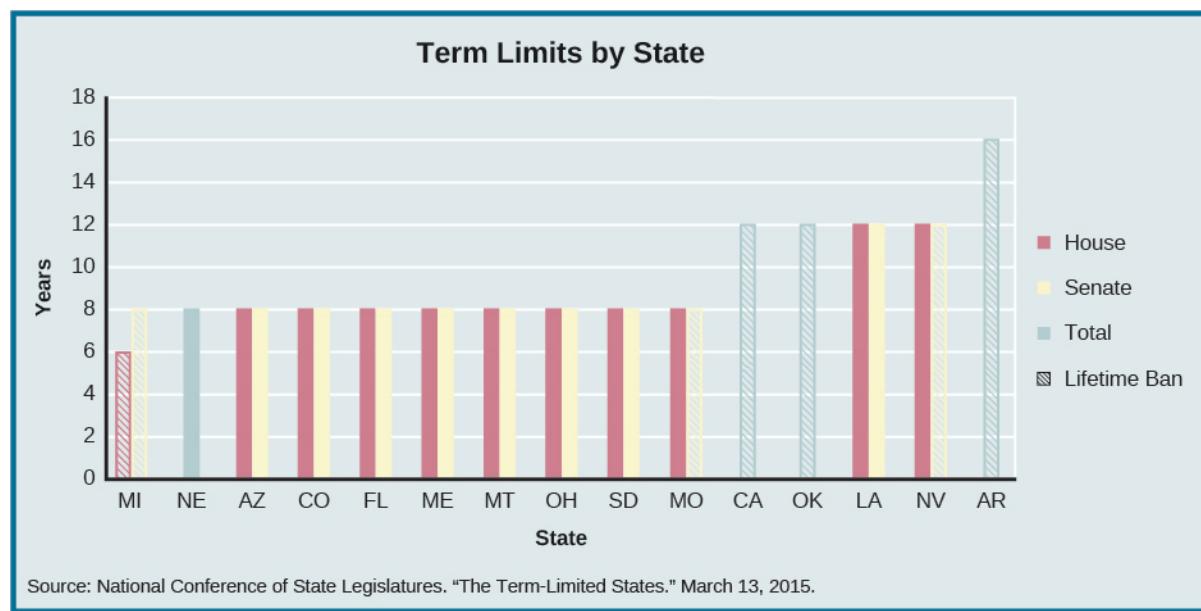
By the end of this section, you will be able to:

- Describe the history of state legislative term limits
- Compare the costs and benefits of term limits

Term limits restrict the length of time a member can serve in the state legislature by capping either lifetime service or the number of consecutive terms. The **term limits** movement gained momentum in the 1990s, spreading across a wide array of state legislative institutions. Today, fifteen states have imposed term limits on their state house and state senate members. On the other hand, six states, one as recently as 2004, have repealed the term limits imposed on them by the electorate, through either judicial action in the state Supreme Courts or through legislative action in the state legislature.<sup>64</sup>

### THE BASICS OF TERM LIMITS

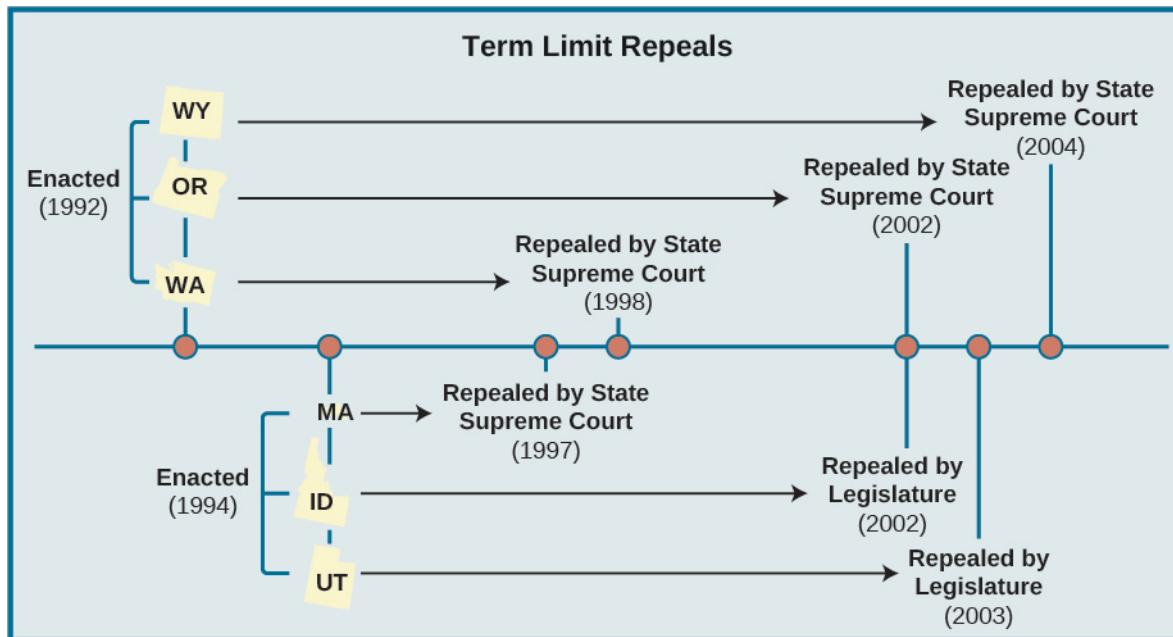
Under **consecutive term limits**, a member can serve for only a specified period of time in either the state house or the state senate, most commonly eight years. To try to regain a seat in the legislature once the limit has been met, the member will have to wait to run for office again. If the member succeeds, the clock will reset and the legislator may once again serve up to the limit set by the state. In states with a **lifetime ban**, such as Oklahoma, members can serve only one time for the number of years allotted, and they are not permitted to run for office again (Figure 14.16).<sup>65</sup>



**Figure 14.16** Fifteen states currently have some form of term limits. This chart depicts which states have consecutive term limits or lifetime bans and how long a member can serve under each scenario.

The first term limits were enacted in 1990 in California, Colorado, and Oklahoma. In 1992, eight more states followed suit in one large wave. The last state to enact term limits on legislative members was Nebraska in 2000.<sup>66</sup> However, term limits did not stay in effect in all these states; many state supreme courts repealed them and declared them unconstitutional for a variety of reasons (Figure 14.17). For instance, in Massachusetts and Washington, term limits were deemed unconstitutional because they

affected candidate qualifications to compete for a given office. The courts ruled that changes to those qualifications could be made only by amending the state constitution, not by voters changing the state law.<sup>67</sup>



**Figure 14.17** A number of states have tried to enact term limits on members of the legislature only to see the laws later repealed by the state legislature or ruled unconstitutional by the state supreme court.

### ADVANTAGES OF TERM LIMITS

In many cases, the movement to institute term limits was initiated by voters and passed through citizen initiatives, which allow citizens to place a proposed law or constitutional amendment on the ballot for a popular vote.<sup>68</sup> Proponents of term limits felt new blood was needed in state legislatures to bring fresh ideas and perspectives to lawmaking. In addition, they hoped term limits would compel turnover among members by shortening the time anyone could serve and by reducing the tendency for elected officials to make legislative service their career. In conjunction with this thinking, some supporters hoped term limits would increase the motivation to make good public policy. If members were less focused on reelection and knew they could not serve more than a certain number of years, perhaps they would get right down to the business of making laws and produce innovative policy within a narrow window of time.<sup>69</sup>

For other proponents, the hope was that term limits would increase diversity within the chamber by encouraging more women, members of racial and ethnic minority groups, members of the minority party, and people with unconventional occupations to run for office because seats would be open more frequently. In addition, supporters speculated that increased turnover might prompt higher rates of electoral competition and voter interest. Finally, they believed the loss of long-term legislators due to term limits would allow new members and younger legislators to assume leadership positions within the chamber and committees, creating another way to bring fresh approaches to the lawmaking process.<sup>70</sup>

## Get Connected!

### Working to Expand Term Limits

One pro-term limits advocacy group, U.S. Term Limits, is dedicated to the expansion of term limits across the United States. Its members work to prevent states from repealing limits that are already in place. They also support efforts by citizens to institute term limits in states where they are not currently in place, and in Congress, where the Supreme Court declared them unconstitutional.<sup>71</sup>

If you support their cause, you can follow the link below to learn more about these efforts or to participate directly. Write a letter to the editor encouraging the adoption of term limits in a given state, or encourage your member of Congress to sign a pledge agreeing to cosponsor and vote for an amendment to the Constitution to adopt term limits. You can also sign an online petition to support the adoption of term limits at the federal level or make a donation to a term-limit advocacy group.

*What is your state's policy on term limits? If limits are in place, how have they changed your representation in the state capitol? If they are not in place, what effect would adopting them have on your representation? There is no comparable national movement against term limits, why do you think that is the case? Based on your answers, do you favor term limits or not, and why?*

## Link to Learning



For more information about supporting term limits, visit **U.S. Terms** (<https://openstaxcollege.org/l/29protermadv>), an advocacy group for term limits.

## DISADVANTAGES OF TERM LIMITS

Although proponents have many reasons for supporting term limits, opponents also have compelling reasons for not supporting their implementation in the state legislature. In addition, research by political scientists has uncovered a number of negative consequences since term limits took effect.

Although proponents argued that term limits would increase legislative diversity, research comparing the rate of female and minority representation in term-limited and non-term-limited states does not bear out this expectation. There is no statistically significant difference in diversity between the two groups of states.<sup>72</sup> Although term limits may have produced more open seats, additional barriers to holding office can still exist and affect the willingness of women and minorities to run for office. In addition, women and minorities are subject to the same term limits as men, and given their low numbers among candidates for office, on balance a legislature can lose more women or minorities than it gains.

Term limits also affect the power structure between the legislative and executive branches and the key sources from whom legislators draw information about bills before the chamber. Research demonstrates that, post-term limits, legislators became more likely to consult with lobbyists to gain information about legislation under consideration than had been the case before term limits.<sup>73</sup> This is likely the result of legislators having less policy expertise and political experience as a function of having fewer years in office, being younger when they first enter legislative service, reducing institutional memory and expertise within the chamber as a whole due to member turnover, or all the above. Interest groups may thus enjoy greater ability to set the agenda and push for policy that favors their organization. This same research also found that under term limits state legislators feel they have lost power relative to the governor and to various bureaucratic agency officials.<sup>74</sup> This presumed loss of power could damage the state legislature's

ability to adequately check the actions of the executive branch and to perform legislative functions, such as oversight.

Finally, term limits could affect voter enthusiasm and turnout if voters are disappointed they cannot retain legislators they like or have developed a positive relationship with. Once term limits take effect, all legislators are at the voters' mercy, regardless of the skill or talent they may bring to the office.

## 14.5 County and City Government

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### Learning Objectives

By the end of this section, you will be able to:

- Identify the differences between county and municipal governments in terms of their responsibilities and funding sources
- Describe the two primary types of municipal government and the three basic types of county government

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County and city governments make up an important component of the overall structure of the government. Not only do they affect citizens directly; it is also easier for citizens to interact with local government officials because their offices and the community's school board or city council meetings are often close by. Despite this fact, voter turnout in local elections tends to be lower than in state and national elections. Municipal and county governments differ in structure and purpose in several ways.

### COUNTY GOVERNMENT

County governments serve a larger geographical area than cities and towns, but a smaller area than states. They are created by the state government and typically operate under provisions set out in the state constitution. As such, they are essentially administrative units of the state. Census estimates from 2012 indicate that there are just over three thousand counties in the United States.<sup>75</sup> County systems usually take one of three basic forms: the commission system, the council-administrator system, and the council-elected executive system.

The most common form of county government is the **commission system**. Under this structure, an elected commission, which generally consists of a small number of commissioners, serves as the governing body within the county, performing all legislative and executive functions. These include adopting a budget, passing county resolutions, and hiring and firing county officials.<sup>76</sup>

Under the **council-administrator system**, the voters elect council members to serve for a specified period of time, and the council in turn appoints an administrator to oversee the operation of the government. The administrator serves at the directive of the council and can be terminated by the council. The goal of this arrangement is to divide administrative and policymaking responsibilities between the elected council and the appointed administrator.<sup>77</sup>

Under a **council-elected executive system**, the voters elect both the members of the council and the executive. The executive performs functions similar to those of the state governor. For instance, he or she can veto the actions of the council, draft a budget, and provide suggestions regarding public policy.<sup>78</sup>

Although the tasks they perform can vary from state to state, most counties have a courthouse that houses county officials, such as the sheriff, the county clerk, the assessor, the treasurer, the coroner, and the engineer. These officials carry out a variety of important functions and oversee the responsibilities of running a county government. For instance, the county coroner investigates the cause of death when suspicious circumstances are present. The county clerk oversees the registration of voters and also certifies election results for the county. In addition, this officeholder typically keeps the official birth, death, and marriage records. The county treasurer oversees the collection and distribution of funds within the county,

while the county assessor conducts property tax evaluations and informs individual citizens or business owners of their right to contest the appraised value of their property. Finally, a county engineer will oversee the maintenance and construction of county infrastructure.<sup>79</sup> In short, counties help to maintain roads and bridges, courthouses and jails, parks and pools, and public libraries, hospitals, and clinics.<sup>80</sup> To provide these services, county governments typically rely on property tax revenue, a portion of sales tax receipts, and funds from intergovernmental transfers by way of federal or state grants.

## CITY GOVERNMENT

Municipal governments oversee the operation and functions of cities and towns. Census estimates for 2012 show just over 19,500 municipal governments and nearly 16,500 township governments in the United States.<sup>81</sup> The vast majority of municipal governments operate on one of two governing models: a mayor-council system or a council-manager system.

Under the **mayor-council system** voters elect both a mayor and members of the city council. The city council performs legislative functions and the mayor the executive functions. Under this system, the mayor may be given a great deal of authority or only limited powers.<sup>82</sup> Under a strong mayor system, the mayor will be able to veto the actions of the council, appoint and fire the heads of city departments, and produce a budget. Under a weak mayor system, the mayor has little authority compared to the council and acts in a ceremonial capacity as a spokesperson for the city.<sup>83</sup>

In a **council-manager system** of government, either the members of the city council are elected by voters along with a mayor who presides over the council, or the voters elect members of the city council and the mayor is chosen from among them. In either case, the city council will then appoint a city manager to carry out the administrative functions of the municipal government. This frees the city council to address political functions such as setting policy and formulating the budget.<sup>84</sup>

Municipal governments are responsible for providing clean water as well as sewage and garbage disposal. They must maintain city facilities, such as parks, streetlights, and stadiums (**Figure 14.18**). In addition, they address zoning and building regulations, promote the city's economic development, and provide law enforcement, public transportation, and fire protection. Municipal governments typically rely on property tax revenue, user fees from trash collection and the provision of water and sewer services, a portion of sales tax receipts, and taxes on business.



**Figure 14.18** The Sporting Park in Kansas City, Kansas, is home to various sporting events. The stadium first opened for business in 2011, and taxpayers financed \$146 million of the total cost to build the stadium, an office park, and a youth soccer complex.<sup>85</sup> (credit: Wesley Fryer)

### Link to Learning



The International City/County Management Association (ICMA) provides networking opportunities, professional development, and statistical data in order to support local government leaders and other individuals throughout the world. Visit the **ICMA Priorities** (<https://openstaxcollege.org/II/29ICMAPrior>) page to learn what makes a better leader and how you might improve your local community.

## Key Terms

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**amendatory veto** a veto that allows a governor to send a bill back to the legislature with a message requesting a specific amendment

**charter** a document that provides a framework and detailed account of local government responsibilities and areas of authority

**commission system** an elected commission that serves as the governing body within a given county

**consecutive term limits** caps allowing a member of the legislature to serve for only a specified period of time in either the state house or senate and forcing a wait before the member can run again

**council-administrator system** an elected council that appoints an administrator to oversee the operation of the county government

**council-elected executive system** a county government in which voters elect both the members of the council and the executive

**council-manager system** a structure of government in which elected members of the city council appoint a city manager to carry out administrative functions

**delegate legislator** a legislator who represents the will of those who elected him or her to office and acts in their expressed interest, even when it goes against a personal belief about what is ultimately in the constituency's best interest

**Dillon's Rule** a legal principle that holds state power and actions above those of local governments and declares state governments to be sovereign relative to local governments

**expressed powers** those powers specifically provided to the Congress and the president in the U.S. Constitution

**formal powers** those powers a governor may exercise that are specifically outlined in the state constitution or state law

**home rule** principle that provides local governments some degree of independence from the state government, typically detailed in a charter

**implied powers** those powers not specifically detailed in the U.S. Constitution but inferred as necessary to achieve the objectives of the national government

**individualistic political culture** a culture that views the government as a mechanism for addressing issues that matter to individual citizens and for pursuing individual goals

**lifetime ban** a rule that members can serve only one time in the state legislature for the number of years allotted and may not run again

**line-item veto** a state governor's ability to strike out a line or individual portions of a bill while letting the remainder pass into law

**mayor-council system** a structure of government in which both city council members and the mayor are elected by voters

**moralistic political culture** a culture that views the government as a means to better society and promote the general welfare

**pardon** a governor's action to absolve someone of blame for a crime and secure his or her release from prison

**reduction veto** a governor's authority to reduce the amount budgeted in a piece of legislation

**term limits** rules that restrict the length of time a member can serve in the state legislature

**traditionalistic political culture** a culture that views the government as necessary to maintaining the existing social order or the status quo

**trustee** an officeholder who believes he or she was elected to exercise judgment and to know best by virtue of having the time and expertise to study and understand an issue

## **Summary**

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### **14.1 State Power and Delegation**

The power structure of government established in the Articles of Confederation was rebalanced in the Constitution to ensure that both the central and the regional governments had some degree of authority and autonomy. Federal and state governments have managed to work out sharing power throughout history, with the federal government often using fiscal policy to encourage compliance from the states. The taxing power of local governments means they face unique pressures during economic downturns.

### **14.2 State Political Culture**

Daniel Elazar's theory argues, based on the cultural values of early immigrants who settled in different regions of the country, the United States is made up of three component cultures: individualistic, moralistic, and traditionalistic. Each culture views aspects of government and politics differently, particularly the nature and purpose of political competition and the role of citizen participation. Critics of the theory say the arrival of recent immigrants from other parts of the globe, the divide between urban and rural lifestyles in a particular state, and new patterns of diffusion and settlement across states and regions mean the theory is no longer an entirely accurate description of reality.

### **14.3 Governors and State Legislatures**

Governors are called upon to work with the state legislature in the lawmaking process, to be the head of their political party, and to be the chief spokespersons and crisis managers for their states. State constitution or state statutes give many governors the power to veto legislation, pardon or commute the sentences of convicted criminals, author a state budget, and call a special session of the state legislature. The three key functions performed by state legislatures are lawmaking, constituency service, and oversight. Legislatures differ in size, diversity, party composition, and level of professionalism across the fifty states.

### **14.4 State Legislative Term Limits**

Whether they cap lifetime service or consecutive terms, term limits have become popular in many states, though some have overturned them as unconstitutional. Proponents believe term limits increase voter participation, encourage more women and minorities to run for office, and help bring diversity and fresh ideas to the legislature. Opponents point to research showing that diversity has not increased in term-limit states, and that younger and less experienced legislators tend to rely more on lobbyists for information about proposed bills. Finally, voters disappointed at losing their favorites may fail to go to the polls.

### **14.5 County and City Government**

County governments can adopt the commission system, the council-administrator system, and the council-elected executive system of government to carry out their functions, which usually include the work of the sheriff, the county clerk, the assessor, the treasurer, the coroner, and the engineer. Municipal governments can use the mayor-council system or the council-manager system and manage services such as the provision of clean water, park maintenance, and local law enforcement. Cities and counties both rely

on tax revenues, especially property taxes, to fund their provision of services.

## Review Questions

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1. \_\_\_\_\_ dictate the terms and conditions state governments would have to meet in order to qualify for financial assistance in a specific policy area.
  - a. Categorical grants
  - b. Block grants
  - c. Unfunded mandates
  - d. Crossover sanctions
2. The Tenth Amendment created a class of powers exclusive to state governments. These powers are referred to as \_\_\_\_\_.
  - a. enumerated powers
  - b. implied powers
  - c. reserved powers
  - d. none of the above
3. Dillon's Rule gives local governments the freedom and flexibility to make decisions for themselves.
  - a. True
  - b. False
4. Under the Articles of Confederation, the federal government was quite weak relative to the states. What changes were made to strengthen the role of the federal government under the U.S. Constitution?
5. In a \_\_\_\_\_ political culture, the government is seen as a mechanism for maintaining the existing social order or status quo.
  - a. moralistic
  - b. individualistic
  - c. traditionalistic
  - d. nativistic
6. Under a \_\_\_\_\_ political culture, citizens will tend to be more tolerant of corruption from their political leaders and less likely to see politics as a noble profession in which all citizens should engage.
  - a. moralistic
  - b. individualistic
  - c. traditionalistic
  - d. nativistic
7. \_\_\_\_\_ was the first state to institute all mail-in voting and automatic voter registration.
  - a. California
  - b. Oregon
  - c. Washington
  - d. New York
8. A \_\_\_\_\_ is an officeholder who represents the will of those who elected him or her and acts in constituents' expressed interest.
  - a. delegate
  - b. trustee
  - c. politico
  - d. citizen
9. In a \_\_\_\_\_ legislature, members tend to have low salaries, shorter sessions, and few staff members to assist them with their legislative functions.
  - a. professional
  - b. citizen
  - c. hybrid
  - d. unicameral
10. A(n) \_\_\_\_\_ veto allows the governor to cross out budget lines in the legislature-approved budget, while signing the remainder of the budget into law.
  - a. amendatory
  - b. line-item
  - c. reduction
  - d. Frankenstein
11. Which branch would you consider to be closest to the people? Why?
12. Under consecutive term limits, legislators can serve one time for the number of years allotted and are not permitted to ever compete for the office again.
  - a. True
  - b. False

13. The most common term limit across the states that have imposed them is \_\_\_\_\_ years.

- four
- six
- eight
- twelve

14. When term limits have been overturned, the most common method was \_\_\_\_\_.

- a bill passed by the state legislature
- a decision by the state Supreme Court
- a voter referendum
- a governor's decree

15. Term limits have produced a statistically significant increase in the number of women serving in state legislatures.

- True
- False

16. Currently, \_\_\_\_\_ states have term limits in place.

- five
- ten
- fifteen
- twenty

17. Under the mayor-council system, the \_\_\_\_\_.

- legislative and executive responsibilities are separated
- political and administrative functions are separated
- mayor chairs the city council
- city council selects the mayor

18. Which of the following is *not* one of the three forms of county government?

- the commission system
- the council-elected executive system
- the mayor-council system
- the council-administrator system

19. What are the primary responsibilities of municipal governments?

### Critical Thinking Questions

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20. What are the advantages and disadvantages of having so many levels of subnational governments in the United States? Explain.

21. In which level of substate government would you be most likely to get involved? Why?

22. Is it preferable for representatives in the state legislature to behave as trustees or as delegates? Why?

23. Do term limits seem to have more advantages or disadvantages? Defend your answer.

### Suggestions for Further Study

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