

# Political Science 171: State Politics

Loren Collingwood

University of California

*loren.collingwood@ucr.edu*

April 4, 2017

# Federalism

- **Federalism:** The relationship between federal (national) and state (subnational) governments that assigns responsibilities to each – as set forth in the U.S. Constitution

# Federalism

- **Federalism:** The relationship between federal (national) and state (subnational) governments that assigns responsibilities to each – as set forth in the U.S. Constitution
- **Supremacy Clause:** Where federal and state laws conflict, federal law prevails

# Federalism

- **Federalism:** The relationship between federal (national) and state (subnational) governments that assigns responsibilities to each – as set forth in the U.S. Constitution
- Supremacy Clause: Where federal and state laws conflict, federal law prevails
  - Brown V. Board

# Federalism

- **Federalism:** The relationship between federal (national) and state (subnational) governments that assigns responsibilities to each – as set forth in the U.S. Constitution
- Supremacy Clause: Where federal and state laws conflict, federal law prevails
  - Brown V. Board
- Key theme in American politics is conflict between state and federal laws. When federal gov't passes laws/imposes will, often states do not want to implement those laws/wills

# Federalism

- **Federalism:** The relationship between federal (national) and state (subnational) governments that assigns responsibilities to each – as set forth in the U.S. Constitution
- Supremacy Clause: Where federal and state laws conflict, federal law prevails
  - Brown V. Board
- Key theme in American politics is conflict between state and federal laws. When federal gov't passes laws/imposes will, often states do not want to implement those laws/wills
  - Roe V. Wade

# Federalism

- Enumerated Powers: 10th Amendment says that powers not specific to the federal gov't are delegated to the states

# Federalism

- Enumerated Powers: 10th Amendment says that powers not specific to the federal gov't are delegated to the states
- Implied Powers: McCulloch V. Maryland: Expanded federal powers to include powers that might be “implied” from constitutional language



# Federalism

- Enumerated Powers: 10th Amendment says that powers not specific to the federal gov't are delegated to the states
- Implied Powers: McCulloch V. Maryland: Expanded federal powers to include powers that might be “implied” from constitutional language
  - Over time, implied powers has led to federal involvement in most public policy areas

# Federalism

- Enumerated Powers: 10th Amendment says that powers not specific to the federal gov't are delegated to the states
- Implied Powers: McCulloch V. Maryland: Expanded federal powers to include powers that might be “implied” from constitutional language
  - Over time, implied powers has led to federal involvement in most public policy areas
- Prior to the New Deal (1930ish), states were dominant. But then the federal gov't grew dramatically in scope

# Federalism

- Enumerated Powers: 10th Amendment says that powers not specific to the federal gov't are delegated to the states
- Implied Powers: McCulloch V. Maryland: Expanded federal powers to include powers that might be “implied” from constitutional language
  - Over time, implied powers has led to federal involvement in most public policy areas
- Prior to the New Deal (1930ish), states were dominant. But then the federal gov't grew dramatically in scope
- Dual Federalism: Layer Cake, federal and states have separate responsibilities

# Federalism

- Enumerated Powers: 10th Amendment says that powers not specific to the federal gov't are delegated to the states
- Implied Powers: McCulloch V. Maryland: Expanded federal powers to include powers that might be “implied” from constitutional language
  - Over time, implied powers has led to federal involvement in most public policy areas
- Prior to the New Deal (1930ish), states were dominant. But then the federal gov't grew dramatically in scope
- Dual Federalism: Layer Cake, federal and states have separate responsibilities
- Cooperative Federalism: Marble Cake, fed and state responsibilities often overlap and intermingle

# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.

# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.
  - Minimum drinking age

# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.
  - Minimum drinking age
  - Maximum speed limit

# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.
  - Minimum drinking age
  - Maximum speed limit
  - Education: No Child Left Behind



# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.
  - Minimum drinking age
  - Maximum speed limit
  - Education: No Child Left Behind
- Categorical grants: Money to implement specific programs

# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.
  - Minimum drinking age
  - Maximum speed limit
  - Education: No Child Left Behind
- Categorical grants: Money to implement specific programs
- Block grants: Money, money money! States implement how they see fit.

# Federal Incentives

- Carrots and Sticks: Federal gov't provides financial incentives (grants) to states to coerce states to do what feds want.
  - Minimum drinking age
  - Maximum speed limit
  - Education: No Child Left Behind
- Categorical grants: Money to implement specific programs
- Block grants: Money, money money! States implement how they see fit.
- Partial preemption: National gov't establishes rules/regulations with certain standards. States can implement law or if they refuse national gov't will do so in that state. Example: Obamacare

# State Responses

- Sometimes states and their citizens like federal laws/rules, other times they do not

## State Responses

- Sometimes states and their citizens like federal laws/rules, other times they do not
- States can refuse federal dollars: GOP governors in OH, FL, and WI refused federal high-speed rail funds

## State Responses

- Sometimes states and their citizens like federal laws/rules, other times they do not
- States can refuse federal dollars: GOP governors in OH, FL, and WI refused federal high-speed rail funds
- Stall tactics: Take money and slowly implement the program

## State Responses

- Sometimes states and their citizens like federal laws/rules, other times they do not
- States can refuse federal dollars: GOP governors in OH, FL, and WI refused federal high-speed rail funds
- Stall tactics: Take money and slowly implement the program
- Legal opposition: Challenge laws in courts. Texas had 17 lawsuits against feds in 2012 alone (voting rights, redistricting, women's health, environmental standards)

## State Responses

- Sometimes states and their citizens like federal laws/rules, other times they do not
- States can refuse federal dollars: GOP governors in OH, FL, and WI refused federal high-speed rail funds
- Stall tactics: Take money and slowly implement the program
- Legal opposition: Challenge laws in courts. Texas had 17 lawsuits against feds in 2012 alone (voting rights, redistricting, women's health, environmental standards)
- States can refuse to implement law.



# State Influence

- State influence is mostly political

# State Influence

- State influence is mostly political
- Electoral College

# State Influence

- State influence is mostly political
- Electoral College
  - Do states that play a more important role in the presidential primary process get more federal money?

# State Influence

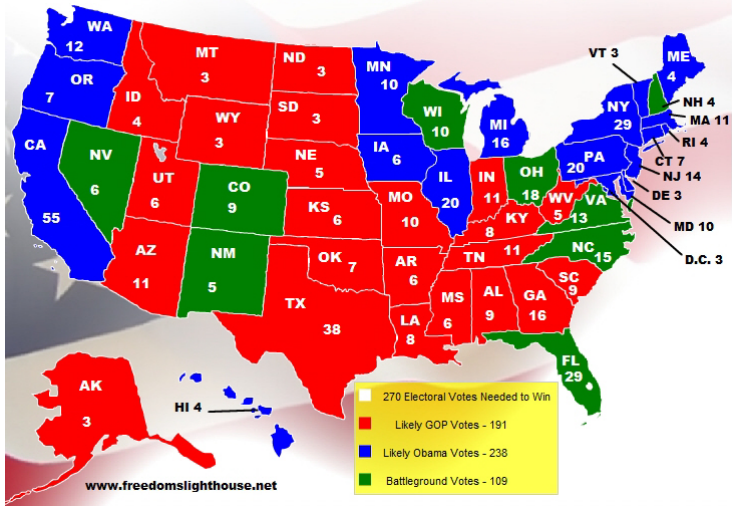
- State influence is mostly political
- Electoral College
  - Do states that play a more important role in the presidential primary process get more federal money?
- Redistricting

# State Influence

- State influence is mostly political
- Electoral College
  - Do states that play a more important role in the presidential primary process get more federal money?
- Redistricting
- State control of election administration

# Electoral College

***2012 Presidential Election - Electoral Vote Map***



# State Constitutions

- Vary in length and amendment process. Generally revised much more often than Federal constitution

# State Constitutions

- Vary in length and amendment process. Generally revised much more often than Federal constitution
- Since Bill of Rights U.S. Constitution only amended 17 times



# State Constitutions

- Vary in length and amendment process. Generally revised much more often than Federal constitution
- Since Bill of Rights U.S. Constitution only amended 17 times
- IL amended 12 times, CA amended 525 times, AL 855 times

# State Constitutions

- Vary in length and amendment process. Generally revised much more often than Federal constitution
- Since Bill of Rights U.S. Constitution only amended 17 times
- IL amended 12 times, CA amended 525 times, AL 855 times
- The number of constitutions over time also varies: AK, AZ, CO have just 1. CA has had 2. LA 11

# State Constitutions

- Establish presidential rather than parliamentary system

# State Constitutions

- Establish presidential rather than parliamentary system
- Bicameral legislatures, other than Nebraska

# State Constitutions

- Establish presidential rather than parliamentary system
- Bicameral legislatures, other than Nebraska
- Plural Executive: States elect Attorney General, Lieutenant Governor, Secretary of State, Treasurer

# State Constitutions

- Establish presidential rather than parliamentary system
- Bicameral legislatures, other than Nebraska
- Plural Executive: States elect Attorney General, Lieutenant Governor, Secretary of State, Treasurer
- States often provide greater protection to criminally accused

# State Amendments: States and Governing Institutions

- Term-limits: State legislators cannot serve indefinitely like in U.S. Congress

# State Amendments: States and Governing Institutions

- Term-limits: State legislators cannot serve indefinitely like in U.S. Congress
- Restricting: Shifted away from legislatures



# State Amendments: States and Governing Institutions

- Term-limits: State legislators cannot serve indefinitely like in U.S. Congress
- Restricting: Shifted away from legislatures
- Other issues: “medical” marijuana; minimum wage; race in college admissions

# State Amendments: States and Governing Institutions

- Term-limits: State legislators cannot serve indefinitely like in U.S. Congress
- Restricting: Shifted away from legislatures
- Other issues: “medical” marijuana; minimum wage; race in college admissions