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- 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
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- 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
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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)
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- State control of election administration
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- The number of constitutions over time also varies: AK, AZ, CO have just 1. CA has had 2. LA 11
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- 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.
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