

MICHIGAN  
AMERICAN LEGION AUXILIARY  
GIRLS STATE

GOVERNMENT MANUAL



MICHIGAN STATE UNIVERSITY  
EAST LANSING, MICHIGAN

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AUTHOR

Dr. James E. Piereson (1973)  
*Assistant Professor of Political Science*  
*University of Pennsylvania*

EDITOR

Robert C. Fischer (1965)  
*Consultant in Citizenship Education*  
*Michigan, Ohio, New York*

EDITOR

Alan G. Vanderberg (1996-2017)  
*County Administrator*  
*Ottawa County, Michigan*

&

Erika Rosebrook (2018-2017)  
*Ph.D. Candidate, Political Science*  
*Michigan State University*

&

Sara Wycoff (2015-2017)  
*Senior Strategy Advisor*  
*Office of Strategic Policy*  
*Office of Governor Rick Snyder*

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# Chapter 1

## PURPOSES AND ORGANIZATION OF GIRLS STATE

Girls State was established by the American Legion Auxiliary in 1941, and the program is now in operation in all 50 states. The annual program is designed to provide practical experience in the process of self-government as it operates in Michigan. The program is modeled as nearly as possible upon the actual governmental process in the State of Michigan, with some necessary omissions and modifications.

The purposes of the American Legion Auxiliary Girls State program are:

1. To emphasize the importance of government in modern life;
2. To stimulate a deep and lasting interest in government;
3. To encourage a deeper understanding of our governmental process.

In order to achieve these goals, Girls State is based upon the principle of active participation in the political process. Care has been taken to design the program so that every citizen may participate in the electoral process, have the opportunity to hold public office, and influence the process by which laws are made and administered. Since no single individual can serve in all the offices of government, it is expected that much will be learned by observing and sharing experiences with others. It is hoped that the participants will leave Girls State with a more mature appreciation of the character of the American system of government. It is hoped, too, that they will leave with a firm resolution to work in the future to make government a more effective and responsible servant of the public.

### THE IMPORTANCE OF STATE AND LOCAL GOVERNMENT

The Girls State program deals with government at the state and local levels rather than with that of the national level. In many senses, though, the lessons learned at Girls State should apply to government at all levels. Many of the issues that will be discussed (welfare, civil rights, education, etc.) overlap levels of government. In addition, there are many similarities between the state and national levels in the actual operation of political institutions. However, you should be aware of the unique features of state and local government in the United States.

State and local governments in this country predated the creation of federal government. The oldest constitution still in existence is that of the state of Massachusetts, which was ratified in 1780 and is still in use. All thirteen colonies drafted and ratified state constitutions

in the years following the Declaration of Independence. When they joined the federal union, they did so as states that agreed to give up part of their sovereignty to achieve common purposes. The national union was, therefore, built upon a foundation of states.

Since the state and local governments were already in place when the U.S. Constitution was ratified, they preserved significant roles in the political process and in the delivery of government services. Their role has been defended on the grounds that they are the governments closest to the people and, therefore, most subject to their scrutiny and control. In a democratic society this has always been a powerful argument in defense of the state and localities.

The relationships between the federal government and the states have changed over time in response to political conflicts, but state and local governments remain highly visible to citizens. Most of our day-to-day contacts with government are with representatives of state and local governments. Police and fire protection are provided by these institutions, as are most of the roads on which we drive, the water we drink, and nearly all of the schools in which we are educated. If we run afoul of the law, it is usually with a state regulation of some kind; and most of our dealings with the judicial system are through state courts. In addition, many important federal programs are administered by state and local governments. It is well to keep this in mind, since the press tends to focus heavily upon national personalities and national institutions. Because of this, there is a tendency to overlook the contributions of state and local governments.

### THE POLITICAL PROCESS AT GIRLS STATE

Girls State was designed to represent the important features of political structures and processes as they are found in Michigan. The program is set up to be as realistic as possible given this unique setting. The program is a representation of real events and processes, and in this sense Girls State is like, but not identical to, a real state. Some details of the governmental process in Michigan have been altered to accommodate the unique features of Girls State. (For example, Michigan has 83 counties and 533 cities and unincorporated villages, as well as 1,242 townships, while in Girls State we have just 12 cities and 4 counties.) But aside from these details, the important aspects of the governmental process have been incorporated into the program. The success of the program will require citizens to act like their real-world counterparts. Those selected as judges at Girls State, for example, should try to carry out their duties like

real judges, even though the sentences passed out at Girls State are fictitious. The same is true of other participants and office-holders. *This will require some “role playing” by citizens so that the positions in the program are given added substance. The more imaginative you are in this respect, the more successful and interesting the program will be.*

## **THE POLITICAL ORGANIZATION OF GIRLS STATE**

The “State” is composed of approximately 300-350 citizens, all sworn in as voting citizens of the State at the beginning of the week. It is organized into cities and counties as follows:

12 cities, containing approximately 25-30 citizens each;  
4 counties, composed of three cities each, and containing approximately 75-80 citizens per county.

Citizens are assigned to cities and counties upon their arrival at Girls State. These affiliations are important, since citizens will meet and work with their cities and counties throughout the week.

## **THE CITY AND COUNTY PROFILES**

In Michigan, cities and counties differ substantially in size, population, services provided, and economic concerns. The concerns of the large urban areas are different from those of the farming areas of the Lower Peninsula or the mining areas of the Upper Peninsula. These create political conflicts in the state between areas and groups with different interests, and they are reflected in elections and in

conflicts over policy in the counties and cities, in the courts, and in the state legislature.

These characteristics of the political process have been incorporated into the program through city and county “profiles.” A description of each city and county at Girls State has been prepared by the government staff. These will be distributed at the first county meetings. The profiles describe in some detail the characteristics of the cities and counties—their size and population, location, economic interests, and unique political concerns. Every county and city will have a different profile, and you will recognize similarities between counties and cities in Michigan and those of Girls State.

The profiles, along with “The State of Girls State,” build into the program a number of political issues to be discussed in city and county meetings, in the party conventions and election campaigns, in the courts, and in the state legislature. They also provide “roles” for citizens to play in these settings. The profiles will also remind citizens that political decisions are subject to restraints imposed by the economy and other characteristics of the community. You should, therefore, read them carefully, since they are designed to give organization and realism to the program.

A library and research service will also be made available to assist citizens who need to do additional research. The profiles make reference to issues of some complexity, and these may require research before legislation can be drafted or a position taken.

Some profile issues will be drawn from the “State of Girls State” profile provided to all citizens at the beginning of the program session.

## **QUESTIONS FOR CHAPTER 1**

- What are the goals of Girls State?
- Why does Girls State focus on state and local government?
- What role do citizens play at Girls State?
- How do city and county profiles and the State of the State guide citizens throughout the week?

# Chapter 2

## THE CONSTITUTIONAL BASIS OF GIRLS STATE

A constitution establishes a general framework of government. It defines the institutions through which officials govern and provides the means through which they are selected. All state constitutions in the United States, like that of the federal government, provide for the separation of political powers into three branches—the executive, legislative, and judicial. Moreover, constitutions generally define what the relationships between these branches shall be and what functions each will have. In addition, nearly all state constitutions in the United States provide a Bill of Rights which specifies things that the government may not do or rights of citizens that it may not abridge.

In a sense, a constitution sets up the rules by which the game of politics is to be played. By establishing political institutions and providing the means by which they are filled, a constitution creates a structure within which different interests can compete for influence. For this reason, constitutions are usually quite general because they lay out the structure of government and leave the details of public policy to be worked out politically in the legislative arena. Indeed, if constitutions become too specific, it is difficult to gain approval and support for them. It might be noted that the U.S. Constitution is very brief and very general for exactly this reason. Some state constitutions, on the other hand, are very long and detailed, and for this reason they are frequently revised.

The rationale for constitutionalism, as it is found in this country, was worked out in the period during and immediately after the American Revolution. It was argued that governments and laws are necessary to restrain citizens from violating the rights of others. But, since governments must be administered by ordinary people, the possibility arises that governments themselves may infringe upon the rights of citizens in a similar way. Who, then, is to restrain the government? This became one of the chief functions of a constitution—to impose restraints upon the government just as the government and laws impose restraints upon citizens.

There will always be differences of opinion over what a constitution means at any given time. While most people in this country support the federal Constitution in the abstract, they do not agree upon its meaning when applied to specific cases. We agree upon the principles of freedom of speech and equal protection under the law when these are considered as abstract statements, but we often disagree as to whether these principles apply in specific instances. Such disagreements must be worked out politically through elections, judicial appointments, and judicial decisions. In this way, the U.S. Constitution has changed substantially in meaning over the years even though its words have changed very little. In this way it is given the flexibility to change

with the opinions of the society. At the same time, the words of the Constitution have shaped opinion and structured debate over important political questions in a way that has maintained continuity from generation to generation.

### THE MICHIGAN CONSTITUTION

The present Michigan Constitution was drafted in 1962, ratified by the people in 1963, and put into effect in 1964. It substantially modified the previous constitution, adopted in 1908, in several ways—by revising the organization of county government; lengthening the terms of the governor and state senators from two to four years; permitting the state to impose an income tax; reorganizing the judicial branch by creating a Court of Appeals; abolishing the office of Justice of the Peace; and giving the Supreme Court supervisory authority over the state court system. The revision was generally viewed as an attempt to modernize state government in Michigan.

Like the U.S. Constitution, the Michigan Constitution is based upon the doctrine of separation of powers. Political functions are divided into the three branches (executive, legislative, and judicial), and each branch has a “veto” over actions of the other branches. The theory underlying the separation of powers is that it is dangerous to concentrate power in the hands of any single individual or political body, since there is always the danger that it will be abused. Under the separation of powers, authority is diffused among the three branches under the assumption that abuses by one branch will be blocked by the other branches. In practice, this means that it is difficult to mobilize all three branches simultaneously toward the same goals. As a consequence, bargaining and compromise are necessary, and change is slow.

The legislative branch is bicameral, composed of the House of Representatives and the Senate. The House has 110 members elected every two years, while the Senate has 38 members elected every four years, at the same time as the Governor. Voters amended the Constitution in a statewide vote in 1992, limiting representatives to three terms, and Senators and members of the executive branch are limited to two terms. Representation in both houses is based upon population, which means that districts are approximately equal in population. (Please note that at Girls State the numbers of Representatives and Senators are not the same as in Michigan. This is discussed in Chapter 6.)

The executive power is vested in the Governor, who is elected, along with the Lieutenant Governor, to a four-year term.

Nominees for Governor and Lieutenant Governor are selected by the parties as “teams,” which prevents the

election of a Governor from one party and a Lieutenant Governor from the opposition party. The Attorney General and Secretary of State are elected by the people for four-year terms. Other members of the Governor's administrative cabinet are appointed, though not in all cases by the Governor. The State Treasurer is appointed by the Governor, with the advice and consent of the Senate, and the Superintendent of Public Instruction is appointed by the State Board of Education. (Please note that at Girls State these last two officers, along with the Director of the State Police and the State Department of Transportation Director, are appointed by the Governor. See Chapter 5).

Under the Michigan Constitution, judicial power is vested in one court of justice, which is divided into a Supreme Court, a Court of Appeals, trial courts of general jurisdiction (Circuit Courts), a Probate Court, and courts of limited jurisdiction (District Courts, which were created by the legislature in 1968 to replace Justice of the Peace Courts). In 1998, the Michigan Legislature moved family matters from the Probate Court to the Circuit Court. One should remember that all courts in the state are authorized by the state government and are subject to state law and regulation. Among these courts, the Supreme Court is especially important, since it is the arbiter of the state Constitution and laws enacted under its authority. The Supreme Court also has general supervisory control over other state courts, and thus it may establish rules governing practice and procedure in these courts.

This is the basic outline of the state government as provided in the Constitution, though this is certainly not all the Constitution contains. The Constitution provides for the creation of city and county governments, the election of public officials, the means by which the state can and cannot raise money, and a Bill of Rights, among other things. Some of these other features will be discussed in greater detail in succeeding chapters.

## AMENDMENT AND REVISION

Two methods were provided in the Michigan Constitution for amending the document. First, the legislature may propose an amendment by a two-thirds vote of each house, after which the proposal must be approved by a majority of voters in a referendum to become law. Alternatively, the voters may propose an amendment by a

petition signed by a number of voters equal to ten percent of the vote received by all candidates for Governor in the previous election. Again, such a proposal must be approved by a majority of voters in a referendum (election).

The 1963 Constitution provides that the question of a general revision of the Constitution shall be submitted to the voters every 16 years. If approved, such a proposal would allow for the calling of a constitutional convention for the purpose of revising the Constitution. Any revision would then require, in turn, the approval of the voters. The present constitution was drafted in 1962, so this proposal will next be on the ballot in 2026, at which time the people can decide to call a convention to revise the Constitution again.

## THE LEGAL BASIS OF GIRLS STATE

The Girls State program operates according to the provisions of the Michigan Constitution. Public officers at Girls State are bound by the Constitution and may not abridge it in their public acts. Laws passed at Girls State either by the state government or by local governments must conform to the Constitution, as interpreted by the Michigan Supreme Court.

Aside from the Michigan Constitution, the laws governing Girls State are derived from three other sources:

1. The United States Constitution. This is the supreme law of the land, and any conflicts between the acts of the state and the U.S. Constitution are resolved in favor of the latter.
2. Statutory Law. This is the body of law enacted by the Michigan legislature, with the approval of the governor, under its constitutional authority. These are summarized in *The Public Acts of Michigan* and *The Compiled Laws of Michigan*.
3. The Common Law. This is the cumulative body of law as expressed in judicial decisions and custom rather than by statute. This includes the body of law developed in decisions of the Michigan Supreme Court and published decisions of the Michigan Court of Appeals. In deciding cases, the Court has set down principles to be applied to similar cases when they arise in the future. These principles provide guides as to how statutes will be applied when disputes arise as to their meaning.

## QUESTIONS FOR CHAPTER 2

- What role does a constitution play in government?
- How are powers divided in the U.S. and Michigan Constitutions? Why are they divided that way?
- Why are constitutions difficult to amend and revise?
- What legal structure governs the work of Girls State?

## Chapter 3

### **POLITICAL ORGANIZATIONS IN MICHIGAN AND AT GIRLS STATE: POLITICAL PARTIES, INTEREST GROUPS, AND THE PRESS ASSOCIATION**

One of the characteristics of a democratic political system is that large numbers of people wish to have an influence over what the government does. There are many avenues of influence in this society, owing to the large number of political institutions that make policy. The struggle for influence in and control over these institutions of government is what we mean by “politics.”

This struggle for influence requires that citizens pool their resources by cooperating with others with similar views. The recognition that effective political action requires coordination among those with roughly similar interests has given rise to political organizations of various kinds. The two most important are political parties and interest groups. These may be thought of as organizations that represent large numbers of citizens and which try to influence the government in their interests.

Some observers have called these “intermediary” groups because they stand between individual citizens, whose interests they organize, and the political institutions in which decisions are made. In order to influence the government, individuals must mobilize their strength through organizations such as these. Since some are bound to organize anyway, others must do so also, or else their voices will be weak. At the same time, political leaders require popular support in order to maintain their offices, and such organizations can be used to mobilize their supporters or critics.

#### **POLITICAL PARTIES VERSUS INTEREST GROUPS**

There are important differences between political parties and interest groups. Political parties nominate candidates for office and contest elections in the hope of having their candidates selected by the voters. Parties, therefore, influence the government by attempting to capture public office—that is, the government itself. Because they are interested in governing, parties address a wide range of political issues. Moreover, in a two-party system, it is unwise for major parties to take extreme positions, because these antagonize large blocs of voters. Since their objective is to win public office, parties tend to be most visible around election time when they are busy campaigning to get their candidates elected.

Interest groups, on the other hand, are special purpose organizations that attempt to influence government by indirect means. Examples of such groups are the American Medical Association, Chamber of Commerce, United Auto Workers, American Bar Association, National

Organization for Women, National Rifle Association, National Education Association, and the American Legion and American Legion Auxiliary. A characteristic of many interest groups is that they are not exclusively political in orientation; that is, they serve their members in many non-political ways. Nevertheless, most do try to influence policy, though in ways different than parties. Interest groups, for example, are not organized to win office; rather, they try to influence special kinds of legislation and other decisions and they pay little attention to matters that do not concern their members. Because their memberships are small and specialized, they are concerned with a narrower range of issues than are parties, and they must try to influence legislation through lobbying, endorsing candidates for office and contributing to their campaigns, and influencing public opinion through education and advocacy campaigns. Interest groups vary greatly in influence and, indeed, some are very powerful within the political parties themselves.

#### **POLITICAL PARTIES IN THE UNITED STATES AND MICHIGAN: THE TWO-PARTY SYSTEM**

One of the most visible characteristics of American politics is the two-party system. Ever since political parties were first formed in the 1790s, competition has revolved around two major parties. Since 1854, when the Republican Party was founded, the party system has been dominated by the Democratic and Republican parties. Since that time there have been many challenges to this system by third parties, though none have achieved widespread national success.

The existence of two well-organized parties means that the party in power is always faced with an opposition party that is generally critical of its performance and is prepared to take office at the next election. The presence of an opposition, therefore, serves as a check on the party in office. In addition, because there are only two, the major parties are composed of large and diverse bodies of voters. In accommodating this diversity, the parties generally try to stake out fairly general positions, which can attract voters with a wide range of interests.

The balance of competition between parties varies greatly from state to state. In some states in the Deep South, the Democratic Party dominated after the Civil War until the Civil Rights era, while in some states in the Midwest and West and in New Hampshire, the Republican Party has dominated. Michigan, by contrast, has been a competitive state for some time now. Through 1990, for example, the governor of the state was a Democrat, both U.S. Senators were Democrats, the Republican party held the majority in



the state senate and the Democratic party held the majority in the state house of representatives. In 1993 and 1994, there were an equal number of state representatives from the Republican and Democratic parties. The model developed for shared governance of the Michigan House of Representatives during that session became a national model. In 2002, there was a Democratic governor and Republican majorities in both the state senate and House of Representatives. In 2006, there was a Democratic governor, Republican majority in the Senate, and Democratic majority in the House. In recent presidential elections, the state's electoral votes have been won by Democrats. However, in 2016 Republicans accomplished an upset, winning Michigan by a margin of less than half of a percent.

## **PARTY IDENTIFICATION AND PARTY ORGANIZATION**

We can think of political parties as consisting of three different groups of supporters or activities: (1) party supporters in the electorate, (2) the party organization, and (3) the party office-holders. The task of coordinating these three aspects of parties is an important feature of party politics. Since we shall discuss the party in office in later chapters, we can focus, for the moment, upon the first two elements of the party.

The source of a party's strength is in its support among voters. If it cannot attract voters, it will soon find it difficult to attract capable leaders and money, and its organization will begin to wither. Both major parties in the United States have large numbers of supporters who vote for them in election after election, and who represent the "party faithful." Most people identify with one of the parties at a fairly young age, usually in response to their parents' views or to some important event that influences their opinions about the parties. This party identification tends to stay with them for a long time, sometimes throughout their lives, and it helps them to form judgments about political events. Because the parties have durable blocs of supporters in the electorate, they have always been able to elect reasonable proportions of their candidates to office. This has sustained both parties, and has prevented either one from completely controlling the system.

Party organization is based upon electoral districts, and both major parties in the United States try to have committee organizations in every electoral district. Hence, there exist national party committees, state party committees, and county and city party committees. Party organizations in Michigan are built up from the grass-roots level starting at local precincts, which are the smallest political sub-divisions in the state. Party supporters in precincts across the state vote for delegates in primary elections, and these delegates attend county conventions, at which delegates to the state convention are chosen. At the state convention, members of the State Central Committee

are selected, as are the state party's representatives to the National Committee. In this way, party organization is ultimately controlled by party voters at the local level, though at the higher levels of organization the relationship to the voters is quite indirect.

The State Central Committees are particularly important, both in Michigan and at Girls State. The Republican and Democratic State Central Committees vary somewhat in size, though both are based upon representation of each of the state's 14 congressional districts. The members are selected in congressional district caucuses at the state party conventions. The chair and vice-chair (or chairpersons as they are designated by the Democratic Party) of each of the committees are then selected by the convention as a whole, usually with the support of the leading party office-holders in the state. The State Central Committees do the important organizational work for their respective party statewide. They organize the state party conventions, raise money for the party, recruit candidates for office, influence party nominations, assist in campaigns, and generally work to strengthen the party around the state.

In elections for state legislators, party organizations can impact local elections by providing party funding to their preferred candidates. However, elected-office holders must also forge direct relationships with the voters in their districts to be successful. Once elected, each respective state party organization will exert pressure on party candidates to vote in a way that aligns with the party's platform and principles. Legislative party caucuses also serve this purpose and are covered in more detail later.

## **POLITICAL PARTY ORGANIZATION AT GIRLS STATE**

At Girls State, each citizen has been arbitrarily assigned to one of the two political parties, the Nationalist Party or the Federalist Party. Each party has been assigned equal strength, so that there should be approximately 13 members of each party in every city, 39 members of each party in every county, and 156 members of each party in the state as a whole. Thus, we have a two-party system at Girls State, and each citizen has been assigned a party identification, which will be reinforced during the week through elections, meetings, and conventions. Due to the short timeframe of the program, we operate exclusively with a two-party system.

During the first city meetings, you will attend your respective party meetings, which are called party caucuses. Each party caucus will at this time elect a city party chair. This is one of the most important positions at Girls State, since the city party chairs will compose the county party committees and the State Central Committees. More will be said about the State Central Committees in a moment; for now, it is enough to say that they will be closely involved in most of the political activities at Girls State. The city and

county party caucuses represent the grass-roots levels of the two parties. These caucuses will meet frequently during the week to nominate candidates for partisan city, county, and state offices. At the state level, the state party conventions, held on Tuesday, will be the major decision-making bodies for the parties. (See the diagram of party organization on page 9.)

## **THE STATE CENTRAL COMMITTEES**

The two State Central Committees are composed of the 12 city party chairs selected from each party. The State Central Committees are the most important arenas of party activity at Girls State. Each committee is, in a sense, a communications network that can and should be used to transmit information immediately to every city in the state. When decisions are made in the State Central Committees, it is the job of the city party chairs to take that information back to their cities. At the same time, they can bring back information from the cities to the Committees as a whole to help them reach decisions. There is no other organization at Girls State that can reach out so quickly to every city in the state. Given this unique strategic position, members of the State Central Committee can be very influential.

The general task of the State Central Committees is simple: to build a party strong enough to win elections at every level of the state. The major prizes are the statewide offices, especially governor and lieutenant governor, though city and county races are also important, as is control over the two houses of the state legislature. However, the committees will give most of their attention to the state conventions and to the statewide elections. Obviously, the wise strategy is to keep your own party united while drawing enough votes from the other party to win elections.

At a more basic level, the tasks of the State Central Committees are threefold:

1. to organize the state party conventions to be held on Tuesday;
2. to draft a preliminary party platform to be presented to the party conventions for ratification;
3. to screen candidates for the major statewide offices (Governor, Lieutenant Governor, Secretary of State, Attorney General, and Supreme Court Justice).

In addition, the State Central Committees will play major roles in planning strategy for the state election campaign on Wednesday (after the candidates are nominated in the party conventions on Tuesday).

Organizationally, the State Central Committee must elect a chair and a vice-chair at its first meeting on Sunday evening. The chair will conduct committee meetings, make assignments to subcommittees, and be the spokesperson for the party until a candidate for governor is named. After the convention, the nominee for governor has the privilege of naming replacements for the chair and vice-chair.

It is usually wise to divide the State Central Committee into three subcommittees to deal with the tasks outlined above. A convention subcommittee can plan the convention, a platform subcommittee can hold platform hearings and draft a platform, and a screening subcommittee can interview candidates. When the work is finished, the subcommittees should report back to get approval from the Committee as a whole.

Members of these committees should be aware of the intense time pressures under which they will have to work. Your first meeting is on Sunday afternoon, and by late Monday evening you will have to complete a rough draft of the platform, screen potential nominees for office, and plan the party convention. Between Sunday evening and Wednesday afternoon, when the state campaign is completed, members of the committees will focus entirely on party work, and as such are ineligible for city, county, and state offices prior to Wednesday. Members are eligible to run for the state legislature on Wednesday.

## **INTEREST GROUPS AT GIRLS STATE**

Political interest groups are organizations of people whose mutual interests lead them into political involvement. As noted earlier, interest groups try to influence those governmental policies that they believe will affect the welfare of their members. At Girls State, each city will select one interest group representative, and the city interest group representatives will form two multi-client lobbying firms that will work to influence the parties, the candidates, and the legislative process. Those citizens who are identified as interest group representatives will meet with a member of the government staff who will coordinate their activities and suggest issues around which groups may organize. The city and county profiles and "State of Girls State" will suggest many issues for interest group activity.

Among other things, interest group representatives will be able to testify at party platform hearings, speak out on issues at party conventions, endorse candidates for office and lobby the state legislature. (As a check on their performance, participants might set a goal of getting some piece of legislation passed, or of keeping one from being enacted.) To help guide the development of interest groups, a poll of Girls State citizens is taken early in the simulation. Results of this effort to determine citizen views on issues of the day are made available by early Monday. Throughout the simulation, other interest groups may form based on issues encountered in the city and county profiles. For example, the League of Mayors and County Board Chairs may lobby state officials for action on shared local problems, or County Sheriffs may work together in advocating for new funding or policies regarding county jails.

## **THE STATE PRESS ASSOCIATION**

A well-informed electorate is a critical component of any successful democracy. The function of the Press Association is to provide citizens with the latest information about important developments at Girls State. To that end, the Association publishes a newspaper that appears every day, Monday through Friday. The newspaper, *Politically Speaking*, is expected to provide balanced coverage of such events as the party conventions, elections, and the legislative hearing, and of the activities of the governor, the legislature, the Supreme Court, county and city governments, and other organizations. In addition, the paper may publish editorial opinion, endorsements of candidates, and any other information it deems newsworthy.

The Press Association is a non-partisan organization. One member from each city will be selected to serve in the Press Association, so its formal membership will total 12. At its first meeting on Sunday evening, members will elect a president of the Association who will serve as the city editor of the newspaper. The city editor will then appoint an associate city editor and will assign reporters, copy editors, and columnists as needed. Members of the Press Association will be ineligible to hold any political office at Girls State. However, they remain members of the parties in good standing and are expected to vote in elections and to attend the party conventions.

### QUESTIONS FOR CHAPTER 3

- What are the differences between political parties and interest groups and how they work to influence politics and policy?
- What types of interests do party leaders have to balance to lead the party?
- What role does the State Central Committee play in a political party, generally?
- What role does the State Central Committee play in the political process at Girls State?
- How are interest groups formed at Girls State and how do they engage in the political process?
- What is the role of the press in the political process generally, and what is the function and role of the press at Girls State?
- What office(s) are State Central Committee members and interest group and press representatives eligible for at Girls State?

# THE POLITICAL ORGANIZATION OF GIRLS STATE

## POLITICAL PARTY ORGANIZATION

## INTEREST GROUPS ORGANIZATION

## STATE PRESS ASSOCIATION

*Membership  
Policy-Making Units*

*Administrative  
Structure*

*Members and Activities*

**STATE CONVENTION**  
Citizens of each state party (including convention officers elected by state party at convention)

**STATE PARTY CHAIR & VICE-CHAIR**  
Selected by and from among State Central Committee members (one Chair and Vice-Chair for each party)

**Members:** 1 official lobbyist selected per city.  
**Activities:** They try to influence public officials and public opinion. They lobby the legislature, testify at hearings, speak at conventions, and endorse candidates.

**Members:** 12 members elected by city voters (1 per city); members select a City Editor.  
**Activities:** They cover the events of the week. Their stories, articles, and editorials are published in the Girls State newspaper, "Politically Speaking."

**COUNTY PARTY CAUCUS**  
Citizens of each party in each county

**STATE CENTRAL COMMITTEE**  
Comprised of the party's City Party Chairs (1 committee for each party)

**CITY PARTY CAUCUS**  
Citizens of each party in each city

**CITY PARTY CHAIRS**  
Elected by the members of each city party at the respective City Party Caucuses (1 Chair for each city party)

## Chapter 4

### THE ELECTORAL PROCESS: NOMINATIONS AND ELECTIONS FOR OFFICE IN MICHIGAN AND AT GIRLS STATE

The main assumptions underlying a democratic political system are that leaders should act with the consent of the governed and that government policy should roughly reflect the views of a majority, so long as the fundamental rights of minorities are preserved. Elections are the chief institutions through which this link between citizens and their representatives is maintained. In a sense, elections put leaders at “risk” that they will be voted out of office unless their acts meet public approval.

The electoral process is commonly divided into two phases—the nomination phase and the election phase. The first involves the process by which candidates are nominated for office by the political parties. Once they have gained a party nomination, candidates then enter a second phase of the process in which they compete against candidates from the opposition party to win in the general election. The nomination and election phases are quite different, since they involve different constituencies and different processes of selection.

#### PARTY NOMINATIONS IN MICHIGAN

In Michigan, partisan candidates for public office are nominated by the parties by means of either primary elections or party conventions. Party caucuses (meetings of party members by electoral districts) were at one time widely used in Michigan, but now they have been largely replaced by the convention and the primary. Candidates for non-partisan office—judges, municipal officials, and school board members—are often nominated for a place on the ballot in non-partisan primaries.

Partisan primary elections are elections within parties rather than contests between parties. In partisan primaries, voters cast their ballots to determine which candidate will gain the party nomination for the general election. The winner becomes the party nominee in the general election. Candidates qualify for the ballot in primary elections by circulating petitions and gathering a specified number of signatures (which vary from office to office). The rules defining who is eligible to vote in primary elections vary from state to state depending upon whether “open” or “closed” primaries are in force. In states having the “closed” primary system, voters must declare their party affiliation either when they register to vote or when they show up to vote in the primary; then they may vote in that party’s primary only. This limits eligibility to party “members.” In 1990, Michigan implemented the “closed” primary system due to criticisms of the open primary system. Voters were “crossing over” and voting in opposing party primaries, thus influencing the nomination process of the opposition. This

was a short-lived experiment, and in 1992 Michigan returned to the “open” primary system.

The rationale for primaries is that they enlarge participation in party nomination processes and take these decisions out of the hands of party leaders. In theory, primaries weaken the influence of party organizations over office-holders, because they give office-holders an independent route to the nomination. Under the convention system, on the other hand, party leaders tend to be much more influential in determining who does and does not receive the party nomination.

The convention system is quite different from the primary as a means of nomination because nominees are chosen by representatives rather than by direct voter participation. Under the convention system, delegates are selected either in party caucuses or in primaries at the precinct level. These delegates then attend county conventions, and in turn select delegates to the state convention. At the state convention, nominees for statewide offices are chosen.

In Michigan, state conventions typically last for one day. However, in many cases, the decisions actually made by the convention are informally worked out in district caucuses the previous evening. At these caucuses, each county or congressional district delegation tries to arrive at a general agreement as to which candidates they will support. There is often a good deal of “vote trading” or “log rolling” at these sessions, as one delegation will agree to support a candidate preferred by another delegation in return for the latter’s support for another candidate. Sometimes these trades become very complex involving several delegations that prefer different candidates.

In addition to nominating candidates, the party convention also adopts a platform and elects a party chair and vice-chair. The party platform is a general statement of the party’s past record and statement of what it will try to accomplish if it wins office. Because both parties represent people from all walks of life, the job of the convention is to ratify a platform that will appeal to diverse groups. This is done by including numerous “planks” in the platform dealing with a wide range of issues. It is quite difficult to do this while maintaining coherent principles, and for this reason party platforms tend to be general and ambiguous.

In Michigan, most of the major political officers are nominated in party primary elections. These include the Governor, United States Senators and Representatives, State Senators and Representatives, and various county and city officials. Candidates for the offices of Lieutenant Governor, Secretary of State, Attorney General, and members of the governing bodies of the state universities are nominated in

state party conventions. Candidates for Justice of the state Supreme Court are also nominated in party conventions, but they are placed on the ballot without partisan designations.

## **CAMPAIGNS FOR ELECTION**

Once the nomination is secured, a candidate must prepare to campaign against the candidate of the opposing party. In these campaigns, partisanship becomes very important, because candidates can play upon the associations that voters have with the major parties. In the nomination phase, each candidate is on her own and must build a coalition from scratch (unless she happens to be an incumbent or well-known for some other reason). In the general election campaign, these coalitions are already more or less in place due to voter identifications with the parties, and they can only be changed at the margins through skillful campaigning.

Ordinarily, candidates in the general election can rely heavily upon the party organization to assist in their campaigns by raising money and recruiting volunteers to canvass and distribute literature. Increasingly, however, candidates for major office are relying upon their own organizations and political action committees to run their campaigns and thus they are able to bypass the party structure. Partly, this is the result of party primaries in which candidates must rely upon their own organizations. Once these are in place, it is easy to use them in the general election campaign as well. In addition, the widespread use of television and social media in campaigns has reduced their dependence upon party organizations, since through those media large numbers of voters can be reached immediately. Party organizations, by contrast, are better suited to get the message out through face-to-face contacts at the grass-roots level. The emergence of independent organizations that are not affiliated with but spend and campaign on behalf of candidates has added another layer of complexity to the process.

Elections are conducted by secret ballot. The paper ballot has given way over time to the voting machine and the punch card system. In Michigan nearly all elections are now conducted with optical scan equipment, and this is the type of ballot and equipment you will use to vote for statewide offices at Girls State. For partisan offices, voters can either cast a straight party ballot or they may split their tickets by voting for candidates of different parties. The tendency of many voters to cast straight party ballots means that the outcomes of the major races can have an influence upon the results of the less important races at the bottom of the ticket.

## **NOMINATIONS FOR OFFICE AT GIRLS STATE**

Nominations and elections for public office may be either partisan or non-partisan. Nominees for partisan offices at the city and county level will be chosen in party caucuses; nominees for partisan offices at the state level will be chosen in the state conventions. The nominees will then stand against each other in the general elections. In non-partisan races, candidates will simply stand for election without reference to party designation.

*Non-Partisan Elections:* The only non-partisan elections at Girls State are those for city council (under the council-manager system, described in Chapter 8), for city commission (under the commission system, described in Chapter 8), and for the following judicial offices: Court of Appeals (1 judge from each county), Probate Court (1 judge from each county), District Court (1 judge from each city), Circuit Court (1 judge from each county) and the state Supreme Court (3 justices elected from the state at large). Supreme Court elections are technically non-partisan, but nominees are selected in the state party conventions. Except for Supreme Court justice, the above officers will be nominated and elected in the appropriate county or city meetings. The floor will be opened for nominations without respect to party designation, nominations will be closed at some point, and balloting will begin.

*City and County Party Caucuses:* The following officers are elected by partisan ballot in the cities and counties: city council members (under the mayor-council plan), county commissioners, county clerk and register of deeds, county prosecutor, county sheriff, county treasurer, and county drain commissioner. Nominations will take place in the respective city and county party caucuses. In addition to these, three state senators are elected from each county and two state representatives are elected from each city. These nominees will also be selected in the respective county and city party caucuses. The county caucuses are expected to nominate three senate candidates and the city caucuses are expected to nominate two house candidates, who will then run in the general election. The party caucuses will be chaired by the city party chairs.

*The State Conventions:* The state tickets will be nominated at the party conventions held by the Nationalist and Federalist parties. All designated members of the parties are eligible to attend their own conventions. The following officers will be nominated at the conventions: governor, lieutenant governor, secretary of state, attorney general, and three justices of the state Supreme Court. Candidates for governor and lieutenant governor must circulate and file petitions in order for their names to be placed in nomination at the conventions. (The rules for these petitions are summarized below and will be reviewed in a statewide meeting Tuesday morning.) Petitions will not be required for the other candidates, and they will have their names placed

in nomination from the convention floor. Each party will also elect a permanent chair and vice-chair of its State Central Committee, upon the recommendation of its nominee for Governor.

At the conventions, citizens will sit with their cities, and the cities should be grouped by counties. The city party chairs and vice-chairs should sit on the aisles so they can communicate with other members of the State Central Committee. On nominations from the floor, the secretary of the convention will call the roll of cities, and the city party chairs will either pass or place in nomination names of citizens from their own cities. When the roll is completed, balloting will begin. Once again, the roll of the cities will be called, and the city party chairs will tabulate and announce the vote from their cities. The president of the convention will announce the result. **A majority of those voting is required for nomination. Abstentions will not count as votes.** Usually, there are many candidates placed in nomination, which makes it difficult to get a majority on the first ballot. The convention is free to make its own rules to settle this problem. It may vote again without dropping any names, or it may drop the candidate with the least votes on the next ballot and continue this procedure until someone gets a majority, or it may drop the lowest two or three, or it may call for a run-off among the top two candidates. The president should suggest a rule **before** the nominations begin and ask the convention's approval. This particular problem is most acute in the nomination of Supreme Court justices because there are three spots available. Those receiving the party nominations will then stand in the general election to be held Wednesday.

The party conventions are divided into afternoon and evening sessions. The afternoon session on Tuesday will take up the party platform. Hopefully, the convention will complete the process of ratification in the afternoon session; if it does not, this will be carried over to the evening session. The evening session of the conventions will take up the party nominations..

#### *The Party Conventions: Officers, Agenda, and Rules*

The Political party conventions will operate with the following officers and rules:

#### OFFICERS:

Chair of the Convention

Appointed by State Central Committee

Secretary of the Convention

Appointed by State Central Committee

One Sergeant-at-Arms

Appointed by State Central Committee

Assistant Sergeant-at-Arms

Appointed by State Central Committee

Two Tellers

Appointed by State Central Committee

Party Platform Reporter

Appointed by State Central Committee

#### AGENDA FOR THE CONVENTION

1. Call to order by the temporary chair of the convention.
1. National Anthem
2. Report of the Committee on Credentials
3. Debate and Adoption of the Convention Rules
4. Installation of officers of the convention
5. Keynote speech
6. Report of the Committee on Platform (the platform is presented to the delegates for adoption after debate and proposed amendments)
7. Nomination of Candidates for State Office:
  - a. Three Justices of the Supreme Court (These will be treated as three separate offices requiring separate ballots, but nominations will not be re-opened for each ballot.)
  - b. One Attorney General
  - c. One Secretary of State
  - d. One Lieutenant Governor
  - e. One Governor
8. Presentation of Candidates to the Convention
9. Election of Chairman and Vice-Chairman of State Central Committee (candidates to be presented by candidate for governor).
10. Adjourn

#### RULES

1. Petitions for Governor and Lieutenant Governor must be filed with the Government Coordinator by 5:15 p.m., Tuesday. The number of required signatures will be announced at the state meeting Tuesday morning.
2. Petitions may be signed only by members of the nominee's own party, and citizens may sign only one petition per office. Invalid signatures will be disqualified. Additionally, each returned petition must be certified by the nominee's respective city party chair.
3. Candidates may not secure signatures on any document other than the official petition provided by Girls' State staff. Any such signatures will be deemed invalid.
4. The filing of petitions makes it unnecessary to nominate the governor and lieutenant governor from the floor. Each person filing a valid petition for either of the above offices will be allowed to present a two minute speech on behalf of her candidacy to the convention.
5. All other candidates will be nominated from the floor. The roll will be called by cities and each city having a candidate will place the name (or names) in nomination. Each of these candidates will be permitted to present a one-minute speech. There will be no seconding speeches and no demonstrations for these candidates.
6. Ballots will be taken by calling the roll of the cities. The city party chairman will announce the vote of her city in

each case. In all cases, a majority of all votes cast will be required for nomination.

7. Due to logistical issues, there will be no third-parties permitted at Girls' State.

## LIMITATIONS UPON CANDIDACIES

Fairness and convenience make it necessary to place some limitations upon the number of offices that may be held by any one person. The rules are as follows:

1. No person may hold more than one **elected** office at the local (city or county) level. Citizens elected to city offices may run for elected county and state offices, but if successful, they must then resign from their city office by submitting a letter of resignation to their city clerk.
2. No person may hold more than one office—legislative, executive, or judicial.
3. Any person holding local office may seek election or appointment to a state office. In such cases, the person automatically vacates her local office upon taking the oath of the state office and must submit a letter of resignation to the appropriate local official. Procedures for filling such vacancies are set forth below.
4. Persons holding public office may also hold party office, with the following exceptions:
  - a. No judicial officer may hold any party office.
  - b. No persons holding executive office at the state level may hold any party or elective office.
  - c. Members of the state legislature may serve as chairman or vice-chairman of the party State Central Committees.

## THE GENERAL ELECTION CAMPAIGN AT GIRLS STATE

The general election campaign at Girls State begins once the candidates are nominated at the party conventions Tuesday evening and runs until Wednesday evening when the voters go to the polls. Much of the campaigning is informal as the candidates and their supporters move from city to city, talking with voters and asking for support.

The campaign reaches a high point on late Wednesday morning and early Wednesday afternoon in two successive State Meetings.

At 11:15 a.m., a debate between the gubernatorial candidates is sponsored by the Girls State League of Women Voters. The two candidates will make opening statements of 5 minutes each, after which they will be questioned for 24 minutes by a panel, consisting of three members of the Girls State Press Association. Each candidate will be allotted 3 minutes for a closing statement.

At the State Meeting, members of the Federalist Party sit, by city, on one side of the room, and members of the Nationalist Party sit on the other side. Each party will be given 30 minutes to present its platform and its candidates

for state office, and anything else it wishes to bring forward. Ordinarily, the State Central Committee of each party works with the candidates to determine the content and organize presentation.

A coin toss will determine which party makes its presentation first. After the State Meeting is concluded, informal campaigning usually continues until the votes are actually cast.

### *Campaign Expenses:*

During the campaign, candidates and the parties will wish to make signs and posters to broadcast their causes. Funds will be made available for this purpose. A small campaign fund (less than \$50 per party) ) has been created at the state level from which the State Central Committees may draw to buy materials for signs, posters, and the like. In addition to the campaign funds, materials (paper, cardboard, markers, etc.) for campaigns will be provided to candidates and the parties. **Citizens may not take money out of their own pockets to buy campaign materials, nor may they bring materials from home for this use.**

## VOTING AT GIRLS STATE

The candidates for governor, lieutenant governor, attorney general, and secretary of state will carry a party designation on the ballot. Split-ticket voting will be possible, except in the case of the governor and lieutenant governor, who run as a "team."

Candidates for the Supreme Court will run on a nonpartisan ballot of six candidates. The three candidates receiving the highest vote totals will be elected; the candidate receiving the most votes will be designated Chief Justice.

The following rules will be in force:

1. During the campaign, as at all times, citizens must respect the property of the university and the personal rights of others.
  - a. There will be absolutely **no writing of any kind** on walls, mirrors, or any other kind of university property.
  - b. Only **masking tape** may be used for hanging posters.
  - c. There will be no posters hung on citizens' doors without their permission.
  - d. There will be no mutilation, alteration, or destruction of any campaign poster, sign, etc.
2. The following rules will apply to the preparation and display of posters:
  - a. Poster materials will be furnished by Girls State.
  - b. All posters must be taken down immediately after the election.
3. No candidate, for any office, may give any citizen any gift or financial consideration during the campaign.



Such gifts or considerations are also forbidden before and after the campaign, if they are given in exchange for votes, past or future. In other words, NO BRIBERY!

ANY VIOLATION OF THESE RULES WILL CONSTITUTE AN OFFENSE OF A VERY SERIOUS NATURE.

### **COUNTY ELECTORAL COMMISSIONS**

Each city at Girls State will select one citizen to serve on the County Electoral Commission. These citizens will be responsible for conducting elections in their cities and in their counties. This will entail the distribution and collection of ballots, the tabulation of votes, and the recording of results. The members of these commissions will be eligible to run for any office at Girls State, but they will not be allowed to supervise any election in which they are a candidate. A temporary replacement should be named in such circumstances.

### **FILLING VACANCIES IN OFFICES**

There will be numerous vacancies in local offices, during the week, as citizens who have won these posts early in the week seek and win higher level positions in the state. When this occurs, the vacancies should be filled as soon as possible. Most of these vacancies will occur on either Monday, when county elections are held, creating vacancies in city offices, or on Wednesday, when the state elections are held.

Following these elections, the first order of business in city and county meetings should be the filling of any vacancies that have occurred. Any citizen who must resign her office is obliged to inform her county advisor, city counselor, and the appropriate city or county clerk or association official.

### **GOVERNMENT OFFICIALS AT GIRLS STATE: A SUMMARY**

The chart on the following page lists the major political officials at Girls State on the state, county, and city levels, and indicates the means by which they are selected.

## **QUESTIONS FOR CHAPTER 5**

- How do elections help connect the government to the people?
- What are the stages of the election process? What role does the party play in each stage of the process?
- What is the purpose of a party convention? At Girls State, which offices are nominated at the party conventions?
- What is a party platform? How is it used within the party and in the general election campaign?
- How does party identification shape the general election campaign?
- At Girls State, which partisan offices are nominated and elected at the city and county level?
- Which offices at Girls State require petitions to secure a nomination? What are the rules for voters regarding signing nominating positions for each office?

# THE GOVERNMENTAL ORGANIZATION OF GIRLS STATE

## EXECUTIVE OFFICIALS

## LEGISLATIVE OFFICIALS

## JUDICIAL OFFICIALS

<b>STATE GOVERNMENT</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 20%; border: none;">Governor Lieutenant Governor Secretary of State Attorney General</td> <td style="border: none;">} ELECTED BY STATE VOTERS</td> </tr> <tr> <td style="border: none;">Treasurer Supt. of Public Instruction Highway Commissioner Director of State Police</td> <td style="border: none;">} APPOINTED BY GOVERNOR</td> </tr> </table>	Governor Lieutenant Governor Secretary of State Attorney General	} ELECTED BY STATE VOTERS	Treasurer Supt. of Public Instruction Highway Commissioner Director of State Police	} APPOINTED BY GOVERNOR	<p>STATE LEGISLATURE</p> <p>12 Senators: 3 elected from each County</p> <p>24 Representatives: 2 elected from each City</p>	<p>SUPREME COURT</p> <p>3 Justices elected by state voters in a non-partisan election</p> <p>STATE COURT OF APPEALS</p> <p>4 Members: Elected by voters in a non-partisan election, 1 from each County</p>																				
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	FORM																										
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# Chapter 5

## STATE GOVERNMENT: THE EXECUTIVE BRANCH IN MICHIGAN AND AT GIRLS STATE

An important characteristic of American politics in the 20th century has been the growing influence of the executive branch at all levels of government. The expansion of government responsibilities has meant that government functions are increasingly administrative, and these functions must be coordinated in the executive branch. As a consequence, governors have now taken the lead in proposing policy at the state level and in overseeing its implementation. There are important differences in the way the executive branch is organized at the state level and the way it is organized at the national level. In most states, including Michigan, many of the important executive officials, such as the Attorney General and Secretary of State, are independently elected by the voters rather than being appointed by the Governor. This to some extent weakens the Governor's political control over the executive branch. At the national level, the secretaries of executive departments are appointed by and serve with the approval of the President, an arrangement that strengthens the influence of the President in the executive branch.

### THE GOVERNOR'S ROLE

Like the President, the Governor occupies many political roles during any given day. The Governor is, first of all, the symbolic head of the state and speaks generally for state interests and ideals, represents the state at national and international functions, and attends dedications, commencements, and events as the official representative of the state. This is technically a nonpolitical role in that the Governor does not use it to mobilize support for partisan policies (though some governors have been accused of doing so).

The Governor can also be viewed as the "chief legislator" in the state who formulates policies and suggests programs for the legislature to enact. By custom, and in some states, by law, the Governor delivers an annual "State of the State" address to the legislature, in which these programs and policies are set forth. In Michigan, the Governor's influence over the legislative process is strengthened by various constitutional powers, including the powers to submit the state budget for legislative approval, to line-item veto portions of the budget passed by the legislature that the Governor disagrees with, to call special sessions of the legislature, and to veto legislation passed by the House and Senate. Thus, the Governor plays an active role in initiating and influencing legislation.

The Governor also acts as the "chief executive" and in this capacity supervises the principal departments of the executive branch and appoints members to state boards and

commissions. Much legislation that is passed must be interpreted and implemented by various executive departments and agencies.

This invariably gives administrators a good deal of influence over how these programs will actually be put into place. Accordingly, they must be supervised to ensure that the designs of the Governor and the legislature are actually carried out and are not subverted in the process of administration.

Finally, as a partisan official, the Governor acts as the head of a political party. As a highly visible public official, the Governor frequently speaks for the party at conventions, rallies, and party functions. Frequently, too, the Governor is forced to intervene in disputes between rival factions in the party that are competing over policy, patronage, or office. As head of the executive branch, the Governor is in a position to make numerous appointments to public posts, and it is generally expected that party supporters will be rewarded with these appointments. The Governor may use such patronage appointments to strengthen or reward different elements of the party.

### CONSTITUTIONAL POWERS AND LIMITATIONS

The Governor is elected to a four-year term in Michigan, and may be re-elected for one additional term. The Governor and Lieutenant Governor are elected as a "team" and, in the event that the Governor cannot complete the term, the Lieutenant Governor succeeds to the office.

Perhaps the most important constitutional power of the Governor is the authority to submit the state budget to the legislature. In the budget, the Governor details the programs for which money is to be spent, along with amounts, and presents the estimated revenues of the state. The budget is a critical policy document, because it determines the resources that will be given to various departments and programs. For this reason, interest groups maintain a keen interest in influencing budget priorities set forth by the Governor. An easy way to kill a program is to withdraw funding or to fund it at an insufficient level. The legislature will often try to change the Governor's recommendations, but the Governor has the constitutional power to veto specific items in appropriations bills if she disagrees with the legislature. If the Governor did not have this power, the budget passed in the legislature would have to be accepted or rejected in total, which would limit the Governor's range of action considerably.

The Governor has the constitutional authority to veto other pieces of legislation if they are deemed unacceptable. A veto may be over-ridden if two-thirds of the

members of **both** houses of the legislature vote to do so, in which case the bill becomes law. As a practical matter, it is very difficult to mobilize two-thirds of the House and Senate against a governor, and for this reason very few vetoes are over-ridden. The veto is, therefore, a powerful threat and the legislature will often tailor legislation to accommodate the Governor.

The Governor also has the power to appoint and to remove, with cause, various public officials. For example, the Governor may fill, by appointment, vacancies that occur in either of Michigan's U.S. Senate seats between elections. The Governor also appoints, with the advice and consent of the state Senate, the State Treasurer, Director of the State Police, Director of the Transportation and members of the highway and civil rights commissions (among other officers). Though it is rarely used, the Governor also has the power to remove or to suspend any state official (aside from judges and members of the legislature) for misconduct or neglect of duties.

In the event the Governor of Girls State is selected to attend Girls Nation as a Senator, she shall be given the choice of going to Girls Nation or retaining her office as Governor. She may hold only one office. If she chooses to attend Girls Nation, the Lt. Governor would become the Governor.

## THE EXECUTIVE BRANCH AT GIRLS STATE

Below is a summary of the powers and functions of the various officers of the executive branch. This will not tell you precisely what to do, but only generally what you may do. You will have to use your own ingenuity and information from the city and county profiles and "State of Girls State" to do something meaningful with these powers.

## ELECTIVE OFFICIALS

### *The Governor*

General Functions:

1. The Governor is the chief of state and as such will inform the legislature and the citizens of the conditions of Girls State and recommend measures that she thinks are appropriate.
2. She shall, with the advice and consent of the Senate, have the power to appoint such executive officials as provided in the Constitution.
3. She shall be responsible for the supervision of such officers and will have the power to remove them for cause.
4. She shall either sign or veto all bills passed by the legislature. If a bill is vetoed, it will be returned to the legislature with the reasons for the veto attached. A bill vetoed by the governor shall become law upon the approval of two-thirds of the members elected to and serving in both houses of the legislature.

5. She shall have the power to pardon or to commute sentences of citizens convicted of violating the laws of Michigan Girls State.
6. She shall appoint replacements for vacant District, Probate, and Circuit Court judgeships and shall appoint Appeals and Supreme Court replacements with Senate confirmation.

Specific Duties:

1. The Governor will deliver an inaugural speech at the State Meeting on Thursday morning and participate in the closing ceremony on Saturday.
2. She will deliver a State of the State message to a joint session of the legislature on Thursday.
3. She shall have the power to appoint the following officers; State Treasurer (with the advice and consent of the Senate), State Budget Director, Superintendent of Public Instruction, Highway Commissioner, and Director of the State Police. Appointments should be submitted to the Senate by 1:45 p.m., Thursday.
4. She will submit a state budget to the legislature setting forth, in detail, the proposed expenditures and the estimated revenue of the state for the next fiscal year.
5. She will appoint a personal staff to assist her in carrying out the duties of the office. Suggested positions include a chief of staff, press secretary and legislative liaison.

### *Lieutenant Governor*

Functions:

1. The Lieutenant Governor will serve as acting Governor during the absence of the Governor from the state.
2. She shall serve as President of the State Senate and preside over its meetings.
3. She performs other functions as requested by the Governor, though no power vested in the Governor by the Constitution may be delegated to the Lieutenant Governor.

### *Secretary of State*

Functions:

1. The Secretary of State shall have charge of the records of Michigan Girls State and will be responsible for drawing up all public proclamations.
2. She shall collect and file all laws enacted under the constitutional authority of the state.
3. She shall have charge of all state licensing operations. Among these duties are titling motor vehicles, issuing vehicle license plates and driver licenses, and licensing automobile dealers, watercraft, and snowmobiles. Also, she is the administrator of the state's driver improvement program and organ donor registry.
4. She supervises all elections held in the state and is responsible for protecting their integrity. She is also responsible for monitoring candidate compliance with campaign finance and election law.

5. She registers trademarks and lobbyists and county and city ordinances.

#### *Attorney General*

Functions:

1. The Attorney General is legal counsel for the legislature and for each officer, department, board and commission of state government.
2. She shall provide reasoned opinions as to the constitutionality of any law or act of the state government, as requested by any officer or agency of the state.
3. She may intervene in any lawsuit when doing so is in the best interest of the state.
4. It will be her responsibility to represent Michigan Girls State in all suits or legal actions to which the state is a party.
5. She may advise prosecuting attorneys throughout the state and may exercise supervisory powers over them.

### **APPOINTED OFFICIALS**

The following officials are appointed by the Governor, with the advice and consent of the Senate:

#### *State Treasurer*

Functions:

1. The Treasurer will be the official custodian of any funds belonging to the government of Michigan Girls State.
2. She shall act as financial advisor to the Governor and assist in the preparation of the state budget.
3. She shall supervise the administration of state tax laws. This involves the writing of forms, collection of payments and enforcement of penalty provisions. She may also prepare reports and make recommendations regarding tax law and proposed changes.
4. She shall serve as custodian of various state trust funds, and will make decisions regarding their prudent investment.
5. She shall be responsible for the auditing of local units of government within the state.

#### *State Budget Director*

Functions:

1. The Budget Director has full responsibility for the executive branch budget.
2. She shall work with state department officials to identify programs or policies that require additional funding and areas where programs are no longer needed or desirable and funding can be cut.
3. She shall develop a budget, working with the Governor and her staff, that represents the Governor's priorities.
4. She shall work with the legislature toward successful passage of the Governor's Budget Recommendations.

#### *Superintendent of Public Instruction*

Functions:

1. She shall advise the governor on the state's educational needs.
2. The Superintendent of Public Instruction is the principal educational officer in the state, and as such will have general supervisory authority over the state's system of elementary, secondary, and higher education.
3. At the conclusion of Girls State, she will submit a report to the Director and to the Government Coordinator concerning the strengths and weaknesses of the instruction during the week. The report should include suggestions for improving the quality of such instruction.

#### *Director, Department of Transportation*

Functions:

1. She will maintain the avenues of transportation in proper working condition at Girls State.
2. She may make recommendations to the governor regarding the improvement of communications and transportation at Girls State.
3. She will conduct studies and file reports with the Governor on the environmental impact of any state highway construction.
4. She is charged with the supervision of all aeronautics within the state and may make and issue rules governing the location, design, and operation of all airports in the state.

#### *Director of the State Police*

Functions:

1. The Director shall be in charge of the enforcement of all laws enacted under the constitutional authority of Girls State.
2. She shall be responsible for the maintenance of public order through constitutional means.
3. She may serve and execute all criminal process when directed to do so by the Governor or Attorney General in actions in which the state is a party.

### **PERSONAL STAFF**

The following staff members are appointed by the governor to work directly for the governor:

#### *Chief of Staff:*

Functions:

1. The Chief of Staff acts as a chief operating officer for the Governor.
2. She ensures that the governor's policies are carried out, that executive appointees and other staff are representing the governor accurately, and maintains strong relationships with party supporters, legislators and interest groups.

*Press Secretary*

Functions

1. The Press Secretary will be the public voice of the governor.
2. She will promote the governor's policies and programs directly through press releases, interviews with media, etc.
3. She may also indirectly advocate for the governor's policies by working with supportive interest groups, legislators or the governor's respective party organization.

*Legislative Liaison:*

Functions

1. The Legislative Liaison will be the direction connection between the Governor and elected representatives and senators
2. She will work with the State Budget Director to ensure successful passage of the Governor's recommended budget
3. She is responsible for communicating with the legislature regarding the Governor's support or dislike for any proposed or pending legislation
4. She shall convey the concerns and requests of the legislature (such as meeting requests, proclamation requests and more) to the Governor.

**QUESTIONS FOR CHAPTER 5**

- What are the roles of the Governor?
- How does the executive branch influence the state budget?
- What are the checks and balances the executive and legislative branches provide for each other?
- How does the Governor at Girls State choose her priorities and policy positions?
- Who comprises the Governor's cabinet and personal staff? How is each position chosen? Considering her roles within the state and party, what are some factors the Governor should consider in choosing individuals for these positions?

# Chapter 6

## STATE GOVERNMENT: THE LEGISLATIVE BRANCH IN MICHIGAN AND AT GIRLS STATE

The legislative branch of government was originally designed as the one closest to the people, to be representative of the opinions and interests of society. State legislatures are actually quite well designed to carry out this function. Representatives are elected from relatively small districts, which keep them close to local interests, and their terms are generally brief, which forces them to maintain close contact with their districts. Moreover, every state, except Nebraska, has a bicameral (two-house) legislature, and the effect of this is to increase the number of points at which citizens can gain access to the legislative process. As a consequence, nearly all of the major interests in the society are represented in legislative chambers, and the legislative process involves an endless pattern of conflict and bargaining among these interests.

Legislatures represent different constituencies than do governors. Because the governor is elected by state voters as a whole, while legislators are elected from smaller districts within the state, it often happens that the executive and legislative branches are in conflict. This is not to say that one branch represents the majority and the other a minority, but rather that the voters of the state are aggregated in different ways in the legislative and executive branches. There is also the possibility of divided party control over the two branches, which increases the potential for conflict between the legislature and the governor.

This should not be seen as a “problem,” since the system was designed to promote conflict between the branches by making them representative of different combinations of interest. In this way, the branches do indeed “check” one another.

### LEGISLATIVE ORGANIZATION

*Size, Terms of Office, and Districts:* The Michigan Constitution provides for a bicameral legislature, with a Senate consisting of 38 members elected for four-year terms and a House of Representatives consisting of 110 members elected for two-year terms. According to the U.S. Constitution, both houses must be apportioned on the basis of population, so districts must be approximately equal in population. Districts are re-drawn every ten years following the federal census in order to keep pace with shifts in population. The drawing of district lines usually involves a party battle as both parties develop plans that will maximize the number of seats they are likely to win.

Thus, there is a good deal of “gerrymandering,” or the drawing of district lines for partisan advantage. In Michigan, the party in control of the legislature will usually be able to enact its plan; however, if there is divided control

between the house and senate, bargaining and compromise will be necessary.

*Presiding Officers:* In the state Senate, the presiding officer is the Lt. Governor, elected by the voters of the state, who in a sense represents the executive branch in the legislature. The Lt. Governor presides over the chamber and makes parliamentary rulings but may not vote except to break ties. The membership of the Senate elects a President Pro Tempore who presides when the Lt. Governor is absent. In addition, each party caucus elects a party leader to speak for it, to assist in making committee assignments, and to handle major administrative tasks for the party.

The House of Representatives is presided over by the Speaker of the House who is elected by a majority vote of the members of the House. Typically, each party caucus will nominate a candidate for Speaker, and the vote will follow straight party lines, so that the majority party will almost always be able to elect the Speaker unless it is factionalized. The Speaker’s job is very important, since she not only makes parliamentary rulings but also appoints members to committees and appoints employees of the House. The House also elects a Speaker Pro Tempore to exercise the duties of the position in the Speaker’s absence.

As in the Senate, each party caucus in the House elects its own party leaders which generally consist of a majority or minority leader, as the case may be, and several “Whips” who assist the leaders in lining up votes, arranging compromises, and maintaining party discipline. The majority and minority leaders will generally make recommendations to the Speaker concerning the appointment of members to committees.

In addition, the Senate elects a secretary and the House a clerk from outside their memberships to call the roll, announce whether or not a quorum is present, keep the journal, and to care for and preserve all bills submitted.

*The Committee System:* Because of the number of bills introduced and the complexity of the issues with which they deal, all legislatures in the United States do much of their important work in committees. Since it is impossible to do all the work of collecting information, gathering testimony, and drafting bills on the floor, the tasks must be divided and handled in committees. The committee system allows legislators to specialize in particular areas of legislation in which they might become “experts” if they stay in the legislature long enough.

The number of legislative committees varies from state to state. In Michigan, the Senate has 21 standing committees and the House has 25. In addition, special committees can be created upon a vote of the members. The number of members per committee also varies. In the Senate,

each standing committee has five or six senators, with the exception of the Appropriations committee, which has 16 senators. In the House, the size of most committees ranges between 12 and 20 members.

In the Senate, chairpersons and members of committees are appointed by the majority leader. Thus, the majority party effectively controls the appointments to committees. In the House, the Speaker makes the appointments in consultation with the party leaders. In Michigan, as in most states, the seniority rule is not as rigorously followed in committee appointments as it is in the U.S. Congress. The consequence of this is to strengthen the control of the majority party leadership over the committees, since it may re-assign members from session to session without reference to seniority.

The general rule of thumb in these appointments is that the majority party will have a majority on each committee that is roughly proportionate to its margin in the chamber as a whole. This is designed to make the legislative process accountable to the party in the majority, though it does not always work out this way when the parties are factionalized. A chairman presides over each committee and has the power to appoint staff and subcommittees, call meetings, and to set the agenda of the committee.

The most important committees tend to be those that deal with budgetary issues. These would be the Appropriations Committee in the Senate and the Appropriations and Taxation Committees in the House. Also important in both chambers are the Education, Labor, Health and Human Services, and Economic Development Committees, since they consider legislation pertaining to the most important and costly of state programs. Finally, the Judiciary committee in the Senate is highly visible because it has jurisdiction over many of the executive appointments that require confirmation by the Senate and over proposed revisions in the criminal code.

The functions of committees are to gather information, draft legislation, and advise the chamber as a whole whether or not a piece of legislation should be passed. Many bills that are reported to committee are never brought to the floor and are thus effectively killed in committee. When a bill is reported to the floor, it is appended with a majority and a minority report detailing the reasons why it should or should not be passed.

Committees tend to vary in prestige so that some are more successful than others in getting their recommendations adopted on the floor. Committees also exercise some oversight over executive departments and state institutions in their areas. The objective of this is to make certain that laws are being implemented by the executive in ways desired by the legislature. This procedure generally involves the calling of executive officials before committees to justify requests for appropriations or to justify their interpretations of statutes.

## THE LEGISLATIVE PROCESS

The legislative process has been described as a series of hurdles that guarantees that any legislation that is enacted has been carefully screened and considered. Though many are impatient with this process, one should understand the reasons for it. A political process is a screening mechanism through which proposals are sorted out according to various criteria—their popularity, their impact upon social groups, their consistency with previous policy, and the manner in which they will affect the balance of political power in the future. Thus, there are many opportunities to shoot a proposal down, and the failure to clear any single hurdle will effectively block it. This makes it difficult for legislatures to be truly innovative, but at the same time it makes it less likely that they will enact disastrous legislation.

Any members of the House or Senate (but only members) may submit a bill for the respective chambers to consider. Before it is approved by either chamber, it must pass through three “readings.” When a bill is introduced, its title is read by the chair and the bill is referred to committee. This is the first reading.

The committee that receives the bill may call expert testimony or may schedule public hearings on it. Through this process of gathering information, the committee will frequently alter the bill from its original form. Eventually, the sponsors of a bill in the committee will agree upon a final version and will move that the committee report the bill favorably to the floor. As noted earlier, a majority on a committee may wish to keep a bill in committee so as to prevent its passage. This often happens with the approval of the chamber as a whole. But a majority of the chamber may, by petition, discharge a bill from committee and have it reported directly to the floor.

When a bill is reported from a committee, it moves to second reading on the floor. At this point, amendments to the bill may be considered one-by-one. For this purpose, in the Senate only, the chamber “rises” as the Committee of the Whole for the purpose of considering such amendments. The rules of procedure are generally the same in the Committee of the Whole, except that rules governing debate are relaxed considerably. Bills are considered in the order of their referral from committee, with the exception that appropriation bills have priority over others. In the Committee of the Whole, amendments from the committee that considered the bill are taken up before those from the floor. At second reading amendments are considered individually and, if approved, become part of the bill. Sometimes, opponents of a bill will suggest amendments at second reading, which, if passed, will kill its chances on third reading. However, amendments must be germane to the bill in question.

Once amendments have been considered and the bill is put in final form, it moves to third reading and the vote



on final passage. Ordinarily, amendments are not considered on third reading unless the rules are suspended or they are seconded by a majority of members. Passage to third reading generally means that a vote will be taken on the bill. In order to become law, the bill must receive the votes of a majority of those elected to and serving in the chamber.

It often happens that the House and Senate approve different versions of the same bill. When this occurs, these differences must be ironed out and both chambers must pass identical versions of the bill before it can be sent to the governor. This is accomplished through a conference committee composed of House and Senate members generally selected from the committees that considered the bill. Through bargaining, they try to draft the bill in language acceptable to both chambers. When the conference committee has agreed upon a final version, the bill is sent back for final approval of the House and Senate.

## **PARTIES AND INTEREST GROUPS IN THE LEGISLATIVE PROCESS**

Since legislators are elected to office in partisan contests, the parties are very visible elements in the legislative process. Two important contributions of the parties should be noted. First, the parties play a crucial role in organizing the legislature through the selection of leaders and the appointment of committees. As mentioned earlier, leadership contests in the legislature follow party lines so that the party in the majority can select the leadership and can determine the composition of committees. Few members dare to bolt their party in these contests, for to do so is to risk one's influence in the party. The two political parties also try to formulate programs that they wish to enact into law. These will ordinarily cover a wide range of issues and will reflect stands that were taken in the previous election. As a rule, parties are not nearly as cohesive on policy matters as they are on organizational questions. More often than not, the parties are divided internally on such issues because their members are elected from diverse constituencies. Hence, they will not always agree, and this makes it difficult for the party to enact its program in the legislature.

In contrast to parties, interest groups are external organizations that pressure the legislature from outside. Since they are special purpose organizations, they tend to be concerned with a narrow range of issues. When these issues arise, they exert influence upon the process in many ways. Lobbyists can speak informally with representatives, impressing upon them the importance of a particular bill to their clients. They testify, too, before committees and at legislative hearings to present expert testimony on some question or to call the attention of the legislature to the impact of a piece of legislation upon their members. In these senses, lobbyists represent an important aspect of the "screening process" that was discussed earlier.

Lobbyists do not often change anyone's mind on a piece of legislation. Rather, they usually concentrate on persuading the undecided and reinforcing the opinions of legislators who have already made up their minds. Legislators are not likely to vote for bills that are going to cost them support in their districts. On the other hand, some interest groups can be very influential on issues that are not very visible to voters, since on these issues legislators do not have to pay as close attention to their districts.

Many members of the state legislature believe that lobbyists play a valuable role in the legislative process. Legislators live in an uncertain world, and they can never be sure what the impact of a law will be or how the public will react to it. Interest group representatives help to provide this information by bringing into the process the views of their clients. As a general rule, legislators are better off with this information than without it.

## **THE LEGISLATIVE BRANCH AT GIRLS STATE**

### *Rules:*

The rules for the House and Senate at Girls State will be those set forth in the latest edition of the *Michigan Legislative Handbook*.

### *The Senate:*

Members: 12 members, 3 elected from each county

Legislative and Party Officers:

- President (Lt. Governor)
- President pro tempore (elected by Senate from its membership)
- Sergeant-at-Arms (elected by Senate)
- Secretary (elected by Senate)
- Majority and Minority Party Leaders (elected by and from the legislative party caucuses)

Standing Committees:

Each committee should have 3 or 4 members, including a chair, chosen by the Committee on Committees and subject to the approval of the Senate. The following committees are recommended:

1. Appropriations and Finance
2. Education and Labor
3. Health and Human Services
4. Judiciary
5. Transportation and Infrastructure

Other committees may be designated and the above may be altered, merged, or abolished upon the vote of the Senate. Each member must be on at least one committee.

### *The House of Representatives:*

Members: 24 members, 2 elected from each city.

Legislative and Party Officers:

- Speaker of the House (elected by House from its membership)

- Speaker pro tempore (elected by House from its membership)
- Sergeant-at-Arms (elected by House)
- Clerk (elected by House)
- Majority and Minority Party Leaders (elected by and from the legislative party caucuses)

#### Standing Committees:

Each committee should have between 5 and 7 members appointed by the Speaker. The following committees are recommended:

1. Appropriations and Finance
2. Education and Labor
3. Health and Human Services
4. Judiciary
5. Transportation and Infrastructure

Other committees may be designated and the above may be altered, merged, or abolished upon the vote of the House.

Each member must be on at least one committee. The legislature shall convene at 1 p.m. Thursday and adjourn at 5 p.m. Saturday.

#### *Conference Committees*

Conference committees may be required to resolve differences in bills passed by the two chambers. Conference committees should be composed of 6 members, 3 from each chamber. Representatives from the House will be appointed by the Speaker and those from the Senate by the Committee on Committees.

#### *Vacant Seats*

Vacant House and Senate seats will be filled by special election in the appropriate government unit, as soon as possible after the vacancy occurs.

## QUESTIONS FOR CHAPTER 6

- In comparison to the other branches of government, what purpose does the legislative branch serve?
- How do districts influence the legislature and legislative process? Why is the power to draw district boundaries important? How do districts affect representation of voter interests?
- Who presides over each house of the legislature? What is the role of each presiding officer with respect to the operations of the chamber and her role in the party?
- Why is it important for a party to control the a chamber(s) in the legislature?
- What is the purpose of the committee system in the legislature? Why are there multiple readings and steps in the process of developing legislation?
- How do parties and interest groups work to shape legislation? What functions do lobbyists serve?
- How are Representatives and Senators elected at Girls State and what are their districts?

# Chapter 7

## STATE GOVERNMENT: THE JUDICIAL BRANCH IN MICHIGAN AND AT GIRLS STATE

The function of the courts is to adjudicate disputes among citizens and between citizens and the state according to rules designed to ensure fairness and the orderly operation of society. The formation of laws to settle these disputes and to regulate social behavior is a primary function of the political process.

In the United States, courts, judges, and lawyers play significant roles in the political process. This is true, in large part, because our political process is governed by written constitutions and charters. Disputes arise in the society over the meanings of terms and phrases in these documents, and it has been left to the courts to settle these important questions. The answers they provide invariably influence the political process because constitutional questions are often questions of access to and influence over the political system. Lawyers, therefore, occupy strategic political positions in the society, because they can frame disputes so as to raise constitutional questions.

In this sense, the courts not only dispense justice in the system but also help to frame public policy. Many of the major political changes in the United States are initiated in the courts. At the national level, for example, policies governing race relations and school integration, apportionment of legislative districts, police procedures, relationships between church and state, and the right of dissent have been materially altered through decisions of the U.S. Supreme Court. It is unlikely that any of these policies would have changed in the way they did or at least as soon as they did if people had relied exclusively upon congressional and legislative arenas to frame policy. As a rule, state appellate courts have been more reluctant to get involved in such sensitive political questions. Nevertheless, they too should be understood both in terms of their legal and political functions.

### JURISDICTION OF COURTS

Before proceeding to discuss the court system in Michigan, it will be necessary to define a few legal terms. One important concept is that of jurisdiction, which refers to the authority of a court to hear certain kinds of cases. There is a division of labor in the court system under which different courts hear and decide different kinds of cases. "Jurisdiction" is often used to describe the physical territory (a town, a circuit, a county, or a state) over which a court has authority. But the term also refers to classes of court cases.

*Trial and Appellate Courts:* Some courts are designated as "trial courts of original jurisdiction" and others are designated as "appellate" courts (that is, courts which review lower court decisions). The court that hears a case for

the first time is said to have original jurisdiction. These courts are generally concerned with finding the facts of a case and rendering decisions on guilt or liability. They do this through the courtroom procedures with which most are familiar. In many cases, the losing party at this level will appeal the case to a higher court in the hopes of having the decision reversed. Courts that hear appeals are called, appropriately, appellate courts. In appellate proceeding, the "facts" of the case, as determined in the lower court proceedings, are considered settled and are not normally debated again. No new testimony is taken in appellate proceedings, and no jury is present. The appellate courts deal only with the questions of law that form the basis of the appeal. Sometimes these deal with the constitutionality of procedures used in the lower court or with the fairness of the proceedings; in some cases these questions deal with the constitutionality of the law upon which the charges were originally brought. The proceedings in appellate courts assume the form of a debate between the attorneys for each side, with the court sitting in judgment. Once the arguments are presented, the justices meet, discuss the case, and reach a decision by majority vote. These decisions are usually announced weeks or months after arguments are heard, and the reasons for appellate court actions are summarized in written opinions.

*Civil and Criminal Cases:* A civil action is one in which a person (or a group of people or an organization) sues another person (or group or organization) for some injury. Typically, in such suits, the plaintiff will ask for damages as compensation for the injury inflicted, although other forms of relief, such as injunctions, may also be sought. Legal principles have been developed to cover such cases, and the courts sit in judgment on these claims. Imprisonment may not be imposed as a penalty for a civil offense. A criminal action is one in which the state presses charges against someone for violating the laws of the state. Persons convicted of criminal offenses may face severe penalties imposed by the state, such as fines and/or imprisonment. This discussion simplifies matters somewhat, since the state can also take civil actions against individuals or organizations.

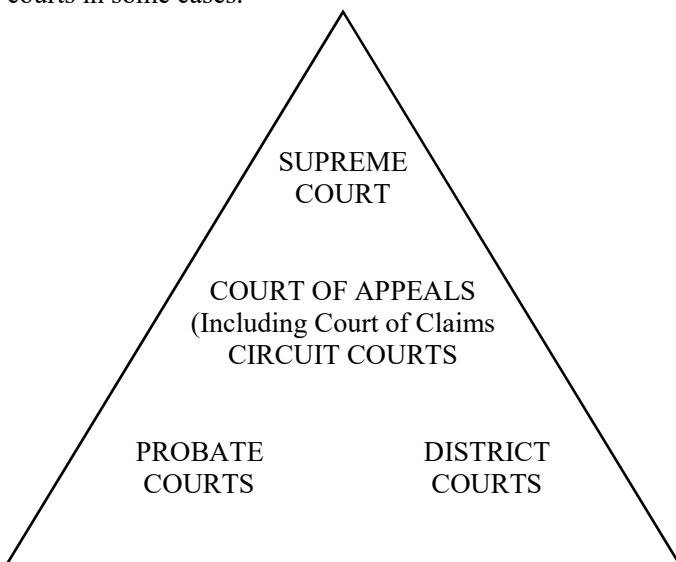
Most courts have jurisdiction over both civil and criminal cases, though the severity of the charges or the size of the damages sought sometimes limits court jurisdiction. District courts in Michigan, for example, only have jurisdiction over civil cases involving sums up to \$25,000, and they do not have final jurisdiction over criminal cases in which the offense charged is a felony. Criminal felony cases and civil actions involving more than \$25,000 must be adjudicated in Circuit Courts. Probate Courts are designed to

deal with civil actions related to wills, estates, administration of estates and trusts, and establishing guardianship for those unable to care for themselves. Appellate courts, on the other hand, hear appeals on all classes of cases.

With these concepts in mind, we can now outline the court system in Michigan, beginning with the Supreme Court and working down to the District Courts.

## THE MICHIGAN COURT OF JUSTICE

The 1963 Constitution provided for an integrated “court of justice” consisting of several divisions, each with different judicial responsibilities. As it is stated in the Constitution, “the judicial power of the state is vested exclusively in one court of justice which shall be divided into one Supreme Court, one Court of Appeals, one Trial Court of general jurisdiction known as the Circuit Court, one Probate Court, and courts of limited jurisdiction that the legislature may establish.” These courts of limited jurisdiction were created by the legislature in 1968 and are called district courts. The system can be conceived as a pyramid with the courts of original jurisdiction (district courts, probate courts, and circuit courts) forming the base of the system. The appellate courts (the Court of Appeals and the Supreme Court) stand above them and review their work. This picture is complicated somewhat by the fact that the circuit courts review the decisions of district and probate courts in some cases.



*Supreme Court:* The Supreme Court is the highest court in the state. It hears cases on appeal from lower courts and it interprets the state Constitution with respect to these cases. The Supreme Court is not a trial court, and it reviews cases on the basis of oral arguments and briefs. No new testimony is taken at this level of the process. The Court is composed of seven justices who are nominated in party conventions and elected in nonpartisan elections to eight-year terms. The

members of the Court select a Chief Justice, from among its membership, to preside over court deliberations; the remaining six justices are designated “associate justices.” Justices must be lawyers who are licensed to practice in the state. Vacancies on the court, as on other courts of record, are filled temporarily by appointment by the governor; the appointee serves until an election can be held to fill the vacancy permanently. The decisions of the Supreme Court must be in writing and must contain a statement of the facts in each case and reasons for the decisions.

The Supreme Court has general supervisory control over all lower state courts. It is authorized to set forth rules establishing or modifying practices and procedures in all courts of the state. It is permitted to control its appellate jurisdiction by its own rules.

The Supreme Court is inevitably involved in the state’s political process by virtue of its appellate jurisdiction and its power of judicial review, which is the power to invalidate state laws found to be in conflict with the Constitution. Persons who appeal decisions of lower courts to the Supreme Court often raise questions about the constitutionality of procedures used in lower court proceedings or about the constitutionality of particular statutes. In deciding such cases, the Court gives practical meaning to the words in the Constitution; and, in so doing, it occasionally rules unconstitutional acts of public officials or statutes passed by the legislature. This happens infrequently, but when it does it brings the court into conflict with other public officials.

In this sense, the Supreme Court is involved in framing public policy, much as the legislature is. Its decisions have widespread impact, and they sometimes favor the interest of some groups of citizens against others. The Michigan Supreme Court has not been an “activist” court, and so it has tried to leave major political conflicts to be settled in the legislative arena. When the constitutionality of statutes has been challenged, the Court has nearly always upheld the statutes.

*The Court of Appeals:* One of the major advances made in the judicial article of the 1963 Constitution was the creation of a state Court of Appeals. The Court of Appeals was given appellate jurisdiction over nearly all classes of cases, and thus it was designed to relieve the Supreme Court of some of its caseload. The court has 28 judges in all, nominated and elected in non-partisan elections in three separate judicial districts. Like the Supreme Court, the Court of Appeals does not receive new testimony or conduct trials as the lower courts do. Rather, the Court of Appeals reviews cases by hearing oral arguments and reading briefs prepared by the parties.

*Circuit Courts:* Circuit Courts hear civil suits involving more than \$25,000 and criminal cases in which a felony has been charged. It also hears divorces and cases on appeal from lower courts and tribunals. Circuit Court judges are

elected on a non-partisan ballot for six-year terms. Judges must be lawyers and under 70 years of age at the time of election. Presently the state is divided into 57 judicial circuits, which may vary in size from one to four counties. This number varies from time to time because the legislature is empowered to create new circuits.

*Probate Courts:* Probate Courts have jurisdiction over cases involving wills, estates, juveniles and persons unable to handle their own affairs by reason of mental or physical disability. Judges of probate courts are nominated and elected in non-partisan elections for six-year terms. As with judges on other courts of record, probate court judges must be members of the bar. There are currently 78 probate courts in Michigan.

*District Courts:* The office of Justice of the Peace was abolished by the 1963 Constitution, effective in 1969. A system of district courts was established by the legislature in 1968 to replace Justice of the Peace courts, along with most municipal and police courts in the state. Presently the state is divided into approximately 100 judicial districts. The district courts have jurisdiction in civil cases involving sums up to \$25,000, and they have criminal jurisdiction over all misdemeanors and violations of charters and ordinances. They also handle arraignments and preliminary examinations in all felony cases. In district courts, jury trials are conducted before six member juries. District court judges are elected for six-year terms in non-partisan elections.

The 1963 Constitution allowed various statutory courts (those created by the legislature) created under the authority of the 1908 Constitution to remain in existence. These courts handle the functions now assigned to district courts in other parts of the state. These include the Recorder's Court and Common Pleas Court in the city of Detroit.

## **THE JUDICIAL BRANCH AT GIRLS STATE**

The judicial power of Girls State is vested in one court of justice divided into one Supreme Court, one Court of Appeals, one trial court of general jurisdiction, known as the Circuit Court, one Probate Court, and one court of limited jurisdiction known as the District Court.

Judges of the state will in all cases be elected in nonpartisan elections. Nominations for justices of the Supreme Court will be made in political party conventions. Nominations for all other judicial positions will be made by voice in city and county meetings. The following judicial personnel will be elected:

**Supreme Court:** Associate Justices will be elected from Wednesday State-wide balloting to form a three (3) member Court. The top vote-

getter in the statewide election will be named Chief Justice.

**Court of Appeals:** One (1) judge elected in each county.

**Circuit Court:** One (1) judge elected in each county. Circuit Courts hear both civil and criminal cases (see the discussion above regarding the jurisdiction of Circuit Courts).

**Family Division:** The family division, a division of circuit court, has exclusive jurisdiction over all family matters such as divorce, custody, parenting time, support, paternity, adoptions, name changes, juvenile proceedings, emancipation of minors, parental consent, and personal protection proceedings. The family division also has ancillary jurisdiction over cases involving guardianships, conservatorships and proceedings involving the mentally ill or developmentally disabled. Both Circuit and Probate judges hear Family Division cases.

**Probate Court:** One (1) judge elected in each county. Probate Courts hear cases involving wills and estates, and those involving juveniles and those unable to handle their own affairs (again, see above).

**District Court:** One (1) judge elected in each city. These courts hear cases involving misdemeanors and violations of charters and ordinances. They also hear civil cases involving small sums of money, and determine whether criminal charges may be "bound over" to the circuit court as a felony (see above).

Counties will have the option of electing one Circuit Court Judge to cover Circuit, Family, Probate and District Court matters per the discretion of the County and Judicial Advisors.

Appeals will be brought from the Probate and District Courts to the Circuit Courts, and from the Circuit Courts to the Court of Appeals, and from the Court of Appeals to the state Supreme Court. All candidates for judicial office, except those seeking election to the District Court, must be members of the Bar Association before standing for election (see below).

Descriptions of the duties of these courts are set forth in detail in an earlier section. Cases will be developed from city and county profiles and from events during the week. A trial will be staged by the Bar Association at the end

of the week, and this usually involves one of the Circuit Courts and various legal officers of the cities and counties. In addition, the Supreme Court and Court of Appeals will hear oral arguments in cases that develop during the week.

### THE STATE BAR ASSOCIATION

The State Bar Association is the organization that represents the legal profession at Girls State. It is composed of all lawyers in the state (but only lawyers) and it will coordinate most of the legal activities in the program. In one sense, the Bar Association will function as an interest group representing lawyers and defending their interests in the various branches of government. In another sense, however, the Bar Association represents the public as a whole by defending the integrity of the law and the fairness of the judicial process. For this purpose, the Bar Association sometimes makes recommendations concerning reform of the legal process and it evaluates the qualifications of those running for judicial office. As noted above, nearly all judicial officers in the state must be members of the Bar Association before standing for election.

*Membership and the Bar Examination:* Admittance to the Bar Association will be decided on the basis of a Bar Examination given to all citizens in county meetings on Monday morning. The examination will draw upon material in the Girls State Manual. Those who pass the examination will be admitted as members to the Bar. Ordinarily, between 20 and 25 percent of the citizens pass the examination and qualify as members. Results of the examination will be announced in city meetings on Monday afternoon.

*Organization of the Bar Association:* The Bar Association will convene on Monday morning and will meet throughout the week. At its first meeting, it will elect a President, Vice-President, and a Secretary to aid in organizing the activities of the Bar. Other officers will be designated upon the recommendation of the judicial advisor and the membership.

*Activities of the Bar Association:* Among the activities of the Bar Association are :

1. To inform Girls State attorneys about basic criminal and civil procedure in the state of Michigan.
2. To develop and to organize cases to be heard in the various courts of the state (such cases may be suggested by the city and county profiles).
3. To discuss issues and to make recommendations concerning reform of the legal system.
4. To suggest changes in the Code of Ethics of the legal profession at Girls State.
7. To assess and to make recommendations concerning the qualifications of candidates for judicial office.
8. To organize the “mock” trial to be held on Saturday.
9. To arrange the Moot Court competition held on Saturday.

*Qualifications for Judicial Office:* Only members of the Bar will be eligible to stand for election to the following offices:

- County Prosecuting Attorney
- Judge of Probate Court
- Judge of Circuit Court
- Judge of the Court of Appeals
- Attorney General
- Justice of the State Supreme Court

Judicial offices at the Municipal level will not carry this requirement. Judges of the District Court will be elected and city attorneys will be appointed before the results of the bar examination are known. Therefore, any citizen is eligible to stand for election or appointment to these positions. Those chosen for these positions are automatically members of the Bar Association without respect to their performance on the examination.

In the event it becomes necessary to appoint replacements for vacated municipal judicial offices after the Sunday elections, preference will be given to members of the State Bar Association.

All elected officials shall be sworn-in using the following oath of office:

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### AMERICAN LEGION AUXILIARY GIRLS STATE OATH OF OFFICE

I, (*name*) , do solemnly affirm that I will support the Constitution of the United States, the Constitution of the State of Michigan, and the Constitution of American Legion Auxiliary Girls State, and will faithfully discharge the duties of (*name of office*) at American Legion Auxiliary Girls State to the best of my ability.

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### QUESTIONS FOR CHAPTER 7

- What are the important functions of the judicial branch? What is its relationship to the legislative and executive branches?

- What is jurisdiction, generally? What jurisdiction does each level of court have in Michigan and at Girls State?
- What is the process for selecting judges at Girls State?
- Who is a member of the State Bar Association at Girls State? Who is eligible to hold judicial office? Who is eligible to serve as city attorney, county prosecutor, attorney general, or in other legal positions?

# Chapter 8

## LOCAL GOVERNMENT: CITY AND COUNTY GOVERNMENT IN MICHIGAN AND AT GIRLS STATE

Local governments in Michigan and throughout the country are established and operate according to regulations set forth by the state government. In this sense, cities and counties are not autonomous political units with the authority to tax and spend as they please. The powers they have are granted to them by the state. In spite of this, cities and counties deliver a wide range of governmental services, including police protection, water and sewer systems, road maintenance, parks and recreational facilities, and fire protection.

Local politics is sometimes difficult to understand because local governments are not organized like the state and national governments. Cities and counties in Michigan are governed by commissions or councils, which may be partisan but do not necessarily follow state or national partisan policies and trends. In addition, local issues tend to revolve around complex questions of zoning, public works systems, the assessment of property, and the levying of property taxes that directly affect the day-to-day lives of residents. Finally, there are so many local governments and special districts with overlapping jurisdictions and functions that one is hard pressed to keep them separate.

This chapter is designed as a brief overview of local government in Michigan. In addition to this discussion, the city and county profiles should be helpful at this level of government, since they are written to raise local issues.

### CITY GOVERNMENT IN MICHIGAN

Cities in Michigan operate under charters that make up their fundamental law, just as the constitution does for the state. The charter defines the boundaries of the city, prescribes its powers, sets forth the manner in which its officers are to be selected, and so forth. City charters were granted by the legislature directly or, in some cases, the legislature defined the manner in which they are to be framed.

Three different types of charters are in operation in the cities of Michigan: Special charters, classification charters, and home rule charters. Special charters are those provided for individual cities in special acts passed by the legislature. The classification charter is one made applicable, by law, to all cities within a given population range. Home rule charters allow cities, with the approval of the voters, to draft their own charters, provided they do not conflict with the Constitution or with the state law. Many cities have adopted home rule charters, since they allow the cities to adapt their form of government to their own needs, “provided for by Michigan’s Home Rule Cities Act.”

The functions of municipal governments are too broad to be discussed in this short space. Among the most important are police and fire protection, the provision of sewage and water system, transportation, sanitation and rubbish collection, maintenance of streets and sidewalks, zoning and building inspection, licensing, and the maintenance of parks, playgrounds, and libraries. The larger cities in the state frequently provide public health and welfare services and extensive recreational and cultural programs.

#### *Forms of City Government*

Three different forms of city government have historically been found in Michigan—the mayor-council, the council-manager, and the commission plans. Though similar in some ways, these plans are designed to make city government operate according to different principles and objectives. The Council-Manager Plan and the Mayor-Council Plan are the two forms used today in Michigan and at Girls State.

#### *The Mayor-Council Plan:*

The most prevalent type of municipal structure is the mayor-council plan, which is in operation in over half the cities in the United States. This plan consists of a mayor and a city council, both of which are independently elected in partisan elections. Both share in making policy, though the mayor has near complete authority over the executive branch of city government. Officers of the executive branch—the city attorney, assessor, treasurer-comptroller, and heads of departments—are appointed by the mayor and serve at her pleasure, though these appointees generally must be confirmed by the council. The city council is the legislative branch of city government, and its approval is required before appointments and ordinances can go into effect.

The objective of this plan is to strengthen the control of the mayor over the executive agencies of city government. In this sense, it appears to have been patterned after the national government, since the president’s control over the cabinet is similar to the mayor’s control over executive officers in the mayor-council plan. The initiative in this system is clearly in the hands of the mayor, and the council generally plays a secondary role in developing policy. This form of government is in wide use in the large cities of the nation, largely because the complexities of these cities require strong executive leadership. Detroit and Lansing, among the larger cities in Michigan, have adopted versions of the mayor-council plan.

#### *The Council-Manager Plan:*



The Council-Manager Plan is widely used in Michigan, which, along with California and Texas, has the highest number of cities and villages that use this form of government. This form of government consists of a city council, the members of which are elected in non-partisan elections, a mayor, selected from the membership of the council or elected at-large, and a city manager, appointed by the council. In this system, the council makes general city policy and the mayor merely presides over city council meetings. The executive branch of government is administered by the city manager, who is a professionally trained administrator. The city manager appoints executive officers, supervises their performance, develops the city budget, and administers programs. Theoretically, the city manager cannot make policy, but merely implements the decisions of the council, but as a practical matter, the recommendations of the manager are usually given great weight by the council.

The objective of the council-manager plan is to take “politics” out of city government by turning its administration over to a professional manager. This plan seems to have developed in response to the influence of parties and party politicians over city government under the mayor-council plan. Critics said that there is nothing political about cleaning streets, picking up garbage, building parks, and so forth. They believed that the system could be effectively run by a professional administrator taking general directions from an elected city council, and that if the members of the council were elected in non-partisan elections, the influence of party politics would be even further reduced. Among the cities in Michigan that have this form of governance are East Lansing, Grand Rapids and South Haven.

*The Commission Plan:*

The commission system of municipal government fuses executive and legislative functions almost completely in the hands of a city commission. Members of the city commission (which is like a city council) are elected in non-partisan elections, and one member is designated mayor to preside over meetings. Again, as in the council-manager plan, the mayor has little power. The commission makes policy for the city and appoints some of the executive officers, such as the city attorney, assessor, treasurer, and chief of police. But the commissioners themselves also act as head of the various city executive commissions, such as the parks commission and the public works commission. Each commissioner is ordinarily assigned as head of one commission and is in charge of administering it. The commission as a whole coordinates policy and approves the city budget. Thus, the members of the commission act both as legislators and administrators.

The commission plan is not in use today, largely because it is difficult to find elected commissioners who are qualified to serve as full-time administrators. This is

particularly a problem in large cities where executive departments are composed of large numbers of employees. In larger cities, then, some division of labor is necessary between elected policy-makers and administrators. As a consequence, this form of government is generally found among small and medium-sized cities.

**CITY GOVERNMENT AT GIRLS STATE**

At Girls State, the “home rule” option will be used for city governments, and cities may choose or be assigned a Council-Manager or Mayor-Council form of organization. The Commission form is not used at Girls State. The type of municipal government that each city actually has at Girls State will be defined in the city and county profiles. An outline of each form of government is provided below.

*The Council-Manager Form at Girls State*

**CITY COUNCIL:**

- Members: 5 elected members, elected at-large in nonpartisan elections.
- Functions: (1) policy-making: to draft city ordinances, levy taxes, and to approve the city budget.  
 (2) appointive: to appoint the city manager and city attorney, and to select a mayor from its membership.

**CITY CLERK:**

- Selection: Appointed by City Manager from citizens of the city.
- Functions: (1) responsible for keeping accurate minutes of all council proceedings.  
 (2) administers oath of office to city officials, elected and appointed where required.  
 (3) maintains voter registration list and manages election process.

**MAYOR:**

- Selection: Appointed by city council from among its members.
- Functions: (1) to preside over city council meetings.  
 (2) to represent the city in ceremonial functions.  
 (3) to represent the city as a member of the League of Mayors and County Board Chairs.

*Appointed Officials:* The following are appointed officials in the council-manager system, along with their chief functions.

City Manager:

- Selection: Appointed by the city council from among all citizens of Girls State.
- Functions: (1) administrative: the city manager is the

chief administrative officer of the city, and is responsible for the planning and administration of city programs and recommending a budget to the council.

(2) appointive: appoints treasurer, city assessor, director of public safety, director of public works, and director of parks and recreation.

(3) policy-making: makes recommendations to the city council concerning budgetary matters and evaluates city programs.

City Attorney:

Selection: Appointed by city council from citizens of the city.

Functions: (1) serves as legal advisor to the city council and city agencies.  
(2) issues opinions as to the legality of proposed city actions.  
(3) represents the city in all legal actions to which it is a party.  
(4) prosecutes violations of city ordinances.

City Treasurer:

Selection: Appointed by city manager from citizens of the city.

Functions: (1) keeps accurate records of city's financial transactions.  
(2) assists the city manager in developing city budget.  
(3) serves as custodian of the city treasury.  
(4) Makes and monitors investment of city funds.

City Assessor:

Selection: Appointed by city manager from citizens of the city.

Functions: (1) assesses the value of private and commercial property in the city at "fair market value."  
(2) estimates and collects the taxes owed on all properties in the city.  
(3) projects changes in assessed valuation of property in the city so city revenues can be forecast.  
(4) serves as a member of the State Assessors Association

The following positions may be appointed based on needs identified in the city profiles and if the city has available citizens to serve. Otherwise, the City Manager will assume these responsibilities.

Director of Public Safety:

Selection: Appointed by city manager from citizens of the city.

Functions: (1) serves as chief law enforcement officer of the city.  
(2) administers the city police department and serves as city jailer.

(3) supervises the city fire department.

(4) makes recommendations to council concerning city ordinances.

Director of Public Works:

Selection: Appointed by city manager from citizens of the city.

Functions: (1) supervises all city construction projects.  
(2) evaluates the condition of city buildings and property and makes recommendations to the council regarding their improvements.

(3) supervises sewage removal and disposal collection services in the city.

Director of Parks and Recreation:

Selection: Appointed by city manager from citizens of the city.

Functions: (1) plans the recreational needs of the city.  
(2) supervises the maintenance and construction of city parks and playgrounds  
(3) organizes recreational programs in the city.

*The Mayor-Council Plan at Girls State:*

**MAYOR:**

Selection: Elected by city voters in a partisan election; nominated for office in city party caucus.

Functions: (1) policy-making: the mayor is the chief executive officer of the city and proposes ordinances and proposes a city budget to the council for approval.  
(2) appointive: appoints all executive officers of the city—city attorney, assessor, comptroller, chief of police, and heads of city commissions; appointments require the approval of the city council.  
(3) administrative: supervises these officers in the performance of their duties.

**CITY COUNCIL:**

Members: 5 members, elected at-large in partisan election; candidates nominated in city party caucuses.

Functions: (1) policy-making: must approve ordinances, taxes and expenditures.  
(2) appointive: must approve executive appointees before they may take office.

*Appointed Officials:* The following are appointed officials in the mayor-council system. In all cases, they are appointed by the mayor with the advice and consent of the city council. Their duties are the same as their counterparts in the council-manager system, so for these you are referred to the discussion above. The officers are:

Comptroller

- Functions:
- (1) Chief budgetary officer;
  - (2) makes recommendations concerning expenditures and revenues to the mayor;
  - (3) drafts preliminary version of the budget;
  - (4) responsible for accounts payable and receivable;
  - (5) custodian of the city treasury.

City Attorney

Functions: (same as described earlier)

City Assessor

Functions: (same as described earlier)

Chief of Police

Functions: (same as the Director of Public Safety in Council-Manager system above)

Director of Public Works

Functions: (same as described earlier)

Director of Parks and Recreation

Functions: (same as described earlier)

*Elected Judicial Officials at the City Level*

The form of government in a city does not affect the judicial branch in any way. As described in an earlier chapter, each city will elect in a non-partisan election, one judge of the District Court. (For information on duties, see Chapter 7.)

**COUNTY GOVERNMENT IN MICHIGAN**

Counties were originally created for the purpose of carrying out state functions at the local level. In this sense, they were designed as administrative arms of state government. They were mandated to enforce state laws, collect revenues, keep legal records, dispense licenses of various kinds, and supervise elections. In recent years, county functions have expanded greatly, especially in areas with large cities. Among the most visible of county programs are those involving (1) public health, (2) social services, and (3) Sheriff's road patrol. Many counties also build and maintain parks and recreation facilities. These activities are regulated by the state government, and county governments may not perform any functions that they are not authorized to perform by the state. Nevertheless, in recent years the state has allowed counties more latitude in carrying out these functions.

There are 83 counties in the State of Michigan, and these vary in population from 2,301 (Keweenaw County) to more than 2 million (Wayne County). A few are predominantly urban in character, some are largely

suburban, and many are predominantly rural. As a result, they vary substantially in the kinds of activities they actually do perform.

*The Organization of County Government*

Despite the varying sizes of Michigan counties, they have been given a uniform governmental structure by the State Constitution. The basic policymaking unit of county government is the Board of Commissioners, which combines both executive and legislative functions. The members of the county Board of Commissioners are elected by the voters, as are several other county officials, including the County Sheriff, Prosecuting Attorney, Treasurer, Drain Commissioner, Clerk, and Register of Deeds. Smaller counties may abolish the office of Drain Commissioner if they wish and transfer the functions of the office to the County Road Commission. The offices of County Clerk and Register of Deeds may be combined at the discretion of the Board of Commissioners. In addition, important executive officers of county government are appointed by the Board of Commissioners.

The 1963 Constitution did provide a means of adapting the structure of county government to the needs of some of the heavily populated areas of the state. It did this by permitting the legislature to create a system of "home rule" for counties under which counties themselves might choose their own structure of government instead of following the form prescribed in the Constitution. The standard form of county government (described above) was retained in the constitution, but under the home rule provision counties may draft their own charters, subject to conditions laid down by the legislature. In turn, such home rule charters require the approval of county voters. The objective of home rule is to allow counties flexibility in their political structures that will allow them to meet the different problems they face. In particular, the heavily populated counties of the state require a stronger executive branch to administer their large social services programs. Home rule allows such counties to create a County Executive in addition to the Board of Commissioners to coordinate the executive functions of government. (Oakland, Bay and Wayne counties, for example, have an elected County Executive.)

*The County Board of Commissioners:* This is the legislative governing board of the county. Its chief functions are:

- 1. To set and to adopt the county budget.
- 2. To administer and supervise state programs in the county.
- 3. To appoint executive officials.
- 4. To administer federal programs in the county.
- 5. To pass ordinances relating to purely county affairs.

Since many state and federal programs are administered by the counties, the county boards can have significant responsibilities, particularly in the larger counties. In general, county ordinances may not conflict with state laws, may not interfere with the affairs of local governments within the county, and must relate to “purely county affairs.”

County Boards of Commissioners vary in size across the state, depending upon the population of the county. Counties of more than 600,000 population may have boards ranging in size from 25 to 35, while counties of 5,000 population or less may not have boards larger than 5 members.

County commissioners are elected in partisan elections for two-year terms of office. They are elected from districts of substantially equal population, the boundaries of which are drawn by a county apportionment commission consisting of the County Clerk, County Treasurer, Prosecuting Attorney, and the County Chairpersons of the two major political parties.

*The Prosecuting Attorney:* Perhaps the most visible of county officials, the Prosecutor is the chief legal officer of the county. The chief functions of the prosecutor are:

- (1) to authorize and carry out proceedings against persons believed to have committed a crime,
- (2) to serve as legal counsel for the various county agencies, and
- (3) to administer the county’s legal department.

In these capacities, the Prosecutor authorizes investigations and indictments, supervises prosecutions, represents the county in court actions, and appoints assistants. The Prosecutor is nominated and elected in partisan elections for a four-year term. Prosecutors must be lawyers, licensed to practice in the state.

*The County Sheriff:* Like the Prosecutor, the Sheriff is a highly visible official and is nominated and elected in partisan elections for a four-year term. The sheriff’s major functions are:

- (1) to serve as an officer of the courts in the county by maintaining courtroom order and serving court orders,
- (2) to serve as administrator of the county jail and the Sheriff’s Department, and
- (3) to protect public safety by conducting investigations, patrolling, and enforcing laws and ordinances.

*Other Elected Officers:* Clerk, Register of Deeds, Treasurer, and Drain Commissioner. The offices of Clerk, Register of Deeds, and Treasurer are provided by the State Constitution, while the office of Drain Commissioner was established by the legislature. The offices of Clerk and Register of Deeds may be combined by the Board of Commissioners, and the office of Drain Commissioner may be abolished in counties of less than 12,000 population and its duties assigned to the

county Road Commissioner. Each of these officers is elected in a partisan election for a four-year term.

All of these positions are administrative in nature. They are not given any authority to make policy but are rather charged with maintaining county records and property and with carrying out the directives of the county board. The chief functions of these offices are described below.

*Appointive County Offices:* Many of the administrative functions of county government are carried out by officers appointed by the Board of Commissioners (or in some cases by state agencies). Three of the major functions of county government are to provide health services, social welfare services, and to supervise the construction and maintenance of county roads. These functions are administered, respectively, by the county health board, the county social services board, and the county road commission. The members of these agencies are appointed by the County Board of Commissioners. (At Girls State these functions will be handled by one appointed officer in each area.)

Another important appointive position is that of Medical Examiner, who is appointed by the Board of Commissioners and handles the functions formerly assigned to the Coroner. These functions include conducting autopsies and investigating causes of death. Medical Examiners must be licensed physicians.

## **COUNTY GOVERNMENT AT GIRLS STATE**

County government at Girls State will be organized in the manner described below. Home rule charters for counties will not be permitted.

*The County Board of Commissioners:*

Members: 9 members per county, 3 members elected from each city in partisan elections. The members of the board shall elect a chair to preside over meetings. The chair will be a member of the League of Mayors and County Board Chairs.

Functions: (1) policymaking: to draft county ordinances, to levy taxes, and to prepare a county budget detailing proposed county expenditures.

(2) appointive: to appoint a County Administrator, Medical Examiner, a Health Director, a Social Services Director, and a Road Commissioner as needed. Appointments must be approved by a majority vote of the board; appointees must be residents of the county.

(3) administrative: to supervise the administration of county programs and of state programs in the county.

*Prosecuting Attorney:*

Selection: Elected in a partisan election by county voters. The Prosecutor must be a citizen of the county and a member of the bar.

Functions: (1) investigates crimes and prosecutes persons believed to have committed crimes.

- (2) represents the county in all legal actions to which it is a party.
- (3) serves as legal counsel for all county officers and agencies.

*Sheriff:*

- Selection: Elected in a partisan election by county voters.
- Functions: (1) serves as chief law enforcement officer in the county, with the power to arrest.
- (2) serves as officer of the courts in the county.
  - (3) serves as jailer for the county and in this capacity administers the county jail and supervises inmates.

*Treasurer:*

- Selection: Elected in a partisan election by county voters.
- Functions: (1) assists the Board of Commissioners in preparing the county budget.
- (2) serves as custodian of the county treasury.
  - (3) handles all accounts owed to and by the county.

*Clerk and Register of Deeds*

- (these positions are combined at Girls State):
- Selection: Elected in a partisan election by county voters.
- Functions: (1) acts as secretary of the Board of Commissioners, keeping minutes of meetings and records of official actions and delivering notices as requested by the board.
- (2) issues marriage licenses and building permits.
  - (3) transcribes and keeps records of deeds to properties and businesses.
  - (4) maintains records of county transactions.

*Drain Commissioner:*

- Selection: Elected in a partisan election by county voters.
- Functions: (1) supervises the creation and maintenance of sewer and water systems in the county.
- (2) makes recommendations as to the feasibility of the construction of new water and sewer facilities.
  - (3) monitors pollution in county rivers and streams and advises the Board of Commissioners of potentially dangerous situations.

*Appointed Officials*

The following officials are appointed by the Board of Commissioners from citizens of the county not on the Board.

*County Administrator:*

- (1) oversees County departments under purview of Board of Commissioners
- (2) manages County budget

*Equalization Director:*

- (1) administers the County Equalization department

- (2) compares City assessment rolls and reports with ratio studies to assure uniformity of assessed values
- (3) prepares and presents the County Equalization Report to the Board of Commissioners
- (4) member of Girls State Assessors Association

The following positions will be appointed as need is indicated in the county profiles and as citizens are available to serve.

*Medical Examiner:*

- (1) conducts investigations into deaths in the county and issues warrants designating causes of death.
- (2) testifies at inquests and trials concerning such deaths.

*Health Director:*

- (1) administers and supervises the county health department.
- (2) administers county-wide inoculation programs.
- (3) keeps records of disease in the county and, in special circumstances, may impose quarantines to safeguard the health of the community.
- (4) administers the county hospital.
- (5) develops health education programs in the schools.
- (6) monitors water supply in the county to insure against contamination.
- (7) makes recommendations to the Board of Commissioners concerning health programs in the county and advises the board as to their costs.

*Human Services Director:*

- (1) administers the following welfare programs in the county: general relief assistance for the aged, aid for dependent children, and aid to the blind and disabled.
- (2) determines eligibility requirements and monitors fraud in these programs.
- (3) evaluates the costs of these programs and makes recommendations to the board regarding their funding.
- (4) oversees Child Protective Services.

*Mental Health Director:*

- (1) administers the provision of services for those with severe and persistent mental illness
- (2) administers the provision of services for those with developmental disabilities

## QUESTIONS FOR CHAPTER 8

- How do the roles of state and local government differ?
- What defines the powers available to cities? To counties?
- What is the relationship between city and county governments? What is the jurisdiction of each type of government?
- What types of structure can a city government have? Why are these structures different than the governing structures of state and federal government? How do you know which form of government your city at Girls State has?
- How is the mayor selected in the council-manager form of government? How is the chairwoman of the county board of commissioners selected?
- At Girls State, what determines the problems a city or county faces during the week? What are some ways a city or county might address problems which affect its residents that it does not possess the power to solve?

## APPENDIX A

# PARLIAMENTARY PROCEDURE

The objective of parliamentary procedure is to provide rules for conducting business meetings. It embodies a set of rules and principles for the orderly conduct of these meetings. It is the means by which the will of the majority can be determined in an orderly manner. Parliamentary Procedure is not the technical body of principles which some persons believe it to be. Actually, it is quite simple, once the main principles are

understood. Neither is it a means by which a “tricky” person can control a meeting. It is a defense against such persons. It allows for free debate, which assures a fair hearing for all members of the group. Finally, the principles of Parliamentary Procedure are flexible enough to serve the needs of any type of meeting – formal or informal.

### The Basic Principles of Parliamentary Procedure

**The Principle of Equality.** Every member is the equal of every other member in the right to introduce, debate, and vote upon business.

**The Principle of Free and Full Debate.** This is a basic right which should be curtailed only when it will further the group’s welfare.

**The Principle of Rule by the majority Without Tyranny to the Minority.** In return for the privilege of participation, the member agrees to abide by the decision of the majority.

**The Principle of One Question or Proposal at a Time.** Although several proposals may be pending, only one should be “immediately pending” or in the immediate focus of attention and subject to vote.

### Some Duties and Rights of Members of an Assembly

#### The Primary Duties

1. A member should properly obtain the floor before speaking.
2. A member should not speak upon a matter until it has been properly brought before the assembly.
3. A member should not interrupt another member unless the motion which she is about to make permits it.
4. A member should refrain from personalities in debate.
5. A member should abide by the spirit, as well as by the letter of the law of Parliamentary Procedure.

#### The Primary Rights

1. A member has the right to offer, in the proper manner, any motion which she may consider to be wise.
2. A member has the right to explain or to debate a motion unless the Parliamentary rules prohibit.
3. A member has the right to call for a “point of order.”
4. A member has the right to hold the floor, when legally obtained, until she has finished speaking (unless time limits prevail).
5. A member has the right to appeal from the decision of the chair and take it to the assembly for final decision.

## **A SIMPLE OUTLINE OF PARLIAMENTARY PROCEDURE ADAPTED FOR GIRLS STATE**

*“The object of Rules of Order is to assist an assembly to accomplish, in the best possible manner, the work for which it was designed.”*

HENRY M. ROBERT, Author  
Robert’s Rules of Order, Revised

Business is properly brought before an organization in two ways:

1. By communication - letter or petition.
2. By a motion, which includes resolutions.

A motion is a proposal that the assembly take certain action, or that it express itself as holding certain views. Thus, a member “moves” that a resolution be adopted, or amended, or referred to a committee.

Before a member can make a motion, or address the assembly in debate, it is necessary that she should obtain the floor. The member rises and addresses the presiding officer by her official title, thus, “Madam Chairman” or “Madam President.” If the member is entitled to the floor, the chairman “recognizes” her by announcing her name, and the member then states her motion: “I move that ...”

As a general rule, every motion should be seconded. A motion is seconded by a member saying, “I second the motion,” or “I second it,” which she does without rising. In large assemblies, and especially where non-members are scattered throughout the assembly, members should rise, and without waiting for recognition say, “Madam Chairman, I second the motion.”

When a motion has been made and seconded, it is the duty of the chair, unless she rules it out of order, to immediately STATE THE QUESTION. She may do this in various ways, depending somewhat on the nature of the question, as illustrated by the following examples: “It is moved and seconded to adopt the resolution.”; the question is on its adoption: “It is moved and seconded that we adjourn.”

After a question has been stated by the chair it is before the assembly for consideration and action. All resolutions, reports of committees, communications to the assembly, and all amendments proposed to them, and all other motions except undebatable motions may be debated before final action is taken on them. (The assembly may decide to dispose of them, without debate, if there is a two-thirds majority vote.) In most assemblies when the motion is debatable the chair, after stating the question, asks: “Is there any discussion?”

If the question cannot be debated or amended, she does not ask, “Are you ready for the question?” but, immediately puts the question after stating it. In putting the question, the chair should make perfectly clear what the question is that the assembly is to decide. The chair then states, “Those in favor of the motion (or resolution) say ‘aye’. Those opposed say ‘no’. The ‘ayes’ have it, and the motion (or resolution) is adopted (or carried).” Or, “The ‘no’s’ have it, and the motion (or resolution) is defeated (or lost).” The vote may be taken by a “show of hands,” that is, by those voting for or against the motion or resolution raising their hands to express their vote. The vote should always be announced, as it is a necessary part of putting the question.

### **DEFINITIONS**

**PENDING AND IMMEDIATELY PENDING** – A question is said to be pending when it has been stated by the chair and has not yet been disposed of either permanently or temporarily. When several questions are pending, the one last stated by the chair, and, therefore, the one to be first disposed of, is said to be the immediately pending question.

**A. “Friendly” Amendments:** A “friendly” amendment is one intended to improve or to perfect a motion without materially changing its meaning. These are often grammatical or terminological changes designed to clarify an amendment or motion. Such an amendment can be incorporated into the main motion without debate or a vote if it is accepted by the sponsor of the main motion. If it is not accepted, it must be treated by the body as any other amendment.

**B. The Previous Question:** This is a motion to close debate. It must be seconded. A two-thirds vote is required to carry the motion.

**C. Plurality, Majority, and Two-Thirds Vote:** In an election, a candidate has a plurality when she has a larger vote than any other candidate. She has a majority when she has more than half the votes cast, ignoring blanks and abstentions. A two-thirds vote is two-thirds of the votes just described. Thus, the candidate can have a plurality without having a majority. For example, a candidate can have a plurality (but not a majority) if she had 40 percent of the vote while two other candidates had 30 percent of the vote each.



# PARLIAMENTARY PROCEDURE

## Amendments

### I. General Principles

#### A. Type and Order of Motion

The motion “to amend” is a subsidiary motion which can be applied to all motions except those listed as being not subject to amendment. It must be relevant and it must not have the effect of merely changing the original motion from affirmative to negative.

#### B. Number of Amendments Permitted

An amendment may be amended, but this amendment of an amendment may not be amended. When a motion is under consideration, only one amendment of the first degree is permitted at one time, although any number may be offered in succession.

### II. Forms of Amendments

- A. To add
- B. To insert
- C. To strike out
- D. To substitute

## Committees

### I. The Types of Committees

- A. Special: appointed at a special time for a specific purpose.
- B. Standing: appointed at a regular time to perform regularly designated functions.

C. Committee of the Whole: the entire assembly acting informally (and usually under special circumstances).

### II. The Specific Purposes of Committees

- A. To investigate a matter and to report facts.
- B. To consider and report on a resolution.
- C. To consider a matter and report recommendations.
- D. To perform a specific duty for the assembly.

### III. The Means of Appointing Special Committees

- A. By statement in the motion which proposes committee action.
- B. By ballot.
- C. By nominations from the floor (with vote following).
- D. By designation from the chair (at once or before adjournment).

## VOTING

### I. Forms of Voting

- A. Ayes and Nays (comparison of volumes of sound).
- B. Raising of hands.
- C. Rising.
- D. Yeas and Nays (roll call).
- E. Balloting.

### II. Place of the Chairman in Voting

- A. If a member of the assembly, she may vote whenever her vote will affect the result.
- B. In case of roll-call voting, her name is called last.
- C. In case of ballot-voting, she must vote before the polls are closed.

## SELECTED PARLIAMENTARY MOTIONS

(Based upon Robert's Rules of Order, Revised)

Motions	Second?	Amendable?	Debatable?	Vote?	Interrupt Speaker?
<b>Main or Principal</b>					
1. Original Main	Yes	Yes	Yes	Majority	No
2. Reconsider	Yes	No	Yes (1)	Majority	Yes (2)
3. Rescind	Yes	Yes	Yes (1)	Majority (3)	No
4. Take from Table	Yes	No	No	Majority	No
<b>Subsidiary</b>					
1. Postpone Indefinitely	Yes	No	Yes	Majority	No
2. Amend	Yes	Yes	Yes (1)	Majority	No
3. Refer to Committee	Yes	Yes	Yes	Majority	No
4. Postpone Definitely	Yes	Yes	Yes	Majority	No
5. Limit Debate	Yes	Yes	No	2/3	No
6. Previous Question	Yes	No	No	2/3	No
7. Lay on Table	Yes	No	No	Majority	No
<b>Incidental</b>					
1. Suspend a Rule	Yes	No	No	2/3	No
2. Leave to Withdraw a Motion	No	No	No	Majority	No
3. Objection to Consideration	No	No	No (4)	Yes	
4. Point of Order	No	No	No	Chair	Yes
5. Appeal from Chair	Yes	No	(5)	Majority	Yes
6. Division of Question (6)	Yes	Yes	No	Majority	No
<b>Privileged</b>					
1. Make a Special Order	Yes	Yes	Yes	2/3	No
2. Question of Privilege	No	No	No	(7)	Yes
3. Take a Recess (8)	Yes	Yes	No (9)	Majority	No
4. Adjourn (8)	Yes	No	No	Majority	No
5. Fix Time for Next Meeting	Yes	Yes	No	Majority	No

(1) Undebatable, however, when the motion to be reconsidered, rescinded, or amended is undebatable.

(2) Interruption permitted only to make motion. Consideration has the rank of the motion to be reconsidered.

(3) Certain exceptions: see pages 169, 170.

(4) A 2/3 vote in the negative is necessary to defeat this motion.

(5) Undebatable when it relates simply to indecorum, to transgression of the rules of speaking, or to priority of business; or if made during a division of the assembly or while the immediately pending motion is undebatable.

(6) Motion refers to resolutions or propositions relating to the same subject although each part can stand alone.

(7) Chairman decides whether the question is one of privilege. If it is, the motion is then made and handled as a main motion.

(8) Not always privileged; see pages 59, 60, 65.

(9) Undebatable if made when another question is before the assembly.

# PARLIAMENTARY PROCEDURE

## Proper Sequences

### The Usual Order of Business

1. Call to order
2. Roll call (if necessary)
3. Reading, correction (if necessary), and approval of minutes
4. Reading of the treasurer's report
5. Reports of the other officers
6. Reports of standing committees
7. Reports of special committees
8. Unfinished (old) business
9. New business
10. "For the good of the order" (if desired)
11. Adjournment

### The Steps in a Motion

1. The motion is **made**
  2. The motion is **seconded**
  3. The motion is **stated**
  4. The motion is **debated**
  5. **Debate is stopped**
  6. The motion is **put**
  7. The **vote is taken**
  8. The **vote is announced**
- (Note: Between steps 4 and 5, several other steps may be introduced - for instance, "to amend," etc.)

### Motions for Specific Purposes

#### To introduce a matter of business

Use a main motion

#### To alter a motion

Amend

Refer to a committee

#### To defer action

Postpone indefinitely

Refer to a committee

Postpone to a certain time

Lay on the table

Make a "special order"

#### To suppress a question

Object to its consideration

Postpone indefinitely

Lay on the table

Move the previous question, and reject the motion

#### To suppress or limit debate

Limit debate by motion

Move the previous question

#### To consider a matter a second time

Take from the table

Consider at the time to which it was postponed

Consider at the time of the committee report

Consider as "new business" if previously postponed indefinitely

Reconsider

Rescind

Discharge the committee if it fails to make a report

#### To reverse a previous question

Reconsider and defeat the original motion

Rescind

#### To set aside a rule

Suspend the rule

Create a committee of the whole

#### To protect a member from discomfort, etc.

Use the question of rights and privileges

# NOTES

# NOTES

# NOTES