Class Meeting Time:
Tuesdays and Thursdays, 4:15 pm to 5:35 pm

Class Location:
Tuesdays in Humanities Building 024
Thursdays in Social Science Building 133

Instructor:
Frank J. Mauro (fjmauro@albany.edu, 518-346-3122)
Public Service Professor, Rockefeller College
Adjunct Lecturer, Political Science Department
Executive Director Emeritus, Fiscal Policy Institute

Office Hours:
By appointment at the Rockefeller College Contact Office, Humanities Building 016

Course Description:
This course will cover the roles of state and local governments in the American federal system with an emphasis on:

• The division of powers and responsibilities, both theoretically and in practice, between the federal government and the states
• The structure and operations of the executive, legislative and judicial branches of the state governments including the similarities and differences among the states
• The types of local governments that the states have created and the nature and extent of the home rule authority that the states have granted to their local governments

For purposes of comparative analysis, we will frequently use issues, events, concerns and proposals involving New York State as the starting point for discussions. In addition, each student in the class will be responsible for researching and monitoring state and local government developments in one of the other 49 states and for sharing his or her findings, analysis and questions regarding that state with the rest of the class.

Course Objectives:
The instructor's objectives are for each participating student to

• Develop a clear understanding of the variety of state and local governmental institutions and processes through which the residents of the U.S. govern themselves
• Become familiar with many of the sources of information that are available regarding state and local governmental institutions, and activities
• Be able to explain current developments involving state and local governmental institutions and processes in theoretical, historical and comparative context
Course Requirements:
Each student will be responsible for:
- Completing each reading assignment prior to the first class at which that reading is scheduled for discussion
- Completing and submitting each writing assignments prior to the deadline for the completion and submission of those assignments
- Participating in class discussions on the basis of the substance of those reading and writing assignments
- Completing three written, closed-book exams: (1) a mid-term exam during the regular class meeting time on Thursday, October 5, 2017; (2) a mid-term exam during the regular class meeting time on November 16, 2017; and (3) a two-hour final exam on Monday, December 18, 2017, from 1:00 pm to 3:00 pm. The final exam will cover the material on the syllabus for the entire semester.

Academic Integrity:
Each student is responsible for becoming familiar with and following the University at Albany’s “Standards of Academic Integrity.” These standards are available for review at http://www.albany.edu/undergraduate_bulletin/regulations.html. Ignorance of the standards, unintentional error, or personal or academic pressures are not acceptable reasons for violation of the University’s academic integrity standards.

Medical Excuse Policy:
See http://www.albany.edu/health_center/medicalexcuse.shtml

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<thead>
<tr>
<th>Grade Component</th>
<th>Points</th>
<th>Share of Course Grade</th>
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<tr>
<td>Writing Assignments. Each of the three writing assignments will be worth six (6) points toward the overall course grade..</td>
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<td>Attendance and Class Participation</td>
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<td>Mid-Term Exam #1 (Thursday, October 5, in class)</td>
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<td>Mid-Term Exam #2 (Thursday, October 26, in class)</td>
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<td>Final Exam (Monday, December 18, 1:00 pm to 3:00 pm)</td>
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Reading Materials:
The two books listed below have been ordered for purchase at the University Bookstore on the uptown campus:

- Alan Tarr and Robert E. Williams, eds., *State Constitutions for the Twenty-first century: The Agenda of State Constitutional Reform*, SUNY Press, Paperback, 2006 (referred to as Tarr & Williams in this syllabus)

In addition, we will make use of the 2016 edition of the Council of State Governments’ *Book of the States* [http://knowledgecenter.csg.org/kc/category/content-type/bos-2016](http://knowledgecenter.csg.org/kc/category/content-type/bos-2016). If the 2017 edition of this publication becomes available during the semester, I will distribute a link to the new edition via the Blackboard site for this course.

For examining changes over time in state government institutions, processes and policies, prior years’ editions of the *Book of the States*, going back to 1935, an be accessed from various links on the page at [http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states](http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states).

Copies of all other required readings as well as some supplementary materials and resources (or links to electronic versions of such readings, materials and resources) will be posted in appropriately named folders on the Blackboard site for this course.

Schedule of Required Readings, Discussion Topics and Related Assignments:

**August 29: Welcome and Overview of the Course.**

- Course requirements (writing assignments; reading assignments; contributing to discussions based on reading and writing assignments; monitoring and reporting on current developments involving and/or affecting state and/or local governments)
- Finding the course readings
- Supplementary materials and other resources
- Assignment of states for research and monitoring
- New York State’s November 2017 statewide referendum on the question of convening a state constitutional convention

**August 31: The States and the Federal System-1**

**Required Readings**

- Zimmerman - Chapter 6
- The text of the United States Constitution including the 27 amendments
- “The U.S. Constitution and the States” matrix

**Topics to be covered include:**

- National Governance Systems (Unitary Governments, Confederations, and Federal Systems)
- Advantages and Disadvantages of Federal Systems
- Two Simplified Theories of American Federalism (dual federalism and cooperative federalism)
- The Tenth Amendment to the U. S. Constitution and the “Police Power”
- Dual sovereignty but federal supremacy
• The Growth of National Power Over Time
  o The Commerce Clause; the “Dormant” Commerce Clause
  o The General Welfare Clause; the spending power; the taxing power
  o The “Necessary and Proper” Clause
  o The Seventeenth Amendment – the direct election of U.S. Senators
  o The Sixteenth Amendment (authorizing a Federal Income Tax) and its implications for federal involvement in state and local functions through Federal Grants-In-Aid with conditions
• The role of the states in the federal system (such as the role of the states in the amending of the United States Constitution)

**September 5: The States and the Federal System - 2**

*Required Readings*
- “State Constitutions in the Federal System" by Richard Briffault
- “Looking for Rights in All the Wrong Places” – Chapter 1 by Emily Zackin

**September 7: State Constitutions - 1**

*Required Readings*
- “Principal Provisions of State Constitutions" by Richard Briffault
- Tables 1.1 to 1.4 in the 2016 *Book of the States*
- Tarr & Williams – Introduction; Chapters 1 (Rights) and 10 (The Environment)

*Topics to be covered include:*
- The nature of constitutions
- How state constitutions are like the U.S. Constitution
- How state constitutions are unlike the U.S. Constitution

**September 11: Writing Assignment #1**

Prepare, and **by 6:45 pm on Monday, September 11**, submit an MS Word document (or a Word compatible document) that contains (a) the link or links at which it is possible to access the current (or relatively current) full text of the State Constitution of your assigned state; (b) the link or links, if any, at which it is possible to access useful summaries and/or analyses of all or portions of the State Constitution of your assigned state; (c) the text of the section(s) of your assigned state’s State Constitution that govern(s) the procedures by which that constitution may be amended or revised, etc.; and, (d) a careful comparison of those procedures with the procedures by which the United States Constitution and the New York State Constitution may each be amended or revised. In preparing this comparison, you should read and make use of the tables included in Chapter 1 of the latest available edition of the *Book of the States*.

**September 12: State Constitutions – 2**

*Required Readings*
- The text of Article V of the US Constitution
- The text of Article XIX of the New York State Constitution
- The text of the sections of the Constitution of your assigned state that govern the processes by which the constitutions of your assigned state can be amended
- Tarr & Williams - Chapter 7 (Constitutional Amendment and Revision)

*Topics to be covered include:*
- Amending and revising state constitutions
- The role of the electorate in amending and revising state constitutions
September 14: State Constitutions – 3
  • Constitutional Amendment Process exercise in class
  • Review of “Looking for Rights in All the Wrong Places” in preparation for guest lecture by Emily Zackin

September 19: Guest Lecture by Emily Zackin on “Positive Rights” in State Constitutions
In lieu of our regular class meeting:
  • Students, whose schedules permits, should attend the guest lecture on positive rights in state constitutions by Professor Emily Zackin later today on the downtown campus of the University at Albany. More details when available.
  • Students who can not attend this guest lecture, and students who prefer not to, should view at their convenience a video of a presentation by Professor Zackin on positive rights in state constitutions to be posted on Blackboard.

September 21: No Class
Classes are suspended for observance of Rosh Hashanah from 2:35 pm on September 20, until 12:35 pm on September 22.

September 26: Local Government and State-Local Relations - 1
Required Reading
  • Tarr & Williams – Chapter 5 (Local Government)
  • Zimmerman – Chapters 2 and 3
  • In the “Individual State Descriptions” volume of the 2012 Census of Governments: the Introduction (pages v to xiv), Appendix A (County-Type Areas Without County Governments), Appendix B (Geographical Overlap of Township Governments With Other Governments); the section of this document that explains the local government structure in your assigned state; and the section of it that explains the local government structure in New York State.

Topics to be covered include:
  • Dillon’s Rule
  • Home Rule and its variations
  • Types of local government (general purpose and special purpose; county and subcounty; municipalities and townships)
  • Regional variations
  • Special cases: City-County Consolidation (NYC, Indianapolis, Louisville); City-County Separation (Baltimore, St. Louis, and, statewide, in Virginia)

September 28: Local Government and State-Local Relations - 2
Required Reading
  • The “Cities 101” Primer from the National League of Cities

Topics to be covered include:
  • Forms of local government (mayor-council (strong mayor vs. weak mayor); council-manager; commission; town meeting; representative town meeting)
  • Local legislative bodies (at-large, single member districts, multi-member districts; mixed systems; proportional representation)
October 3: Local Government and State-Local Relations - 3

Required Reading
- Zimmerman – Chapters 3, 4, and 7

Topics to be covered include:
- State Mandates
- State oversight of local governments

October 5: Mid-Term Exam #1
This exam will cover material from the class meetings and the required readings from August 29, 2017 to October 3, 2017.

October 10: Governors and the Executive Branch - 1

Required Reading
- Tarr & Williams – Chapter 3 (The Executive Branch)
- “Governors' Powers and Authority” from the National Governors’ Association
- “Introduction to Governors” by Margaret R. Ferguson

Topics to be covered include:
- Gubernatorial roles (e.g., the Governor as political leader, chief executive, chief legislator, etc.) and gubernatorial powers

October 12: Governors and the Executive Branch - 2

Required Reading
- The articles on gubernatorial elections from the 2014, 2015, 2016 and (if available) 2017 editions of the Council of State Governments' Book of the States

Topics to be covered include:
- Gubernatorial elections
- The transformation of the Southern States from “One Party” Democratic to “One Party” Republican

October 17: The State Legislatures - 1

Required Reading
- Tarr & Williams – Chapter 2 (The Legislative Branch)
- Tables 3.1 to 3.27 from the 2016 edition of the Book of the States

Topics to be covered include:
- Terms and term limits
- Incumbency advantages and re-election rates
- The increasing importance of legislative party campaign committees
- The power of legislative leaders
- Committee systems
- Redistricting
- Bicameralism in operation
- Legislative oversight

October 19: The State Legislatures - 2

Required Reading
- "75 Years of Institutional Change in State Legislatures"
- “The ‘Good’ Legislature”
- “Legislatures’ Adaptation to Term Limits”
- “Trends in State Legislatures”
October 23: Writing Assignment #2
Prepare, and by 6:45 pm on Monday, October 23, submit an MS Word document (or a word compatible document) that contains (a) the text of the provisions of your assigned state’s constitution that govern (1) the veto power(s) of that state’s Governor; and (2) the veto override power(s) of that state’s legislature; (b) the text of the comparable provisions of the United States Constitution and the New York State Constitution; and (c) a careful comparison of the veto and veto override provisions of those three constitutions. In preparing this comparison, you should read and make use of the relevant tables in Chapters 3 and 4 of the latest edition of the Book of the States that deal with the nature and use of these veto and veto override powers and processes.

October 24: Governors and Legislatures
- Veto Power and Process exercise in class
- Discussion of your Veto Power and Process paper in class

October 26: Public Education
Required Reading
- Tarr & Williams – Chapter 9 (Education)
- “The State Education Governance Matrix” and related graphics from the National Association of State Boards of Education
- The education section (pages x and xi) of the Introduction to the “Individual State Descriptions” volume of the 2012 Census of Governments; the information on the local education governance structure in NYS and in your assigned state.
- “State Constitution Education Clause Language” by Molly A. Hunter.
Topics to be covered include:
- Governance of elementary and secondary education at the local level (independent school districts vs. dependent school systems; elected vs. appointed school boards; variations in the nature of school board elections; Mayoral control)
- Governance of elementary and secondary education at the state level (elected vs. appointed state boards; election vs. appointment of chief state school officers)

October 31: Voting and Elections - 1
Required Reading:
- Tarr & Williams – Chapter 6 (Voting and Elections)
- Chapter 6 (including the tables) in the latest edition of the Book of the States.
- The materials on “State Primary Election Types” from the National Conference of State Legislatures (NCSL)
- The May 2011 issue of The Canvass (the NCSL’s election reform newsletter)
Topics to be covered include:
- Political parties in society vs. political parties in government
- Relationships among and between national, state and local party organizations
- Geographic cleavages in policy preferences and elections results
- Bipartisan vs. nonpartisan election administration
- Nominations (including primary elections and fusion a/k/a cross-endorsement)
- Representation, Reapportionment and Redistricting
- The US Supreme Court’s One-Person/One-Vote decisions
- The Voting Rights Act of 1965
- Reapportionment and redistricting. Including gerrymandering, packing and fracturing
November 2: Voting and Elections - 2

- Roundtable Discussion of the Tuesday, November 7th elections
  - The much lower turnout in odd-numbered year November elections than in even-numbered year November elections
  - The New York City mayoral election
  - The New Jersey and Virginia gubernatorial elections
  - The state referenda on the ballot in NYS and other states

November 7: State Judicial Systems - 1

Required Reading

- Tarr & Williams – Chapter 4 (The Judicial Branch)
- “How Courts Work” from the American Bar Association
- “Comparing Federal and State Courts” from the website of the US Courts
- The materials on the “election vs. appointment” debate that are posted in the Blackboard folder on State Judicial Systems
- Tables 5.1 through 5.8 in the 2016 edition of the Book of the States.

Topics to be covered include:

- America’s dual court system
- The structure and roles of state court systems
- Trial courts and appellate courts
- Criminal courts and civil courts

November 9: State Judicial Systems - 2

Required Reading

- The materials on the “election vs. appointment” debate that are posted in the Blackboard folder on State Judicial Systems
- The materials on The debates over mandatory retirement ages for judges that are posted in the Blackboard on State Judicial Systems

Topics for Roundtable Discussions:

- Judicial selection – appointment, election, and hybrids (e.g., the Missouri Plan)
- Should mandatory retirement ages for judges be eliminated? Should they be raised? How high should they be?
- Is the federal courts system’s “senior status” option a useful model for the states?

November 14: Catch-Up as Necessary and Review for Mid-Term Exam #2

November 16: Mid-Term Exam #2

November 21: Optional Class

November 23: No Class - Thanksgiving

November 28: State and Local Finances – 1

Required Reading

- Tarr & Williams – Chapter 8 (State and Local Finances)

Topics to be covered include:

- Constitutional limitations on state and local expenditures, revenues and borrowing
- Balanced budget requirements
- Tax Uniformity clauses
November 30: State and Local Finances – 2

**Required Reading**
- Zimmerman – Chapter 3

**Topics to be covered include:**
- State-Local Fiscal Relations
- Variations among the 50 states in the mix and level of revenues and expenditures
- Variations among the 50 states in the state-local “division of labor”
- State and local budgeting and financial management
- Economic development subsidies and other “tax expenditures”

December 4: Writing Assignment #3
Prepare, and **by 6:45 pm on Monday, December 4**, submit an MS Word document (or a Word compatible document) that contains a well-organized and well-documented (e.g., well-footnoted) 5 to 6 page, double-spaced paper in which you explain, analyze and present a clear argument for or against one of the reform proposals presented by Professor Zimmerman in Chapter 7 of *State-Local Government Interactions*. With the prior approval of the instructor, this writing assignment can deal with a reform discussed elsewhere in either that book or the Tarr & Williams book. If you choose to write in favor of a particular reform, be sure to identify the arguments against that reform and to explain why you do not find those arguments convincing. If you choose to write in opposition to a particular reform, be sure to identify the arguments for that reform and to explain why you do not find those arguments convincing.

December 5: Where do we go from here? - 1

**Required Reading**
- Zimmerman- Chapter 7

**Topics For Roundtable Discussion**
- Presentation and discussion of state and local government reform papers

December 7: Where do we go from here? - 2
- Presentation and discussion of state and local government reform papers
- Review for Final Exam. To extent possible, submit questions before this class.

**TUESDAY, December 12: Reading Day**

**MONDAY, December 18: Final Exam** (1 pm to 3 pm)