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| SS8CG1 Describe the foundations of Georgia’s government. |

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| SS8CG1 Describe the foundations of Georgia’s government. |
| 1. Explain the basic structure of the Georgia state constitution (preamble, bill of rights, articles, and amendments) as well as its relationship to the United States Constitution.
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Legislators began writing Georgia’s current constitution in 1977, and it was approved by the state’s citizens in 1983. This was the largest re-write of Georgia’s constitution since 1877. The goal was to create a brief, clear, and flexible constitution. The basic structure of the constitution includes the preamble, bill of rights, 11 articles, and amendments.

The **preamble** is a brief statement that identifies the fundamental purposes and principles for which the Georgia Constitution stands. The preamble follows:

*To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen and of the family, and transmit to posterity the enjoyment of liberty, we the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.*

The **bill of rights** is found in Article I of the Georgia Constitution. A bill of rights enumerates certain individual liberties and protects those liberties from governmental intrusion, unless there is a sufficiently compelling justification for government action. Some rights from the original constitution of 1777 remain, however, the current bill of rights, originally written in 1861 by T. R. R. Cobb, has been “remarkably stable.” The Georgia Bill of Rights consists of forty paragraphs, which constitute Article I of the Constitution of 1983. Twenty-eight paragraphs enumerate individual rights, nine deal with the origins of government, and three are devoted to "general provisions." Due to social changes through the years, however, some rights have been added to the bill of rights.

The eleven **articles** comprise the bulk of the constitution and include paragraphs that outline the rights, rules, regulation, and procedures for both citizens and the state’s government. The articles include:

* Article I: Bill of Rights
* Article II: Voting and Elections
* Article III: Legislative Branch
* Article IV: Constitutional Boards and Commissions
* Article V: Executive Branch
* Article VI: Judicial Branch
* Article VII: Taxation and Finance
* Article VIII: Education
* Article IX: Counties and Municipal Corporations
* Article X: Amendments to the Constitution
* Article XI: Miscellaneous Provisions

According to the *New Georgia Encyclopedia,* the Constitution of 1983 has several new provisions that were not in any of Georgia’s other constitutions. These include an equal protection clause, a division of the courts, and the nonpartisan (free from party ties or bias)elections of judges.

The process to amend Georgia’s Constitution are outlined in Article X. **Amendments** can be proposed by the General Assembly (the proposed amendment appears on the state’s ballot for voter consideration) or by a state constitution convention (elected delegates meet to propose revisions or amendments).

State constitutions have to meet the U.S. Constitution. The federal government does allow for states to make laws good for states as long as it follows the U.S. constitution.

The Georgia Constitution contains many similarities as well as differences to the U. S. Constitution. **Similarities** include:

* Each constitution contains a bill of rights.
* Each adopts the concept of separation of powers with specific legislative, executive and judicial branches.
* Executive leaders have power to appoint officials and veto bills.
* The legislative branches (the U.S. Congress and the Georgia General Assembly) are bicameral and each calls its two chambers the Senate and the House of Representatives.
* Both governments allow judicial review (the power of the courts to declare acts unconstitutional.)

**Differences** include:

* Georgia’s Constitution is longer in length due to the specific, detailed policies.
* Georgia voters must approve any amendments to the constitution while there is no comparable role for amending the U. S. Constitution.
* Georgia’s Constitution requires that the state maintain a balanced budget while the U.S. Constitution does not place that limitation on the federal government.
* According to the Georgia Constitution, the Georgia Governor has line-item veto power (can cut a specific item in a spending bill) while the U. S. President does not have the same power.
* Georgia elects almost all of its judges on non-partisan ballots while the President nominates judges for Senate approval.
* Legislators (both Senators and Representatives) in Georgia serve two-year terms while at the national level, Representatives serve two-year terms and Senators serve six-year terms.
* The Georgia Governor does not function with a cabinet of advisors as does the President.
* The Georgia Constitution provides detailed information regarding how local governments should function. The U. S. Constitution does not mention local government.

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| SS8CG1 Describe the foundations of Georgia’s government. |
| 1. Explain separation of powers and checks and balances among Georgia’s three branches of government.
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Like the federal government, the government of Georgia has separation of powers between the three branches of government, along with the powers to check and balance the actions of the other branches.

**Separation of powers** allows our state government to maintain separate branches of government in order to keep any one branch from exercising the distinct functions of another. A simple way to describe these powers is that the legislative branch (the Georgia General Assembly) makes the laws, the executive branch (headed by the Governor) carries out and enforces the laws, and the judicial branch (headed by the Georgia Supreme Court) interprets and determines the constitutionality of the laws. In reality, the concept of the separation of powers is a bit more complicated, and the powers of each branch of government will be discussed in more detail in other teacher notes.

**Checks and balances** is a concept that the framers of the U. S. Constitution created and that the state of Georgia adopted when creating its own constitution. Not only did they separate the powers of government, they created a system for each branch to check each other’s power. An example of checks and balances can be observed in the process of how a bill becomes a law. If the General Assembly passes a law that the governor does not agree with, the governor can veto (reject**)** it. The General Assembly then has the option (if it can gather enough votes) to override the veto. Once the bill becomes a law, the Supreme Court determines if it is constitutional or not. If the law is ruled unconstitutional,then it is null and void.

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| SS8CG1 Describe the foundations of Georgia’s government. |
| 1. Describe the rights and responsibilities of citizens according to the Georgia Constitution.
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**The Rights of Citizens**

Both the Georgia and U.S. Constitutions include a Bill of Rightsoutlining the rights of every citizen. For the most part, both documents have similar rights and freedoms, such as freedom of religion, freedom of speech, and the freedom of the press. However, Georgia’s Bill of Rights has several differences as compared to the

U.S. Bill of Rights including:

* Paragraph I. **Life, liberty, and property*.*** No person shall be deprived of life, liberty, or property except by due process of law.
* Paragraph III. **Freedom of conscience*.*** Each person has the natural and inalienable right to worship God, each according to the dictates of that person's own conscience; and no human authority should, in any case, control or interfere with such right of conscience.
* Paragraph XXI. **Banishment and whipping as punishment for crime*.*** Neither banishment beyond the limits of the state nor whipping shall be allowed as a punishment for crime.
* Paragraph XXVIII. **Fishing and hunting*.*** The tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good.

**The Responsibilities of Citizens**

In addition to rights, citizens of the state and nation also have civic responsibilities. Some of these responsibilities include:

* Paying **taxes**
* Serving on **juries**
* Volunteering
* Voting

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| SS8CG1 Describe the foundations of Georgia’s government. |
| 1. List voting qualifications for elections in Georgia.
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Voting qualifications in Georgia are determined by Georgia’s constitution. The three qualifications are:

* Voters must be a citizen the United States
* Voters must be 18 years old by election day
* Voters must be a legal resident of Georgia and the county in which a person wants to vote

In addition, the voter cannot currently be serving time in jail for a felony offense or ruled to be mentally incompetent.

There are several locations where Georgians can register to vote. Some of these include city, county and state offices, and libraries. Voters can also download a voter registration form online and mail it to the Georgia Secretary of State’s office. Voters are only allowed to vote at the polling place in their district (precinct), or via absentee ballot.

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| SS8CG1 Describe the foundations of Georgia’s government. |
| 1. Identify wisdom, justice, and moderation as the three principles in the Pledge of Allegiance to the Georgia flag.
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Governor Eugene Talmadge signed a joint resolution of the General Assembly adopting a pledge of allegiance to the Georgia flag on March 28, 1935. The Georgia flag, at that time, featured three bars - two red and one white - and a vertical field of blue that featured the Georgia state seal. This pledge stated:

*“I pledge allegiance to the Georgia flag and to the principles for which it stands; Wisdom, Justice, and Moderation.”*

Though never formally adopted as an official motto for the state, wisdom, justice and moderation became a part of the state seal in 1799.

Georgia State Seal

As information, some historians have concluded that the words in the motto mean the following:

 Wisdom - applies to the Legislative branch and its making of state laws

 Justice - applies to the just and fair decisions made by the Judicial branch

 Moderation - applies to the use of moderation in administering laws by the Executive branch