**State Constitutions and Governors (Answer Key)**

States had their own constitutions even before they made the U.S. Constitution. They had their own legislatures, executive branches, judicial systems, and often bills of rights. In fact, they still have all these today. Some states have wanted stronger governors with more discretion; others want to make sure the legislature is more firmly in charge. Since, with a few exceptions, the Constitution preserves the right and ability of the states to organize their own affairs, states largely have the authority to determine what powers their legislature or governor will have.

In general, though, all governors have similar responsibilities and powers at the state level as the president does at the federal level. For example, all governors are responsible for executing the laws of their states.

They also have the power to either sign or veto bills, though some can be overridden more easily than others, even by bare majorities in some cases. Most governors can veto individual appropriations (expenditures of state money); this is called a line-item veto and is something which the president cannot do for federal budgets. Some states’ governors have a so-called “amendatory veto” in which the governor can propose amendments to bills sent to their desk.

Governors are also responsible for signing the state’s budget, acting as Commander-in-Chief of the state’s militia (or National Guard), and granting pardons (the forgiveness of criminal sentences) for state convictions.

State constitutions create important differences among state governors. Among the differences are minimum qualifications for office, term limits, and how the lieutenant governor or other successor is chosen. Perhaps most importantly, there is a difference in how other executive branch officials (like the state treasurer or state superintendent of schools), akin to the federal Cabinet, gain office. In some states, these individuals are appointed by governors with or without legislative consent, prioritizing efficiency in state government. In other states—that want to distribute power more broadly—these individuals run separately from the governor in their own elections.

Governors serve four-year terms in all states except for New Hampshire and Vermont, but there is a great deal of variety when it comes to how many times someone can serve as governor. About half of the states set a two-term limit on serving as governor. In most of these states, the limit applies to consecutive terms but the governor could theoretically run again after being out of office. (In several states it is an absolute two-term limit, whether consecutive or not.) Other states take a different approach, such as in Virginia, where the governor serves a four-year term and cannot run for immediate re-election, but can run for the office after a term has elapsed. Except for Oregon, all states allow for impeachment of the governor, generally by a similar process to that used by the United States government.[[1]](#footnote-1)

Perhaps the most important difference between the powers of the president and a governor comes from the different jurisdictions of federal and state governments. The U.S. Constitution places foreign policy exclusively in the hands of the federal government, specifically, largely within the president. Thus, for example, the presidency is most powerful during wartime-whereas the federal government’s limits in domestic policy are even more pronounced for the president.

Conversely, the Constitution gives states responsibility over the health, welfare, safety, and morals of the people—the police power. As part of the states’ power to protect the health and safety of the people, governors have traditionally been invested with a great deal of authority during emergencies—indeed, arguably far more power than even the president can wield.

How broad this power is or how long it can be used is up to the legislature of a state to decide in drawing up that state’s emergency laws, but most governors possess extremely wide latitude to act during emergencies.

For example, as of 2020, Arizona’s emergency statute is extremely broad, delegating to the governor, in a state of emergency “the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state.” However, a majority of both houses of the Arizona legislature can vote to terminate the emergency by a concurrent resolution (which cannot be vetoed). Other states set automatic limits on emergency powers unless renewed by the state legislature.

**Governors’ Terms of Office, Vetoes, and other Executive Officers: Worksheet**

In the space provided or on another sheet of paper, answer each question for each of the state constitutions you are assigned.

**Terms and Term Limits**

How long is the governor’s term of office?

AZ: 4 yrs

IN: 4 yrs

NH: 2 yrs

TX: 4 yrs

VA: 4 yrs

How many terms can the governor serve? If the governor is term-limited, does the limit apply to consecutive terms, or total terms?

AZ: 2 consecutive terms

IN: 8 yrs of any 12 yrs

NH: no limit

TX: no limit

VA: 1 consecutive term

**Vetoes:**

Can the governor veto only entire bills, or parts of appropriation bills (line-item vetoes?

AZ: Line item

IN: No line item

NH: No line item

TX: Line item

VA: Line item

Can the governor instead recommend amendments (amendatory veto)?

Only in VA

How hard is it to override a gubernatorial veto?

AZ: 2/3 of both houses

IN: majority of both houses

NH: 2/3 of both houses

TX: 2/3 of both houses

VA: 2/3 of both houses

**Other Executive Branch:**

How are other executive officers, specifically the Attorney General and Treasurer, chosen in this state? Are they picked by the Governor, as with the US president’s cabinet? Picked by the voters in an election? Or some other method?

AZ: all separately elected

IN: all separately elected

NH: AG appointed by governor and council; treasurer picked by legislature

TX: all separately elected

VA: AG separately elected; treasurer picked by governor

1. To learn more about the institutional differences that state constitutions create, consult “Governors Power & Authority” from the National Governors Association, found at**.**  https://www.nga.org/governors/powers-and-authority [↑](#footnote-ref-1)