

1. Federal Legislative Branch

The U.S. Congress

The U.S. Congress is made up of two parts, the House of Representatives and the Senate. Congress meets at the U.S. Capitol in Washington, D.C. Its primary duty is to write, debate, and pass bills, which are then passed on to the President for approval.

Other Powers of Congress

- Makes laws controlling trade between states and between the United States and other countries.
- Makes laws about taxes and borrowing money.
- Approves the making of money.
- Can declare war on other countries.

Each Congress lasts for two years. When the two years are over, new Members of Congress are elected. We are currently in the 110th Congress. Congress meets once every year and usually last from January 3rd to July 31st, but in special cases, it can last longer.

The way that states are represented in the House and the Senate is different. Why is this? Well, when the Founding Fathers were drafting the Constitution, there were debates over how states would be represented. States with larger populations wanted more representation than states with smaller populations. Meanwhile, states with smaller populations favored equal representation. So, a compromise was made -- Representation in the Senate would be equal, while representation in the House would be based on population.

Constitutional basis for federal legislative branch

Article. I.

Section. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature¹ thereof for six Years; and each Senator shall have one Vote. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

Information provided by "Ben's Guide to U.S. Government for Kids," U.S. Government Printing Office, <http://bensguide.gpo.gov/3-5/government/branches.html>

Constitution transcription provided by the National Archives, http://www.archives.gov/exhibits/charters/constitution_transcript.html

¹ **Note:** Article I, section 3, of the Constitution was modified by the 17th amendment:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

2. Federal Executive Branch

The executive branch of Government makes sure that the laws of the United States are obeyed. The President of the United States is the head of the executive branch of government. This branch is very large so the President gets help from the Vice President, department heads (Cabinet members), and heads of independent agencies.

- **President:** Leader of the country and commands the military.
- **Vice President:** President of the Senate and becomes President if the President can no longer do the job.
- **Departments:** Department heads advise the President on issues and help carry out policies.
- **Independent Agencies:** Help carry out policy or provide special services.

Constitutional basis for federal executive branch

Article. II.

Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term,

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Information provided by "Ben's Guide to U.S. Government for Kids," U.S. Government Printing Office, <http://bensguide.gpo.gov/3-5/government/branches.html>

Constitution transcription provided by the National Archives,
http://www.archives.gov/exhibits/charters/constitution_transcript.html

3. Federal Judicial Branch

The judicial branch of government is made up of the court system. The Supreme Court is the highest court in the land. Article III of the Constitution established this Court and all other Federal courts were created by Congress. Courts decide arguments about the meaning of laws, how they are applied, and whether they break the rules of the Constitution.

The U.S. Supreme Court

The Supreme Court is the highest court in the United States. The Supreme Court hears cases that have made their way through the court system, but of the more than 7,500 cases that are sent to the Supreme Court each year, only about 80 to 100 cases are actually accepted. Once the Supreme Court makes a decision, it can only be changed by another Supreme Court decision or by amending (changing) the Constitution. This is a very important power that can affect the lives of a lot of people. Also, since the main power of the Supreme Court is to decide cases that challenge the Constitution, the Court must decide if the case they receive really challenges the Constitution.

The Supreme Court is made up of nine Justices. One of these is the Chief Justice. They are appointed by the President and must be approved by the Senate. Justices have their jobs for life, unless they resign, retire, or are impeached by the House and convicted by the Senate (the removal process as described by the [Constitution](#)).

There are no requirements in order to be appointed a Justice, but all have been trained in the law. Many Justices served as members of Congress, governors, or members of the President's Cabinet. One president, William Howard Taft, was later appointed Chief Justice.

Constitutional basis for federal judicial branch

Article III.

Section. 1.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--

between a State and Citizens of another State²,--between Citizens of different States,--
between Citizens of the same State claiming Lands under Grants of different States, and
between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Information provided by "Ben's Guide to U.S. Government for Kids," U.S. Government
Printing Office, <http://bensguide.gpo.gov/3-5/government/branches.html>

Constitution transcription provided by the National Archives,
http://www.archives.gov/exhibits/charters/constitution_transcript.html

² **Note:** Article III, section 2, of the Constitution was modified by amendment 11:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

4. State Legislative Branch

North Carolina General Assembly

The legislative arm of the state is the General Assembly. They enact general and local laws that promote the best interests of the state, and establish rules and regulations governing the conduct of the people.

Like the federal government and almost all the other states (Nebraska being the only exception), North Carolina has a bicameral legislature, consisting of two houses: the Senate and the House of Representatives. The legislature meets annually; the so-called "Long Session" occurs in odd numbered years, while the "Short Session" occurs in even numbered years. Occasionally, in the case of a special need, the Governor may call a Special Session of the General Assembly after they have adjourned for the year.

- **Senate**

The Senate has 50 members. Elections for all 50 seats are held every 2 years. The Lieutenant Governor is the President of the Senate; however, his/her main duty is to cast a deciding vote in the case of a tie. At the beginning of each biennium, the Senate chooses a President pro Tempore, who presides in the absence of the Lieutenant Governor. The most important duty of the President pro Tempore is to appoint the members to the various standing committees in the Senate.

- **House of Representatives**

The House of Representatives has 120 members. Elections for all 120 seats are held every 2 years. At the beginning of each session, the members of the House choose a Speaker, who presides over the business of the House. In extraordinary cases, such as in the 2003-04 biennium, when the house was evenly divided between the two political parties, co-Speakers may be chosen. As in the Senate, the most important duty of the Speaker is to appoint the members to the various standing committees.

Law making

Much of the work of the General Assembly is done by standing committees. These committees consider the bills introduced into the two houses, hold hearings, make such changes and amendments as they think necessary, and report their findings back to their respective chambers. If the report on the final version of the bill is favorable, it comes up for debate on the floor of the House or Senate. After final passage in one chamber, the bill is then sent to the other chamber, where the same events occur. A bill passed by both houses is then sent to the Governor, who may either veto the bill, or sign it into law.

Constitutional basis for state legislative branch

ARTICLE II: LEGISLATIVE

Section 1. Legislative power.

The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives.

Sec. 2. Number of Senators.

The Senate shall be composed of 50 Senators, biennially chosen by ballot.

Sec. 4. Number of Representatives.

The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

Sec. 6. Qualifications for Senator.

Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

Sec. 7. Qualifications for Representative.

Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

Sec. 20. Powers of the General Assembly.

Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

Information provided by "eNCyclopedia," North Carolina State Library,
<http://statelibrary.ncdcr.gov/nc/stgovt/stategov.htm>

North Carolina Constitution transcription provided by the North Carolina General Assembly website,
<http://www.ncga.state.nc.us/legislation/constitution/nconstitution.html>

5. State Executive Branch

The Executive Organization Acts of 1971 and 1973 grouped all the agencies of the Executive Branch into seventeen departments plus the Office of the Governor and the Office of the Lieutenant Governor. In 1981, the North Carolina Community College System became the eighteenth executive department. The president of the community college system serves at the pleasure of the State Board of Community Colleges. In 2000, Governor Hunt created the Department of Juvenile Justice and Delinquency Prevention, thus creating the 19th executive department.

The governor, lieutenant governor, and eight of the department heads are elected for four-year terms. The remaining ten department heads are appointed by the governor. The eight departments with elected department heads are the Departments of Agriculture, Insurance, Justice, Labor, Public Instruction, the Secretary of State, the State Treasurer, and the Office of the State Auditor.

The ten departments with appointed department heads are the Departments of Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Health and Human Services, Revenue, Transportation, Environment and Natural Resources, and Juvenile Justice and Delinquency Prevention.

Constitutional basis for state executive branch

Section 1. Executive power.

The executive power of the State shall be vested in the Governor.

Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.

(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

Sec. 5. Duties of Governor.

(1) Residence. The Governor shall reside at the seat of government of this State.

(2) Information to General Assembly. The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) Budget. The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a

deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) Execution of laws. The Governor shall take care that the laws be faithfully executed.

(5) Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) Clemency. The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

(7) Extra sessions. The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) Appointments. The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) Information. The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

Information provided by "eNCyclopedia," North Carolina State Library,
<http://statelibrary.ncdcr.gov/nc/stgovt/stategov.htm>

North Carolina Constitution transcription provided by the North Carolina General Assembly website,
<http://www.ncga.state.nc.us/legislation/constitution/ncconstitution.html>

6. State Judicial Branch

Article IV of the North Carolina Constitution establishes the General Court of Justice, which "shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division." The Constitution also states that the "General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article."

North Carolina Supreme Court

- The Appellate Division consists of the Supreme Court and the Court of Appeals. The Supreme Court is the state's highest court. This court has a chief justice and six associate justices, elected to 8 year terms, who hear oral arguments in cases appealed from lower courts. The Supreme Court considers errors in legal procedures or in judicial interpretation of the law. The Supreme Court's case load consists primarily of cases involving questions of constitutional law, legal questions of major significance and appeals from convictions imposing death sentences in first-degree murder cases.

North Carolina Court of Appeals

- The 15-judge Court of Appeals, created in 1967, is North Carolina's intermediate appellate court. Like the Supreme Court, the Court of Appeals decides only questions of law. It hears a majority of the appeals originating from the state's trial courts. Judges of the Court of Appeals are elected by popular statewide vote for eight-year terms. A Chief Judge for the Court is designated by the Chief Justice of the Supreme Court. Cases are heard by panels of three judges, with the Chief Judge responsible for assigning members of the Court to the five panels.

NC Superior Courts

- The Superior Courts are the general jurisdiction trial courts for the state. All felony criminal cases, civil cases involving more than \$10,000 and misdemeanor and infraction appeals from District Court are tried in Superior Court. A jury of 12 hears the criminal cases. In the civil cases, juries are often waived. The Superior Court is divided into eight divisions and 46 districts across the state. Judges are elected to 8 year terms, and rotate every six months between the districts within their division.

NC District Courts

- The District Courts handle the vast majority of the trial level cases. They have exclusive jurisdiction over civil cases involving less than \$10,000, almost all misdemeanors, probable cause hearings in felony cases, juvenile proceedings, mental health hospital commitments, and domestic relations cases. As of 2006,

North Carolina had 41 district court districts, and 239 district court judges, elected to 4 year terms.

Administrative Office of the Courts

- All North Carolina courts, at whatever level, are overseen by the Administrative Office of the Courts. The basic responsibility of the AOC is to maintain an effective and efficient court system, supporting the courts through technology, personnel, financial, legal, research and purchasing services. The AOC prepares and administers the court system's budget and currently employs more than 400 people.

Constitutional basis for state executive branch

ARTICLE IV: JUDICIAL

Section 1. Judicial power.

The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

Sec. 2. General Court of Justice.

The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

Sec. 22. Qualification of Justices and Judges.

Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court. This section shall not apply to persons elected to or serving in such capacities on or before January 1, 1981

Information provided by "eNCyclopedia," North Carolina State Library,
<http://statelibrary.ncdcr.gov/nc/stgovt/stategov.htm>

North Carolina Constitution transcription provided by the North Carolina General Assembly website,
<http://www.ncga.state.nc.us/legislation/constitution/ncconstitution.html>