

## Texas Constitution

### 1. Articles

#### -Bill of Rights

#### Similar to

#### Covered in sections 10-21:

- powers and institutions, and more tangential items, including railroads and private corporations.
- A right to a speedy trial
- On provide evidence against oneself
- A right to bail

### 2. Preamble

#### "Texas document justified its specific protections with sweeping generalizations aimed at what they saw as the major political dangers of the time."

#### government and government authority

- a. "Humbly invoking the blessings of the Almighty God, the people of the State of Texas, do ordain and establish this Constitution."

### 3. Bill of Rights (Article 1)

#### Article 1: Bill of Rights

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- a. Covers most of the same rights as U.S. Bill of Rights, i.e., speech, assembly, speedy trial, etc.

#### Powers and Organization

#### Separation of Powers

#### Legislative Branch

#### Executive Branch

#### Judicial Branch

#### Article 1: Bill of Rights

#### Article 2: Executive Branch

#### Article 3: Judicial Branch

#### Article 4: Local Government

#### Article 5: Amendments

#### Article 6: Miscellaneous

#### Article 7: Miscellaneous

#### Article 8: Miscellaneous

#### Article 9: Miscellaneous

#### Article 10: Miscellaneous

#### Article 11: Miscellaneous

#### Article 12: Miscellaneous

#### Article 13: Miscellaneous

#### Article 14: Miscellaneous

#### Article 15: Miscellaneous

#### Article 16: Miscellaneous

#### Article 17: Miscellaneous

#### Article 18: Miscellaneous

#### Article 19: Miscellaneous

#### Article 20: Miscellaneous

#### Article 21: Miscellaneous

#### Article 22: Miscellaneous

#### Article 23: Miscellaneous

#### Article 24: Miscellaneous

#### Article 25: Miscellaneous

#### Article 26: Miscellaneous

#### Article 27: Miscellaneous

#### Article 28: Miscellaneous

#### Article 29: Miscellaneous

- b. In reaction to perceived government overreach by the Radical Republicans, the framers of the Texas document justified its specific protections with sweeping generalizations aimed at what they saw as the major political dangers of the time.

### 4. Separation of Powers

#### Texas Constitution clearly prohibits a single individual from exercising the powers of more than one branch

- a. A scheme of separation of powers is designed to ensure that those who serve in

#### different branches of government are selected by and accountable to different

#### constituencies.

#### Organization, apportionment of seats, and qualifications for office (sections 1-28)

#### Proceedings (sections 29-41)

#### Powers, requirements, and restrictions on powers (sections 42-58)

#### Section 42: Legislative Branch: Organization, apportionment of seats, and qualifications for office

#### committee – before the general membership may consider them.

#### Section 43: (sections 1-28), proceedings (sections 29-41), powers, requirements, and restrictions on

#### enact effective laws.

#### Section 44: powers (sections 42-58).

#### Section 45: the legislature may raise money through taxation

#### Section 46: limitation on total public debt

#### Section 47: Executive Branch: 7 Offices named in Article IV

#### Section 48: Judicial Branch: The judicial power shall be vested in one Supreme Court, in

#### a Court of Appeals, in District Courts, in County Courts, in Commissioners' Courts, in

#### Courts of Justices of the Peace, and in such other courts as may be established by law.

#### Section 49: The judicial power shall be vested in one Supreme Court, in

#### a Court of Appeals, in District Courts, in County Courts, in Commissioners' Courts, in

#### Courts of Justices of the Peace, and in such other courts as may be established by law.

#### Section 50: The judicial power shall be vested in one Supreme Court, in

#### a Court of Appeals, in District Courts, in County Courts, in Commissioners' Courts, in

#### Courts of Justices of the Peace, and in such other courts as may be established by law.

- i. Legislature could not regulate local government affairs, locate or change county seats, or specify election locations.

## Texas Constitution Outline

### Articles

#### -Bill of Rights

Similar to the US Constitutions Bill of Rights (1<sup>st</sup> 10 Amendments)

Covered in sections 10-21:

#### Article I – The Bill of Rights

- A right to a speedy trial
- Not having to provide evidence against oneself
- A right to bail

“Texas document justified its specific protections with sweeping generalizations aimed at what they saw as the major political dangers of the time” calling out national government, state government and government favoritism.

#### Article VI: Suffrage

- Basic right to vote
- Voting qualifications

### Powers and Organization

#### -Separation of Powers

Legislature composed of 2 parts: House and Senate

- Executive Power: in the hands of a governor and other offices including a lieutenant governor, an attorney general, a comptroller, an agriculture commissioner, and a land commissioner.
- Judicial Power: in the hands of judges elected either statewide or from regional and local jurisdictions.

Texas Constitution clearly prohibits a single individual from exercising the powers of more than one branch.

- Legislative Branch: 65 Sections long
  - Organization, apportionment of seats, and qualifications for office (sections 1-28)
  - Proceedings (sections 29-41)
  - Powers, requirements, and restrictions on powers (sections 42-58)

Section 37: requires proposed bills to be referred to a committee—and reported on by that committee—before the general membership may consider them.

Section 46: “The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.”

Section 48: list of items for which the legislature may raise money through taxation

Section 49: limitation on total public debt

- Executive Branch: 7 Offices named in Article IV
- Judicial Branch: The judicial power of this State shall be vested in one Supreme Court, in a Court of Appeals, in District Courts, in County Courts, in Commissioners’ Courts, in Courts of Justices of the Peace, and in such other courts as may be established by law.



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## Texas Constitution Outline

### Article I – The Bill of Rights

- Consist of the rights of citizens in the State of Texas
- Originally spanning 29 sections
- Texas Bill of Rights is more extensive than the entire U.S. Constitution
- Overlaps with the Bill of Rights in the U.S. Constitution, covers some of the same items but in a different order
- Also contains right of the accused in criminal prosecutions and reaction to perceived government overreach
- Provides protection from National and State Government as well as protection from government favoritism

### Article II – Governmental Powers and Organization

- Separation of Powers – Governmental authority divided among three branches
- Two-part Texas Legislature – House and Senate
- Governor and related offices hold executive power
- Judicial power held by elected judges from statewide or regional/local elections
- Separation of powers designed to ensure officials are selected and accountable to different constituencies
- Prohibits single individual from exercising power in more than one branch

### Article III – Legislative Branch

- Originally 58 sections, now 65 sections with many section and subsections added or repealed
- 3 main areas of coverage
  - o Organization, apportionment of seats, and qualifications for office (sections 1-28)
  - o Proceedings (sections 29-41)
  - o Powers, requirements, and restrictions on powers (sections 42-58)
- On matters concerning local authority in counties and municipalities, the framers listed a number of areas in which the legislature could not pass laws

### Article IV – Executive Branch

- Outlines executive branches seven offices which all but one are to be filled by popular elections
- Seven offices consist of Governor (who shall be the chief executive officer of the Stat), a Lieutenant-Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Attorney General
- Only six offices today with the Office of Treasurer being abolished in 1996
- By having six elected offices the framers created six possible obstruction points and checks to activities, programs, or plans of each executive officials