

# THE GEORGIA GOVERNMENT GUIDE

**A Text to Prepare Students for the Required Exam on the  
Constitution and Government of Georgia**



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## PREFACE

*The Georgia Government Guide* is offered to post-secondary students in Georgia who wish to prepare themselves for useful citizenship and the required Georgia Government Exam. It makes no pretence to being final. We hope it arouses the interest and whets the curiosity of students to the extent some will be encouraged to search further into the processes of Georgia Government. If it assists in creating discussion or stirring debate, we have succeeded.

We believe intelligent public opinion is the only hope of solution to the daily bombardment of public policy problems confronting our society. Citizens in our society were not expected to be political spectators but active participants. Jean Jacques Rousseau contended that decisions of government should embody society's 'general will'.<sup>1</sup> James Madison in Federalist #51 stated, "...dependence on the people is, no doubt, the primary control on the government..."<sup>2</sup> Ours is not a spectator government but a participatory one. We must become knowledgeable and participate if we are to maintain our Republic as created by the Founders. Yet, as individuals, we seem to know less about our government than who won the Super Bowl or what Paris Hilton wasn't wearing last night.

In the belief that good citizenship is worthwhile, the Georgia General Assembly passed a resolution in 1975 requiring students within the University System of Georgia to learn about the public administrations of Georgia.<sup>3</sup> In addition, students shall pass an

**O.C.G.A. 20-3-68. Instruction in essentials of United States and Georgia history and Constitutions.**

*All colleges and universities sustained or in any manner supported by public funds shall give instruction in the history of the United States and the history of Georgia and in the essentials of the United States Constitution and the Constitution of Georgia; and no undergraduate student in any college or university shall receive a certificate of graduation or a degree without successfully completing course work or previously passing a satisfactory examination on the same.*

exam on the Government of Georgia. Though some will think the requirement unnecessary, scholars are surprised when non-citizens tend to perform better on Citizenship Exams than native born Americans.<sup>4</sup> If students become interested in public administrations and carry their interest beyond the classroom, an excellent start toward solutions will have been made.

State and local governments are important. The obligations of citizenship can best be understood in terms of local conditions. As a nation, we do not participate in state and local government elections as much as in national elections.<sup>5</sup> Yet, state and local governments affect us everyday. Driver's licenses are totally a state responsibility and local governments mandate various laws such as operating hours for garbage trucks, noise regulations, and smoking prohibitions. How many times have you been driving and suddenly noticed a police car? *Think local.*

Typically, candidates for national office “run against the government” – even if they are incumbents. Presidents Ronald Reagan and Bill Clinton ranted about “big government.” In his book, *Words That Work* Frank Luntz stated that people responded differently to the words “Government” and “Washington.” He stated that if an official wanted to complain about government abuse, they needed to use the word “Washington.” Though technically correct, the word “Washington” was less well received than the word “Government.” To most people, “government” means all public servants – the meter reader, garbage collector, or their neighborhood school board member. People respond differently to civil servants who live down the street versus those who live in Washington, D.C. <sup>6</sup>

Americans trust local government and state government more than the national government. Yet, when Americans think of politics and government, they are likely to have mental images of officials such as President George W. Bush, Senator John Kerry, and Supreme Court Chief Justice John Roberts. Washington D.C., however, is only the tip of the government iceberg in our country. The United States has more than 87,000 units of

government. While there is only one national government, there are fifty state governments, and thousands of the “states creatures”,<sup>7</sup> i.e., local governments such as cities, counties, and special districts. There are only 537 elected officials at the national level (435 Representatives, 100

<b>Units of Government</b>				
Type of government	1972	1982	1992	2002
U.S. government	1	1	1	1
State governments	50	50	50	50
Local governments	78,218	81,780	86,973	87,849
- County	3,044	3,041	3,043	3,034
- Municipal	18,517	19,076	19,297	19,431
- Township	16,991	16,734	16,656	16,506
- Special district	23,885	28,078	33,555	35,356
- School district	15,781	14,851	14,422	13,522
<b>Total</b>	<b>78,269</b>	<b>81,831</b>	<b>87,024</b>	<b>87,900</b>

Senators, a president, and a vice president); but there are approximately 500,000 elected state and local government officials. There are approximately 3 million federal civilian employees, while state and local governments employ more than 18 million people.

Still not convinced of the importance of sub-national government? Consider this fact: our own state of Georgia is larger in land area than England and has a greater population than Ireland, Israel, and El Salvador. In fact, approximately one-third of the countries belonging to the United Nations are smaller and less populous than the State of Georgia.

State and local governments in the United States have enormous responsibilities and their actions have great impact on the average person's daily life. Political scientists are fond of pointing out that the states operate the world's largest public educational system and highway network and provide most of America's law enforcement, public health, welfare, and recreational services.

This section briefly examines the major institutions and principles of the government of Georgia and should be of assistance in helping the reader understand state and local government more generally throughout the United States. Georgia, for example, is like every other state in that it has a written constitution and separation of powers among the three major branches of governmental. Every state, however, is to some extent unique - a product of its own blend of history, culture, and economic circumstances. Even though every state has a governor, a state legislature, and a court system, in no two states will these operate with exactly the same powers, structures, and inter-relationships. While Georgia is now a fairly typical state, the reader should understand that the system of government we will describe for Georgia would not be exactly duplicated in any other state.

## Georgia's Constitution

One of the political principles Americans have long held dear is that of *constitutionalism*. In essence, this doctrine means government is created by the people for certain limited purposes which are to be spelled out in a written document. That document, or constitution, should also describe the fundamental powers of government, the specific institutions that will be established to exercise those powers, and which powers or actions will be specifically excluded from exercise by the government. Basic to the concept of constitutionalism is the notion that the document itself should not be easily changed.

While ordinary laws usually need only a simple majority (i.e., one-half plus one more) of the legislative body to be enacted, the fundamental law of the constitution should require something more, such as; extraordinary majority (e.g., two-thirds) of the legislature and even an additional step requiring public approval.

Both the state of Georgia and the United States as a whole have had two centuries of experience with constitutions. But while the national constitution has been in force since 1789, Georgia's current constitution was only adopted in 1982. In fact, Georgia has had ten constitutions since 1777, more than any other state except Louisiana. Until 1982, Georgia had the somewhat dubious distinction of having the longest of all state constitutions. The more than 500,000 words of the old Georgia constitution contrasted rather sharply with the fewer than 7000 words of the national constitution.

The old constitution (actually it was relatively new, having been in force only since 1977) was so long because it had been changed – amended so often. Counting the amendments carried over from the previous 1945 constitution, there were over 1000 amendments in effect in 1982. Why had the constitution been amended so often? Because it was so long to begin with. The prevailing constitutional doctrine in Georgia (and many other states) has been that unless the state constitution specifically allows the state government to do a particular act, the government cannot do it. At the national level, the doctrine has been just the opposite: the national government can do almost anything that has not been specifically prohibited by the constitution. So as new problems and issues arose, in Georgia, and as old problems and issues disappeared, the constitution itself had to be changed - to allow government to deal with the changing conditions. Compounding this already bad situation was the fact that there were often serious time gaps between the occurrence of a problem and the government taking action to cope with the problem, since it is more difficult to approve a constitutional amendment than to pass an ordinary law.

In the national government, where the constitution is relatively brief and general, Congress handles most new developments through the passage of ordinary laws. In Georgia, though, the constitution itself had to be amended for such reasons as to allow Fulton County to expand its homestead property tax exemption, to permit a state agency to change its name, and to increase the size of state scholarships to medical students. While it may be good and desirable for Fulton County to change its property tax system, or for a state agency to change its name, or for money to be provided to medical students, the problem was that such details should not be included in *any* constitution. Most political scientists argue that the constitution should be brief and cover only fundamentals with details left to ordinary laws, so changes and adjustments can be made in a timely fashion.

The new Georgia constitution, approved by a large majority of the state's voters in the 1982 general election, went into effect July 1, 1983. It takes into account many of those ideas. With approximately 25,000 words, the new constitution is considerably shorter than its predecessor, and is designed to stay that way. The major change is in *special amendments*, those pertaining only to single localities (such as the Fulton County tax amendment

mentioned earlier). Such amendments are now prohibited; only *general amendments*, of statewide application, are now allowed. Since most of the amendments under the old constitutions were special amendments, this prohibition should keep the size and complexity of the new constitution under control. Previously, there would be 30 to 40 proposed amendments on the ballot every general election, and twenty or so of those usually would be approved. Since 1982, many proposed constitutional amendments have appeared on the general election ballots and often there are several in a single election. The voters have approved most of the proposed amendments.

**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.**

These are the stirring words in the preamble, the statement of purpose, of the Georgia Constitution. Following the preamble are some eleven articles, covering subjects such as the basic rights of the individual; voting and elections; the legislative, executive, and judicial branches; taxation; finance; education; local government; and amendment procedures. In format, length, and content, the Georgia constitution is now very much in the mainstream of American state constitutional development. Now we will turn to discussing the major institutions of Georgia state government, which are, of course, given their power and basic structure by the constitution.

## **The Governor**

In theory, and usually in practice, the most important and powerful person in the Georgia political system is the governor. No other state government official is as widely known and recognized across the state. Some governors, -such as Georgia's Jimmy Carter, New Mexico's Bill Richardson, or California's Arnold Schwarzenegger, -may even receive national attention. Why the prominence? Many reasons can be advanced.

The governor serves as the titular *Chief of State (Head of State)*, the formal representative of the State of Georgia. As such, he greets visiting dignitaries and acts as spokesman for the state in dealings with other states and the national government. The governor is also *Chief Administrator (Head of Government)*, i.e., the person who is at least in theory responsible for the management of all the state's various programs and services. (As we will see, this responsibility often exists more in theory than in practice.) In the role as *Commander in Chief*, the governor has control over his own army, known as the National Guard, which can be called out by the governor for emergencies, such as floods, hurricanes, and riots. Georgia's governor also has a police force (the State Patrol) and a highly regarded investigative unit (the Georgia Bureau of Investigation) under his command.

The governor's salary, \$127,303, in 2002 - is higher than the national average for governors, and a beautiful mansion in one of the most exclusive neighborhoods in Atlanta is provided as his home while in office. Before his term is officially over, he can be removed from office only by the difficult process of impeachment and conviction by the state legislature. (Thus far, no Georgia governor has ever been impeached; however, the governor of Arizona was impeached and removed from office in 1988, and the governors of Alabama and Arkansas have been forced to resign in recent years due to criminal charges.) The office of governor can be a springboard for national office; over the past 30 years, half of the nation's governors have gone on to become federal judges, ambassadors, U.S. Senators,

cabinet officers, vice presidents, and even presidents (Jimmy Carter, Ronald Reagan, Bill Clinton, and George W. Bush).

Given the importance of the office, the reader may be surprised to learn that the constitutional requirements for potential governors are not more cumbersome. To be eligible for election to the governorship (or lieutenant-governorship, the state's equivalent to the vice presidency), one need only be at least 30 years old and have national citizenship for 15 years and state residency for 6 years. Of course the most important requirement is informal: having the ability to persuade a majority of the voters to vote for you. Tens of thousands meet the formal constitutional requirements, but only one person every four years meets the electoral requirement.

Nearly all of Georgia's governors have been professional politicians who have reached this office after years of holding other elected offices, especially positions in the state legislature. (If Guy Millner had won in 1994 or 1998 he would have been the first non-office-holder to win the governorship since the 1940's.) All of Georgia's governors have been white males. Linda Schrenko, elected Superintendent of Schools in 1994, was the first woman to win any statewide race in Georgia. In 1998, Cathy Cox became the second woman elected statewide when she won the race for Secretary of State. African Americans have had a little more success in Georgia: two blacks (Robert Benham and Leah Sears) have been elected to the state Supreme Court, and in 1998 and 2002 African-Americans were elected as state Attorney General (Thurbert Baker) and Secretary of Labor (Michael Thurmond).

Despite the prominence of the office and the glitter that can go along with the ceremonial aspects of the job, the person serving as governor spends most of his time on tasks that can be rather dry and dull. As the state's *Chief Executive*, the governor's major responsibility is to see that the laws are implemented, i.e., ensuring programs are placed into operation and services are delivered to the people. Being the chief executive means the governor is in theory the chief administrator over the state government's executive agencies. This does not mean he exercises detailed supervision over the hundreds of state employees working at dozens of offices across the state. Rather, his supervision of the executive branch is ordinarily restricted to the formulation of broad goals and general policies which are to be implemented in detail at lower levels of the bureaucracy and which can be checked on periodically by the governor's personal staff. Usually only controversial matters and questions that cannot be settled by lower-level officials come to the governor's office for resolution. Administrative experts call this *management by exception*. That is, personal, detailed action by the governor usually only occurs during exceptional cases; his decisions at those times should then be used to guide the daily operations of state executive branch employees.

**TABLE 1: Recent Governors of Georgia**

Name (party)	Home	Service
Sonny Perdue (R)	Bonaire	2003- (reelected 2006) 1 <sup>st</sup> GOP Governor since Rufus Bulloch 1868
Roy Barnes (D)	Mableton	1999-03 (one term)
Zell Miller (D)	Young Harris	1991-99 (two terms)
Joe Frank Harris (D)	Cartersville	1983-91 (two terms)
George Busbee (D)	Vienna	1975-83 (two term governor now allowed)
Jimmy Carter (D)	Plains	1971-75 (GA's 1 <sup>st</sup> US President, 1976)
Lester Maddox (D)	Atlanta	1967-71
Carl Sanders (D)	Augusta	1963-67
Ernest Vandiver (D)	Lavonia	1959-63
Marvin Griffin (D)	Bainbridge	1955-59
Herman Talmadge (D)	McRae	1948-55
Melvin Thompson (D)	Valdosta	1947-48
Ellis Arnall (D)	Newnan	1943-47
Eugene Talmadge (D)	McRae	1941-43
E.D. Rivers (D)	Lakeland	1937-41
Eugene Talmadge (D)	McRae	1933-37

One of the primary tools any chief executive can use to shape and control government administration is the power of appointment. By naming the heads of government agencies, the executive can have those agencies directed by people who are tuned in to his ideas and preferences. In turn, these individuals owe their jobs to staying tuned in and so they see to it that their agencies act as the chief executive desires in implementing programs. Of course, the degree to which the chief executive is successful depends largely upon his personal qualities of leadership and persuasion in getting subordinates in the various departments to follow his lead. In some states this appointment power gives the governor great control over administrative operations; it is certainly one of the major sources of the president's powers at the national level. In Georgia, however, the governor's appointment powers are quite limited. One national survey rated Georgia's governor among the weakest in the country in appointment powers. The reason is that several executive departments in Georgia are headed by elected officials (e.g., the Secretary of State) who are independent of the governor; still other agencies are governed by *policymaking boards* which have the power to name agency directors. In actuality, the governor does have some, and often substantial, power and influence in those departments, but his powers are based on *informal* rather than formal sources--i.e., his ability to lead, persuade, and bargain, and on the willingness of others to be led, persuaded, and bargained with.

Before Governor Jimmy Carter reorganized the executive branch in 1972, it was even more difficult for the governor to "run" state government. There were more than 300 separate executive agencies when Carter took office, and numerous agencies could be involved in a single function of government, such as public welfare. Obviously no one person could supervise such a huge number of bureaucracies; and citizens could have major difficulties trying to get a problem solved or a service provided from such a hodge-podge of agencies. Governor Carter reduced the number of agencies to 22 departments (a few more have since been established) along the lines of the "one-stop shopping" concept. That concept provides that one broad function of government, such as public welfare, should be handled by one agency, such as the Department of Human Resources. Some commentators have criticized the huge size of some of the resulting departments, especially this same Department of Human Resources, but without a doubt the reorganization made the executive branch simpler in structure, more easily comprehended by the public, and better managed by the governor and the department heads.

Many political scientists believe the governor's power over *state fiscal affairs* (i.e., raising revenues and spending funds) is even more important as a policy-making and management tool than the appointment privilege. In Georgia, this is almost certainly true. An important source of the governor's fiscal powers is the *Office of Planning and Budget (OPB)*, the only state agency over which the governor's supervisory control is complete. The duties of the OPB center on helping the governor draw up both short- and long-range plans for the state in the shape of the *executive budget*. This document predicts how much money will be available for state spending in the next fiscal year and then specifies how much should be spent for various programs by every executive agency. The process through which the executive budget is developed is a complex one, beginning a full 16 months before the fiscal year commences and involving hundreds of requests, communications, consultations, and negotiations between, on the one hand, the governor and OPB, and, on the other hand, the various executive agencies. For example, work on the Fiscal Year (FY) 2008 budget began in the spring of 2006. The proposed budget was finalized in the late fall of 2006 and had to be sent to the General Assembly in January 2007 within five days of the legislature's convening. After consideration and approval by the legislature, the budget will go into effect on July 1, 2007 and will continue in force until June 30, 2008. Although the governor's budget is

technically a proposal and thus subject to change by the legislature, it usually becomes law with only relatively minor (albeit highly publicized) revision. Thus, through his participation in the budgetary process, the governor can do much to define the nature of government activity in forthcoming years.

Governors are not only involved in just executing or implementing laws; they are also actively involved in the process of making laws. In fact, some political scientists call the governor the state's *Chief Legislator*. There are several major elements to the governor's power in this area. During each legislative session, the governor may address the legislature to present his views, propose bills, and call for cooperation. While the governor cannot formally propose bills as bills must be formally introduced by members of the legislature, many legislators are eager to do so. Bills passed by the legislature can be rejected, or vetoed by the governor. A two-thirds majority of both legislative chambers is required to over-ride a *veto*. No gubernatorial veto in Georgia has been over-ridden in nearly 30 years. After a bill has been passed by the legislature, the governor must make his veto decision within six days, if the legislature is still in session, or 40 days, if the legislature has adjourned. If the governor takes no action within these time frames the bill automatically becomes law. Moreover, the governor also has a *line item veto*, i.e., a specific item veto, on appropriations (budget) bills which enables him to reject a particular expenditure program without having to veto the whole bill which might include other programs he strongly favors. The U.S. president does not have line-item veto authority, and an attempt by Congress to grant a version of it to the president was recently declared unconstitutional.<sup>8</sup> It can be fairly stated that presidents have had a highly developed sense of veto-envy regarding this aspect of gubernatorial powers.

The governor can also control the very convening, or meeting, of the legislature to some degree. He can call a special session of the legislature to consider only those issues he has denoted. For example, legislative approval of the new state constitution came during a special session held in the summer of 1981, and in 1989 a special session was held to change a provision in the state income tax law that was believed to be in violation of a U.S. Supreme Court decision. The redrawing of Georgia's state legislative and congressional district lines, required after every census, is often done during a special session called by the governor.

A final component of gubernatorial power (one of the great mysteries of political science is how the adjective of governor became gubernatorial!) is composed of the purely political resources available to the office. As the most prominent elected official in the state, the governor is automatically the formal political *Party Leader*. Until the election of George "Sonny" Perdue in 2002, Georgia had had Democratic governors for 130 years. This was the longest single party domination of a governorship in the nation's history. (See Table 1 for a list of recent governors, their political party, and hometowns.) In addition to the governorship coming into Republican hands in 2003 with the inauguration of Governor Perdue, the state Senate also became a majority GOP institution. The state House of Representatives followed suit in 2005. Historically, more than any other person, the governor has influence on his party's platforms, finances, and nominations. He is in a position to lend assistance to legislative and executive candidates he favors and to deny assistance to others. The governor's party role, therefore, enhances his power in the state legislature and throughout the executive branch. This power is not complete, however. The two main parties in Georgia are broadly based and have candidates and voters of many different values and ideologies. There are often battles among individuals and factions within the party that are as serious as struggles that often take place between the two separate parties. For Democratic governors in the recent past, there was rarely an opportunity to lead a tightly-knit party that would follow the governor's lead. Since the election of a Republican

Governor in 2002, new patterns have emerged with evidence of more party cohesiveness on both sides of the aisle. While the GOP has control of the governorship and the General Assembly, some statewide elected positions are still in the hands of Democrats. The 2003 and 2004 legislative sessions were rather contentious as the General Assembly was under divided control and the Republicans were still learning how to use the power of the governorship. 2005 brought a more seasoned administration with the governor's party controlling both houses of the General Assembly; thus compromises on the important legislative issues such as budgeting, education, economic development, and critical social issues became easier.

The governor may be the state's chief executive, but obviously he does not run the state government in the same way the head of private corporation runs his company. There are a number of constraints on the governor's formal leadership powers that have been intentionally imposed by the framers of the state's numerous constitutions. For example, it was not until 1944 that the Georgia governor's term of office was extended from two to four years and not until 1976 that a governor could serve two consecutive four-year terms. Governors are still prohibited from serving a third consecutive term. In contrast, there is no limitation whatsoever placed on the terms of those serving in the legislative or judicial branches, in other elected executive posts, or in the state bureaucracy. The difference in terms means the governor could be perceived by others in state government as being somewhat temporary and, therefore, a person whose commands and desires could be ignored or not treated as seriously as the governor would like. Legislators and other elected executives can expect to hold their office long after the current governor exists from the scene. Furthermore, the ability of the governor to command and lead others declines as the end of his term of office approaches -- that is, as the governor becomes a *lame duck*. This means that because the governor cannot run for reelection and will only be in office for a short time, his political power is limited and members of the legislature are less likely to follow his lead. Obviously, with two-year terms or with a one-term limit, the governor would be perceived as a lame duck almost as soon as he assumed office. With the possibility of serving two terms of four years each the onset of the lame duck effect is delayed somewhat.

Another constraint on gubernatorial leadership is the fact that governors are not the

**TABLE 2: STATEWIDE ELECTED OFFICIALS**

<b>Governor</b> .....	Sonny Perdue (R)
<b>Lieutenant Governor</b> .....	Casey Cagle (R)
<b>Attorney General</b> .....	Thurbert Baker (D)
<b>Secretary of State</b> .....	Karen Handel (R)
<b>Commissioner of Agriculture</b> .....	Tommy Irvin (D)
<b>Commissioner of Insurance</b> ... ..	John Oxendine (R)
<b>Commissioner of Labor</b> .....	Michael Thurmond (D)
<b>State School Superintendent</b> .....	Kathy Cox (R)
<i>All of the above were elected in 2006 to serve 2007-11</i>	
<b>Public Service Commissioners</b> (6 year staggered terms)	
Bobby Baker, Chair, (R), (term 2010)	
Chuck Eaton (R), (term 2012)	
Doug Everett (R), (term 2008) (previously served 3 terms in GA House)	
Angela Speir (R), (term 2008) (1 <sup>st</sup> female on PSC)	
Stan Wise (R), (term 2012)	

only elected state executives. In fact, there are twelve other independently elected officials (see Table 2). Candidates for these offices run their own campaigns with little or no coordination or cooperation with gubernatorial candidates. They hold office by virtue of receiving their own mandates from the voters, and not by virtue of gubernatorial appointment. Usually they owe very few political debts to the governor and have very little intrinsic reason to cooperate enthusiastically with

the governor's programs. Moreover, because they do not have limits on their terms of office, they can expect to survive in office long after a particular governor has gone. For example,

Commissioner of Agriculture Tommy Irvin has held his post for over 20 years and is now working with his sixth governor.

To complicate matters even more, most of the other state agencies (i.e., those not headed by elected executives) are formally headed by policy-making boards, and not by the governor or a single person appointed by the governor. The boards of these agencies, ranging in size from three to 20 persons, are appointed by the governor (with one exception), but his power over them is by no means absolute. Many board members have terms of office not connected to the governor's term of office. Terms of office for these board members are typically for five, six, or seven years, and their duration is often staggered (e.g., in a five-member board, two could be appointed this year to begin six-year terms, two others appointed the following year to begin six year terms, and the final one appointed in the third year to serve a six year term). Such procedures mean a majority of a board's membership cannot be named all at once by a particular governor; change in a board must be gradual. As a result, well into a governor's first term, policy in important agencies such as the Department of Human Resources (the welfare agency), the Department of Corrections (the prison agency), and the Department of Natural Resources (the wildlife and environmental protection agency) can be made by board members appointed by his predecessor and not necessarily favorable to the current governor's ideas.

Most of the governor's appointments must be approved (or confirmed) by the State Senate before the appointees can take office. Occasionally, the principle of legislative involvement is carried further: some boards and officials in the executive branch are appointed directly by the state legislature, and some legislative officers hold membership on certain executive policy-making boards.

Consider these two examples of how the executive power of Georgia's governor has been diluted. First is the *Board of Regents*, which supervises the University System of Georgia. The Board of Regents is the final authority on matters such as what programs can be offered at particular colleges, what courses are required in the core curriculum, who is hired, fired and retained as college faculty and administrators, and what the monetary charges will be at all state institutions. The members of the Board of Regents are nominated by the governor and confirmed by the State Senate. Their term is seven years, so members appointed as much as three years before a particular governor is elected can continue to exercise authority throughout a new governor's first term. The Chancellor, the chief executive officer of the University System, is chosen by and serves at the pleasure of the Board of Regents, not the governor's.

A second example is the *Department of Transportation (DOT)*, which supervises the state's highway system. The policymaking board of the DOT is chosen by the state legislature and is comprised of, one member from each of the state's congressional districts selected by the state legislators whose constituencies lie within the same congressional district. The DOT board members in turn choose the department's chief administrator (Commissioner). In these two major areas of state action, the governor apparently has only limited formal influence over state policy. As an interesting sidenote, both the Commissioner of Transportation and the Chancellor of the University System have salaries higher than that of the governor.

In all fairness, however, it should be noted that these limits on executive and administrative power do not totally tie the hands of the governor. The intent of these constraints is not to abolish executive power, but to check executive power so it cannot be easily abused. Within those checks, it is still possible for an able and energetic executive to leave his mark on government. Above all else, the governor's budgetary powers give him considerable say over the workings of the various state agencies. Moreover, most governors

have been thoroughly tested in the political waters. They are professional politicians in the true sense of the term. That is, they are individuals who have shown over time that they are able to bargain, negotiate, and persuade others to their points of view.

## **The Legislature**

Georgia's constitution places the legislative, or law-making power of the state in the *General Assembly*, a body currently composed of 236 people serving in a Senate and a House of Representatives. The duties and functions of the state legislature are quite numerous and broad. Traditionally, the primary function of these bodies has been to enact *statutory law*, i.e., to consider and pass bills designed to address various problems existing in the state. While this function is traditional, it is still a constantly growing and developing one. Consider this: in the 1950s, there were approximately 500 bills per year introduced into the average American state legislature with approximately 300 bills being approved; now the average figures are 2000 bills introduced and 1000 approved each year. In Georgia, the number of bills introduced increased by about 80 percent between 1970 and 2000, from 1000 to almost 1800; the number passed also increased, but at a slower rate, from 600 to 700.

The subjects considered by the Georgia General Assembly in its law-making function are of an infinite variety, ranging from changing Georgia's nickname to the Peanut State to changing the type of evidence required for conviction in a rape trial, from whether \$10,000 should be appropriated to increase the pension of retired judges to whether \$3 billion should be spent for public education. Approximately one-half of the bills passed by the state legislature do not even apply to the state as a whole but rather are special bills affecting only particular cities and counties. Regardless of the subject, nearly every bill the state legislature considers is of vital importance to some people because it can affect, in good and bad ways, their daily lives and livelihood.

Law-making is a very important function, but it is by no means the only function performed by the General Assembly. A second crucial function is *legislative oversight* of the various executive branch agencies. The Assembly can investigate the actions of state agencies to assess the efficiency, effectiveness, and honesty of agency performance. If dissatisfied with an agency's performance, the Assembly can through legislation change the agency's programs and authority and can reduce its budget. Third, the Senate has the power to confirm nearly all of the governor's appointees to the executive branch boards, bureaus, and commissions we discussed earlier. The Assembly also has power to directly appoint the state auditor and the members of the State Transportation Board. Fourth, the Georgia House of Representatives has the power to bring formal charges of misconduct (i.e., *impeachment*) against a state official; the official then must be tried by the Senate and, if convicted, will be removed from office and barred from ever serving in any other state post. This is a little-used function but its existence does give the legislature some potential leverage over officials in the executive and judicial branches. There are several other functions performed by the state legislature from time to time: it proposes to the voters amendments to the state constitution; it votes on proposed amendments to the national constitution; and it draws up district boundaries for both state legislative and national congressional seats (subject to federal court approval).

One of the most important jobs of the state legislature and of individual legislators is simply to represent and serve the public. This last function includes such varied activities as: making speeches at various clubs and gatherings, contacting state agencies to iron out problems or claims constituents may have, providing information and interviews to the news

media and to interest groups; answering letters and telephone calls from citizens complaining about such things as taxes being too high or school teachers salaries being too low, and somehow voting in the state legislature after balancing the views of interest groups, the concerns of constituents (when those concerns can in fact be determined), the pressures of fellow legislators and the governor, and the legislator's own personal opinions. Obviously, it is very difficult for a legislator to perform such services while trying to fulfill the other functions as well. Yet carrying out such constituent services is a necessity if a legislator wants to be re-elected every two years. (There have been attempts to increase the term to four years, but voters have rejected this proposed amendment to the constitution several times over the past two decades.)

What sort of person would not only do this job but actually seek it with some degree of enthusiasm? First, most state legislators are part-time politicians who are employed full-time in other fields; the pay of a state legislator in Georgia (about \$16,000 per year plus expenses) is generally not sufficient as the sole source of income. The typical legislator is a white male (after the 2006 election, just under 20 percent of Georgia's 236 legislators were female and about 22 percent were African-American); a lawyer, businessperson, or farmer (29 attorneys, 8 business owners, 34 businesspersons, 6 farmers, 11 insurance related, 4 pharmacist, 3 teachers, 1 pastor); and a college graduate (in 2000, about 75% of the legislators had graduated from college.) In terms of social characteristics, Georgia's legislators do not strongly resemble the overall population of the state. Is this bad? Should more legislators be female, or black, or from other occupations? Political scientists have mixed views; most would argue that legislators should be roughly representative of their constituents (at least in attitudes if not in gender, race, etc.,) but they also add that very few political systems have ever had a perfect match between the social characteristics of governmental officials and of the public.

Historically, the typical member of the Georgia General Assembly was a Democrat. Like the governorship, Democrats controlled both chambers of the legislative branch from Reconstruction until 2002. As Table 3 demonstrates, Republicans have made tremendous gains in recent years. After the 2002 elections, the state Senate became majority Republican for the first time since the 1870s. The outcome of the 2004 elections gave Republicans control of both houses of the General Assembly as the GOP picked up 27 House seats and won three additional seats in the Senate. With the start of the 2007 legislative session, Republicans are in control of the General Assembly, the Lt. Governor's office and the governorship and are well positioned to accomplish a policy agenda.

<i>Senate (56 total)</i>				
	2001-03	2003-05	2005-07	2007-09
<b>Democrats</b>	34	26	23	22
<b>Republicans</b>	22	30	33	34
<hr/>				
<i>House (180 total)</i>				
<b>Democrats</b>	103	108	81	74
<b>Republicans</b>	77	72	99	106
<b>% Republican of total members</b>	<b>42%</b>	<b>43%</b>	<b>56%</b>	<b>59%</b>

Georgia's General Assembly is *bicameral*--having two chambers--as are the national Congress and all other state legislatures except Nebraska's. A common question is why is it necessary to have two legislative chambers. Wouldn't one be enough? The customary answer, at the national level anyway, is that bicameralism allows for two different types of representation and thus two different perspectives, one based on political or geographic units (e.g., the states in the U.S. Senate), and the second based on people or population (e.g., the congressional districts in the U.S. House of Representatives). Until the 1960s, many state legislatures, including Georgia's, were based on this logic, with their upper chambers representing counties and their lower chambers representing people. The U.S. Supreme Court, however, declared such arrangements at the state level to be unconstitutional. Now in all state legislatures the basis of representation in both chambers is population: within each chamber, all districts (i.e., the areas from which legislators are elected) must have equal populations ("one-man, one-vote," in the words of the Court). Accordingly, after each census the district lines must be re-drawn in order to reflect population growth and decline.

If the customary answer is no longer valid, then why do we continue to have bicameral legislatures? Probably the best reason for bicameralism is that by having every bill pass through two separate houses each chamber can serve as a check on the other, meaning bills can be examined more carefully, mistakes avoided, and hasty and ill-considered action prevented. However, critics argue that the duplication of effort often serves little purpose but to delay action the public wants or to provide interest groups with additional ways to block action they dislike. Furthermore, most legislation is passed in the last week of the session, often in a mad-house atmosphere that makes serious deliberation difficult indeed. At any rate, Georgia's legislature has had two chambers ever since 1789, and the tradition will almost certainly continue. Tradition can be a strong force, and since no one knows what the outcome would be if the legislature were made unicameral, the strength of tradition is understandable.

The Senate is usually called the "upper house," because there are fewer Senators and their eligibility requirements are slightly higher than those of the House of Representatives (which is, then, the "lower house" or, sometimes, "the House"). Senators must be at least 25 years old and residents of Georgia for at least two years; representatives need only be 21 years old and state residents for two years. Both senators and representatives must be U.S. citizens and residents of their respective districts for one year. The 1982 Constitution fixes the size of the Georgia General Assembly at a maximum of 56 state Senate seats and a minimum of 180 House seats, making Georgia's General Assembly considerably larger than the typical state legislature. (Florida, for example, is closer to the average, with 50 Senate seats and 110 House seats.)

Technically, in the process of considering bills all state legislators have the same voting strength--i.e., one vote per delegate--and therefore the same effect on legislation. In reality, however, a few individual legislators have far more power in practice than others. Without much doubt the legislators with the greatest amount of power and influence are the presiding officers: The *Speaker of the House*, who is elected by the other House members, and the *Lieutenant Governor*, who serves *ex officio* (i.e., by virtue of the office) as President of the Senate. Their strength comes from two primary sources. First, as presiding officers, they have the formal authority to keep order in their respective chambers, to recognize those wishing to address meetings of the entire chamber (i.e., to address the floor), and to direct the speed and order in which bills will be considered. Their second source of strength is centered around their abilities to control the actions and memberships of the *standing committees*, the bodies that handle most of the real work of legislation in each chamber of the Assembly. Both the Speaker and the President determine for their respective houses the committee to

which each bill will be referred for study and recommendation, and thus they can significantly shape how bills will be treated. Moreover, the Speaker and Senate President have the power to create subcommittees, name committee and subcommittee chairmen, and determine the assignment of newly elected legislators to committees. The Speaker also serves as an *ex officio* member of all House standing committees. It should be emphasized that, unlike the custom in Congress, state legislative committee chairmen hold their positions only as long as the presiding officers want them to; it is not at all unheard of for a chairman who has not been sufficiently cooperative with the presiding officer to be deposed from his chairmanship. Most chairpersons tend to be very attentive to the wishes of the Speaker or Senate President. It should be reiterated, however, that the powers of the Senate President have been affected by the fact that beginning in January 2003, the Senate was controlled by the Republican party while Senate President (the Lieutenant Governor) Mark Taylor was a Democrat. The Republican majority placed limits on the President's ability to lead the Senate, especially in the area of controlling committees. However, when Republican Casey Cagle was elected Lt. Governor, many of the powers were restored.

A few other individual state legislators are powerful by virtue of holding various positions. The House *Speaker Pro Tempore* (or *Pro Tem*) and the *Senate President Pro Tempore* are elected by their respective chambers to serve as presiding officers in the absence of the Speaker or lieutenant governor. The *Majority Leader* and *Minority Leader*, and their assistants called *Whips*, play important roles by speaking for their respective political parties, working to adopt party stands on bills, and encouraging their colleagues to support and vote the party line on major bills. Another important post is the *Administration Floor Leader* in each house; they are chosen by the governor to serve as his spokesmen and to manage the consideration of his legislative programs. Their close ties to the governor, and thus the governor's various resources, enable them to be powerful negotiators and bargainers.

Legislators who do not hold one of the preceding positions try to maximize their impact on state affairs by service on the various standing committees. Each legislator is assigned membership on three or four of these permanent committees, usually after having earnestly fought for membership on those handling subjects of great interest to her constituents. For example, a state representative from a farming area may seek membership on the House Agriculture and Consumer Affairs Committee.

It is only in the standing subject committees that any sort of detailed attention can be devoted to examining the hundreds of bills introduced each session. In truth, only a small proportion (perhaps one-third) of the bills introduced are studied and analyzed; most bills referred to committee are *pigeonholed* (or shelved) and never again see the light of day. Nearly all such bills are either basically flawed, and undeserving of serious attention, or are so controversial that compromise is impossible, at least in the short run. Sometimes bills are shelved in order to allow more time to pass so passions can die down or so public opinion becomes more clear. An important bill with a realistic chance of success will usually be carefully studied and shaped in the subject committee, then sent to the Rules Committee to be placed on the calendar for floor action, and finally sent to the floor along with the subject committee's recommendation of "do pass" or "do not pass." The floor, where the total membership of the chamber votes, usually accepts the committee's recommendation. If approved by the floor, then the bill must go through the same process in the other chamber. A further complication is that before a bill is approved by the General Assembly and sent on to the governor, it must first pass in both chambers with exactly the same wording. If the Senate and House versions are not identical, then a *Conference Committee* with both House and Senate membership is appointed by the presiding officers to negotiate a compromise.

Judging from newspaper and television coverage, the legislative process is the state's most popular spectator sport between the months of January and March when the General Assembly is in session. It is a complicated process, filled with roadblocks and delays, and requiring in the successful legislator substantial quantities of stamina, patience, and bargaining skills. But remember that a state legislator also must carry out both her representative and service functions, work which can take an enormous amount of time and which might call for totally different types of personal characteristics. A good legislator must not only be adept in the skills of making laws, but must also be talented in public relations and be willing to carry out the constituent services parts of the job. This combination of characteristics is quite rare, which is why good state -- or national -- legislators are so valuable, yet often also controversial. The public and news media often do not seem to understand the need for good politicians or the qualities necessary for an individual to be a good politician and legislator.

### **The Judiciary**

The third branch of Georgia's government is composed of approximately 1000 courts that are empowered to interpret and apply state law to resolve conflicts. The preceding sentence has two important points to it. First it refers to the basic function of the judiciary: to resolve conflicts by interpreting and applying the law. This is obviously a very important function. Judging by the astronomical increase in the last couple of decades in the number of court cases, this function is becoming even more important. Moreover, it is a function that is fundamentally political in nature. The courts, then, are political bodies that are involved in conflicts, engage in compromise, allocate values, and determine who gets what, when and how. In this regard, the courts are no different than the legislative and executive branches. What makes the judiciary different from the other branches is the procedures the courts use in policy-making. Courts are passive and must wait for problems to come to them; access to the courts is restricted to certain types of problems (*justiciable* cases) handled by people with certain specialized training (lawyers). Although the courts make great attempts to appear non-political, objective, and neutral, they still are involved in the settlement of major political questions such as: how public schools should be organized and financed; whether abortions will be allowed and paid for with public funds; and whether cities, counties, or the state itself have the lawful authority to undertake various programs. The judiciary also, of course, settles such questions as whether a certain individual should be found guilty of a particular crime (i.e., *criminal* cases) and whether one person's actions have damaged the interests of another (i.e., *civil* cases).

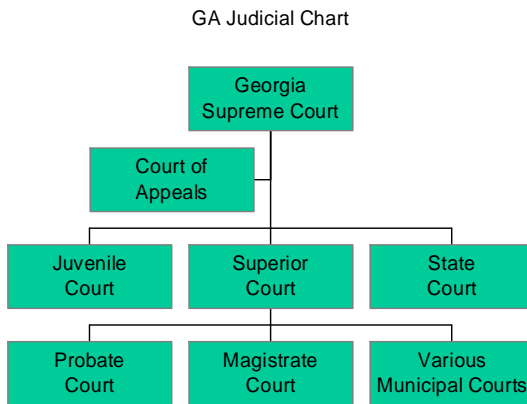
The second important point in the opening sentence is the reference to the number of courts in Georgia (approximately 1000), a high figure which places Georgia close to the top of the nation. Before the 1982 constitution, there were even more than twice as many courts. The new constitution abolished, consolidated, and re-named several different classes of courts. The objective was to bring order and clarity into the state's judicial system, in which confusion and duplication, and sometimes amateurism, had become embedded. There were so many courts, with seemingly uncertain and overlapping jurisdictions, that the average citizen would often have no idea what court was responsible for particular types of cases. And since legal professionals are expensive, many judicial positions at the local level were filled by "amateurs" (i.e., non-lawyers).

Under the 1982 constitution, there are now seven classes of courts in Georgia: the Supreme Court, the Court of Appeals, Superior Courts, State Courts, Juvenile Courts, Probate Courts, and Magistrate Courts. Except for the Probate court, each of the classes now has *uniform jurisdiction*. That is, courts of the same class throughout the state now hear the same

type of cases. In the past, a case that might be suitable for, a state court in one county would be excluded from a state court in another county. The Supreme Court is authorized to establish uniform rules of practice and procedure for each class so that the actual handling of cases -- kinds of evidence, permissible motions, requirements for decisions, and so on -- is standardized. Selection procedures have also been changed by the new constitution so that four of the classes of courts - Supreme, Appeals, Superior, and State--are now chosen in non-partisan elections, where candidates are not listed as Democrats or Republicans. The other three classes of courts continue to have partisan elections.

As the vast number of courts indicates, Georgia’s court system is a complex one. Probably the best way to categorize the courts is by their jurisdictions or the types of cases they consider. Courts can have *appellate* jurisdiction (i.e., hear cases which were previously tried by other courts), *general trial* jurisdiction (i.e., most criminal and civil cases), or *limited trial* jurisdiction (i.e., only specified cases). The chart shown in Figure 1 gives a better idea of the organization of Georgia’s judiciary.

**FIGURE 1: Georgia’s Court System\***



\*Note: Some cases appealed from the Superior, State and Juvenile courts go directly to the Supreme Court. Most, however, are sent first to the Court of Appeals

The appellate courts in Georgia are the Supreme Court, now composed of seven judges (the constitution allows, but does not require, nine judges), and the Court of Appeals, composed of nine judges. All sixteen appellate judges are chosen through statewide nonpartisan elections for six-year terms. The appellate courts hear cases previously decided by trial courts in which one of the parties in the dispute claims that errors or oversights had occurred. Usually an appeal is first sent to the court of Appeals and then goes to the Supreme

**TABLE 4 : GEORGIA SUPREME COURT JUSTICES**

Chief Justice Leah Ward Sears, Savannah (JD – Emory)  
 Presiding Justice Carol w. Hunstein, Dekalb County (JD - Stetson)  
 Justice Robert Benham, Cartersville (JD - UGA)  
 Justice George H. Carley, Decatur (JD - UGA)  
 Justice Hugh P. Thompson, Milledgeville (JD – Mercer)  
 Justice P. Harris Hines, Atlanta (JD - Emory)  
 Justice Harold Melton, Washington, D.C.; East Point (JD - UGA)

Court only if the contesting party is still dissatisfied with the outcome. A few cases-- those involving interpretation of the federal or state constitution or capital crimes (i.e., punishable by death) - go directly to the state Supreme Court after trial. The state

Supreme Court is the court of last resort for interpretation of the state constitution. The Supreme Court is also the appellate court for cases involving divorce and alimony and land ownership titles. The Supreme Court now has the authority to exercise some administrative supervision over the state's legal system. The high court can propose rules for lower courts, set standards of conduct for judges, set rules covering the removal or discipline of judges, and regulate the admission of attorneys to the State Bar (i.e., certify that an attorney can practice in the state of Georgia).

The primary trial courts in Georgia for criminal and civil cases are the Superior courts. The state is divided into 48 Superior court circuits, most of which cover several counties. Each circuit has at least one Superior court judge, and most have several (the Atlanta circuit has eighteen). The judges of a circuit will "travel the circuit," i.e., will hold court in each county of the circuit a specified number of days each month. The Superior courts have exclusive trial jurisdiction in cases involving felonies, divorces, and ownership of land, and they also serve as appellate courts for most of the lower courts. Currently, superior court judges are elected to four-year terms in non-partisan campaigns in their circuits. However, this system has been challenged in federal court as being racially discriminatory. The claim is that having all judges of the same circuit elected by the whole circuit gives disproportionate power to the racial majority; minorities will be out-voted in election after election. Some experts have called for changing to the "*Missouri Plan*," in which the governor would appoint the Superior court judge, and voters at the next election would then choose to retain or reject the judge with no opponents listed on the ballot. If rejected, the governor would appoint another judge who would go through the same process. Advocates of the Missouri Plan argue that governors are better evaluators of judicial qualifications than the general public and would be more likely to appoint a racially balanced judiciary.

Also elected in the Superior court circuit is a *District Attorney (DA)*, who serves as the state's representative (the prosecution) in criminal cases. The DA presents evidence of criminal conduct to a *Grand Jury* ("grand" means large, having 16 to 24 persons) which may issue *indictments*, or formal accusations. The DA will serve as prosecuting attorney in the Superior court trial--if in a fact a trial is held. Most criminal cases (over 93%) conclude in *plea bargaining*, before the trial is held, with the defendant pleading guilty to a crime of lesser magnitude, and lower penalty, than that with which he was first accused. Rather than arguing cases before a trial judge and a *petit jury* ("petit" means small, or 12 persons), the major job of the DA is actually to negotiate bargained pleas.

By far most courts in Georgia are those of limited trial jurisdiction, responsible only for narrow types of cases. In about half of Georgia's counties, State courts have been established to handle misdemeanor criminal cases and most civil cases. State court judges must be attorneys and are chosen in non-partisan elections for four-year terms. In some counties, separate Juvenile courts have been established to decide cases involving suspects who are less than 17 years old. The judges of the separate Juvenile courts are usually appointed by the Superior court judge in their county. They must be attorneys, and they serve four-year terms. In other counties, the Superior court judge also serves as the Juvenile court judge.

Every county in Georgia must have a Probate court, which is given a grab-bag of functions. The duties of Probate court judges include handling wills and estates of deceased persons, disposing of some traffic violations, issuing marriage licenses, supervising elections, and committing people to mental hospitals. Probate judges are elected to four-year terms and, except in counties with populations over 100,000, are not required to be lawyers.

One of the major changes brought about by the 1982 constitution was the consolidation of hundreds of small local courts, especially the old justices of the peace and

small claims courts, into a new class of court. Now each county has one Magistrate court, with a chief magistrate and additional magistrates if needed. Magistrates hear cases involving minor civil disputes and county ordinances. They also have other duties such as issuing search and arrest warrants, peace bonds, and summonses. In most counties, the chief magistrate is elected to a four-year term, and other magistrates can be appointed by the chief magistrate subject to Superior court judge approval.

In addition to the seven classes of state courts (also known as *constitutional courts*), most of Georgia's cities have their own courts, known by various names, such as mayor's, recorder's, or police courts. Such courts, commonly referred to as municipal courts, were left untouched by the 1982 constitution.

Georgia's court system has been roundly criticized in the past for its complexity and confusion. The framers of the 1982 constitution sought to correct many of the problems. The judicial system in Georgia is still complex, but the new organizational classification, the new uniformity of jurisdiction, and the enhanced ability of the Supreme Court to provide administrative oversight, are all genuine attempts to improve the quality of justice in Georgia.

### **Local Government**

A state is a large place with many people living in different environments. In order to adjust government programs and services to the diverse conditions, the state has provided for the establishment and operation of local general governments, such as counties and cities, and special governments, such as school districts and special districts. All local governments are "creatures of the state," meaning the state government creates them, retains sovereignty over them, and can change or abolish them. According to the legal doctrine known as *Dillon's Rule*, local governments can only perform those duties explicitly delegated to them by the states.

Georgia has 159 counties, more than any other state except Texas. These counties are administrative subdivisions of the state, created to provide services the state wants to be implemented locally. Traditionally, counties have provided only a few basic public services, such as law enforcement, road maintenance, and property transaction record maintenance. Some elected County Commissioners are still referred to as Road Commissioners. In recent years, however, many counties have greatly expanded their public services into fields such as recreation, sanitation, and economic development. The primary governing body of a Georgia county is the Board of Commissioners, usually composed of three or five elected members who jointly possess both executive and legislative (including fiscal) powers. Officials such as the tax commissioner, coroner, sheriff, and various judges are also usually elected and share powers with the commissioners. However, most of the budgetary powers reside with the elected board of commissioners. The structure of county government is now changing greatly in many parts of Georgia. The election of a county chief executive (along with commissioners) and the consolidation of governmental functions with cities are among the more common reforms.

Municipalities – cities have been established in areas of high population concentrations. Having a lot of people in a small land area creates needs for public services including - more intense law enforcement, fire protection, sanitation, animal control, street lights, etc. Traditional county governments were unable or unwilling to provide these services. To handle these greater service needs, states have granted *charters* (a type of contract or constitution) to municipal corporations, thus creating a city government and defining its powers and structures. Most Georgia cities have some variation of the mayor-council form of government, with the legislative power being placed in the council (commonly with five to nine elected members) and the executive power in an elected mayor.

A growing number of cities use the council-manager form which places administrative powers in the hands of a professional city manager hired by the council.<sup>9</sup>

In Georgia, as in most other states, cities are still part of the county within which they are located, but because of their charter, cities are able to provide additional services and raise their own revenues. As noted above, counties are now expanding their services and, in fact, becoming more like traditional cities. As a result in many areas of Georgia there is substantial talk about the need for city-county cooperation or even consolidation. The city of Columbus and Muscogee County consolidated into one common government in 1971. In 1990 the city of Athens and Clarke County approved a similar merger, and Augusta and Richmond County followed suit in 1995. In other parts of Georgia, consolidation proposals have been voted down.

The largest form of local government, at least in expenditures, is the school district. Every county in Georgia (and a few cities) has a public school system run by an elected school board that appoints a professional superintendent. There is variation from place to place, but the general rule is for school systems to be nearly totally independent of other local governing bodies. The school board has the power to raise revenue by levying property taxes and to make policy on the operation of the public schools, within state guidelines.

The last form of local government is the peculiar animal known as the special district, which is a government formed by other governments, especially cities and counties, to carry out a specific service. The Metropolitan Atlanta Rapid Transit Authority (MARTA) is probably the best-known example of a special district in Georgia. It was formed by joint action of the state, the counties of Fulton and DeKalb, and the city of Atlanta, to operate a mass transit system of buses and monorail trains in the Atlanta area. Its board of directors can set its own fares and policies and is not subject to the orders of any of the local governments involved. There are several hundred special districts in Georgia, established to carry out single services such as water, sewer, recreation, and transportation. They vary substantially in structure and degree of independence.

State and local government has a major impact on every Georgian's lifestyle, prosperity, and general welfare. In the end, blissful ignorance or apathy about the government of the state is as unwise as being ignorant of how to maintain the car you drive--and with far more profound consequences. As political scientists have noted, the U.S. Constitution states that no state government can deprive any person in its jurisdiction of life, liberty, or property without due process of law. However, that clause also means that *with* due process (i.e., proper procedures) the state *can* deprive you of your life, liberty, or property.<sup>10</sup> You owe it to yourself to know something about the basics of your state government.

### **Changing Georgia and Changing Politics in the 21<sup>st</sup> Century**

One of the few constants about Georgia government in its 250 year history is its ability to adapt to the times. As discussed in the preceding pages, Georgia has grown and changed quite a bit in recent years. Most of Georgia's recent population growth has come in the suburban counties surrounding Atlanta. These counties are sometimes called the "donut" because they ring the city of Atlanta, which would be the donut hole. The most rapid population growth in Georgia has occurred in suburban Atlanta counties. These suburban counties were among the fastest growing counties in the United States. Recent U.S. Census figures show that several counties (Forsyth, Henry, and Newton) were among the ten fastest growing counties in the nation. All of these counties were in the Atlanta "donut" and in the northern part of the state (or north of the Fall Line that divides North Georgia from South Georgia). People moving out of the city center to build new homes in areas where the schools are perceived to be better and property is plentiful and relatively inexpensive have fueled

some of the growth in these counties. This has led to issues such as water and transportation becoming increasingly more important for policymakers to tackle. Rapid growth in the suburban areas of Georgia is one of the reasons for recent successes by Republican candidates running for office. However, population shifts in the state are not just due to internal changes. Georgia has experienced an influx of people moving in from other states and even other countries. In fact, Georgia led the nation in gaining Latino population between 1990 and 2000.

But in terms of politics, the most dynamic change in Georgia has been in partisanship. The state had been a bastion of the Democratic Party for most of the 20<sup>th</sup> century, but shortly after the dawn of the 21st Century we find the Republicans in control of the governorship and both houses of the General Assembly (see Table 3). This swing to the GOP has been evidenced in other areas of politics such as the Presidential elections of 1996, 2000, and 2004. For example, the counties carried by Democrat John Kerry in 2004 represent one of the weakest showings by a Democratic presidential candidate in the Georgia's history. Kerry won the urban centers and a remnant of the state's rural southern counties but did not win in any of the fast growing suburban areas of the state. This trend is also evidenced in Georgia's participation in U.S. Congressional politics. In the 2002 race for the U.S. Senate, Republican U.S. Representative Saxby Chambliss defeated the incumbent Democratic Senator, Max Cleland. In 2004, Republican U.S. Representative Johnny Isakson won an open race to replace outgoing Democratic Senator Zell Miller. Isakson became the fourth Georgia Republican to be elected to the U.S. Senate in modern times. He follows Mack Mattingly who was elected in 1980; Paul Coverdell, elected 1992 and reelected in 1998; and Chambliss. In January 2005, for the first time in Georgia history, two Republicans in the U.S. Senate represented the state. In terms of the U.S. House of Representatives, Georgia's 13 member delegation is also majority Republican with seven Republicans and six Democrats. In the state legislature, a Republican holds the office of Lt. Governor for the first time ever.

Altogether, Georgia has changed much in its history. Officials have reacted to policy problems by updating laws, institution administration, and financial management. There will be new challenges and changes in the next 20 years and these will require new laws and modifications to the ways government operates. The impact of the rapidly growing Latino population will also influence Georgia's politics and its culture. With the rapidly expanding "donut" around Atlanta, suburban voters will soon outnumber those in city centers and rural areas combined. The politics of growth mean that issues like transportation, water, and land management will gain increasing prominence in political campaigns and policy making. Traditional interests such as agriculture and education will have to compete for resources, where in earlier times they dominated the political landscape. This comes at a time when the reins of government of Georgia have been placed in the hands of a new political leadership leaving us with more questions than answers about the future. How will Latinos line up in the state's competitive partisan environment? Will suburban Georgians begin to move back into the city centers as commutes become longer? Will we see more women and African-Americans taking leadership roles in the state's politics? How long will the Republicans remain the majority party? These questions will make for interesting politics and adjustments in the government of Georgia in the coming years.

## GEORGIA QUICK FACTS<sup>11</sup>

- With an area of 57,919 square miles, Georgia is the 21<sup>st</sup> largest state and the largest state east of the Mississippi River.
- Georgia has the second largest number of counties among U.S. states, with 159. Only Texas, with 254, has more. Florida has 67 counties and North Carolina has 100.
- According to the latest census estimates, Georgia had a population of 9,363,000 in 2006, pushing past New Jersey to become the 9<sup>th</sup> most populated state. Of the southern states, only Texas (2<sup>nd</sup> largest) and Florida (4<sup>th</sup>) have larger populations. Georgia added almost 850,000 residents between 2000 and 2005, giving the state a growth rate (10.8%) nearly twice the national rate (5.3%) and the second highest growth rate in the east.
- Approximately 69% of Georgia's population lives in what the Census Bureau calls metropolitan areas, defined as a central city and surrounding suburbs. This percentage is below the national average of 83%, and is about the same as the percentages in Alabama, South Carolina, and Tennessee. In Florida, 93% of the population lives in metropolitan areas.
- Metropolitan Atlanta, with an estimated population of 4.5 million, is the 9<sup>th</sup> largest metropolitan area in the U.S. and is one of the nations fastest growing large metropolitan areas. Most of Georgia's other metropolitan areas – including Macon, August, Savannah, Columbus, Albany, Athens, and Valdosta – have grown less rapidly than the national average.
- Approximately 29% of Georgia's population is African-American. This compares with a national figure of about 12%. Only South Carolina, Louisiana, and Mississippi have larger percentages of African-Americans. Approximately 2.5 million Georgians are African-American. Only Florida, Texas, California, and New York have larger numbers of black citizens.
- Georgia's fastest growing population segment is Hispanic or Latino. More than 540,000 Georgians are of Hispanic origin, making this group over 6% of the state's population, double its percentage in 1990. The Latino population in Georgia grew faster between 1990 and 2000 than in any other state in the nation.
- Georgia has a higher percentage of young persons (26.4%) than the national average (25.1%).
- Georgia has a lower percentage of the population aged 65 and over (9.5%) than the national average (12.4%) and than all but two states.
- At \$41,140, the median household income in Georgia in 2005 was slightly below the national average and higher than that of all other southeastern states - except Virginia.

- Only about one-third of Georgia's voting age population votes in presidential, gubernatorial, and congressional elections, placing Georgia among the lowest voter turnout rates in the nation. In 2004 roughly 3.2 million Georgians voted. Wisconsin, with 3 million fewer citizens than Georgia, cast 2.9 million votes.

Physical Characteristics

- |                                  |                            |
|----------------------------------|----------------------------|
| - Highest Point                  | Brasstown Bald, 4,784 feet |
| - Lowest Point                   | Sea Level                  |
| - Density Per Square Mile (2002) | 148                        |
| - Land Under Public Ownership    | 4,982 Square Miles (9%)    |
| - Average Length                 | 320 miles                  |
| - Greatest Width                 | 260 miles                  |

## TERMS:

bicameral legislature

charter

constitutionalism

home rule

chief executive roles

- chief or head of state
- chief executive (implement policy)
- chief legislator
- chief administrator or head of bureaucracy
- commander in chief
- party leader

city manager

committees

- Standing
- Special
- Conference

Constitutional courts

council-manager plan

dillon's rule

district attorney (DA)

felony

fiscal year (FY)

general amendments

general property tax

grand jury

impeachment

indictment

initiative

item veto

judicial review

legislative oversight

legislative veto

lottery

management by exception

mayor-council charter

misdemeanor

Missouri Plan

Office of Planning & Budget (OPB)

original jurisdiction

petit jury

pigeonholed

plea bargain

policymaking boards

public defender system

special amendments

statutory law

strong mayor council

two-party state

unicameral legislature

veto

veto override

weak mayor council

## References

1. Jean Jacques Rousseau, *The Social Contract and Discourses*, Trans. G.D.H. Cole (New York: Dutton, 1950), p. 5.
2. James Madison. *Federalist No. 51*. 1788.
3. O.C.G.A. 20-3-68. Instruction in essentials of United States and Georgia history and Constitutions. <http://w3.lexis-nexis.com/hottopics/gacode/Default.asp>. Ms. Sara Johnson, GCSU - SGA President (2005-2006) stated that she learned while serving as a Georgia General Assembly intern that the “reasoning behind the requirement for both the Georgia government exam came as a request from the Board of Regents in 1975. The legislation was in reaction to how little some graduating college students from Georgia knew about their government and how laws are made. This understanding is essential to responsible citizenship and being more politically active.”
4. From Citizenship Exams offered to Politics & Society students at Georgia College & State University. Information for exams compiled from information provided by the U. S. Immigration Service, [www.ins.gov](http://www.ins.gov).
5. Voting participation sources include U.S. Federal Election Commission, [www.fec.gov](http://www.fec.gov); Center for the Study of the American Electorate, [www.spa.american.edu](http://www.spa.american.edu); John D. Pelissero, ed. *Cities, Politics, and Policy: A Comparative Analysis*. (Washington, D.C.: CQ Press, 2003).
6. Frank Luntz. *Words That Work: It's Not What you Say Its What People Hear*. Hyperion Books, 2007.
7. “States creatures” expressed in Dillon’s rule first written in the case of *City of Clinton v. Cedar Rapids and Missouri Railroad Co.* (1868).
8. U.S. Supreme Court ruled, in a 6 to 3 decision, that Congress had improperly ceded to the president the power to rewrite legislation when it approved the Line Item Veto Act of 1996. *Clinton v. City of New York*, 141 L. Ed 2<sup>nd</sup> 393 (1998).
9. For information on city managers visit [www.icma.org](http://www.icma.org).
10. A recent court ruling affirmed the right of state and local governments to seize private land for commercial development (*Kelo v. New London*, 2005). Others of interest include: *Palko v. Connecticut*, 302 U.S. 319 (1937); *Adarand Constructors, Inc. v. Pena*, 518 U.S. (1995); *Texas v. Hopwood*, 78 F. ed 932 (1996); and states regulation of Native- American tribes read Charles Wilkinson, *American Indians, Times, and the Law*. (Yale University Press, 1987).
11. Information for Georgia Quick Facts from several sources including The Census Department, Georgia Revenue Department, and Georgia At A Glance booklet. Also see: [www.census.gov/hhes/www/income/income05/statemhi2.htm](http://www.census.gov/hhes/www/income/income05/statemhi2.htm)

Internet Resources:

[www.georgia.gov](http://www.georgia.gov). Online access to Georgia Government

[www.governing.com](http://www.governing.com). Governing magazine website

[www.gmanet.com](http://www.gmanet.com). Georgia Municipal Association

[www.gccma.com](http://www.gccma.com). Georgia City/County Management Association

[www.columbusga.org](http://www.columbusga.org). Columbus Georgia Consolidated Government

[www.naco.org](http://www.naco.org). National Association of Counties

[www.accg.org](http://www.accg.org). Association of County Commissioners of Georgia

[www.nlc.org](http://www.nlc.org). National League of Cities

[www.natat.org](http://www.natat.org). National Association of Towns and Townships

[www.nsba.org](http://www.nsba.org). National School boards Association

[www.nacdnet.org](http://www.nacdnet.org). National Association of Conservation Districts

[www.athensclarkecounty.com](http://www.athensclarkecounty.com). The Unified Government of Athens-Clarke County

[www.panynj.gov](http://www.panynj.gov). Port Authority of New York and New Jersey

[www.fbi.gov](http://www.fbi.gov). Federal Bureau of Investigation

[www.ojp.usdoj.gov/nij/welcome.html](http://www.ojp.usdoj.gov/nij/welcome.html). The National Institutes of Justice is the research, development, and evaluation agency of the U.S. Department of Justice. The agency researches crime control and justice issues, particularly at the state and local levels.