HOW DOES OUR GOVERNMENT WORK?

An overview of the structure of the United States government and a brief history of voting rights.

ALEX **PADILLA**
California Secretary of State

CALIFORNIA
STUDENTS VOTE PROJECT

THE THREE BRANCHES OF GOV'T

EXECUTIVE (FEDERAL)

This executive branch is made up of the President, Vice President, Cabinet, and most federal agencies. The executive branch is responsible for carrying out and implementing laws.

LEGISLATIVE

The legislative branch is made up of 535 Congress members. Congress is split into 100 members of the Senate and 435 members of the House of Representatives. Congress makes all laws, declares war, regulates interstate and foreign commerce and controls taxing and spending policies.

JUDICIAL

The judicial branch evaluates the laws. This branch decides if a federal law is in accordance to the constitution and resolves other federal disputes.

The Supreme Court is the highest court in the United States and consists of a total of nine justices, which include the Chief Justice of the United States and eight Associate Justices. The power to nominate Supreme Court Justices is vested in the President of the United States, and appointments are confirmed by the Senate.

The next Justice to be nominated to the Supreme Court will fill the vacancy of Justice Ruth Bader Ginsburg who passed away on September 18, 2020. Justice Ginsburg advocated for women's rights and gender equality.

EXECUTIVE (LOCAL)

There are two types of mayors - strong mayors and weak mayors.

Strong mayors are directly elected by the people.

- Some of the strong mayor's responsibilities are to preside over council meetings, veto or sign ordinances passed by the council, and act as the budgetary officer of the city.

Weak mayors are elected by the city council.

- Some of the weak mayor's responsibilities are primarily to preside over council meetings and to act as head of the city for ceremonial purposes.

LEGISLATIVE

The city council is made up of elected council members. The city council manages budgets, oversees the effectiveness of programs, regulates land use through zoning laws, and oversees public health and safety.

JUDICIAL

The majority of cases in the California courts begin in one of the 58 superior, or trial, courts, which reside in each of the state's 58 counties. These courts hear both civil and criminal cases as well as family, probate, mental health, juvenile, and traffic cases.

EXECUTIVE (STATE)

The state executive branch is made up of constitutional officers, such as the Governor, Lieutenant Governor and the Secretary of State, and state agencies. The executive branch is responsible for carrying out and implementing the laws of California.

LEGISLATIVE

The state legislative body is made up of two branches, the 80 members of the State Assembly and the 40 members of the Senate. The Legislature will propose, analyze, and debate over 6,000 bills in a single two-year session.

JUDICIAL

The state judicial branch is made up of California's court system. The courts serve as a check against legislative and executive powers by making sure those branches do not create laws that are in conflict with the state constitution. The judicial branch is also responsible for seeing that laws are justly and equitably applied in all matters brought before the courts.

THE ELECTORAL COLLEGE

The Electoral College can be comprised of state elected officials, state party leaders, or people in the state who are affiliated with their presidential candidate's party.

Choosing electors is a two-part process. In California, the state's political parties nominate the electors. When you cast your ballot, depending on which presidential candidate you choose, you are also choosing the presidential candidate's electors. The amount of electors is decided by Census data and is the same number of the state's members of Congress (House and Senate). In California, there are currently 55 electors.

The Electoral College are the only ones who can vote for the president of the United States. When you cast your ballot during the Presidential General Election, you are not voting for the president; rather, you are telling your electors which presidential candidate should be the next president of the United States.

- A presidential candidate must have at least 270 electoral votes out of the possible 538 to win.
- The U.S. Constitution does not require the electors to follow the state's popular vote. The popular vote is the number of ballots cast by voters during an election.

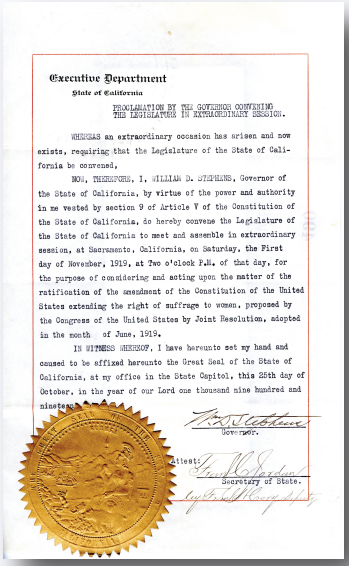
QUICK FACT: In U.S. history, there have been five presidents that lost the popular vote, but received the majority of the electoral votes. These presidents are: John Quincy Adams (1824), Rutherford B. Hayes (1876), Benjamin Harrison (1888), George W. Bush (2000), and Donald Trump (2016).

VOTING RIGHTS TIMELINE

14TH AMENDMENT IS RATIFIED (1868)

In 1868, the 14th Amendment is ratified and grants former slaves citizenship. Voters are defined as male and voting requirements are still left up to the states.

19TH AMENDMENT IS RATIFIED (1920)



Executive Department
State of California

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

WHEREAS an extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened,

NOW, THEREFORE, I, WILLIAM D. STEPHENS, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Saturday, the First day of November, 1919, at Two o'clock P.M. of that day, for the purpose of considering and acting upon the matter of the ratification of the amendment of the Constitution of the United States extending the right of suffrage to women, proposed by the Congress of the United States by Joint Resolution, adopted in the month of June, 1919.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California, at my office in the State Capitol, this 25th day of October, in the year of our Lord one thousand nine hundred and ninety-

Governor.

Attest:

Secretary of State.

In 1920, the 19th Amendment is ratified. It reads "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

This granted women the right to vote, but this right was not guaranteed to all women, as women of color remained disenfranchised.

Governor Stephen's Proclamation concerning California's ratification of the 19th Amendment, 1919, Governor's Office Records, California State Archives

CIVIL RIGHTS ACT OF (1957)

The Civil Rights Act of 1957 authorizes the U.S. Attorney General to file lawsuits on behalf of African Americans denied the right to vote.

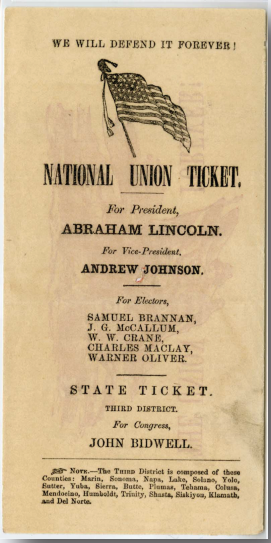
(1788) U.S. CONSTITUTION IS RATIFIED

In 1788, the United States Constitution is ratified, leaving voting rights to state jurisdiction. At the time of the first Presidential Election in 1789, only 6% of the population were eligible to vote. In most cases, the voting requirements consisted of being a white male landowner.

(1870) 15TH AMENDMENT IS RATIFIED

In 1870, the 15th Amendment is ratified. It reads "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."

Although the 15th Amendment granted all men the right to vote, many states adopted Jim Crow laws to disenfranchise former slaves by including literacy tests, poll taxes, and the "grandfather clause," which states you are not able to vote unless your grandfather had voted.



WE WILL DEFEND IT FOREVER!

NATIONAL UNION TICKET.

For President,
ABRAHAM LINCOLN.

For Vice-President,
ANDREW JOHNSON.

For Electors,
SAMUEL BRANNAN,
J. G. McCALLUM,
W. W. CHANE,
CHARLES MACLAY,
WARNER OLIVER.

STATE TICKET.

THIRD DISTRICT.

For Congress,
JOHN BIDWELL.

☞ NOTE.—The THIRD District is composed of these Counties: Marin, Sonoma, Napa, Lake, Solano, Yolo, Sutter, Yuba, Sierra, Butte, Plumas, Tehama, Colusa, Mendocino, Humboldt, Trinity, Shasta, Siskiyou, Klamath, and Del Norte.

National Union Ticket, General Election 1864, Elections Papers, Secretary of State Records, California State Archives

(1952) McCARRAN-WALTER ACT

In 1952, the McCarran-Walter Immigration and Naturalization Act revokes the Asian Exclusion Act of 1924, allowing for Asian immigrants to become naturalized American citizens and also allowing them to vote.

(1958) VOTING RIGHTS FOR NATIVE AMERICANS

The Snyder Act of 1924 granted Native Americans United States citizenship, but during this time voting rights were still decided at the state level. It was not until 1958 that Native Americans were granted the right to vote in all states. Voter suppressions tactics remained.

VOTING RIGHTS TIMELINE *(CONT'D)*

SELMA TO MONTGOMERY MARCH (1965)

In 1965, Dr. Martin Luther King Jr. and former United States Representative John Lewis, along with other peaceful civil rights advocates, were violently attacked by Alabama state police in what became known as "Bloody Sunday."

Shortly thereafter, Congress passed the Voting Rights Act of 1965. The Voting Rights Act increased the number of people registered to vote in areas where records of discrimination existed. This Act shifted the power to register voters from state and local levels to the federal level.

NATIONAL VOTER REGISTRATION ACT (1993)

In 1993, the National Voter Registration Act requires state to permit mail-in registration, and to make registration services available at Department of Motor Vehicles, unemployment offices, and other state agencies.

STUDENT CIVIC AND VOTER EMPOWERMENT ACT (2019)

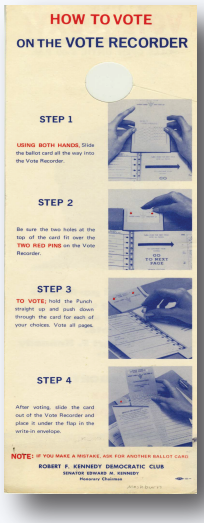
In 2019, the California Students Vote Project (CSVP) was codified into state law with the passage of AB 963. The Student Civic and Voter Empowerment Act allows the Secretary of State to continue the mission of engaging students in the democratic process.

(1971) 26TH AMENDMENT IS RATIFIED

In 1971, the youth voting rights movement argued that if one is old enough to fight in the Vietnam War, then one is old enough to vote. This movement helped to push for the successful ratification of the 26th Amendment, lowering the voting age from at least twenty-one years of age, to at least eighteen years of age.

(2002) HELP AMERICA VOTE ACT

In 2002, the Help America Vote Act (HAVA) was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 General Election.


HOW TO VOTE
ON THE VOTE RECORDER

STEP 1

USING BOTH HANDS, Slide the ballot card all the way into the Vote Recorder.

STEP 2

Be sure the two holes at the top of the card fit over the TWO RED PINS on the Vote Recorder.

STEP 3

TO VOTE: hold the Punch straight up and push down through the card for each of your choices. Vote all pages.

STEP 4

After voting, slide the card out of the Vote Recorder and place it under the flap in the write-in envelope.

NOTE: IF YOU MAKE A MISTAKE, ASK FOR ANOTHER BALLOT CARD

ROBERT F. KENNEDY DEMOCRATIC CLUB
SENATOR EDWARD M. KENNEDY
Honorary Chairman

"How to Vote on the Vote Recorder," doorhanger produced by the Robert F. Kennedy Democratic Club, 1968, Bill Mashburn Political Ephemera Collection, California State Archives

(2020) HISTORICAL VOTER REGISTRATION RATES

In September 2020, the Secretary of State released an updated statewide Report of Registration, showing over 21 million registered voters ahead of the November 3, 2020, General Election.

As of September 4, 2020, 84.68% of eligible voters were registered to vote, the highest percentage heading into a General Election in the past 68 years.

YOUR VOTE IS POWERFUL

EDUCATION

Learn about how the education system has been affected by the judicial, legislative, and executive branches in state government and how voting has left an impact in the California education system.

JUDICIAL BRANCH (STATE)

In the **1970s**, in ***Serrano v. Priest I & II***, the California Supreme Court held that education is a fundamental right and wealth is a suspect class under the state constitution's equal protection clause. California's property-tax-based school funding system was found unconstitutional because it made the quality of a child's education a function of community wealth. The Court ordered the Legislature to equalize funding among school districts. In ***Serrano III***, the Court found the revised funding system satisfied equal protection requirements.

JUDICIAL

LEGISLATIVE BRANCH (STATE)

The California Legislature passed the Organic Act, the charter that established the University of California. On **March 23, 1868**, then Governor, Henry Haight, signed the Act into law.

In **1961**, as a result of the Donahoe Higher Education Act of 1960, the "California State Colleges" (CSC) was established as a system with a Board of Trustees and a Chancellor. The Act assigned different functions to the University of California, the California State Colleges, and the California Community Colleges.

In **2019**, AB 963 codified the Students Vote Project into state law. The Student Civic and Voter Empowerment Act allows the Secretary of State to continue the mission of engaging students in the democratic process by providing funding to staff the project, in addition to providing funding for community colleges to hire Civic Voter Empowerment Coordinators.

LEGISLATIVE

EXECUTIVE BRANCH (STATE)

In **March 2020**, Governor Gavin Newsom signed an Executive Order that ensures state funding for schools even in the event of a physical closure due to the COVID-19 crisis. The Order mandates that school districts use dollars to fund distance learning and high quality educational opportunities, safely provide school meals, and arrange for the supervision of students during school hours. It also requires state agencies to strategically bridge the digital divide to address equity challenges around internet connectivity, ensure students with disabilities receive specialized education, and safely provide meals. Lastly, the Order urges employers to provide flexibility during the COVID-19 crisis.

EXECUTIVE

RECENT PROPOSITIONS (STATE)

On **November 8, 2016**, voters approved Proposition 58, which continued to require that public schools ensure students obtain English language proficiency. Proposition 58 required school districts to solicit parent and community input in developing language acquisition programs. It also required instruction to ensure English acquisition as rapidly and effectively as possible. Lastly, it authorized school districts to establish dual-language immersion programs for both native and non-native English speakers.

On **March 3, 2020**, voters rejected Proposition 13, which would have authorized $15 billion in bonds for school and college facilities in California, including $9 billion for pre-school and K-12 schools, $4 billion for universities, and $2 billion for community colleges.