

Power Has Limits

How state branches divide power and limit one another

CE.3.e “explaining the principle of separation of powers and the operation of checks and balances at the state level.”

NAME _____

DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the sentence that tells why power is divided. Circle only the three bolded actions in paragraph 2, then number them 1, 2, and 3.

Three Branches, Shared Limits

- ① State governments use separation of powers to divide major jobs among three branches. The legislative branch, usually called the General Assembly or legislature, writes and passes laws. The executive branch, led by the governor, carries out laws and manages state agencies. The judicial branch, made up of state courts, decides cases and interprets state laws. Because these branches have separate duties, no one branch is supposed to control all of the state government's power. The exact names and details can vary by state.
- ② Checks and balances give each branch ways to limit another branch when needed. For example, after the legislature passes a bill, the governor may **veto the bill**. The legislature can respond by **overriding the veto with the required vote**, if the state constitution allows that process. Courts may **declare a state law unconstitutional** when it conflicts with the state or United States Constitution. These listed actions are checks because each one prevents a different branch's decision from becoming final without limits.
- ③ Consider a proposed state law requiring public schools to use a new attendance system. The legislature debates and passes the bill. The governor believes the plan costs too much and vetoes it. If enough legislators support the bill, they may vote to override the veto under their state's rules. Later, a group challenges the law in state court, claiming it violates the state constitution. The court can review the claim and may declare the law unconstitutional. Each step shows separate powers and possible checks.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 What is separation of powers? Name the three state branches and one main job of each.

2 Which branch performs each of the three bolded check actions in paragraph 2?

3 How does declaring a state law unconstitutional check the power of another branch?

4 In the attendance-system example, what may happen after the governor vetoes the bill? What may the court do later?

3 YOUR TURN _____ Your own words

Invent a state bill about a community issue. In 3 or 4 sentences, explain the legislature's role, the governor's role, and two possible checks on the bill or law.

PART 1 • READ AND MARK

Underline the sentence that tells why power is divided. Circle only the three bolded actions in paragraph 2, then number them 1, 2, and 3. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	What is separation of powers? Name the three state branches and one main job of each.	Separation of powers divides major state jobs among the legislative, executive, and judicial branches. The legislature passes laws, the executive carries out laws, and courts decide cases and interpret laws.
2	Which branch performs each of the three bolded check actions in paragraph 2?	The executive branch, led by the governor, vetoes a bill. The legislative branch overrides a veto. The judicial branch, or state courts, may declare a law unconstitutional.
3	How does declaring a state law unconstitutional check the power of another branch?	A court can prevent a law passed by the legislature from being final or enforced when the law conflicts with a constitution.
4	In the attendance-system example, what may happen after the governor vetoes the bill? What may the court do later?	Legislators may vote to override the veto if enough support the bill under their state's rules. Later, a state court may review a constitutional challenge and may declare the law unconstitutional.

PART 3 • YOUR TURN (SAMPLE ANSWER)

A legislature passes a bill that sets rules for water use during a drought. The governor vetoes the bill because the rules may harm small farms, but legislators could override the veto with the required vote. If the law takes effect, a state court could review it if someone claims it violates the state constitution.

Accept equivalent descriptions of the three branches and their powers. For the open response, accept any realistic bill that correctly explains separate branch roles and two valid checks, such as a veto, veto override, or court review for constitutionality.