

Chapter 1 : Citizen legislature - Wikipedia

Citizens as Legislators examines direct democracy in America at the end of the twentieth century to see if it has lived up to these expectations. The twelve contributors to this volume use the American experience with direct democracy to investigate some fundamental questions of politics: Can modern democracy have direct citizen participation.

Brian Weberg It seems like an easy question: Which legislatures are full-time and which ones are part-time? State legislators also spend large amounts of time assisting constituents, studying state issues during the interim and campaigning for election. These activities go on throughout the year. Any assessment of the time requirements of the job should include all of these elements of legislative life. Beyond that point, NCSL prefers to look more broadly at the capacity of legislatures to function as independent branches of government, capable of balancing the power of the executive branch and having the information necessary to make independent, informed policy decisions. NCSL has grouped the 50 state legislatures into three major categories: Green Legislatures Full-time, well-paid, large staff Green legislatures require the most time of legislators, usually 80 percent or more of a full-time job. They have large staffs. In most Green states, legislators are paid enough to make a living without requiring outside income. Because there are marked differences within the category, we have subdivided the Green states. Those in Green generally spend more time on the job because their sessions are longer and their districts larger than those in Green Lite. As a result, they tend to have more staff and are compensated at a higher rate. Within subcategories, states are listed alphabetically. Gray Legislatures Hybrid Legislatures in the Gray category are hybrids. Legislatures in these states typically say that they spend more than two-thirds of a full time job being legislators. Legislatures in the Gray category have intermediate sized staff. States in the middle of the population range tend to have Gray legislatures. The compensation they receive for this work is quite low and requires them to have other sources of income in order to make a living. The Gold states have relatively small staffs. They are often called traditional or citizen legislatures and they are most often found in the smallest population, more rural states. Again, NCSL has divided these states into two groups. The legislatures in Gold are the most traditional or citizen legislatures. The legislatures in Gold Lite are slightly less traditional. States are listed alphabetically within subcategories. Green, Gray and Gold Legislatures.

Chapter 2 : Citizens Legislative Procedures Act –“ The National Citizens Initiative for Democracy

Early in the twentieth century, many American states began experimenting with direct democracy. Direct democracy-primarily the initiative device-allows groups to place directly before voters laws affecting taxation, spending, term limits, school choice, gay rights, immigration, and numerous other state issues.

This act shall be known and may be cited as the Citizens Legislative Procedures Act. We, the People of the United States, inherently possess the sovereign authority and power to govern ourselves. We asserted this power in our Declaration of Independence and in the ratification of our Constitution. We, the People, choose to participate as lawmakers in all government jurisdictions. The essential elements of the initiative process include, but are not limited to, the following: Only citizens of the United States who are natural persons registered to vote may introduce and sponsor an initiative. The Sponsor shall be identified on the initiative, on any petition, and on any qualifying poll. An initiative shall comprise a Title, a Summary, a Preamble that states the subject and purposes for the initiative, and the complete text of the initiative. An initiative shall pertain to matters of public policy relevant to the government jurisdiction to which it is applicable. The Sponsor shall determine the initial wording of the initiative. The Title and Summary shall be subject to the approval of the Trust. An initiative shall address only one subject but may include related or mutually dependent parts. An initiative shall contain no more than five thousand words, exclusive of the Title, Preamble, Summary, references, definitions and language that quotes existing law. Following approval of the Title and Summary by the Trust, an initiative may qualify for election in the relevant government jurisdiction by any one of the following methods: An initiative shall qualify for election if it is the subject of a petition signed manually or electronically by a number of registered voters, to be specified by the Trust, within the relevant government jurisdiction. The time period allotted to gather qualifying petition signatures shall be at least one year and not more than two years, beginning on the date the first signature is collected. Public Opinion Poll of Citizens. An initiative shall qualify for election when the subject matter described in the title and summary is approved by a majority of respondents in a public opinion poll. To qualify by this method, the polling plan including the number of respondents, the methodology and the entity that will conduct the poll, shall be approved by the Trust. An initiative shall qualify for election, if a resolution, the wording of which is identical to the initiative as submitted by its sponsors is passed by a simple majority in the legislative body of the relevant government jurisdiction. Communications Once an initiative is qualified, the title, summary, preamble, text and the identity of its sponsors shall be published on an Internet website and in various mediums of communication. After an initiative qualifies for election, the Trust shall appoint a Hearing Officer to conduct a public hearing. Testimony on the initiative by proponents, opponents, and experts shall be solicited and their testimony shall be published as the Hearing Record. After the public hearing the Trust shall convene a Deliberative Committee demographically representing the government jurisdiction to review each initiative. The Deliberative Committee shall be drawn at random from a pool of citizens previously developed and maintained by the Trust. Each member of the Deliberative Committee shall be fairly compensated for time spent and expenses incurred in performance of Committee duties. The Deliberative Committee shall review the Hearing Record, secure expert advice, deliberate the merits of the initiative, and prepare a written report of its deliberations and recommendations. By two-thirds vote, the Deliberative Committee may alter the Title, Summary, Preamble or text of the initiative, provided that the changes are consistent with the stated purposes of the initiative. Each initiative, together with its Hearing Record and report of the Deliberative Committee, shall be transmitted to the legislative body of the relevant government jurisdiction. The legislative body shall conduct a public vote of its members, recording the yeas and nays on the initiative, within 90 days after receipt thereof. The vote of the legislative body is non-binding, serving only as an advisory to the citizens. Any communication, regardless of the medium through which conveyed, that promotes or opposes an initiative shall conspicuously identify the person s responsible for that communication, in a manner specified by the Trust. Only United States citizens may contribute funds, services or property in support of or in opposition to an initiative. Contributions from corporations including, but not limited to, such incorporated entities as

industry groups, labor unions, political parties, political action committees, organized religious bodies and associations are specifically prohibited. Such entities are also prohibited from coercing or inducing employees, clients, customers, members, or any other associated persons to support or oppose an initiative. Violation of these prohibitions is a felony punishable by not more than one year in prison, or a fine not to exceed One Hundred Thousand Dollars, or both, per instance, applied to each person found guilty of the violation. The Trust shall establish financial reporting requirements applicable to initiative sponsors, proponents and opponents. The Trust shall make all financial reports available to the public immediately upon its receipt thereof. Failure of sponsors, proponents or opponents to comply with these reporting requirements shall be a felony punishable by not more than one year in prison or a fine not to exceed One Hundred Thousand Dollars, or both, per instance, applied to each person found guilty of the violation. Upon completion of the Legislative Advisory Vote, or 90 days after the initiative has been delivered to the legislative body of the relevant government jurisdiction, whichever occurs first, the Trust shall publish a schedule for the election of the initiative and shall conduct an election in accordance with the published schedule. The Trust shall conduct all initiative elections employing the most effective technology and need not be bound to confining an election to a single day. The Trust may expand an election to twenty four hours a day for seven days. The Trust shall make voting on initiatives as convenient as possible for citizens. An initiative that creates or modifies a constitution or charter becomes law when it is approved by more than half the registered voters of the relevant government jurisdiction in each of two successive elections. If the amendment is approved in the first election, a second ratification election shall occur no earlier than six months and no later than a year after the first election. An initiative that enacts, modifies or repeals a statute becomes the law when approved by more than half the registered voters of the relevant government jurisdiction who participate in the election. The effective date of an initiative, if not otherwise specified in the initiative, shall be forty-five days after certification of its enactment by the Trust. No court shall have the power to enjoin any initiative election except on grounds of fraud. After a statutory initiative has been enacted into law, courts, when requested, may determine the constitutionality of the law. The Sponsor of an initiative may withdraw an initiative from further consideration and processing at any time prior to a deadline established by the Trust. The Trust shall be governed by a Board of Trustees and a Director. The Trust shall take advantage of contemporary technology in carrying out its mission. The activities of the Trust shall be transparent to the public. The Trust shall ensure that citizens may file, qualify and vote on initiatives relevant to any government jurisdiction at any time and from any location. The Trust shall neither influence the outcome of any initiative, nor alter the substance of any initiative, except as specified in Section 3. The Trust may promulgate regulations to more fully meet its responsibilities under this Act. The Board of Trustees shall establish policy for and perform oversight of the Trust. The Board of Trustees shall be composed of 53 members: Elections of Trustees may use rank-order voting to avoid runoff elections. Members of the Board of Trustees shall serve a single four year term, except for the interim Board of Trustees as follows: Immediately after the first election, the members shall be divided as equally as possible into two classes. The seats of the members of the first class shall be vacated at the expiration of the second year; the seats of the members of the second class shall be vacated at the expiration of the fourth year. Any member of the Board of Trustees shall be removed from office upon a three-fourths vote of the full membership of the Board of Trustees, or by a majority of the voters participating in a recall election in the political jurisdiction from which the member was elected. Vacancies on the Board of Trustees shall be filled by majority vote of the full membership of the Board of Trustees on candidates who shall represent the political jurisdiction of the Trustee whose seat is vacant. A member appointed to fill a vacancy may not subsequently be elected to the Board of Trustees. The Board of Trustees shall meet at least annually and at such other times and in such places as it deems appropriate to conduct its business. All meetings of the Board shall be publicized in advance and open to the public, except as required by law. The Trust shall promptly publish the minutes and audio visual recordings of all meetings of the Board, except as required by law. Interim Board of Trustees. An Interim Board of Trustees is hereby appointed composed of the highest elected official e. The responsibility and authority of this Interim Board shall be confined to establishing policy and oversight for the lifetime registration of each citizen of the United States eligible to vote on an initiative, and

establishing policy and oversight for the election of the members of the Board of Trustees. The Director of the Trust is the Chief Executive Officer of the Citizens Trust and is responsible for its day-to-day management and operations, consistent with the policies of the Act and those established by the Board of Trustees. The Director shall facilitate the conduct of the first election of the Board of Trustees as soon as possible. The Director, except for the first Director, shall be appointed by majority vote of the Board of Trustees. The Director shall serve for a term of six years and is limited to an additional six-year term. The Director may be removed from office upon a two-thirds vote of the full membership of the elected Board of Trustees, or by a majority of the voters participating in a national recall election. A vacancy in the position of Director shall be filled by majority vote of the full membership of the Board of Trustees. Oath or Affirmation of Office. Each Member of the Board of Trustees, the Interim Board of Trustees, the Director and each employee of the Trust shall execute the following oath or affirmation of office as a condition of his or her service: The Trust shall organize itself to fulfill its mission and shall develop policies, procedures and regulations to register citizens for life as they become eligible to vote, to assist sponsors in preparing initiatives for qualification, to process initiatives, to administer initiative elections and to administer elections and recall elections of the Board of Trustees and recall elections of the Director. The Trust may select and contract for facilities and services, hire staff, and prescribe their duties and compensation. The Trust may also apply for and receive funds, and incur debt when necessary, and shall act in a responsible manner as an independent fiduciary agency. In fulfilling its responsibilities and performing its duties, the Trust shall comply with applicable laws and regulations of every government jurisdiction of the United States in which it operates that do not conflict with its mission defined in Section 4 A. Where laws are in conflict, this Citizens Legislative Procedures Act shall supersede. The Trust shall develop requirements, facilities and procedures for universal lifetime voter registration of citizens of the United States which shall be binding, in elections conducted under the authority of the Citizens Amendment and this Act, in every government jurisdiction in which a voter is, or may become, a legal resident. Research and Drafting Service. The Trust shall establish and operate a legislative research and drafting service to assist citizens in preparing initiatives. The Trust shall establish a pool of registered voters, in each government jurisdiction, qualified as having some level of civic knowledge from which can be randomly drawn members for the Deliberative Committees that are convened for each qualified initiative. Selected pools should demographically represent the government jurisdiction and be equally divided between men and women. The Trust shall establish the means, procedures, facilities and regulations to facilitate the communication of timely, comprehensive, balanced, and pertinent information on the subject matter of each initiative. This information shall be conveyed to the citizens of the relevant government jurisdiction by electronic means and various media, including radio, television, print, and the Internet. Hearings and Deliberative Committees. The Trust shall organize a Hearing to receive testimony and shall convene a Deliberative Committee to deliberate on each qualified initiative. The Trust shall provide or arrange for professional Hearing Officers and Deliberation Facilitators, technical consultants and support staff and facilities, as needed for the effective conduct of Hearings and Committee activities. Election of Initiatives and Board of Trustees. The Trust shall devise and administer policies and procedures to conduct elections of initiatives, of the Board of Trustees, and for the recall of any Trustee or the Director. In doing so, it shall take advantage of contemporary technology in developing procedures for voting and validating votes. Elections need not be confined to one day and may be conducted twenty four hours a day for seven days. All such policies and procedures shall be neutral with respect to the content and outcome of the election.

Chapter 3 : General Assembly: Citizen's Guide

Citizens as Legislators examines direct democracy in America at the end of the twentieth century to see if it has lived up to these www.nxgvision.com seven contributors to this volume use the American experience with direct democracy to investigate some fundamental questions of politics: Can modern democracy have direct citizen participation in.

The Legislature as a Transcript of the People At the birth of the American republic, as James Madison noted, members of the constitutional convention "wished for vigor in the government, but. The government ought to possess not only, first, the force, but secondly, the mind or sense of the people at large. The legislature ought to be the most exact transcript of the whole society. It offers a durable standard by which to judge the composition and the actions of any legislature in a country which professes to live by democratic principles. Under the conditions of mass industrial societies, however, supposedly representative bodies have diverged strikingly from this ideal. Indeed, we now take it for granted that legislative bodies are inevitably dominated by powerful interest groups. We assume without a second thought that the voice of the public at large will be heard faintly, if at all, in the jostling for power and privilege which occupies most of the time and energies of our legislatures. Accepting such a situation as permanent is both too pessimistic and a betrayal of democratic ideals. The voice of the people ought not to be one small and financially disadvantaged voice in the national political dialogue. This book proposes a simple, straightforward means to achieve this, within the American system of constitutional checks and balances, in one branch of our government. Grasping this possibility requires us to dare to conceive, with the founders, that a people may indeed be directly self-governing. It is based on the earliest democratic practices evolved in Western civilization. It avoids vexing problems posed by geographic notions of representation. And it gives promise of lasting redress against abuses of the electoral process that are chronic in a society dominated by money. The founders knew no way to achieve a "transcript" of the people except through elections. They seem not to have known of the Greek use of random selection, or "sortition," in choosing representatives, and in any case statistical procedures did not yet exist that would permit reliably representative selection by lot in a society even as populous as the original thirteen states. Our present legislatures certainly cannot be described in terms of a "transcript of the whole society"; by that test they are hopelessly unrepresentative. About half of the electorate, which does not vote, cannot readily be considered to be represented at all, and this group, of course, includes a vast mass of relatively disadvantaged people something like a sixth of our population who bear the brunt of our poverty and unemployment. We thus have our own form of "taxation without representation. The fiction that this narrow and exclusive body "represents" the American people rests on the implicit assumption that the electorate is politically identical with the citizenry. This assumption, however, does not fit the conditions of modern American life. A small and diminishing fraction of the citizenry has real representation, for a variety of reasons we will explore below. The result is a persistent and growing gulf between the views of the people at large and the actions of their supposed representatives. In recent years, for example, though stable popular majorities have existed in favor of the Equal Rights Amendment, can- and bottle-recycling, heavier expenditures on clean air and clean water, avoidance of foreign military involvement, and many other issues, our legislatures have remained unresponsive. There is no consensus among either social scientists or politicians as to why only about half of the American eligible electorate actually votes. In any event, we fill offices in this country by the votes of surprisingly small sectors of the population, even in hotly contested presidential elections. Thus it is not only the President and Congress, but all legislative bodies in the country, which are continued in office with the voting support of small minorities of the population at large. This narrow political base in turn has a precarious logical base. However, a geographic constituency has no simple or uniform interests, but rather a welter of conflicting interests. Representing all or even a sizable proportion of them is a logically impossible task; no representative, however noble or intelligent, can argue, deliberate, bargain or vote as if he were several hundred thousand people. The current usual escape from this dilemma is to argue that the representative then must seek to serve national interests even if at the cost of a majority of his immediate constituents. The Present Electoral System Is Unrepresentative and Promotes Corruption The

representativeness of the Congress has surfaced as an acute and immediate issue in recent years because of the immense inflation of campaign expenditures. As Elizabeth Drew showed in her book *Politics and Money: Macmillan*, the influence of campaign contributions in our national politics has become all-pervasive. Legislators are not visibly for sale, in the old nineteenth-century way, though they do hold fund-raising events at which it is made clear that they are open to the influence of money. But a kind of arms race for contributions has arisen, leading to what Rep. Lobbyists do come into Congressional offices directly asking for votes for "little technical provisions" which could gain their clients millions of dollars. In many such cases the effects may be concealed. Sometimes, however, they are blatant. In , the dairy interests managed to sustain a subsidy program through votes that, in non-dairy districts, had clearly been bought by extensive campaign contributions. As an analysis by the organization Congress Watch recently showed, representatives who received large sums from chemical-company PACs favored a mild version of the Superfund toxics clean-up bill, while representatives who had received less money favored a stronger bill. Bills with backing from big contributors routinely sail through Congress with virtually no discussion, much less challenge. The shipping industry got itself largely exempted from antitrust laws in , by a House vote of this bill was blocked in the Senate. Bills to give monopolies to brewers, bills to treat bankrupt citizens more harshly, and many other narrowly special-interest bills are adopted without scruple. On the other hand, as Drew also shows, moneyed interests can paralyze Congress into inaction on bills they dislike. The result is what Drew calls a "special interest state. He is therefore imprisoned before he even reaches Congress. He must measure every action in terms of what the financial consequences to himself might be. The difference between that and corruption is unclear. What is not debatable is that the present American Congress is directly controlled by moneyed interests, and that it represents, in both the political and statistical senses, only a small and shrinking segment of American society. A similar pattern prevails in state elections, and at the county level, where contributions from developers are an overwhelming force. This is not what Madison, Hamilton and Jay and their Federalist friends had in mind. The founders could not have foreseen the growth of enormous concentrations of corporate wealth and power, and the parallel growth of a huge federal establishment ostensibly serving to regulate the corporate sector but in fact mostly coordinating, subsidizing, and administering it, supported by taxes on personal as well as business income. The conclusion is hardly far-fetched, then, whether corporate influence is being exercised through direct or indirect means: Almost half the people are being taxed, regulated, policed, and subjected to the possibility of nuclear annihilation without representation. In such a serious situation, serious remedies deserve consideration. If our representatives as presently chosen are not serving their intended function, citizens must begin thinking about alternative institutions. Selection by Lottery It happens that there is an easy and even inexpensive way to choose representatives for a legislative body so that they would in fact be a "transcript" of the whole society: We have changed our notions of what constitutes proper representation many times in American history. Voting rights in the original thirteen states could be exercised only by free, white, propertied men; it was not until that property requirements were generally struck down, and in the form of poll taxes they persisted in some states until Freed black slaves theoretically received the vote in Women were not given the right to vote until The Voting Rights Act, which provided effective access to the ballot for blacks, came only in Eighteen-year-olds have voted only since It is well within the power of the American people, acting either through the amendment process or through a constitutional convention especially if one should be called to consider the proposed balanced budget amendment to revise our method of selecting representatives. To put this possibility into a historical perspective, let us first consider the Athenian precedent. The boule or council was probably founded by Solon, the great Athenian law-giver; it was remodeled about B. The boule had judicial functions in addition to being, as representative of the periodic assembly of all citizens, generally responsible for the fiscal well-being of Athens. It had members, who were paid for attendance, chosen by lottery from the ten "tribes" of Athens to serve one-year terms; a standing chairmanship committee also rotated by lot among these ten tribes. They could, if chance selected them again, serve a second term, but no more. Their meetings were open to the public, and nonmembers could also speak to the body. As the classicist P. Rhodes puts it, "The Athenian democrats in their heyday believed very firmly that experts should be answerable to the people, and subjected their activities [including their financial

accounts] to close scrutiny. The boule system prevailed for about as long as the American republic has, and lost its power only through the growth of a class of specialized officials serving long terms: Benjamin Barber, a professor of political science at Rutgers, argues in his new book *Strong Democracy* University of California Press, for a variety of democracy-enhancing measures, including sortition for local government positions. As Barber notes, in the eighteenth century Montesquieu still took it for granted that suffrage by lot is natural to democracy. Barber has also discovered that sortition was employed briefly in the constitutions of Venice, Florence, and one canton of Switzerland. It was also the normal method of choosing leaders in Basque communities, until the King of Spain stopped the practice. Barber remarks that sortition has persisted to this day in the Anglo-American system of choosing juries; and as it turns out, the process of compiling prospective juror names could easily be adapted to choosing legislators by lot under modern conditions. Just as the Athenian boule existed in conjunction with the citizen assembly, we may imagine a new direct-representation house of Congress existing in conjunction with a Senate chosen by traditional electoral means. In the history of Western legislatures, bodies representing wealth and privilege have often been called Senates; let us therefore preserve that name for one electoral body and suppose that its elections would remain dominated, as are those of the present Congress, by corporate campaign funds and moneyed interests generally. The new body we propose to call the Representative House. As we will explain in more detail below, three-year overlapping terms would give the new House continuity and stability. Both houses of the legislature could originate bills, as at present. Presumably the executive would, in reality, continue to originate money bills through partisans in the House, but since origination is no longer a matter of real procedural consequence, the Senate might also be given this symbolic power. The consent of both houses would be required for passage of bills; provisions for overriding presidential vetoes and instituting constitutional amendments would remain as they now stand. The machinery for choosing the members of the new House by sortition would be simple, inexpensive, and easy to make tamper-proof. Each county in the country already maintains a jury commission to provide lists of potential jurors to its courts. Originally such lists were drawn from the registry of voters, but in recent years potential juror lists have also included names from additional sources less likely to be biased toward the white and middle-class: Combining all these county lists into one master national list would thus provide a virtually complete roster of eligible persons. Just as certain categories of people are excluded from juries and the present House, some would be excluded from service in the Representative House: From this master list, elementary statistical procedures on a computer can achieve a demonstrably random selection of names. This selection process can be carried out using identification numbers so that no connection between names and numbers was known to the administering staff until the drawing had been completed. We will return to the financial implications of this system in more detail later, but it should be noted here that it would be much simpler and less expensive than our present electoral machinery; since it uses existing jury lists, it would require no new bureaucracy. The connection with the jury system is more than mere convenience. Our attachment to judgment by a jury of our peers goes far back in British history. Especially in cases where punishment could be severe, we do not trust to elected or appointed judges. When life is possibly to be taken away, or freedom forfeited, we prefer to have judgment rendered by a body representative, in principle, of the community. In practice, this ideal is often compromised:

Chapter 4 : Legislative-Citizen Commission on Minnesota Resources

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Part of Real World Divorce: Running a court system to pick a winner parent Custody laws determine a whether or not plaintiffs will decide to terminate a marriage, b whether a child will have one parent or two, c whether or not a divorce lawsuit is likely to be profitable. At the highest level, jurisdictions can be divided into the following categories: The big question that U. The big question for legislators is "Does it make sense to run a court system to pick a winner parent and, mostly, discard the loser parent? The lofty realm of Academia and the grubby underworld of divorce court seldom intersect. Professors gain tenure and prestige by publishing in academic journals, not by wading down into the muck of family law disputes. Nielsen, however, is able to fill the room with judges for her two-hour conference seminars. It is not like a driving test or a math test. There is not necessarily consistency from one evaluator to another and many of the measures used in these evaluations were not designed for that purpose.. So why bring that difficult task into family court? Now answer the same question for your brother or sister. The answer is different at each age and, with siblings, depending on the personality of the siblings and the parents. The importance or effectiveness of each parent will go up and down as the child ages, which is one reason that children who are in shared parenting arrangements do better than children who spend less than 35 percent of their time with one parent. What about the fact that some divorce lawsuit defendants turn out to be "Disney Dads" post-divorce? An authoritative parent sets rules and talks to children about important things. For this to be possible the children must spend ample time with the father and have a full range of activities with him, including ample time during the school week. It is not that the dad is a different person. Evaluators have their own prejudices. Some of them think every man is abusive. Others think every woman is a liar. When a state offers to add profitable child support to the custody victory that is like giving tanks and fighter jets to both sides in the war. A litigator since If they have money to spend they will spend it unless their lawyers rein them in. Child Support Amounts Virtually all of the attorneys we interviewed said that American custody lawsuits are primarily about money. This is consistent with what we found in Europe. Where children are not profitable, parents often cooperate and craft shared parenting agreements; where children are profitable, there will be a fight for primary parent status. This size is comparable to the entire effect of no-fault divorce on divorce rates. As discussed in the chapter on children , research suggests that voluntary payments by a loser parent are helpful to children, but that any kind of court-ordered money transfer was harmful, even when paid: Child support guidelines that leave a lot to judicial discretion, especially at the higher income levels where parents can afford attorneys, lead to enough litigation that the child is ultimately guaranteed to be worse off financially. Judicial discretion may complicate the sale of abortions at higher-income levels. The extent to which the father thinks that child support is discretionary with the judge keeps him from making the rational decision to buy the abortion. This slows down negotiations and if they go beyond the week point we have a child support case instead of a completed abortion transaction. A typical analysis was from state legislator Kelly Burke of Illinois, who practiced family law for 10 years: Higher-end folks drive a lot of the fees and the business [of divorce litigation] but that is not a high percentage of the people getting divorced. It would not be economically rational for a resident to spend 12 years studying to become a primary care doctor when having sex with a dermatologist would yield the same spending power. Proposed child support changes affects. Child support defendants will be mostly male because 95 percent of people in Wisconsin collecting child support are women Census data; see our chapter. Labor force participation among the prime working age men who are likely to be child support defendants is about 88 percent whitehouse. Most likely the statistic comes from the fact that plaintiffs suing high-income defendants use private attorneys rather than the state agency. What is typical of American is that the legislators apparently accepted these numbers uncritically, as did the journal, Molly Beck. The article also illustrates typical American thinking that the supply of children is fixed. There is no hint that economic incentives might

change behavior, e. Aside from children and defendants, the people who pay for this are fellow citizens. Even when a successful child support plaintiff has a job, the monthly checks result in fewer hours of work and less energy devoted to waged labor. Days for Dollars Attorneys in every state where child support varies with the amount of time that a child spends with each parent say that the "days for dollars" system encourages litigation. Research psychologists found that custodial mothers "primary parents" in such states allow visitation with fathers only to the point that they are not at risk of having their child support revenue reduced. Note that this may be partly due to the fact that every U. Why not scrap it? But if anyone were to acknowledge that fact the whole system would break down because what would the justification be for a parent who cares for a child 35 percent time to pay the parent who cares for a child 65 percent of the time? Most people get married to partners who have a similar educational and occupational status. Therefore most child support lawsuits involve two parents with approximately equal income. This is based on the idea that a child of divorce does not have superior legal rights to a child of an intact marriage. Similarly the argument on college expenses is that if there has been a rift, e. Why does a child of divorce then have that right? Many attorneys that we interviewed favor extending child support, and therefore the period during which parents can litigate, at least through college. They also favor courts being able to order parents to pay college expenses. Courts will allow the custodial mother to move miles away, further weakening the bond between the child and the father. The father, meanwhile, has been financially weakened by paying alimony and child support. That kind of father is much less likely to volunteer college tuition checks than a father who had lived with the child through age Even when that battle is won, a question of legal custody "decision-making" in some jurisdictions remains. Based on our interviews there is no practical difference between joint and sole legal custody. Should a judge be able to choose between a fit parent and commercial care? In the old days judges were engaged in what Professor Nielsen, above, says is a pointless exercise: Today, however, it is often the case that a judge is choosing between a parent and a commercial day care center or a paid nanny. A lot of parents who seek custody, and the child support profits that accompany custody, have full-time jobs. We found that this was easily done in Massachusetts , for example, but not in states with guidelines that encourage a judge to "maximize" the time that a child can be with the two parents. If a fit parent asks a court for permission to take care of his or her own child personally, does it make sense instead to order that parent to pay for commercial care? This was taken for granted among the aristocracy, but merchants, craftsmen and peasants also bought into the idea, so it became the norm at every level of society. By the time he grows up, the rules I lived by will have no value€"he will live in another universe. If a man accepts the fact that everything must change, then he accepts that life is reduced to nothing more than the sum of his own experience; past and future generations mean nothing to him. For a man to bring a child into the world now is meaningless. Noting that parents who "lost custody" were upset, they were proud of having participating in the renaming of the terms of a typical judgment following a divorce or custody trial. Instead of the parents having "joint legal custody" they might have "shared decision making". Instead of parents being "custodial" and "noncustodial" they might have "shared parenting" and a "parenting time plan". Many witnesses testified that the current language of "custody and access" promotes a potentially damaging sense of winners and losers. By this, the Committee is not recommending a presumption that equal time-sharing, or what is currently referred to as joint physical custody, is in the best interests of children. But they thought different terminology would make loser parents feel better about losing. The lawyers we interviewed who had not been involved in this kind of legislation scoffed at the renaming, e. Massachusetts , for example, home to a lot of custody wars that have consumed more than percent of family assets in legal fees, has a standard complaint form for starting a divorce lawsuit. There is a box for the new litigant to check to ask the court to grant sole custody of minor children. There is no box that could be checked by a litigant seeking joint custody. It may be possible for a legislature to increase or decrease the amount and intensity of custody litigation by editing the standard forms that are offered to consumers and attorneys. Child Support Statute of Limitations There is a divide between states on the length of time that it is possible to collect back child support. A mother can have a child, not tell the father about the birth, wait for 18 years and then sue for 18 years of back child support, plus interest, in one lump sum. The father will be imprisoned if he cannot pay. Given the rewards that states provide to parents who can show a

history of caregiving, at a minimum it makes sense for a mother in a paternity case to wait a few years before informing the father. She then has a slam-dunk case for sole custody in most states and the maximum child support payments that accompany sole custody. No-fault Divorce The concept of no-fault divorce, i. Catherine the Great was the most powerful person in the 18th century world. She choose a succession of boyfriends, usually in their 20s, replaced with new ones every two years. We will then fight about the amount of alimony and child support. We will fight about the length of alimony. We will fight about who gets the house and other assets. We will fight about whether the children get to spend time with their father. Fees are a function of how much money the couple has, not the number of issues in dispute. Since children have no voice in the political world, who argues against it? A handful of religious conservatives. Stephen Baskerville, a professor of Government at Patrick Henry College, provides a good example of the argument:

Citizens as Legislators Direct Democracy in the United States Edited by Shaun Bowler, Todd Donovan, and Caroline J. Tolbert Parliaments and Legislatures.

Click for a larger version of the parking map Parking in close proximity to Capitol Square is expensive. Perhaps not as pricey in Washington, D. Pay by credit card or cash at parking pay stations. More on street parking rules Parking Lots, Decks. There are a number of off-street options. Here are some of the most convenient: Parking garage attached to the Marriott, seven blocks from Pocahontas Building. Early bird special 6 AM to 9 AM: Parking garage on 7th Street, six blocks from Pocahontas Building. Surface lot on Grace between 7th and 6th streets, four blocks from Pocahontas Building. Surface lot on southwest corner of Broad and 5th Street. Early bird special in before 9 AM: Surface lot on southeast corner of Broad and Sixth Streets. James Center lot at corner of 10th Street and Canal. Two blocks from Pocahontas Building. There are other parking lots scattered throughout downtown Richmond. If these lots are all full, you should be able to find parking, it just might be a bit of a hike. Go to top Navigating Capitol Square The action will take place in two buildings – the State Capitol the white-columned building designed by Thomas Jefferson where the daily floor sessions begin each day at noon and the Pocahontas Building at E. Main Street, just south of Capitol Square a modern office building legislators have their offices and most committees meet. Even old-timers will need help finding their bearings. Construction of a new building on the northwest corner of Capitol Square is expected to take up to four years. The new building is smaller and interest groups are being discouraged from bringing large delegations to Richmond. The temporary quarters in the Pocahontas Building are located right across Bank Street from the public entrance to the State Capitol Building, located at Bank Street. In the past, the public had to walk the entire length of Capitol Square to get from the General Assembly Building to the State Capitol. Go to top Security Screening Not so long ago, all of the public buildings on Capitol Square were open to the public. Anyone could come and go as they pleased, without showing an ID or emptying their pockets. Citizens now need an appointment to enter most state office buildings other than the Capitol Building. To enter the Capitol Building and the Pocahontas Building, members of the public must pass through metal detectors. The screening line can be long at certain times. Under House and Senate rules, the following items are prohibited: Any device that may disrupt the conduct of business, including but not limited to voice-amplification equipment; bullhorns; blow horns; sirens, or other noise-producing devices; as well as signs on sticks, poles or stakes; or helium-filled balloons. Despite the metal detectors, firearms are permitted. Members of the public with a valid permit may carry a concealed weapon and anyone is free to open carry a rifle or pistol into the Capitol and Pocahontas Building. The Virginia Senate prohibits firearms of any type in its public gallery. Understanding how a typical day unfolds can help you make the most of your time on Capitol Square. The Pocahontas Building comes to life before dawn except on Mondays. Some subcommittee meetings are often scheduled before 9 AM. Still, the early morning can be one of the best times for unscheduled face time with a legislator or his or her aide. The mornings are jammed with committee meetings, which will be held in the Pocahontas Building and the Capitol Building. The Pocahontas Building starts clearing out shortly after 11, as legislators head to the Capitol Building for the daily Republican and Democratic caucus sessions. Bank Street is a good place to catch a brief word with legislators as they make their way to the Capitol. The House and Senate are gavelled into order at noon on most days. Exceptions are Friday, when out-of-town legislators are eager to get on the road. Things are much more quiet in the Pocahontas Building so this can be a good time to meet with legislative aides. After the daily floor sessions end adjournment time varies and can be highly unpredictable , committee and subcommittees resume meeting in the Capitol Building and the Pocahontas Building. The Pocahontas Building clears out around 6 PM as legislators head to one of several receptions around town or a quiet dinner at their hotel. Where to Eat On Capitol Square, there are two options for breakfast and lunch. Located in the Capitol Extension near the main public entrance. The cafe offers sandwiches, salads, sides and sweet treats. Seating is limited, and the cafe can be very crowded. There is no food served in the Pocahontas Building. Here are some restaurants that are

within a 5-block radius of Capitol Square:

Chapter 6 : Los Angeles Times - We are currently unavailable in your region

In addition to who votes (Wolfinger and Rosenstone), scholars have investigated who is more or less likely to contribute money to a political party, join a political organization, write a.

Challenges of reelection[edit] Candidate Evan Bayh speaking to voters in a reelection bid in Every two years a congressperson faces reelection, and as a result there is a strong tendency for a congressperson seeking reelection to focus their publicity efforts at their home districts. A law in abolished all at-large elections when representatives are chosen by voters in the entire state rather than an electoral district except in less populous states entitled to only one Representative. Nevertheless, congresspersons in office, or incumbents , have strong advantages over challengers. If congressional districts are drawn fairly left then races are competitive; red dots representing Republicans and blue dots Democrats are split evenly with eight voters in each district, and neither Republicans nor Democrats have an advantage. In this case, Democrats are likely to win three seats while Republicans only one. Here is the original cartoon "The Gerry-Mander" leading to the coining of the term Gerrymander. District boundaries were creatively drawn by the Massachusetts legislature to favor the incumbent Democratic-Republican party candidates of Governor Elbridge Gerry over the Federalists in Advantages which incumbents enjoy over challengers, and which have been a source of criticism and controversy, are access to campaign contributions as well as gerrymandering [11] which give incumbents an unfair advantage, according to some critics. The consensus is that negative advertising is effective since "the messages tend to stick. So why is there such apathy on the part of voters, particularly towards Congress? Prominent Founding Fathers writing in the Federalist Papers believed it was "essential to liberty that the government in general should have a common interest with the people," and felt that a bond between the people and the representatives was "particularly essential. Why explains public attitudes towards Congress? Zeliger suggested that the "size, messiness, virtues, and vices that make Congress so interesting also create enormous barriers to our understanding the institution Roberts, and Ryan J. Vander Wielen suggest that despite the criticism, "Congress is a remarkably resilient institution Still, we are not exaggerating when we say that Congress is essential to American democracy. We would not have survived as a nation without a Congress that represented the diverse interests of our society, conducted a public debate on the major issues, found compromises to resolve conflicts peacefully, and limited the power of our executive, military, and judicial institutions Also, members of Congress often appear self-serving as they pursue their political careers and represent interests and reflect values that are controversial. Capitolâ€™”â€™”to discuss legislation as well as sign documents. Political scientists have noted how a prolonged period marked by narrow majorities in both chambers of Congress has affected partisanship. Smaller states and bigger states[edit] When the Constitution was ratified in , the ratio of the populations of large states to small states was roughly twelveâ€™”toâ€™”one. The Connecticut Compromise gave every state, large and small, an equal vote in the Senate. But since , the population disparity between large and small states has grown; in , for example, California had seventy times the population of Wyoming. University of Texas law professor Sanford Levinson criticizes the imbalance of power in the Senate as causing a steady redistribution of resources from blue states to red states and from "large states to small states. Congresspersons often provide constituent services to people in their district. Sometimes this involves attending local meetings or events. In the photo, people celebrate the opening of an educational center in Iowa. Congressperson Dave Loebsack sent assistant Jessica Moeller center to represent him in this ceremony. Congresspersons and constituents[edit] A major aspect of the role for a Senator and a representative consists of services to his or her constituency. Often the incoming messages are not from concerned citizens but are barrages of electronic mail and interactive video designed to pressure the congressperson and his or her staff. Members of Congress want to leave a positive impression on the constituent, rather than leave them disgruntled. Thus, their offices will often be responsive, and go out of their way to help steer the citizen through the intricacies of the bureaucracy. In this role, members and their staffers act as an ombudsman at the Federal level. This unofficial job has become increasingly time-consuming, and has significantly reduced the time that members have for the preparation or inspection of bills. For example,

Erika Hodell-Cotti talked about how her congressperson, Frank Wolf, sent her letters when her children got awards; the congressperson helped her brothers win admission to the West Point Military Academy. Oftentimes citizens contact member offices that do not represent them. Because resources for helping non-constituents are limited, an additional component of constituent service becomes directing citizens to their assigned representative in Congress. As Morris Fiorina notes, the involvement of the legislative branch in the ombudsman process carries one major advantage: Representative to handle constituent services. One way to categorize lawmakers is by their general motivation, according to political scientist Richard Fenno: Accordingly, some academics suggest there is a culture of risk avoidance as well as a need to make policy decisions behind closed-doors [58] along with efforts to focus their publicity efforts at their home districts. Congress serves two, not wholly compatible, purposes – representation and lawmaking. Members of the House and Senate serve individual districts or states, yet they must act collectively to make law for the nation as a whole. Collective action on divisive issues entails bargaining and compromise – among the members of each house, between the House and the Senate, and between Congress and the president. For compromise to be possible, members sometimes retreat from their commitments to their individual state or district. Determining who must compromise – and how to get them to do so – is the essence of legislative politics. Rakove, Alan Taylor; et al. *The Building of Democracy*. Zelizer editor Michael Schudson author *The media became increasingly important in the work of Congress in the late twentieth century* Sabato September 26, Sullivan July 24, *The Library of Congress*. A law enacted in abolished all at-large elections except in those less populous states entitled to only one Representative. An at-large election is one in which a Representative is elected by the voters of the entire state rather than by the voters in a congressional district within the state. FECA restricted the size of contributions that individuals, parties, and political action committees PACs could make to candidates for Congress. Because PACs may contribute more than individuals, there is a strong incentive to create PACs, which grew in number from in late to more than 4, in the mids and have remained just over 4, in number since then..

Chapter 7 : Citizens as Legislators: Direct Democracy in the United States by Shaun Bowler

A citizen legislature is a legislative chamber made up primarily of citizens who have a full-time occupation besides being a legislator. Such citizen legislatures can be found on the state level, as in some U.S. states, or on the national level as in Switzerland.

Elections State referendums would take rights from citizens and governor and give them to legislators The General Election is Nov. By - October 5, State lawmakers have proposed several constitutional amendments which if approved would limit the power of both citizens as well as the governor. When voters in North Carolina take to the polls they will be faced with several options for candidates as well as six different constitutional amendments – one of which would overturn a State Supreme Court decision and another that would strip power from the executive branch, and give it to state law makers. When they appear on the ballot, these amendments are presented with only a brief summary, and typically only the option to vote for or against them. Below is a list of several of the different ballot measures and what their impacts could mean to the state and residents.

Legislature to control judicial appointments Currently, the governor holds the power to appoint judges if a seat is vacated, this power clearly does not sit well with state legislators who are hoping to commandeer that power for themselves. The amendment would give the Legislature most of the control over judicial appointments. Under the amendment, the Legislature chooses two or more finalists after they are reviewed by a commission to determine if they are qualified. The Governor then must choose one of the two or more finalists that the Legislature selected. Today, appointed judges serve until the next election. If this amendment passes, then the Legislature could use this newly granted power to choose un-elected Supreme Court Justices for two newly created vacant seats.

Party Leaders in Legislature to Control Ethics and Elections Board Appointments; Eliminate Nonpartisan Representation on Board Amendments on the General Election ballot do not fully explain themselves leaving out important details like the fact a ethics board already exists and it is created to prevent a deadlock even vote Courtesy New Hanover County Board of Elections As listed on sample ballots, it is not clear what impact this constitutional amendment will have on voters. The Governor appoints eight of nine members of this board from nominees provided by the two largest political parties. In state lawmakers passed a law that would establish an eight-member ethics board but the State Supreme Court struck it down as unconstitutional since it stripped executive authority from the Governor – this did not sit well with lawmakers. There is an argument that nominated members could include members of the Legislature itself. The Governor then would have to choose the 8 members from the finalists the legislative leaders selected. This process would likely create a board of four Democrats and four Republicans. If the amendment passes, there would be no ninth nonpartisan member. Removing the ninth board member may result in a partisan deadlock vote.

Require photo identification to vote Currently, a photo ID is not required for voters, but that could change if the ballot amendment passes. It does not apply to absentee voting. The Legislature would make laws providing the details of acceptable and unacceptable forms of photographic identification after passage of the proposed amendment. The Legislature would be authorized to establish exceptions to the requirement to present photographic identification before voting – There are no further details at this time on how voters could acquire valid photographic identification for the purposes of voting.

Cap income tax at 7-percent Currently in North Carolina, income tax for both personal and corporate entities is capped at percent, this would reduce that to 7-percent. It does not change the current individual income tax rate of 5. Instead, it limits how much the state income tax rate could go up. This proposed amendment applies only to state income taxes.

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Chapter 8 : Real World Divorce: Guide for Citizens and Legislators

Our focus is on citizens and legislators as two major sources of demand for fiscal disclosure by the government. We conclude this part with a discussion of other covariates and related data issues. Section 4 reports the main results, while the conclusion assesses the implications and opportunities for further research.

Chapter 9 : Full- and Part-Time Legislatures

The strength of a citizen Legislature, proponents argue, is that lawmakers lead real lives outside of government and bring that experience to bear on legislation, hopefully imbuing it with common.