

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

**CHAPTER 2**

**STATE AND LOCAL GOVERNMENT IN WEST VIRGINIA**

Section 1 [A History of West Virginia Government](#)

Section 2 [The Three Branches of State Government](#)

Section 3 [County and Municipal Government](#)

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**Section 1**

**A History of West Virginia Government**

[Main Menu](#)

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West Virginia's government is based on the same five principles as the federal government.

- **Sovereignty**
- **Limited Government**
- **Separation of Powers**
- **Checks and Balances**
- **Federalism**

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

West Virginia has had two constitutions in its nearly 150 years of statehood. The present constitution, which was written in 1872, begins with a preamble, which states its purpose.

**Preamble to the West Virginia Constitution**

*Since through Divine Providence we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the State of West Virginia for the common welfare, freedom and security of ourselves and our posterity.*

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Since the people who wrote the West Virginia Constitution in 1872 could not anticipate what life would be like in the future, the amendment process provides the flexibility to make needed changes.



**West Virginia Constitution Amendment Process**

Proposed by two-thirds of members of both houses of the Legislature and approved by a majority of the voters in the state

Proposed by constitutional convention and approved by a majority of both houses of the Legislature and a majority of the voters

**Or**

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**Amendments include**

Adding a preamble



Establishing a family court system

Allowing the governor to serve two consecutive terms



Providing bonuses for veterans



Providing better highways

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

**SECTION 2**

**The Three Branches of State Government**

[Main Menu](#)

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**THREE BRANCHES OF STATE GOVERNMENT**

➤ **LEGISLATIVE**

➤ **EXECUTIVE**

➤ **JUDICIAL**

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**LEGISLATIVE BRANCH**

**HOUSE OF DELEGATES**

- 100 members; 58 districts
- Serve two-year terms; unlimited number of terms
- Speaker of the House is the presiding official



**SENATE**

- 34 members; 17 districts
- Serve 4-year terms; unlimited number of terms
- President/Lieutenant Governor is the presiding official



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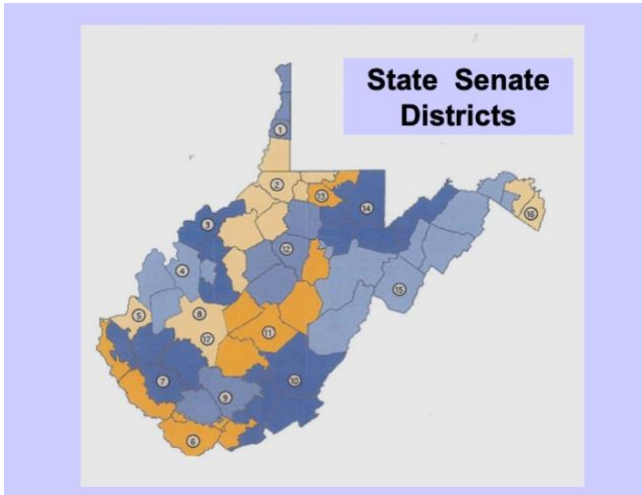
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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**




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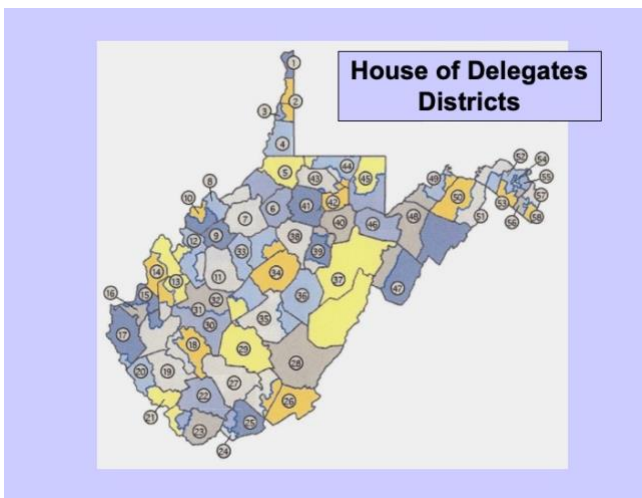
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**REQUIREMENTS TO SERVE IN THE LEGISLATURE**

House of Delegates	Senate
<b>Eligible to vote</b>	<b>Eligible to vote</b>
<b>Resident of state for one year</b>	<b>Resident of state for one year</b>
<b>Resident of district in which they are running</b>	<b>Resident of district in which they are running</b>
<b>At least 18 years of age</b>	<b>At least 25 years of age</b>

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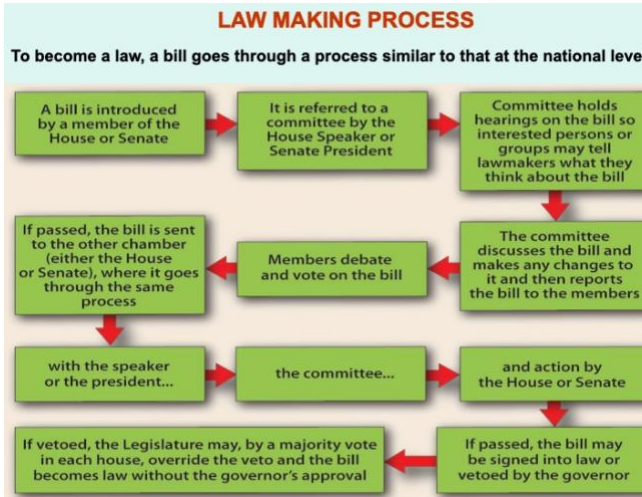
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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**




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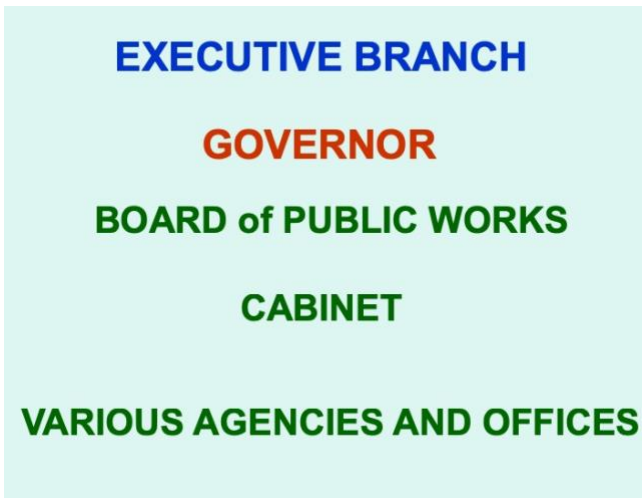
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**GOVERNOR**

**Jim Justice** became the 36<sup>th</sup> governor in 2017.

To be governor, a person must be at least 30 years of age and have lived in the state for five years prior to the election.

**DUTIES**

- Enforces state laws
- Prepares annual budget
- Commander-in-chief of state's military
- Pardons people accused of crimes
- Appoints heads of various agencies
- Serves on state boards and commissions
- Holds press conferences to keep people informed




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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

**BOARD OF PUBLIC WORKS**

**Secretary of State**

Keeper of Great and Less Seal of State  
Chief state election officer  
Maintains all official state papers



Mac Warner

**State Treasurer**

Receives state revenues  
Pays the state's bills



John Perdue

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Patrick Morrissey

**Attorney General**

Heads state legal department  
Serves as the state's lawyer



John McCuskey

**State Auditor**

State's official bookkeeper

**Commissioner of Agriculture**

Sets standards  
Grades all farm products  
Identifies markets for farm products



Kent Leonhardt

**State Superintendent of Schools**

Oversees state's public school system, including teacher certification, curriculum, and textbook adoptions



Steven Paine

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**Other Executive Departments**

- ◆ Department of Administration
- ◆ Department of Commerce
- ◆ Department of Arts, Culture and History
- ◆ Department of Environmental Protection
- ◆ Department of Health and Human Resources
- ◆ Department of Military Affairs and Public Safety
- ◆ Department of Revenue
- ◆ Department of Transportation
- ◆ Department of Veterans' Assistance

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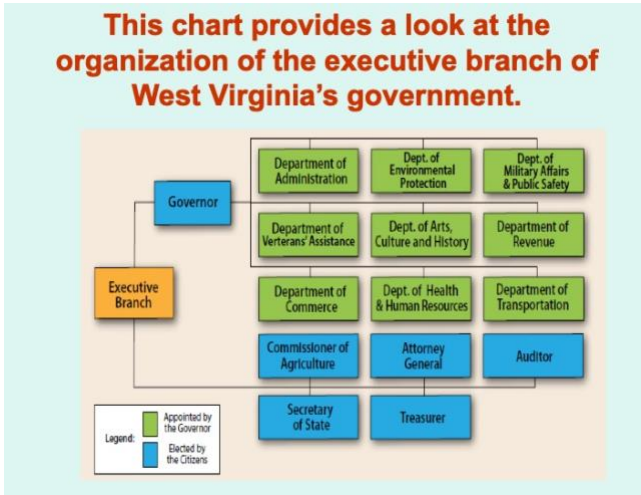
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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**




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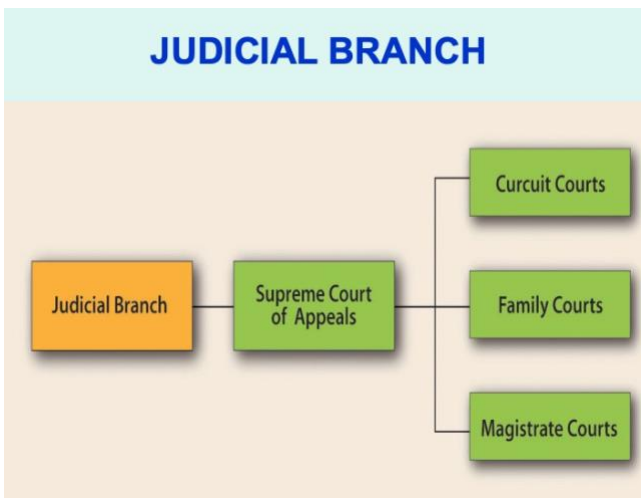
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**WEST VIRGINIA SUPREME COURT**

The Court has five justices, one of whom serves as the chief justice.

A chief justice may serve from one to four years.



Justices are elected for twelve-year terms.

The Court has two terms each year: January to July and September into December.

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

**The Supreme Court**

has appellate and original jurisdiction. Most of the court's cases are appealed from circuit or magistrate courts.

has no witnesses, testimony, or juries. The justices hear oral arguments and review printed materials.

has the power of judicial review.

Most of the decisions of the Supreme Court are final.

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**OTHER STATE COURTS**

**CIRCUIT COURTS**

Trial Court

31 circuits; 74 judges

Judges elected to eight-year terms

Hear all felony and some misdemeanor cases



**MAGISTRATE COURTS**

158 magistrates

At least 2 in every county

Magistrates elected to four-year terms




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**SECTION 3**

**County and Municipal Government**

[Main Menu](#)

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

West Virginia's Constitution provides for the establishment of governments for counties, municipalities, and boards of education.

There are over 3,000 counties in the United States; 55 of those counties are located in West Virginia.




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**Services Provided by County Governments**



Building and maintaining water and sewage systems

Fire Protection



Building and maintaining libraries

Providing emergency services, e.g., law enforcement, fire protection, medical emergencies





Providing recreational opportunities, e.g., swimming pools, parks



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**A County Commission presides over county government.**

Each county commission must have at least three members.

Commissioners are elected to six-year terms.

Commissioners must meet at least four times per year.

**Other Elected County Officials**

**County Clerk** keeps official records of county

**Circuit Clerk** keeps records of circuit court

**Sheriff** enforces the law and collects taxes

**Assessor** determines value of property for tax purposes

**Prosecuting Attorney** represents county in court; pursues wrongdoers

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

**Counties have executive, legislative, and judicial duties.**

<b>EXECUTIVE</b>	<b>LEGISLATIVE</b>
Collect taxes Enforce county ordinances Conduct elections Keep records	Regulate the use of property Levy taxes Issue bonds Set requirements for business licenses Spend money for county purposes
<b>JUDICIAL</b>	
Hear appeals on tax assessments, employee complaints, and zoning decisions Prosecute cases in circuit courts	

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**MUNICIPAL GOVERNMENT**

Depending on its size, a municipality may be classified as a city, town or village.

**CLASS I CITIES** have a population of at least 50,000

**CLASS II CITIES** have a population between 10,000 and 50,000

**CLASS III CITIES** have a population between 2,000 and 10,000

Municipalities of less than 2,000 are classified as towns or villages.

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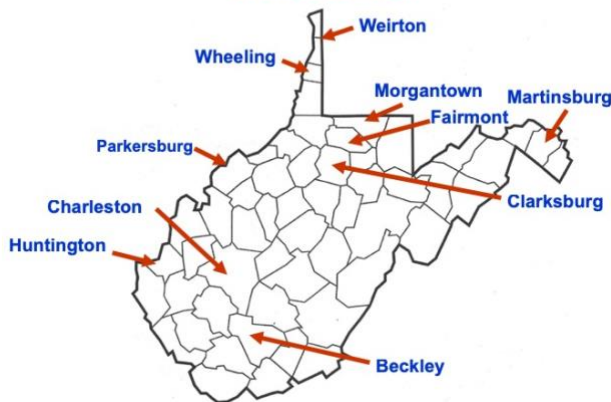
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**WEST VIRGINIA'S LARGEST CITIES BY POPULATION**




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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Chapter 2: State and Local Government in West Virginia**

**Quick Notes**

**Municipalities may choose from one of three types of government:**

<p><b>Mayor-Council Form</b></p> <p>The people elect both the mayor and the council members.</p>	<p><b>Commission Form</b></p> <p>Voters elect individuals to specific administrative positions. In West Virginia, there must be either three or five commissioners.</p>
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**Council-Manager Form**

Elected city council members set policy and pass ordinances. There is a mayor who presides at council meetings. The mayor is either elected to the office or designated by a vote of the council members.

**Municipalities of fewer than 2,000 residents, however, must use the Mayor-Council form of government.**

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**BOARDS of EDUCATION**

The third example of local government is the board of education. Each county has a Board of Education consisting of five members. Board members are chosen in nonpartisan elections. Board members set education policy, approve a budget, approve curriculum, and hire employees. Board members hire the county superintendent to carry out the system's goals. County boards of education receive direction from the West Virginia Department of Education. County boards of education receive funding from county property taxes, state funds, federal funds, and sometimes from special assessments.




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**End Chapter 2**

[Main Menu](#)

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

***Chapter 2: State and Local Government in West Virginia***

**Quick Notes**