



# **State and Federal Constitution Study Guide ~**

*For all Sites associated with ABE/ASE Preparation Classes*

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## The Declaration of Independence, the U.S. Constitution

1. America declared its independence from **England** on this date **July 4, 1776**.
2. What two topics were listed in the Declaration of Independence? **Theory of American government** and **listing of wrongs done to the Americans by the English gov.**
3. What is the most basic idea of the United States government? **Government drives its power from the people**
4. This man was one of the main authors of the Declaration of Independence: **Thomas Jefferson**.
5. The **Judicial** branch of the U.S. government interprets the laws and the Constitution.
6. The **Legislative** branch of the U.S. government is the lawmaking branch.
7. The President, Vice President, and the Cabinet are all part of the **Executive** of the government.
8. Congress is made up of the **Senate** and the **House of Representatives**.
9. A change to the Constitution is called
  - a. The Preamble
  - b. The Articles
  - c. **An amendment**
  - d. Delegated powers
10. T or **F** The Declaration of Independence contains the first ten amendments.
11. The division of powers among the three branches of the government is called the **Separation of Powers (checks & balances)**.
12. How many states had to ratify the Constitution before it could become the law of the land? **9**
13. The first plan of government for the United States was called the **Articles of Confederation**.
14. T or **F** This plan of government failed because the federal government had too much power.
15. **T** or F The Declaration of Independence states the theory of government that government is to be the servant of the people.
16. The first ten amendments are called
  - a. Articles
  - b. Artichokes
  - c. Reserved powers
  - d. **Bill of Rights**
  - e. Delegated powers
17. The Constitutional Convention met in
  - a. New York in May of 1878
  - b. **Philadelphia in May of 1787**
  - c. New York in May of 1787

- d. None of the Above
18. How many states had to ratify the Constitution before it could become the law of the land?
- 13
  - 9**
  - 34
  - 15
19. The three parts of the U.S. Constitution are the **Preamble**, the **Articles**, and the **Amendments**.
20. The first ten amendments are called the **Bill of Rights**.
21. The first ten amendments guarantee what to all Americans? **Personal and religious freedoms**
22. Since the first ten amendments, there have been **17** amendments added to the U.S. Constitution.
23. The total number of Articles in the Constitution is **7**.
24. **T** or **F** Federalism is a union of states under a central government.
25. **T** or **F** The central government had the most power under the Articles of Confederation.
26. Those powers which are listed in the Constitution are known as
- Implied powers
  - Delegated powers**
  - Reserved powers
  - All the above
27. Another name for powers given by Article I, which are not specifically listed, is **implied (elastic clause)** powers.
28. The states get their powers from amendment **10**.
29. The powers that belong to the states are called **reserved** powers.
30. Article I is the **Legislative** branch, Article II is the **Executive** branch and Article III is the **Judicial**.

#### How a Bill Becomes a Law (Article I, Section 7)

- Where can most bills begin? **in either house**
- Appropriation bills must begin in which house of Congress? **House of Representatives**
- T** or **F** When both houses have approved a bill it is sent to the President for his signature.
- Bills which involve spending taxpayer's money are called **appropriation bills**
- A proposed law is also referred to as a **bill**
- Special interest groups who try to influence members of Congress are called **Lobbyists**.
- Senators may stall or delay Senate action on a measure by using the **filibuster**.
- T** or **F** Only members of the House of Representatives have the right to filibuster a bill.
- T** or **F** A bill can become law without the President's signature if he takes no action on the bill within ten weekdays after he receives it and congress remains in session.

10. **T** or F A pocket veto occurs if congress adjourns within ten days of the President receiving a bill, and he takes no action on it.
11. T or **F** A 2/3rds majority of the members of both houses of congress have to approve a bill before it can be sent to the President.
12. **T** or F When a President signs a bill it becomes a law.
13. **T** or F A presidential veto occurs when the President refuses to sign a bill and returns it to the house where it originated with his objections.
14. The number of votes to override a presidential veto is **2/3rds** of the members of both houses.
15. The President has
  - a. 30 days in which to sign a bill into law
  - b. 10 days in which to sign or veto a bill**
  - c. 3 month in which he can override a Senate vote
  - d. None of the above.

### The Executive Branch (Article II)

1. Which branch of the United States government does Article II describe? The **Executive** branch
2. The duty of the Executive Branch is to
  - a. Make laws
  - b. Interpret laws
  - c. Make sure that the laws of the Constitution and the laws made by Congress are followed**
  - d. Both a and b
3. **T** or F Congress has decided that elections for President and Vice President should be held every four years on the first Tuesday following the first Monday in November of even numbered years.
4. The President and Vice President are officially elected by the **Electoral College**.
5. What determines the number of Electors a state has? **Its number of senators & representatives**
6. Electors who make up the Electoral College are chosen
  - a. By the voters of each state**
  - b. By the U.S. Senate
  - c. By the President
  - d. All of the above
7. **T** or F The candidate who wins a majority of the citizens' votes in each state gets all the electoral votes from the state in most states.
8. What number makes a majority of electoral votes? **270**
9. T or **F** In case no candidate wins a majority of the electoral vote, then the President and Vice President will be chosen by members of the U.S. Senate.
10. The maximum number of years that a person may serve as President is **8**
11. The term of office for President is **4** years.

12. A formal accusation of wrong-doing by a President is called
  - a. Ex post facto law
  - b. Bill of attainder
  - c. **Impeachment**
  - d. Writ of habeas corpus
13. T or **F** Congressmen and military officers can be impeached.
14. If the President is unable to take office on Inauguration Day, then the **Vice – President** becomes President.
15. The President gets the power to veto laws from Article **I**.
16. T or **F** The Cabinet meets at the request of Congress.
17. The first President to establish a Cabinet was **George Washington**.
18. T or **F** The Vice President is Commander-in-Chief of the armed forces.
19. Which house of Congress brings impeachment charges? **House of Representatives.**
20. Which house of Congress acts as the jury in impeachment trials? **Senate**

### **The Judicial Branch and Checks and Balances (Article III)**

1. Article **III** states powers and duties of the Judicial Branch.
2. The only court created by the Constitution is the **Supreme Court**.
3. Where must a trial be held? **in the state where the crime was committed.**
4. T or **F** The House of Representatives must approve the judges the President chooses before they can take office.
5. The U.S. Constitution gave **Congress** the power to create two types of federal courts.
6. T or **F** Federal judges must retire at age 70.
7. **T** or F All federal judges are appointed by the President and approved by the Senate.
8. **T** or F Federal judges can be removed only through the impeachment process.
9. What evidence is needed to prove treason has been committed?
  - a. **two witnesses must testify in open court or**
  - b. **the accused person must admit guilt in open court.**
10. **T** or F The U.S. Circuit Court of Appeals hears cases appealed from U.S. District Courts.
11. **T** or F Treason is defined as fighting against United States or giving aid to the enemy of the United States.
12. In times of peace, working against your country is called **espionage**.
13. **T** or F There are three types of federal courts.
14. The U.S. Supreme Court has **8** associate justices and one **chief justice**
15. It is called **original jurisdiction** if it is the first court where a case is tried.
16. **T** of F The U.S. Supreme Court has original and appellate jurisdiction

### **Checks and Balances**

1. It is called **checks** and **balances** when each branch of the federal government can be checked by the other branches. (separation of power)
2. The process by which the Supreme Court determines if a law is constitution is called **judicial review**.
3. Congress can override a presidential veto by a **2/3rds** vote of both houses.

4. Which branch of the government has the power to remove the President, Vice President, or other Executive Branch officials from office through the impeachment process? **Legislative**
5. How does the Executive Branch check the Legislative Branch? **The Presidential can veto laws that Congress makes.**
6. In impeachment cases who is the presiding judge of the trial in the Senate? **Chief Justice of the Supreme Court.**
7. How does the Executive Branch check the Judicial Branch? **President appoints federal judges**
8. The Constitutional principle by which the Supreme Court and all federal courts can determine if Congress, the President, or other courts have violated the Constitution is called **judicial review.**
9. This case established the principle of Judicial Review: **Marbury v. Madison**
10. The Judicial Branch checks the Legislative Branch by **declaring laws made by Congress** to be unconstitutional.
11. Requirements for presidency:
  - 1. Natural-born citizen**
  - 2. At least 35 yrs. Old**
  - 3. A resident of the U.S. For at least 14 yrs.**
12. Requirements for being a senator
  - 1. U.S. Citizen for 9 years**
  - 2. At least 30 years old**
  - 3. Live in the state he or she represents**
13. Requirements for being representative
  - 1. U.S. Citizen for 7 years**
  - 2. At least 25 years old**
  - 3. Live in state he or she represents**

**Concerning the States, Amending the Constitution, the Supreme Law of the Land, Ratification and the U.S. Flag (Articles IV-VII)**

1. **T** or F Under the constitution all states must honor the laws, records, and court rulings of the other states.
2. The process by which a governor of one state can request that a lawbreaker be sent back for the prosecution from another state if that person has been accused of breaking the law in the state he fled from is called **extradition.**
3. **T** or F A government of the people is considered to be republican form of government.
4. **T** or F The federal government has the duty to protect each state if the country is at war.
5. **T** or F Only Congress can admit new states into the union
6. T or **F** Congress may create a new state by joining other states together without Congressional approval or the approval of the states involved

7. Who has the power to ask Congress to call for a national constitutional convention? **2/3 of the state legislatures**
8. It takes a **2/3 rds** vote of both houses of Congress to propose an amendment.
9. A change to the Constitution is called an **amendment.**
10. How many state legislatures must vote to ratify an amendment before it can become the law of the land? **¾ or 38 states**
11. T or **F** It takes 2/3 vote of either the state legislatures or a 2/3 vote of state constitutional convention to ratify an amendment to the Constitution.
12. Three fourths of the 50 states is what number? **38**
13. If a state law conflicts with a federal law, which law takes precedence? **Federal**
14. What is the supreme law of the land? It is the **U.S. Constitutional, U.S. Treaties, and national laws made by Congress.**
15. How many states had to approve the Constitution before it could become the law of the land? **9**
16. The year the Constitution was written was
  - a. 1878
  - b. 1777
  - c. 1776
  - d. 1787**
17. The number of amendments to the U.S. Constitution is **27**
18. Due process of law is provided for in which amendment? **5th**
19. Women were given the right to vote by which amendment? **19th**
20. Which amendment prohibited slavery? **13th**
21. Which amendment defines citizens' rights? **14th**
22. Which amendment gave the right to vote to former slaves? **15th**
23. The legal process by which a governmental body can take private property for use by the public (at a fair price) is called **eminent domain**
24. T or **F** Amendments 16, 17, 18 are considered to be Civil War amendments.
25. Amendment 1 is a guarantee that you are free to do what five things? **Religion, prints your ideas (press), make speeches (speech), meet with others in a peaceful manner (assembly), and petition the government.**
26. The state get their powers from this amendment: **10th**
27. Which amendment gives Congress the right to lay and collect taxes on income? **16th**
28. T or **F** The 18<sup>th</sup> amendment gave women the right to vote.
29. How old does the Constitution say that you have to be before you are eligible to vote? **18 years**
30. Which amendment prohibits midterm pay raises for Congress? **27th**
31. Which three amendments serve to protect you if you are accused of a crime? **6, 7, 8**
  - 6 – Rights of the accused
  - 7 – Trial by jury
  - 8– No excessive fines/bail
32. The right to vote is called
  - a. Poll tax

b. Due process of law

**c. Suffrage**

d. Prohibition

33. Which amendments make up the Bill of Rights? **1 – 10**

34. **T** or F The Bill of Rights was added to the Constitution to guarantee each citizen his or her rights.

35. Name the court case that declared that segregated schools were not equal but where unconstitutional: **Brown v Board of Education.**

36. This amendment made the Bill of Rights apply to all citizens, including former slaves: **14th**

37. **T** or F The U.S. flag should always be allowed to hang free and not touch anything below it.

38. **T** or F The U.S. flag may be flown at night with a light.

39. How should a U.S. flag be flown with local or state flags? **at the peak when flown with local or state flags.**

40. When carried in a procession, the U.S. flag should be to the marching **right (audiences left)**

41. Where should the flag be carried in a procession where there is a line of flag? **in the front and center of that line.**

42. When is the only time that the U.S. flag can be flown upside down? **Signal of distress.**

43. **T** or **F** When flown with flags from other nations, the U.S. flag should be flown in the center and higher than any other flag.

44. **T** or **F** The U.S. flag should be flown from sunrise to sunset, at night with a light, and should be displayed on state and national holidays.

### **Illinois Constitution (Articles I – III)**

1. The present Illinois Constitution was ratified in

a. 1818

**b. 1970**

c. 1870

d. 1848

2. States get their powers from which U.S. constitutional amendment?

a. 19<sup>th</sup>

b. 17<sup>th</sup>

**c. 10<sup>th</sup>**

d. 16<sup>th</sup>

3. **T** or **F** The state of Illinois has the power to tax.

4. A serious crime punishable by more than one year in prison is called **felony.**

5. **T** or **F** The Bill of Rights for Illinois citizens is contained in Article II of the



- Illinois constitution.
6. **T** or F      The Illinois constitution guarantees that citizens will not be discriminated on the basis of sex or physical or mental handicaps.
  7. Name the three branches of the Illinois State Government. **Executive, Legislative, Judicial.**
  8. When are General Elections held in Illinois? **Every two years**
  9. The right to vote in Illinois is denied to what group or people? **a person convicted of a felony, or otherwise under sentence in a correctional institution or jail.**
  10. List the three requirements that a person must meet in Illinois before they are eligible to vote. They must be **1) A U.S. citizen 2) 18 years older 3) a resident in an Illinois precinct for 30 days prior to the election.**
  11. **T** or F      Both the federal government and the state government have the power to tax.

### **The State Legislative Branch (Article IV)**

1. Each house in the General Assembly can pass legislation that has been vetoed by the Governor when there is a **3/5** vote by each house to do so.
2. The authority to spend state monies is called **appropriation.**
3. Another name for proposed law is
  - a. Article
  - b. Amendment
  - c. Bill**
  - d. Section
4. **T** or F      The General Assembly of Illinois is a bicameral house.
5. The Illinois Constitution requires that legislative and representative districts in Illinois be **compact, contiguous,** and **substantially equal in population.**

Every **10** years legislative and representative districts are redrawn.

6. List the three requirements that a person must meet before he or she can be a member of the General Assembly: **U.S. citizen, 21 years or older** and **2 years prior to the election a resident of their district.**
7. **T** or F      The Illinois House and Senate determine if their members are properly elected and qualified to serve.
8. **T** or F      Legislative powers are powers to make laws.
9. The legislative power in Illinois is vested in what? **the General Assembly**
10. When the Governor does not approve of a bill that has been presented to him, he may do what to it? **veto it and return it, with his rejections to the House where it started.**
11. The special veto power that the Governor of Illinois has is called the **item (line-item veto)**
12. Every bill passed by the General Assembly must be presented to the Governor within **30** calendar days.
13. The bills that deal with spending the taxpayer' money are called **appropriation** bills.
14. General Elections are held every **2** years in Illinois.

### **The State Executive Branch (Article V)**

1. Name the person who maintains the official records of the acts of the General Assembly and the official records of the Executive Branch. **Secretary of State.**
2. The **Comptroller** orders payments into and out of the funds held by the State Treasurer.
3. Wrongdoing or misconduct is referred to as
  - a. Amendment
  - b. Pardon
  - c. Reprieve
  - d. Malfeasance**
4. The special veto power that the Governor has that the President does not have is called **item** veto.
5. The Executive officer who is responsible for the safekeeping and investment of monies and securities of the state of Illinois is the **Treasurer.**
6. T or **F**      There are 7 elected Executive officers in the Executive Branch.
7. To be elected to one of the Executive Offices, a person must meet the following three requirements: **1) U.S. citizen 2) 25 years of age or older 3) resident of Illinois for 3 years preceding the election.**
8. **T** or F      The Governor and Lt. Governor must be from the same political party.
9. If the Governor of the state should not be able to serve out his term, who would take over the Governor? **Lt. Governor**
10. The Chief legal officer of the State of Illinois is the **Attorney General.**
11. T or **F**      The Governor nominates all judges in Illinois.
12. T or **F**      The attorney General has the "Supreme Executive Power" in

Illinois.

13. **T** or F The Governor has the power to grant pardons and reprieves.
14. T or **F** The Governor may not remove from office anyone he has appointed.

### **The State Judicial Branch (Article VI)**

#### **Local Government, Finance, Revenue, Education, Environment, Militia, General Provisions, Constitutional Revision (Articles VII – XIV)**

1. **T** or F The judicial Branch of the State of Illinois interprets the laws of the the State.
2. A court hearing a case for the first time is said to have what kind of jurisdiction **original**.
3. **T** or F All judges in Illinois except associate judges are elected in Illinois.
4. T or **F** The Governor of the state appoints all judges in Illinois.
5. The Illinois Supreme Court has **7** members.
6. Supreme Court justices serve for **10** years.
7. **T** or F Illinois has a three-court system similar to the federal government.
8. Which Illinois court hears cases appealed from the circuit courts? **appellate**
9. **T** or F The General Assembly has the exclusive power to raise revenue.
10. T or **F** Illinois has a graduated income tax.
11. **T** or F Illinois has a non-graduated income tax.
12. Local governments have the power to
  - a. Pass ordinances to protect the health, safety, morals, and welfare of their people
  - b. License businesses and occupations
  - c. Tax and borrow money
  - d. All the above**
  - e. None of the above
13. **T** or F A state ordinance must be followed if there is a conflict between a state Law and a local ordinance.
14. Government money must be used for what purpose? **for public purposes**
15. Which branch of the government determines how the public money will be spent?
  - a. The Executive Branch
  - b. The Judicial Branch
  - c. The Legislative Branch**
  - d. A and B
16. What property is not to be taxed in Illinois?
  - a. Property owned by local government and school districts
  - b. Property used by schools, churches, cemeteries, etc.

c. Property owned by the state

d. All the above

17. Education in public schools in Illinois through the secondary level shall be free.

### CONSTITUTION FACT SHEET FEDERAL & STATE GOVERNMENTS

1. The CEO of the federal government is the **President.**
2. The CEO of the state government is the **Governor.**
3. The next in line to the CEO of the federal government is the **Vice President.**
4. The next in line to the CEO in the state government is the **Lt. Governor.**
5. In the federal government there are **100 senators.**
6. In the state government there are **59 senators.**
7. In the federal government there are **435 representatives.**
8. In the state government there are **118 representatives.**
9. The highest court in the federal government is the **Supreme Court.**
10. The highest court in the state government is the **Supreme Court.**
11. In the federal government Supreme Court judges serve **for life.**
12. In the state government Supreme Court judges serve **for 10 years.**
13. The federal Constitution was written in **1787.**
14. The state government was written in **1970.**
15. In the federal government the combined Senate and House of Representatives is called the **Congress.**
16. In the state government the combined Senate and House of representatives is called the **General Assembly.**
17. The minimum age to be the CEO in the federal government is **35 years old.**
18. The minimum age to be the CEO in the state government is **25 years old.**
19. The minimum age to be a senator in the federal government is **30 years old.**
20. The minimum age to be a senator in the state government is **21 years old.**
21. The minimum age to be a representative in the federal government is **25 years old.**
22. The minimum age to be a representative in the state government is **21 years old.**
23. In the federal government one term for president is **4 years**
24. . In the state government one term for governor is **4 years**
25. In the federal government one term for senator is **6 years**
26. In the state government one term for senator is **4 years**
27. In the federal government one term for representative is **2 years**
28. In the state government one term for representative is **2 years**
29. In the federal government the president has **10 day** to accept or veto a bill.
30. In the state government the General Assembly has 30 days to get a bill to the governor after it has passed both houses.

**COMPARISON CHART**

	<b>Federal</b>	<b>State</b>
1. Number of Senators----- -----	100	59
2. Number of Representatives----- -----	435	118
3. Chief Executive Officer----- -----	President	Governor
4. Next in Line to the CEO----- -----	Vice .Preside	Lt. Governor
5. Highest Court----- -----	Supreme	Supreme
6. Number of Years Judges Serve----- -----	Life	10 years
7. Year Constitution was approved----- -----	1787	1970
8. Combined Senate & House of Representatives---- -----	Congress	General Assem
9. Minimum Age to be Senator----- -----	30 years	21 years
10. Minimum Age to be Representatives----- -----	25 years	21 years
11. Minimum Age to be the CEO ----- -----	35 years	25 years
12. Term for Senator----- -----	6 years	4 years
13. Term for Representatives----- -----	2 years	2 years
14. Term for CEO----- -----	4 years	4 years
15. Number of Days assigned for a bill to be given to the Chief Executive Officer----- -----	10 days	30 days

