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FLORIDA CONSTITUTION ADVISORY COMMISSION

SUBJECT MATTER OF ARTICLES IN STATE AND TERRITORIAL  
CONSTITUTIONS

FOREWORD

The accompanying material is a comparison of the major subdivisions of the Florida Constitution with those of the other 47 states and territories of Hawaii and Puerto Rico. The object of the report is to make information available to the Florida Commission on the general subjects which have been considered important enough to be included as separate articles in the various constitutions. It is felt that such a comparison may be of some assistance to the committees and to the Commission as a whole in determining recommendations on the elimination, consolidation or addition of articles of the Florida Constitution.

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Given to the Style and Drafting Committee by -  
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## SUBJECT MATTER OF ARTICLES IN STATE AND TERRITORIAL CONSTITUTIONS

Despite the similarity of many state constitutions in their general coverage there is a wide variation both in the arrangement of subject matter and in many of the subjects covered. This dissimilarity is suggested by the attached tabular material comparing the major provisions of the Florida Constitution of 1885 with those of the other states. It should be noted that no attempt has been made here to indicate all instances in which provisions given separate article status in certain constitutions are incorporated into articles of different titles in other constitutions. This survey is not an attempt to deal exhaustively with the content of state constitutions, but rather to show those articles which recur most frequently as compared with those which do not seem to be relatively indispensable to a complete basic law.

Excluding the three constitutions drafted prior to 1800 which are not divided into articles, (Massachusetts, New Hampshire, and Vermont), the average number of articles in state constitutions is between 17 and 18. The Florida Constitution contains 20 articles, but for practical purposes there are 21 since Florida is one of only three states (the others are Kansas and Maryland) which do not include their Declaration of Rights as a numbered article. In general, the constitutions drafted between the Civil War and 1921 (the date of the Louisiana Constitution) tend to contain more and longer articles than either the older constitutions dating back to (or before) the early nineteenth century or the three most recent constitutions (Missouri, 1945; Georgia, 1945, and New Jersey, 1948).

This condition probably results from the fact that the period immediately prior to the Civil War was one of increasing suspicion of governmental powers, especially legislative powers; and this tendency continued to prevail until fairly recently. In consequence an attempt was made to include in the constitution many matters normally considered within the province of the legislature.

Of the twenty articles in the Florida Constitution, eleven appear in more than half of the 49 states and territories surveyed in the accompanying chart. All 49 contain articles on the Executive and Judiciary and, while Iowa and Tennessee do not have separate Legislative articles, their legislative provisions are included in the articles on "Distribution of Powers," and actually form the preponderant part of those articles. All but 3 of the constitutions examined contained articles corresponding to Florida's article on Suffrage and Eligibility; and nearly half of these either included the title "Elections" in such articles or had separate articles on the "Franchise" and on "Elections." The constitutions of 45 of these areas contained articles on both Education and Amendments; 37 included articles on Taxation and Finance, and 37 also had major subdivisions entitled either "Miscellaneous" or "General Provisions." Articles on the "Militia" made up part of 35 of those documents, while the same number contained provisions corresponding to Florida's article on "Counties and Cities." In case of the latter subject, over one-third of the 35 constitutions with articles on local government had separate articles on cities and counties. The constitutions of 33 of the 49 states and territories also contained articles on the Distribution of Powers, including the two states mentioned above

whose legislative provisions were incorporated into articles designated by this title. Although only 21 constitutions contained numbered articles on Schedule, an additional 14 included separate, unnumbered schedule provisions, probably with a view to keeping transitional provisions independent of the substantive part of the document.

Of the remaining provisions of the Florida Constitution, two articles - those on Married Women's Property and County Officers (Orange County) - are not duplicated in any other constitution. In addition only one other state constitution contains a separate article on Local Option and only three have articles on Public Health. Eleven states other than Florida have articles on Homestead and Exemptions, 12 on Apportionment, 14 on Public Institutions and 20 on Boundaries.

Naturally the other constitutions contained articles on many subjects not provided for in separate articles in the basic law of Florida. Only one article not included in the Florida Constitution, however, appeared in more than half of the other constitutions - 35 documents contained articles on corporations. And only seven other articles not forming a major subdivision of the Florida constitution were contained in as many as five other constitutions. These were Impeachments and Removal from Office (21), Oath of Office (6), State and School Lands (9), Water Rights (7), Labor (5), State Indebtedness (14), and Officers (8). Altogether the constitutions included 88 different types of articles in addition to the 20 subjects embraced in the Florida Constitution. Fifty-three of these subjects were in a

single constitution only, however, and another fifteen appeared no more than twice.

In composite form, then, the average state constitution would be made up of the 13 articles outlined below, together with a Schedule article or an unnumbered schedule provision, and four or five additional articles drawn in most cases from among the following: Impeachments and Removals, Oath of Office, State and School Lands, Water Rights, Labor, State Indebtedness, Officers, Boundaries, Apportionment, Homestead and Exemptions, and Public Institutions.

#### AVERAGE STATE CONSTITUTION

Article	I	Bill of Rights ✓
Article	II	Distribution of Powers
Article	III	Legislative ✓
Article	IV	Executive ✓
Article	V	Judicial ✓
Article	VI	Suffrage and Elections ✓
Article	VII	Taxation and Finance ✓
Article	VIII	Local Government
Article	IX	Corporations
Article	X	Education ✓
Article	XI	Militia
Article	XII	Amendments ✓
Article	XIII	Miscellaneous ✓

*Amend. Ref. Recall*  
*Finance*  
*Homestead*

THE MODEL STATE CONSTITUTION  
Contains the following articles

Article	I	Bill of Rights
Article	II	Suffrage and Elections
Article	III	Legislature
Article	IV	Initiative and Referendum
Article	V	Executive
Article	VI	Judiciary
Article	VII	Finance
Article	VIII	Local Government
Article	IX	Civil Service
Article	X	Public Welfare (Including Education, Health, Relief, Inspection of Institutions, Housing, Conservation, etc.)
Article	XI	Intergovernmental Relations
Article	XII	General Provisions .
Article	XIII	Constitutional Revision
Article	XIV	Schedule





#### FOOTNOTES TO TABLE

1. Article is on "Suffrage and Elections."
2. Article is on Corporations, including municipal and private.
3. Included in amendment article
4. Article is on "Franchise and Elections."
5. Article is on "Municipal and Private Corporations" and separate article on Counties, County Seats and County Lines.
6. Included in miscellaneous article.
7. Counties only.
8. Separate, unnumbered provision.
9. Article is on "Elections."
10. Article is on "Corporations, Municipal" only.
11. Entitled "Political and Municipal Corporations," contains only debt limitation provision.
12. Included in the article entitled "Distribution of Powers."
13. Article is on "Counties and Townships."
14. The Kentucky Constitution contains no numbered article but does have major subdivision corresponding to articles.
15. Separate Articles on cities and counties.
16. Subdivision is "General Provisions."
17. In article entitled "Additional Provisions."
18. Also contains some miscellaneous provisions.
19. "Counties and Townships" only.
20. In Bill of Rights.
21. Separate Articles on "State Finances" and "Taxation."
22. Original and amended judicial articles carried separately.
23. Separate articles on "Elective Franchise" and "elections."
24. Separate articles on "Legislative Powers", "the House of Representatives" and the "Senate".

25. Separate Articles on "Electors" and "Elections."
26. Article is on "Election and Officers."
27. Public Health and Welfare.
28. Entitled "Transitory Provisions."

## Articles not Included In The Florida Constitution

### ALABAMA \*

(1901, 18 Articles, Amended 103 times)

1. Impeachments
2. Banks and Banking
3. Oath of Office

### ARIZONA \*

(1911, 22 Articles (Art. 23 and 24 on prohibition repealed), amended 35 times as of 1953) See also fn. 15 to table.

1. Removal from office
2. State and School Lands
3. Corporations other than municipal
4. The Corporation Commission
5. Water Rights
6. Labor
7. Mines
8. Ordinance

### ARKANSAS \*

(1874, 19 Articles, Amended 42 times)  
See also fn. 5 to table.

1. Agriculture, Mining and Manufacture
2. Impeachment and Address
3. Railroads, Canals and Turnpikes
4. Judicial Circuits

### CALIFORNIA \*

(1879, 26 Articles (Numbered as 34, but Art. 27 repeals Art. 25 and Articles 28 to 33 have not been adopted) (Amended 272 times as of 1953).

1. Pardonng Power

California cont'd

2. Corporations
3. Water and Water Rights
4. Harbor Frontages, etc.
5. State Indebtedness
6. Chinese
7. Recall of Public Officers
8. State Civil Service
9. Motor Vehicle Taxation and Revenues
10. Public Housing Project Law

CONNECTICUT \*

(1818, 13 Articles, amended 48 times)

In 1953 (effective January 1, 1955) the 47 amendments previously adopted in Connecticut were incorporated into the body of that Constitution and one additional amendment was adopted.

1. Religion
2. Impeachments
3. Repeal of Articles and Amendments of the Constitution

COLORADO \*

(1876, 24 Articles, Amended 56 times as of 1953)

1. Public Indebtedness
2. Officers
3. Impeachments
4. Corporations
5. Mining and Irrigation
6. City and County of Denver and other Home Rule Cities and Towns
7. Recall from Office
8. Intoxicating Liquors
9. Publication of Legal Advertising

Colorado cont'd

10. Old Age Pension

DELAWARE \*

(1897, 16 Articles, Amended 21 times as of 1953)

1. Impeachment and Treason
2. Pardons
3. Corporations
4. Agriculture
5. Oath of Office

GEORGIA \*

(1945, 15 Articles, Amended 11 times through 1953) The 1877 Georgia Constitution was completely overhauled by a single amendment in 1945)

1. Power of General Assembly Over Taxation
2. The Laws of General Operation in Force in this State
3. Merit System
4. Home Rule

IDAHO \*

(1890, 21 Articles, Amended 58 times as of 1953)

1. Public Indebtedness and Subsidies
2. Corporations, Public and Private
3. Immigration and Labor
4. Water Rights
5. Live Stock
6. County Organizations

ILLINOIS \*

(1870, 14 Articles, Amended 13 times)

1. Corporations
2. Warehouses

INDIANA \*

(1851, 16 Articles, Amended 18 times as of 1953)

1. Administration
2. Corporations

IOWA \*

(1857, 12 Articles, Amended 22 times)

1. State Debts
2. Corporations

KANSAS

(1859, 15 Articles, Amended 43 times)

1. Elections
2. Corporations
3. Banks and Currency

KENTUCKY

(1891, 16 Major Divisions, Amended 15 times as of 1953)

[All Sections, no numbered articles, Bill of Rights starts with Section 1, however] See also fn. 15 to table.

1. Impeachments
2. Corporations
3. Railroads and Commerce

LOUISIANA \*

( 1921, 25 Articles, Amended 325 times)

The Louisiana Constitution actually contains 27 separate articles since two articles are numbered VI-A and XVI-A respectively. However, the last three articles are really ordinances of the Convention of 1921 and are omitted here.

1. Limitations
2. Administrative Officers and Boards
3. Gasoline Tax for Ports and Schools
4. Impeachment and Removal from Office
5. Corporations and Corporate Rights
6. Drainage Districts
7. Levees
8. Caernarvon Break - Reparation Claims
9. Pensions
10. Penitentiary

MAINE \*

(1819, 10 Articles, Amended 77 times)

MARYLAND

(1867, 17 Articles, Amended 69 times as of 1953)

1. Attorney General and State's Attorney
2. Treasury Department
3. Sundry Officers
4. Labor and Agriculture
5. City of Baltimore (Articles XI, XI-A through E)
6. Public Works
7. New Counties
8. Referendum
9. Quadrennial Elections

MASSACHUSETTS

(1780, two major parts, amended 81 times)

The Massachusetts Constitution is the oldest in continuous operation of all the States. What would be sections in the other constitutions are "Articles" in this constitution. It is divided into two major parts. 1, The Declaration of Rights and 2. The Frame of Government. The latter is divided into six chapters which are treated as articles for purpose of comparison.

1. Delegates to Congress

MICHIGAN \*

(1908, 17 Articles, Amended 55 times as of 1953)

1. Impeachments and Removal from Office
2. Corporations
3. Eminent Domain

MINNESOTA \*

(1857, 20 Articles, Amended 76 times as of 1953)

1. Corporations Having No Banking Privileges
2. Impeachment and Removal of Officers
3. Trunk Highway System
4. Forest Fire Protections
5. Promoting Forestation and Reforestation
6. Air Navigation Facilities and Taxation
7. Bonus for World War II Service



MISSISSIPPI \*

(1890, 15 Articles, Amended 35 times as of 1953)

1. Corporations
2. Penitentiary and Prisons
3. Levees

MISSOURI \*

(1945, 12 Articles, Amended 4 times as of 1953)

1. Public Officers
2. Corporations

MONTANA \*

(1899, 21 Articles, Amended 26 times as of 1953)

1. Military Reservations
2. Public Indebtedness
3. Corporations Other than Municipal
4. Public Lands
5. Labor
6. Montana Trust and Legacy Fund

NEBRASKA \*

(1875, 17 Articles, Amended 69 times) See also fn. 15  
to table.

1. Public Service Corporations
2. Miscellaneous Corporations
3. State, County and Municipal Indebtedness

NEW HAMPSHIRE

(1783, Two major parts, Amended 105 times as of 1953)

Like the Constitution of Massachusetts, the New Hampshire Constitution is divided into two major parts, the Bill of Rights and the Form of Government. Provisions which appear to be major subdivisions are taken as equivalent to articles for purposes of this study.

1. Corporations

NEW JERSEY \*

(1948, 11 Articles, Unamended)

1. Public Officers and Employees

NEW MEXICO \*

(1912, 23 Articles (2 Additional Articles on prohibition and repeal cancel out), amended 34 times)

1. State, County, Municipal Indebtedness
2. Corporations Other Than Municipal
3. Public Lands
4. Agriculture and Conservation
5. Irrigation and Water Rights
6. Mines and Mining
7. Compact with the United States
8. Reserving Mineral Royalties.

NEW YORK \*

(1938 (Substantially revised), 20 Articles, Amended 45 times)  
See also fn. 21 to table.

1. Officers and Civil Departments
2. Local Finances
3. Corporations
4. Public Officers
5. Conservation
6. Canals
7. Social Welfare
8. Housing

NEVADA \*

(1864, 13 Articles (17 numbered, Article 13 Repealed, no articles 12, 14, and 16), Amended 56 times as of 1953)

1. Impeachment and Removal from Office
2. Finance and State Debt

NCRTH CAROLINA \*

(1868, 14 Articles, Amended 80 times as of 1953)

1. Corporations
2. Punishment, Penal Institutions, and Public Charities

NCRTH DAKOTA \*

(1889, 19 Articles (20th on Prohibition repealed), amended 63 times as of 1953) See also fn. 15 to table.

1. Corporations other than Municipal
2. School and Public Lands
3. Public Debt and Public Works
4. Impeachment and Removal from Office
5. Compact with the United States

OREGON \*

(1857, 18 Articles (Article XI contains 6 major parts), Amended 92 times as of 1953)

1. Administrative Department
2. Corporations and Internal Improvements XI
  - Farm and Home Loans to Veterans XI-A
  - State Power Development XI-D
  - State Reforestation XI-E
  - Higher Education Building Projects XI-F (1)
  - Veterans' Bonus XI-F (2)
3. State Printing
4. Salaries
5. Seat of Government

OKLAHOMA \*

(1907, 25 Articles, Amended 36 times as of 1953) See also fn. 15 to table.

1. Federal Relations
2. Impeachment and Removal from Office
3. Corporations
4. State and School Lands
5. Banks and Banking
6. Oath of Office
7. Public Roads, Highways and Internal Improvements
8. Insurance
9. Manufacture and Commerce
10. Alien and Corporate Ownership of Lands
11. Social Security

OHIO \*

(1851, 18 Articles, Amended 81 times) See also  
fns. 15 and 23 to table.

1. Public Debt and Public Works
2. Corporations
3. Jurisprudence

PENNSYLVANIA \*

(1874, 18 Articles, Amended 53 times as of 1953)  
See also fn. 15 to table.

1. Legislation
2. Impeachment and Removal from Office
3. Oath of Office
4. Public Officers
5. New Counties
6. Private Corporations
7. Railroads and Canals

RHODE ISLAND \*

(1842, 14 Articles, Amended 32 times as of 1953) See  
also fns. 24 and 25 to table.

1. Qualifications for Office
2. Impeachment

SOUTH CAROLINA \*

(1895, 17 Articles, Amended 215 times as of 1953) See also  
fn. 15 to table.

1. Jurisprudence
2. Corporations
3. Eminent Domain
4. Impeachments

SOUTH DAKOTA \*

(1889, 26 Articles (29 numbered articles: two repealed and one not adopted originally, amended 57 times as of 1953) See also fn. 15 to table.

1. Public Accounts and Expenditures
2. Public Indebtedness
3. Impeachment and Removal from Office
4. Corporations
5. Banking and Currency
6. Seat of Government
7. Compact with the United States
8. Investment of School Funds
9. Elevators and Warehouses

TENNESSEE \*

(1870, 11 Articles, substantially amended by convention in 1953 for the first time. 6 Amendments made for thorough overhaul of the Constitution).

1. Impeachment
2. State and County Officers
3. Disqualifications
4. Oaths, Bribery of Electors, New Counties

TEXAS \*

(1876, 17 Articles, Amended 110 times as of 1953) See also fn. 15 to table.

1. Railroads
2. Private Corporations
3. Spanish and Mexican Land Titles
4. Public Lands and Land Office
5. Impeachment

UTAH \*

(1895, 24 Articles, Amended 52 times as of 1953)

1. Ordinance
2. Corporations
3. Public Debt
4. Labor
5. Water Rights
6. Forestry
7. Public Lands
8. Salaries

VERMONT

(1793, two major parts, amended 40 times as of 1953). Like the Constitutions of Maine and New Hampshire, the Vermont Constitution is divided into two major parts, the Bill of Rights and a Plan or Frame of Government. Provisions which appear to be major subdivisions are taken as equivalent to articles for purposes of this study.

1. Elections, Officers, Terms of Office
2. Oath of Allegiance, Oath of Office
3. Impeachment

VIRGINIA \*

(1902, 17 Articles, Amended 23 times as of 1953). See also fn. 15 to table.

1. Agriculture and Immigration
2. Public Welfare and Penal Institutions
3. Corporations
4. Rules of Construction
5. Voting Qualification of Armed Forces

WASHINGTON \*

(1889, 27 Articles (28th superseded by amendment),  
amended 29 times)

1. Impeachment
2. Public Indebtedness
3. Corporations Other Than Municipal
4. Seat of Government
5. Harbors and Tide Waters
6. School and Granted Lands
7. Tide Lands
8. State Seal
9. Water and Water Rights
10. Jurisdiction
11. Compact with the United States

WEST VIRGINIA \*

(1872, 14 Articles, Amended 27 times as of 1953)

1. Relations to the Government of the United States
2. The State
3. Corporations
4. Land Titles

WISCONSIN \*

(1848, 14 Articles, Amended 56 times as of 1953)

1. Administrative
2. Eminent Domain and Property of the State
3. Corporations



WYOMING \*

(1890, 21 Articles, Amended 18 times as of 1953)

1. Irrigation and Water Rights
2. Mines and Mining
3. Corporations
4. Salaries
5. Public Indebtedness
6. Public Lands and Donations

HAWAII \*

(Drafted 1950, to take effect upon admission to statehood,  
16 Articles)

1. Conservation and Development of Resources
2. Hawaiian Home Lands
3. Organization, Collective Bargaining

PUERTO RICO \*

(Commonwealth of Puerto Rich Constitution in effect in 1953,  
9 Articles)

1. The Commonwealth

\* Bill of Rights a numbered Article.