

Name _____

Date _____

The Legislative Branch - Answer Key

Use the text to answer each question below.

1. ****Excerpt from the Constitution: Article I, Section 2**** Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

What process does this excerpt from the Constitution describe?

- A. The determination of the number of senators per state
- B. The election of senators by the electoral college
- C. The determination of the number of representatives per state
- D. The appointment of representatives by the executive branch



C. The determination of the number of representatives per state

The text states that the number of representatives per state will be “apportioned...according to their respective Numbers,” with no more than “one [representative] for every thirty Thousand.” In addition, a formula is laid out for determining the aforementioned “respective Numbers”—that is, “the whole Number of free Persons...excluding Indians not taxed [and] three fifths of all other Persons.”

2. **Excerpt from the Constitution: Article I, Section 3** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

With which of the following statements would the framers of the Constitution most likely have agreed?



- A. The Senate should not have turnover all at once.
- The text states that after the first election, the senators would be divided into groups, or "classes," and that the first group would serve for two years, the second for four, and the third for six. In this way, "one third may be chosen every second Year." This ensures that the Senate does not turn over all at once.*
- B. The number of senators per state should be in proportion to that state's population.
- C. The oldest senators should hold the most power.
- D. Senators should be elected by the people of the states they are from.

3. ****Excerpt from the Constitution: Article I, Section 3**** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote. ****The Constitution: Amendment 17**** The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

What does the 17th Amendment change?

- A. The length of senators' terms
- C. The number of votes per senator

B. The number of senators per state



D.

The process for choosing senators

The passage from the Article 1 of the Constitution states that senators would be "chosen by the Legislature" of each state. The text of the 17th Amendment states that senators would be "elected by the people" of each state.