Review Questions

Feb. 20, 2014

1. Which formulation best matches the unconstitutionality canon?

   a. Courts should avoid interpretations that raise a serious question as to the constitutionality of a statute.

   b. When faced with two competing interpretations of a statute, the court must choose the interpretation that will save the legislative act over an interpretation that would find it unconstitutional.

   c. Either A or B, depending on circumstances of the case.

   d. None of the above.

2. If the Governor of Texas chooses not to sign a bill that has passed both chambers of the Texas Legislature with less than 15 days left in the current legislative session, he (or she) has:

   a. Allowed the bill to become law.

   b. Subjected the bill to a pocket veto.

   c. Automatically passed the bill for reconsideration by the next Legislature.

   d. Automatically triggered a special session of the Legislature (if the governor has designated the bill as emergency legislation during the session).

3. The two elements required to invoke the constitutional avoidance canon are:

   a. _____

   b. _____