

U.S. and Texas Constitutions: Similarities, Differences, and Political Power

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Introduction

The United States Constitution and the Texas Constitution perform related but distinct constitutional functions. Each establishes representative institutions, distributes political authority, protects individual rights, and creates procedures through which government may act. Their structures differ because they emerged from different historical problems. The federal Constitution of 1787 responded to weaknesses in the Articles of Confederation by creating a stronger national government while dividing power among branches and between the national government and the states. The Texas Constitution of 1876 was shaped by distrust of centralized state authority after Reconstruction and therefore places unusually detailed limits on public institutions. These differences remain visible in executive organization, legislative procedure, judicial selection, fiscal rules, and constitutional amendment. They also affect how Texas responds to modern growth, public finance, and disputes involving state and federal authority. A useful comparison should therefore avoid treating one document as simply a longer version of the other. The U.S. Constitution creates the supreme federal framework, while the Texas Constitution organizes one state government within that framework (National Archives and Records Administration, n.d.-b; Texas Legislative Council, 2026).

Historical Design and Constitutional Purpose

The federal Constitution was designed to strengthen national capacity without concentrating all power in one institution. It grants Congress enumerated powers, establishes an independent executive and judiciary, and makes valid federal law supreme over conflicting state law. The Texas Constitution took a more restrictive approach toward state government. Its framers limited the governor, divided executive authority among separately selected officials, constrained legislative activity, and placed many policy details directly in the constitutional text. The [Bill of Rights](#) appears in Article I of the Texas Constitution, reflecting the document's emphasis on popular sovereignty and limits on government; the federal Bill of Rights was ratified in 1791 (National Archives and Records Administration, n.d.-a; Texas Legislative Council, 2026). The contrast helps explain why the federal Constitution is relatively brief while the Texas Constitution has accumulated detailed provisions on taxation, debt, public institutions, land, local government, and specialized funds. The federal document leaves many operational questions to legislation and judicial interpretation; Texas more

often constitutionalizes those details. This design can constrain concentrated power, but it also means that technical policy changes sometimes require a statewide constitutional amendment rather than an ordinary statute (Texas Legislative Council, 2026).

Rights, Branches, and Institutional Accountability

Both constitutions divide authority among legislative, executive, and judicial institutions, yet they create different forms of accountability. At the federal level, the president heads a comparatively unified executive branch, Congress consists of a House and Senate, and Article III judges generally hold office during good behavior. Texas also has a bicameral legislature, but the state uses a plural executive in which the governor shares constitutional space with independently elected officials such as the attorney general, comptroller, and land commissioner. The Texas judiciary is also distinctive because many judges are elected, while the state has separate highest courts for civil and criminal matters. These arrangements reflect different balances between independence and direct electoral accountability. Both systems also protect individual rights, although the federal Bill of Rights and Fourteenth Amendment establish constitutional floors that state government must respect. Texas may provide additional protections under its own constitution, but state officials cannot disregard federal constitutional requirements. The practical result is a layered legal system in which Texas institutions exercise substantial authority while remaining subject to the U.S. Constitution, valid federal statutes, and controlling federal court decisions.

Legislative Structure, Amendment, and Fiscal Limits

Texas's constitutional design is especially visible in its legislature, amendment process, and budget rules. The Texas Legislature has a 150-member House and a 31-member Senate and normally meets in regular session every two years for no more than 140 days. Proposed constitutional amendments require a two-thirds vote of the elected membership of each chamber and then approval by Texas voters. Because the state constitution contains extensive policy detail, amendment elections are frequent. The Legislative Reference Library reports that, through 2025, the legislature had proposed 731 amendments and voters had approved 547 of them, although two approved measures had not been certified because of court challenges (Legislative Reference Library of Texas, 2025). Texas also imposes a pay-as-you-go constraint through Article III, Section 49a, which requires the comptroller to certify that appropriations remain within available and anticipated revenue, subject to constitutional exceptions. These features reflect the long-standing preference for limiting legislative discretion and public debt, but they can also make governance more procedurally complex than under the shorter federal Constitution (Texas Legislative Council, 2026).

Population Growth and the Distribution of Political Power

Texas's constitutional institutions now operate within one of the fastest-growing populations in the United States. The U.S. Census Bureau estimated the state's population at 31,709,821 on July 1, 2025, an increase of 8.8 percent from the April 2020 population estimates base (U.S. Census Bureau, 2026). Growth affects representation, infrastructure, education, water planning, transportation, housing, and the distribution of public services. After each decennial census, legislative and congressional districts must be redrawn to reflect population change, which can shift the relative influence of rapidly growing metropolitan and suburban areas compared with slower-growing regions. Demographic change, however, should not be treated as a mechanical predictor of election outcomes. Political behavior is influenced by registration, turnout, geography, issues, and candidate appeal. Texas Demographic Center projections also point to continuing demographic change across the state, making population trends relevant to long-range planning for education, infrastructure, and public services (Texas Demographic Center, 2025). Constitutionally, the more important point is that population growth places new demands on institutions created in the nineteenth century. Texas must address modern metropolitan-scale problems through a state government whose legislature remains biennial and whose constitution often requires unusually detailed legal and electoral procedures.

Federalism, Immigration, and State Authority

Immigration illustrates the practical boundary between state power and federal supremacy. The federal government holds primary constitutional authority over admission, removal, naturalization, visas, and the national immigration system, while states retain broad authority over education, policing under state law, licensing, public health, infrastructure, and many local consequences of migration. In *Arizona v. United States* (2012), the Supreme Court emphasized the federal government's broad role and the possibility that federal law may preempt conflicting state measures. Economic effects are also more complex than claims that immigration is wholly beneficial or harmful. The Congressional Budget Office estimated that the recent immigration surge would raise federal revenues by about \$1.2 trillion over 2024–2034 while also increasing some federal outlays, producing different effects across workers, industries, and levels of government (Congressional Budget Office, 2024). Texas may cooperate with federal authorities where law permits, challenge federal action in court, and manage state-level consequences, but it cannot independently create national citizenship rules or a removal system that conflicts with federal law. Federalism therefore involves overlapping responsibilities rather than complete state independence.

Conclusion

The U.S. and Texas constitutions share core principles of representative government, separated powers, individual rights, bicameral legislatures, judicial review, and constitutional amendment, but they organize those principles differently. The federal Constitution is brief, difficult to amend, and designed to provide a durable national framework. The Texas Constitution is longer, more detailed, easier to amend, and deliberately restrictive toward state institutions. Its plural executive, elected judiciary, biennial legislature, fiscal constraints, and frequent amendment process reflect a nineteenth-century concern about concentrated power that still shapes twenty-first-century governance. Current population growth and immigration debates do not change these constitutional fundamentals, but they show why the distribution of authority matters. Texas has substantial responsibility for state services and local consequences, while the federal Constitution and valid federal law remain supreme in areas of national authority. Understanding the relationship between the two documents therefore requires more than listing similarities and differences. It requires recognizing how historical design continues to structure accountability, policymaking, fiscal decisions, representation, and state-federal conflict in a rapidly changing state (Texas Legislative Council, 2026; U.S. Census Bureau, 2026).

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