

(CONT. FROM INSIDE)

it might limit the ability of legislators to earn outside income. Meaningful campaign finance reform is also thought to be more achievable through a convention process than the legislative process given the vested interest legislators have in the maintaining the current system.

#### **Election Law Reform**

A constitutional convention could propose amendments to shorten voter registration deadlines, institute no-excuse absentee voting, and implement early or mail-in voting to make voting easier.

#### **State Court System**

The antiquated state court system could be updated, with a consolidated trial court system and merit selection of judges.

#### **Reproductive Choice**

Reproductive choice could be added to become a constitutionally guaranteed right for women in New York State. Currently reproductive choice is not codified in the state Constitution.

#### **Local Government**

Several articles in the Constitution are focused on local governments. These articles could be amended giving local governments more power over their own municipalities. Home rule is one example that would help local governments reclaim their independence so that they can better represent and provide services to their constituents.

#### **Environmental Protections**

The Adirondack Park was protected as “forever wild” by a previous state Constitutional Convention. It can only be developed in certain restricted areas or through additional constitutional amendments passed by the legislature and voted on by the people. A convention could propose to open up the “forever wild” clause for revision and potentially allow for commercial and residential development in parts of the park that would otherwise be mandated as protected lands. On the other hand, it could also make clean air and water a basic human right for all New Yorkers.

#### **Protections for Vulnerable Populations**

The Constitution provides protections for the mentally or physically disabled, the elderly, and individuals living in poverty. Public health is also included in this Constitutional article currently. These provisions could be expanded to allow for greater protection of these populations. Additionally, health care amendments could be added to ensure all New Yorkers have access to adequate and affordable health care.

#### **Housing**

Low income housing and housing for the elderly are currently protected. This article could be expanded to allow for greater protection.

## **HISTORY OF CONSTITUTIONAL CONVENTIONS IN NYS**

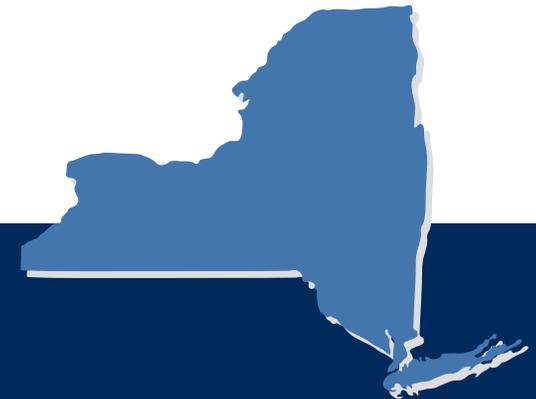
During past State Constitutional Conventions, many significant programs and reforms have been accomplished.

- 1777:** Religious freedom, trial by jury, property owner’s right to vote, due process, right to counsel, and protection from bills of attainder.
- 1801:** Set number of state legislators. Power of nominations given to the legislature instead of the governor.
- 1821:** Established a mechanism for amending the Constitution without a convention. Abolished the Council of Appointments. Created a new system of circuit courts. Established voting qualifications for white and African-American men.
- 1846:** Expanded the types of offices that would be elected by the people. Restrictions on legislative power and the spending of public dollars. Mandate the presentation to the voters of question whether to call a convention every 20 years.
- 1867:** Accepted: Extend judges’ terms in office, reduce case backlog. Rejected: Increase term limits for senators, restriction of legislative power and increasing the governor’s power.
- 1894:** Creation of SUNY. “Forever Wild” state forest preserve. Merit based civil service. Established home rule provisions for municipalities. Set up laws regarding voter registration, voting machines and bipartisan election boards. Established guidelines for the selection of convention delegates. Creation of Blaine Amendment.
- 1915:** Rejected: Equal Protection Clause. Measure to institute a more coordinated government body.
- 1938:** 9 ballot questions: 6 passed by voters. Accepted: Safety net for needy, housing, transportation for education, and debt limitations for New York City’s rapid transit. Equal protection clause prohibiting discrimination based on race, color or creed in both private and state action.
- 1967:** Packaged all amendments as single ballot question that was rejected by voters. Amendments included improving the language protecting freedom of speech, allowing citizens to bring legal action against the state, allowing the legislature to reduce the voting age, repealing the Blaine Amendment, allowing the legislature to incur debt without voter referendum.



GET THE FACTS:

# **NEW YORK STATE’S CONSTITUTIONAL CONVENTION QUESTION**



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GET THE FACTS:

# NEW YORK STATE'S CONSTITUTIONAL CONVENTION QUESTION

## BACKGROUND

The New York State Constitution mandates that every 20 years voters be presented with the ballot question: "Shall there be a convention to revise the constitution and amend the same?" A Constitutional Convention allows delegates, elected by the people, to gather and examine our state's Constitution. The delegates can propose changes and new provisions to the document. Changes to language can be made for greater clarity and understanding, or to streamline what is already in place. New provisions would serve to address issues that the current Constitution does not address, and the Convention can propose to delete outdated provisions.

**The League of Women Voters of NYS has a position in support of the 2017 ballot proposal to convene a state Constitutional Convention.**

## WHEN WILL I BE VOTING?

### November 7, 2017

Vote on whether or not to convene a state Constitutional Convention.

*If approved:*

### November 6, 2018

Election of Delegates

### November 5, 2019

Estimate for the date of vote on Convention's proposed changes

## AMENDING THE CONSTITUTION

### Amending Legislatively:

Identical resolutions must pass in both houses in two consecutive legislative sessions with an intervening statewide election. Any proposed legislative amendments to the Constitution must then be approved by voters.

### Amending through Convention:

First people vote on whether to convene a convention; then election of delegates is held the next fall. Delegates convene in Albany and examine the State Constitution. Delegates propose amendments and people vote on whether or not to accept them at the next general election.

## LOGISTICS

If voters approve the calling of a Constitutional Convention, the delegates would be elected by voters on November 6, 2018, and the Convention would convene in Albany on April 2, 2019. The last Convention, held in 1967, met from April 4th until September 26th.

Delegates decide how they will organize themselves and how the Convention will proceed.

## COST

Cost estimates have ranged from \$50 million to \$108 million. Costs would include delegate salaries, staff, meeting space, and potentially webcasting of the sessions. Some amendments to the state Constitution have the potential to save the state money in the long term.

## DELEGATES

**(As provided for in the Constitution)**

**15** At-Large Delegates (elected statewide)

**3** delegates elected from each of the 63 state Senate districts

**Total of 204 delegates**

Anyone can run to become a delegate based on the Constitution. Based on NYS election law, delegates must collect signatures on a petition in order to appear on the ballot, with at-large delegates requiring more signatures than delegates from State Senate districts. The number of signatures required is specified in the law and could be revised by legislative action.

### Senate District Delegates

Established Party: 1,000 signatures or 5% of enrolled party in district

Independent: 3,000 signatures or 5% of votes cast in last gubernatorial election

### Statewide At-Large Delegates

15,000 signatures or State Party Committee can make appointments.

## DELEGATE SALARIES

The State Constitution states that delegates be paid the same salary as members of the Assembly. Assembly salaries are currently set at \$79,500.

### Dual Compensation

Based on the Constitution, judges and legislators who serve as delegates are eligible to receive both their full salaries for their judicial/legislative position and for their service as delegates.

### Dual Pensions

Before the 1938 and 1967 Conventions, special legislation was passed to ensure that convention participation was considered "government service" under NYS pension law. This allowed judges and legislators to include the money they earned as delegates in their compensation for pension purposes. The state legislature has not taken action on a proposal at this time.

## PRO AND CON ARGUMENTS

### Arguments in Favor of Convention

Proponents of the proposal argue that a Constitutional Convention will help to streamline our State Constitution, one of the most verbose in the country with many outdated amendments. Proponents also see this convention as an opportunity to accomplish election, campaign finance, ethics and voting reforms, all of which have seen little progress by the legislature which may be more interested in protecting incumbents. Other potential areas for improvement include reforms to the court system, an environmental bill of rights, guarantees for healthcare and reproductive rights and protections for vulnerable populations. Proponents also argue that any changes proposed by the Convention will be subject to voter approval.

### Arguments to Oppose Convention

Opponents of the proposal argue that a Convention will allow for a complete overhaul of the state Constitution. Opponents fear delegates may propose removal or revision of certain clauses including protections of state pensions, the Adirondack forest preserve, and school funding. Opponents argue that funding from outside interest groups could play a major role in delegate selection and result in a convention unduly influenced by special interests.

## MAJOR POTENTIAL CHANGES

If the Convention is convened, amendments to any part of the state Constitution could be proposed and articles and/or sections could be added, deleted or revised. Proponents and opponents of the Convention see this scope as a benefit or detriment, depending on the issue. All proposed changes must ultimately be approved by the people before they are enacted.

### Governance

A Convention could propose term limits for legislators and leadership positions in the Assembly and Senate, increase transparency in the budget process, change the numbers of legislators, increase term lengths, stagger terms, or eliminate cumbersome requirements for bill passage. All of these changes have been suggested as improving the structure of the legislature. In addition, the redistricting process for state legislative and Congressional districts could be revised to strengthen its independence.

### Ethics and Campaign Finance

A Constitutional Convention would be able to discuss and draft revisions to the State Constitution to address ongoing and pervasive issues of corruption in state government. For example,

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