

## PANDORA'S BOX

Get the facts about a Constitutional Convention

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- New York State Constitution (Article 19, § 2), every 20 years the people of the Empire State are asked a seemingly simple ballot question; "Shall there be a convention to revise the constitution and amend the same?"



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- Will appear on the top of the ballot on November 7, 2017
- Will have a huge impact on not only NYSUT members, but every citizen of the state



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**CONSTITUTIONAL CONVENTION  
VS.  
CONSTITUTIONAL AMENDMENTS**  
What's the difference?

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**FIRST PROCESS**

State constitution can be amended in two ways.  
Through the passage of individual bills by two separately elected state Legislatures (Article 19, §1).

- Bills passed that propose specific amendment questions then appear on the November ballot and need 50% + 1 to pass.
- Process was undertaken in 2013 for several changes including:
  - Casino Gaming in New York state-Passed
  - Sale of specific tracks of land within the constitutionally protected Adirondack Park- Passed
  - Increasing the mandatory retirement age for state judges: Failed
- This process has been used 200 times since the last major constitutional revision in 1894.

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Process was again used last fall for two more proposed changes

- Creation of an Independent Commission on Redistricting- Passed
  - Changes to election districts based on the 2020 US Census
  - New lines will be in place for the 2022 elections
- Allow Senate and Assembly to go paperless-Passed
  - Constitutional requirement-paper bills must sit on legislators desks for three days
  - Would allow bill being "in print" to count toward the three days
  - Will save \$325,000 a year in paper and printing costs

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## SECOND PROCESS

- Holding a constitutional convention (Article 19, §2)
- Question goes before the voters every 20 years
- Allows for much wider modifications of the constitution; including a full rewrite



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- If the voters approve, a multi-year process starts
  - Three delegates per- State Senate District and 15 at-large delegates are elected at the next scheduled general election
  - These delegates can include sitting members of the State Legislature, political party leaders or other office holders.
  - These delegates are allowed to hold both their elected office and a position as a delegate; collecting both salaries
  - Convention meets in Albany the following April for an unspecified duration, deliberates and then publishes their suggested amendments
  - Proposed changes are then submitted to the votes, either individually or as a group
  - Another public referendum vote not sooner than six weeks after the adjournment of the convention.



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- This process has been used nine times (1777, 1801, 1821, 1846, 1867, 1894, 1915, 1938, 1967) to undertake major re-writes of the state constitution.
- Some of these conventions succeeded with votes accepting the suggested changes, while other convention recommendations were rejected by the voters as in 1967.



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**WHY IS THIS SO  
IMPORTANT TO ME  
AS A NYSUT  
MEMBER?  
What's at stake?**

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- o The constitution establishes a basic organizational structure for state government
- o If changes are made that give too much power to one branch, for example say the executive, then our system of self governance will be upended.



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- o The constitution establishes the fundamental rights you enjoy as a citizen of New York State, as a public employee, and as a retired public employee, including:
  - Guaranteeing the right to a free public education (Article 11, § 1);
  - Prohibiting reductions in public pension benefits (Article 5, § 7);
  - Rights to workers compensation (Article 1, § 18);
  - Rights to be a member of a union and bargain collectively (Article 1, § 17);
  - Requiring that the state provide for social welfare needs (Article 27, § 1).



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- The constitution sets the most important policy goals for the people of New York State
- Changes will affect every other law currently in place and on future statutes yet to come.



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### 1967 CONVENTION

- Convened by an act of the Legislature a decade after the 20 year scheduled referendum was voted down in 1957
- Following the convention, voters rejected the proposed changes
- Included proposed repeal to the "Blaine Amendment" which prohibits the use of state monies to be used to assist religious schools
- Had this repeal not been rejected by the voters, public education would look very different here in New York



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### HOW DO I HELP & WHO ELSE WILL BE WITH US?



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- Voters rejected the last required call for a constitutional convention in 1997
  - Rejection was not by accident
- Many groups worked together to convince voters that holding a convention was not in the best interest of the people of the state

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These groups included:

- Public and private organized labor;
- Environmentalists and conservationists who did not want to see the repeal of the "forever wild" provisions that protect environmentally sensitive areas;
- Advocates for public education at all levels;
- Social welfare advocates who will seek to maintain the requirement that New York State provide for the underprivileged
- Fiscal conservatives who wanted to keep existing state and debt limits in place; and
- Some government watchdog groups who just didn't want to "spend the millions of dollars to hold a party in Albany!"

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- Casinos may have helped us in this fight
- Passage in 2013 could take their money out of the fight in 2017

-OR-

- Put money to fight further expansion of Casino gaming

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- Will need to work together again in 2017 to make sure voters understand just what could happen if we open up the state constitution to drastic changes through convention
- 2017 is an "off" election year for the state Legislature as well as an "off" year for presidential voting

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- 2015-2016 Executive Budget Proposal- Governor seeks a Constitutional amendment to strip public officials of their pensions based on 2011 law doing just that
- Passes the Senate but does not pass the Assembly...yet.
- If passed, could appear below the Constitutional Convention question in 2017 or in 2018 alone
- We will need to factor this in going forward

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- Will need to concentrate our efforts on this important issue
- Get involved with your local, stay active with the political process starting today, get informed on the important issues surrounding a constitutional convention and be ready to work come 2017

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# QUESTIONS



"I learned in school today that you can't take the Fifth Amendment on a spelling test."



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