

PANDORA'S BOX

Get the facts about a Constitutional Convention

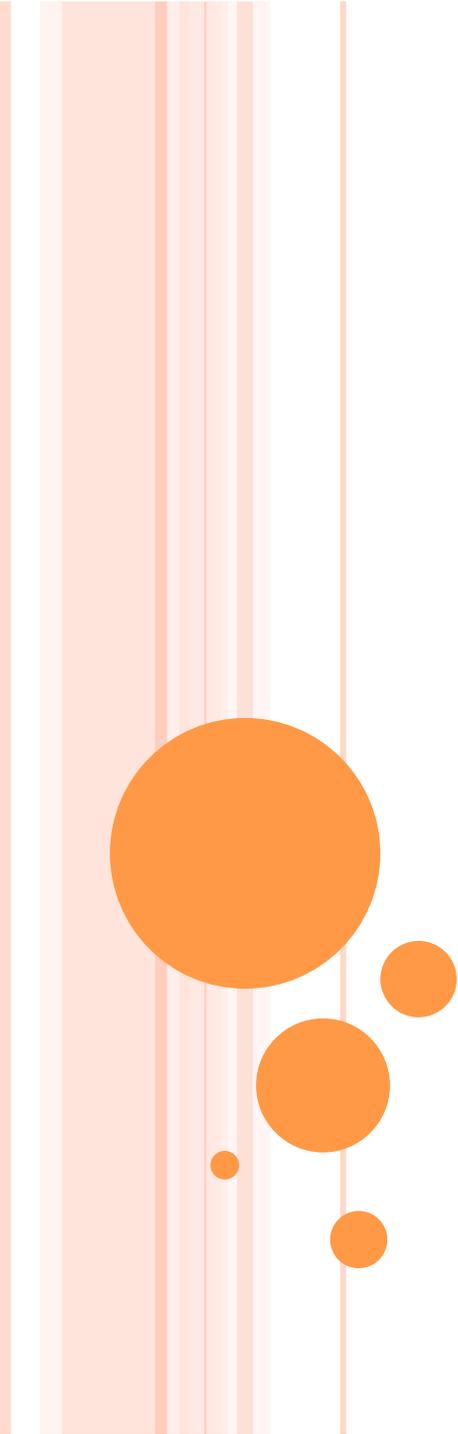
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- New York State Constitution (Article 19, § 2).
 - Every 20 years the people of the Empire State are asked a seemingly simple ballot question; “Shall there be a convention to revise the constitution and amend the same?”



- The question will appear on the ballot on
November 7, 2017
- It will have a huge impact on not only
NYSUT members, but every citizen of the
state





**CONSTITUTIONAL CONVENTION
VS.
CONSTITUTIONAL AMENDMENTS**

What's the difference?

FIRST PROCESS

The state constitution can be amended in two ways.

By passage of individual bills for specific purposes, by two separately elected state Legislatures (Article 19, §1).

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



This process was again used in the fall of 2014 for two more proposed changes

- Creation of an Independent Commission on Redistricting- Passed
 - Changes to election districts based on the 2020 US Census; and
 - New lines will be in place for the 2022 elections.
- Allows 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; and
 - Will save \$325,000 a year in paper and printing costs



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

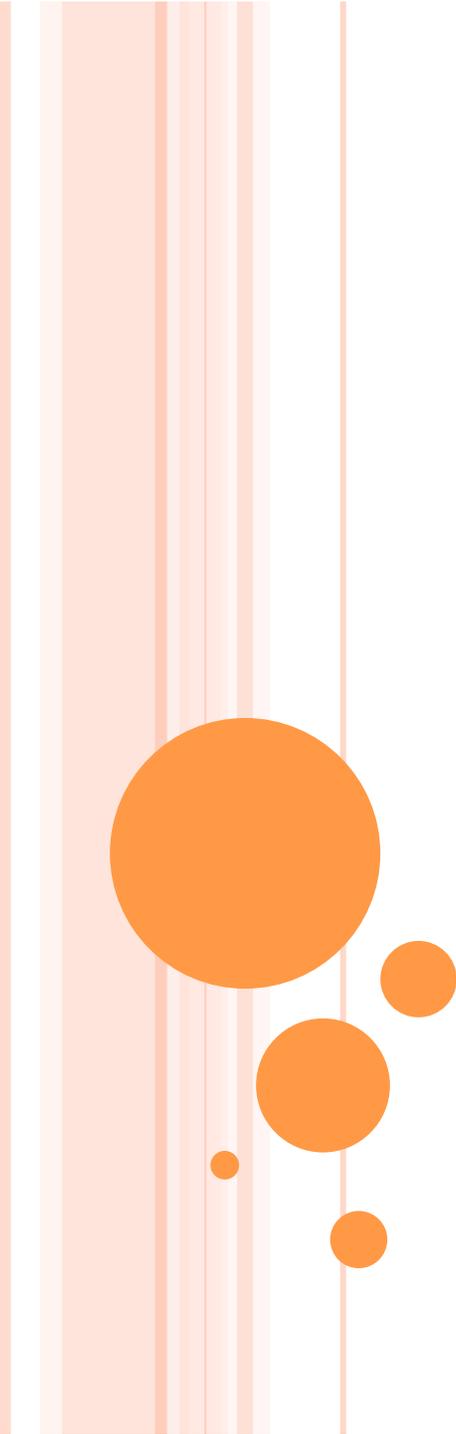


- If the voters approve, a multi-year process starts:
 - 2018 - Three delegates per- state Senate District and 15 at-large delegates are elected at the next scheduled general election - 204 delegates in total;
 - These delegates can include sitting members of the state Legislature, political party leaders 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 in 2019 for an unspecified duration, deliberates and then publishes their suggested amendments;
 - Proposed changes are then submitted to the voters, either individually or as a group – as done in 1967; and
 - Another public referendum vote not sooner than six weeks after the adjournment of the convention.



- This convention 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 voters accepting the proposed changes, as in 1938, while other convention recommendations were rejected by the voters, as in 1967.





**WHY IS THIS SO
IMPORTANT TO ME
AS A NYSUT
MEMBER?**

What's at stake?

- The constitution establishes a basic organizational structure for state government
- Changes could be made are made that give too much power to one branch, for example say the executive. This could unbalance power and weaken the legislature.



- 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); and
 - Requiring that the state provide for social welfare needs (Article 17, § 1).



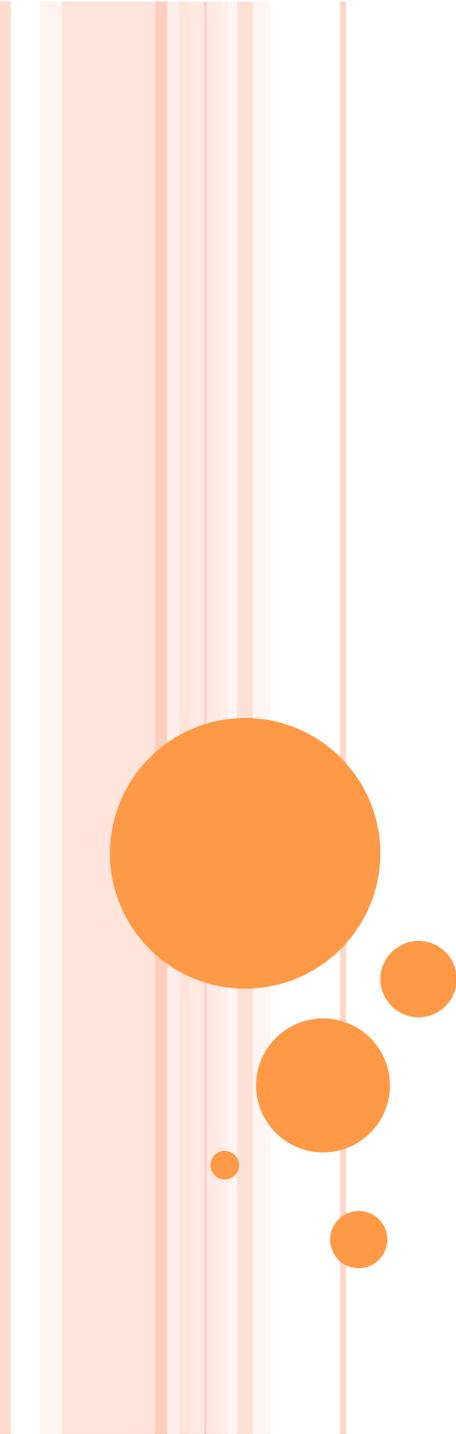
- The constitution sets the most important policy goals for the people of New York state.
 - Changes will affect every other law currently in place and will impact future statutes.
- The passage of proposed changes in 1967 would have impacted the 2015 legislative session



1967 CONVENTION

- A decade after the 20 year scheduled referendum was voted down in 1957.
- Following the convention, voters rejected the proposed changes – 72% to 27%
- 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 in New York





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

- 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.



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;
- Casino & gaming interests who don't want to see additional expansion



These groups include

- 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!”



- 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



- 2015-2016 Executive Budget Proposal- Governor seeks a Constitutional amendment to strip public officials of their pensions based on 2011 law doing just that
- Passed the Senate, not the Assembly...but will come up during the 2016 session. If passed, could appear below the Constitutional Convention question on the 2017 ballot.
- We will need to factor this in going forward



NEW FACTORS

- Siena Research Poll- July of 2015
 - 75% of voters have heard nothing about the 2017 Constitutional Convention vote
 - 2/3 of voters polled currently support holding a Constitutional Convention- 69% to 15%
 - Support crossed every major demographic- race, gender, income & age
- Secessionist movement
 - Small but vocal secessionist movement in the southern Tier, major issues with lack of gas fracking and SAFE Act, could start calling for the 2017 Constitutional Convention as a way to meet their goal of splitting the state
 - Even if convention vote goes in favor, secession is highly unlikely, but their support should be factored in for the overall vote in 2017



NEW FACTORS

- A group forms to educate voters on 2017 ballot
 - Rockefeller Institute of Govt. at SUNY:
 - Govt. Law Center at Albany Law School
 - Center for Research, Regional Education & Outreach at SUNY New Paltz
 - Siena Research Institute

Group will **not** take a position on the issue, only to educate the public on the issues at stake and the process used to call a convention.



- 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
- Start writing letters to the editor against the 2017 Constitutional Convention- use broad arguments
- Start talking to your family and friends about the vote to begin to sway them toward voting no-use personal arguments



Questions

