

# Pandora's Box

## Get the Facts about a Constitutional Convention

Under the New York State Constitution (Article 19, §2), the people of the Empire State are asked every 20 years a seemingly simple ballot question: "Shall there be a convention to revise the constitution and amend same?" These 12 simple words will appear on the top of the ballot on Nov. 7, 2017, and could have a huge impact on NYSUT members, and every citizen of the state. All of us, from retirees, teachers and school staff, higher education faculty and health care and human services professionals to the children who will enter pre-K or college the very next year, have a stake in the outcome of this important vote.

This document is designed to help you better understand the convention and amendment process, why it is important to you as a NYSUT member and what steps we must take as a union to protect our rights.

### Constitutional Convention vs. Constitutional Amendments

#### What's the difference?

The state constitution can be amended in two ways. The first way is through passage of individual bills by two separately elected state Legislatures (Article 19, §1). Bills such as these propose specific amendment questions that then appear on the November ballot. Most recently, this process was undertaken in 2013, when several constitutional amendments, ranging from the expansion of casino gaming in New York state to the sale of specific tracks of land within the constitutionally protected Adirondack Park, were voted on by the people. All but one, increasing the mandatory retirement age for state judges, was passed and became part of the state constitution. This process has been used 200 times since the last major constitutional revision in 1894.

The second process for amending the state constitution involves holding a constitutional convention (Article 19, §2). That question must go before the voters every 20 years and allows for much wider modifications of the constitution than the single amendment process; including a total rewrite of the document. If voters approve holding the convention, three delegates per-state senate district and 15 at-large delegates are elected at the next general election. These delegates can include sitting members of the state Legislature, political party leaders or other office holders. The convention delegates meet in Albany the following April for an unspecified duration, deliberate and then publish their suggested amendments. The proposed changes are then submitted to the voters, either individually or as a group, with another public referendum vote no sooner than six weeks after the adjournment of the convention. This process has been used nine times (1777, 1801, 1821, 1846, 1867, 1894, 1915, 1938 and 1967) to undertake major rewrites of the state constitution. Some of these conventions succeeded with voters accepting the suggested changes, while other convention recommendations were soundly rejected by the voters, as was the case in 1967.

#### Why is this important to me as a NYSUT member? What's at stake?

This issue is important to you, your families and the people you serve for many reasons. First, the constitution establishes a basic organizational structure for state government. If changes are made that give too much power to one branch, for example say the executive, then our system of representative governance will be upended.

Second, the constitution establishes the fundamental rights you enjoy as a citizen of New York state and as a public employee. Some of these include:

- 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 the state to provide for social welfare needs (Article 27, §1).

Third, the constitution sets the most important policy goals for the people of New York state, and thus, has an impact on every other law currently in place and on statutes yet to come. For example, the 1967 convention was specially convened by an act of the Legislature a decade after the 20-year scheduled referendum was voted down in 1957. Following the 1967 convention, voters rejected proposed changes, including a repeal of the “Blaine Amendment” that prohibits the use of state monies to be used to assist religious schools. If voters had approved the “Blaine” repeal, public education would look very different in New York state.

### How do I help? Who else will be with us?

The voters rejected the last required call for a constitutional convention in 1997, but the 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 New York state. Some of these 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 wanted to maintain the requirement that New York state provide for the underprivileged;
- Fiscal conservatives who wanted to keep existing state 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!”

All of these groups, and more, will need to work together again in 2017 to make sure voters understand what could happen if we open up the state constitution to drastic changes through a convention.

Because 2017 is an “off” election year for the state Legislature, as well as an “off” election year for presidential voting, we must concentrate our efforts on this important issue. So, **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.

