

Constitutional Convention Fact Sheet

Background Information

- The New York State Constitution (1777) mandates that a vote be taken every 20 years to answer the question, “Shall there be a convention to revise the constitution and amend the same?”
- Nine Constitutional Conventions have been held.
- We are now governed by the 1894 Constitution, which has been amended legislatively over 200 times.
- The last Constitutional Convention was held in 1967 – recommended changes failed.
- The last vote to hold a Constitutional Convention was in 1997.

Delegates

- Delegates are elected by the people.
- Delegates can delete current text and propose changes and/or new provisions to the Constitution.
- Delegates (if a convention is held) will be elected in the 2018 general election.
- There would be three delegates for each senate district and 15 statewide at-large candidates.
- Delegates who wish to appear on a party primary ballot need to submit a petition with at least 1,000 signatures, or signatures of 5 percent of the enrolled party voters residing in their district.
- Candidates running as independent need 3,000 signatures, or 5 percent of the votes cast in the district at the last election for governor. Statewide/at-large delegates require 15,000 signatures.
- Once at the convention, delegates determine leadership structures, procedures for public hearings, and weekly schedules.
- Delegate operations are not mandated. A major criticism of the 1967 convention was a lack of public hearings and lack of transparency. Much of the work was left to the end of the convention.
- Delegates earn \$79,500.00.
- Costs of a convention may be higher than \$350 million. The cost of staff is very high – at the last convention there were approximately 250 staff and 58 paid interns, paid with public monies.

Timeline

- November 7, 2017** – vote on whether or not to convene a state Constitutional Convention.
(*This question will be placed on the BACK of the ballot.*)
- November 6, 2018** – If results call for a convention, delegates are elected at the next general election.
- April 2019** – Convention held.
- November 5, 2019** – estimated date for the proposed changes to go to the voters.

Another Way to Amend the Constitution

- Passage of individual amendments may be proposed in the state legislature.
- This method has been used over 200 times since 1894.
- Legislative amendments must pass two consecutive legislative sessions, and then be put to voters for approval. If approved, amendments become part of the Constitution the following January.

Education Issues in the Constitution

- Funding for “common schools.” *“The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.”* (Article 11, §1)
- The Board of Regents is the oldest state education policy board in the U.S. It was established in 1794 as part of the state Constitution, granting the board the power to determine educational policy. This could be changed to give the power to determine education policy to the governor.
- Blaine Amendment, which prohibits the use of public dollars for private schools.
- Pension guarantees for public employees – currently the pensions of public employees may not be diminished or impaired (Article 5, §7). That could be changed.
- Right to workman’s compensation (Article 1, §18).
- Right to social welfare needs (Article 27, §1).