
New York State Constitutional Convention and SAANYS Position **OTE** NO

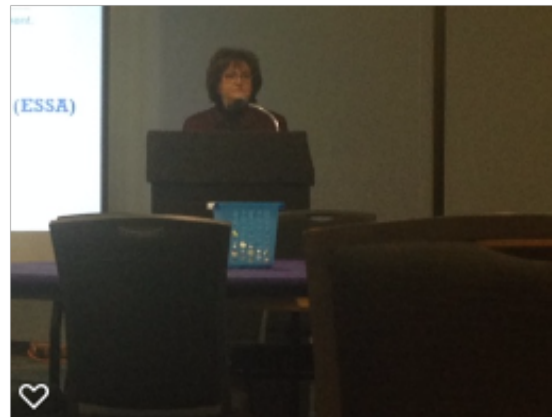
Presenter

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A Six Month Review



Why Are We Here



- 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?”
- 9 Constitutional Conventions have been held
- We are now governed by the 1894 Constitution, which has been amended over 225 times
- Last Constitutional Convention was held in 1967- recommended changes failed
- Last vote to hold a Constitutional Convention 1997

Convention is Not the Only Way



- Passage of individual amendments may be proposed in the state legislature
- Has been used 200 times since 1894
- Amendment must pass 2 consecutive legislative sessions, with an intervening statewide election
- Put to voters for approval
- If approved becomes part of the Constitution the following January

Timeline



- Voters decide: Whether to hold a convention
 - November 7, 2017
- Who will be a delegate
 - November 6, 2018
- Whether to accept or reject amendments
 - November 5, 2019

Delegates



- Delegates elected by the people
- Complicated process in election law, not the Constitution
- 3 delegates for each Senate district and 15 statewide at large candidates
- Delegates who wish to appear on party primary ballot need to submit a petition with at least 1,000 signatures or 5% of the enrolled party voters residing in their district
- Candidates running as independent need 3,000 signatures or 5% of the votes cast in the district at the last election for Governor
- Statewide at large require 15,000 signatures.
- Once at the convention delegates determine leadership structures, procedures for public hearings and weekly schedules.
- Delegate operations are not mandated. Major criticism of the 1967 lack of public hearings and lack of transparency. Much of work was left to the end of the convention.
- Delegates earn \$79,500.00
- Costs of Convention may be higher than \$336.5 million. Cost of staff is very high, leaders have staff and each committee has staff Last convention there were approximately 250 staff and 58 paid interns.

What's In the NYS Constitution

- **Article I- Bill of Rights**- trial by jury, freedom of worship, vright to assemble...
- **Article II-Suffrage**-absentee voting, registration ,election board..
- **Article III-Legislature**- senate districts, compensation,powers of each houses, passing bills, emergency governmental operation...
- **Article IV-Executive**-qualifications of Governor, powers and duties...
- **Article V- Officers and Civil Departments**-comptroller, attorney general...
- **Article VI- Judiciary**-court system, removal of judges, expenses of court...
- **Article VII-State Finances**-budget bills,vdebt...
- **Article VIII-Local Finances-local** indebtedness,limitations on debt...
- **Article IX-Local Governments-powers** and duties...
- **Article X-Corporations**- formation,liabilites...
- **Article XI-Education**
- **Article XII-Defense**- militia
- **Aritcle XIII-Public officers-oath**, political year, compensation...
- **Article XIV-Conservation-forest** preserve, resevoirs

What's In the NYS Constitution



- **Article XV-Canals-lease**, disposition...
- **Article XI-Taxation-** power of taxation, exemptions..
- **Article XVII-Social Welfare-public** relief and care, public health inspections...
- **Article XVIII –Housing-nursing** homes, low rent housing , acquisition of property...
- **Article XIX- Amendments**
- **Article XX-** time to take effect

Education Related Issues



- 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.”*
- Board of Regents-oldest state education policy board in the U.S. Established in 1794 as part of the state constitution granting the board the power to determine educational policy
- Blaine Amendment which prohibits use of public dollars for private schools
- Pensions for public employees-this right is contractual and not subject to diminution so that public pension benefits may not be reduced
- Right to workman’s compensation
- Right to social welfare needs
- Right to unionize and collective bargaining

Other Ideas



- Provide unqualified funding statewide for the cost of a sound basic public-school education through high school.
- Alternatively, defer to the Legislature to determine the appropriate fiscal limitation if any on implementing a sound basic public-school education.
- Establish the goal of “equality of educational opportunity” for all residents of New York State.
- Expand the Court of Appeals standard of a “sound, basic education” to include preparation for higher education.
- Eliminate the 19th-century reference to a system of “free common schools.”
- Aid religious schools (the Blaine Amendment)

Other Reasons



- Strengthen anti-discrimination provisions:
- Strengthen the current Article XVII, which guarantees “aid, care, and support to the needy,” and/or reconsider impact of the provision on mandated local expenditures.
- Create a right to healthcare.
- Expand privacy rights.
- Diminish reliance on money bail and create a presumption for release for nonviolent offenses.
- Impose limitations on outside income for all State public officials, such as by following the Congressional model of a 15 percent cap on outside income.

And More



- Establish a constitutional right in either the Environmental Conservation Article or State Bill of Rights to clean air and clean water, enforceable against public officials and agencies.
- Allow registration for those who are sixteen and seventeen years old, which becomes effective when they turn eighteen;
- Reform election financing:
- Reconsider the organization of the Executive Branch including the cap on the number of departments and agencies.
- Provide for term limits for legislators and legislative leadership.

VOTE



- November 7 th
- Turn the Ballot Over
- The question on the Constitutional Convention is on the
- **BACK of the BALLOT**