

Pandora's Box - Get the Facts about a Constitutional Convention

Under the 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 same?”* These twelve simple words that will appear on the top of the ballot on November 7, 2017, will have a huge impact on not just NYSUT members, but every citizen of the state. From teachers and school staff, to the children who will be entering pre-K the very next year, all of us will 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 will need to 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 to enact changes to the constitution is through the passage of individual bills by two separately elected state Legislatures (Article 19, §1). Bills just as this propose specific amendment questions which 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 New York State Constitution involves holding a constitutional convention (Article 19, §2). The question of whether to undertake this endeavor must go before the voters every 20 years and allows for much wider modifications of the constitution than the single amendment process; including a full rewrite of the document. If the voters approve holding the convention, three delegate's per-State Senate District and fifteen 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. The convention meets in Albany the following April for an unspecified duration, deliberates and then publishes 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 re-writes 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?

There are lots of reasons why this issue is important to you, your families and the people you serve. 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 self-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 that the state 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 future 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 the proposed changes which 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.

How do I help and 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 the 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 will seek 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 just what could happen if we open up the state constitution to drastic changes through a convention.

Since 2017 is an “off” election year for the state Legislature as well as an “off” election year for presidential voting, we will need to 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.