

CONSTITUTIONAL CONVENTION

At the recommendation of the Board of the League of Women Voters of New York State, a brief study of the New York state constitutional convention process was undertaken during the 1992 program year. It was recognized that under Article XIX of the New York State constitution, a concise definition was established for ways in which the constitution might be amended. The method used most often requires passage by two consecutively elected legislatures; the other is by constitutional convention. In either case, a proposed amendment does not become effective until the voters of New York State, by referendum, approve it.

There are two ways to call a constitutional convention. Article XIX provides that every 20 years, there shall be submitted to referendum the question, "Shall there be a convention to revise the constitution and amend the same?" That provision required the question to appear on the ballot in 1997. But the amendment article also authorized the Legislature to put the convention question to referendum at other times.

Without a position, the LWVNYs could not adequately respond to questions raised by the timing of the calling of a convention, the pre-convention preparation, or the processes under which a convention functioned. A basis for action is provided in the following consensus statement.

Based on the 2015 State Convention, the League supports the following reforms as positive factors in deciding on support for a constitutional convention.

- Delegates should be elected by a fair nonpartisan process that complies with federal voting rights provisions and eases ballot access to encourage participation by racial and other minorities.
- Public financing should be provided for candidates and their positions on issues and convention goals should be widely publicized to enable voters to cast informed votes at their election.
- Statewide office holders, state or federal legislators, and state judges should not serve as delegates.

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Statement of Position

As announced by the State Board, February 1993, revised June 2015

The League of Women Voters of New York State does not support or oppose the holding of a constitutional convention.

The League of Women Voters of New York State recognizes that a constitutional convention is an acceptable (legal) method of amending the New York State Constitution and that the provision requiring periodic mandatory submission of the question of calling a convention is a proper procedure.

The impetus for a convention between the mandated twenty-year referenda should come from the public. However we feel that certain principles are essential throughout the process:

- Education and involvement of the public must be an integral part of each phase of the process.
- Planning should be given adequate time and sufficient funding.
- Nonpartisanship is essential.

The League believes that specific conditions should be incorporated in the policies and procedures established for constitutional conventions:

- Pre-Convention Commission: A preparatory commission should be appointed with adequate time to study the issues, establish the agenda and procedures and prepare position papers for the convention. Such a commission should provide ongoing information to the public and solicit its participation.
 - Convention delegates: The League supports the following reforms as positive factors in deciding on support for a constitutional convention. Delegates should be elected by a fair nonpartisan process that complies with federal voting rights provisions and eases ballot access to encourage participation by racial and other minorities. Public financing should be provided for candidates and their positions on issues and convention goals should be widely publicized to enable voters to cast informed votes at their election. Statewide office holders, state or federal legislators, and state judges should not serve as delegates. Revised June 2015.
- Convention process: Procedures must be put in place to reduce partisanship, by assuring that committees and committee chairmanship are beyond party control.

Reasonable time limits must be placed on the length of the convention and its costs.

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The issues to be considered must be determined in advance by the pre-convention commission and researched by position papers, which are complete and available at the time of the convention. Meetings of the delegates should be open, held at acceptable convenient hours, with full media coverage.

- **Ballot Issues: Widespread public hearings and adequate voter education are necessary prior to the placement of referenda on the ballot. Constitutional amendments recommended by a convention should be submitted to the voters as separate issues.**

Following his intent to press for the calling of a constitutional convention before 1997, Governor Cuomo appointed a Pre-Convention Commission during the spring of 1993 to begin deliberations on the convention agenda. The president of the LWVNYS, Shirley Eberly, was a member of the Commission that was chaired by Peter Goldmark, president of the Rockefeller Foundation.

The Temporary State Commission on Constitutional Revision issued its final report in February 1995. The report does not support the call for a Constitutional Convention in 1998 but instead advocates the creation of four action panels. The action panels would be created in the following areas: education, public safety, state finance, and state-local government relations, their purpose being to reform NYS government.

These panels would report to the governor and the legislature, which would make a prior commitment to take action on the recommendations by a certain date. If these action panels were not created, or fail to make recommendations, then the majority of the Commission would call for a Constitutional Convention in 1999.

While we endorse the concept of the action panels, it is the League's position that the question of whether or not to call for a constitutional convention is linked to the openness and fairness of the delegate selection process. We are committed to working for reform in this area. The League decided that it would evaluate any reforms that have been made in the delegate selection process as well as possible gains or losses in other areas of League program should a convention be held, before deciding whether or not to take a position on the ballot question itself.

The State League became a member of the Steering Committee for the Coalition for Effective Government. This Commission's original mission statement was to educate the public to the problems and solutions available to the present delegate selection process. At that time, the Coalition did not support or oppose the calling of a Constitutional Convention.

In December 1996, the LWVNYYS board of directors voted unanimously to oppose the November 1997 ballot question regarding the convening of a constitutional convention in 1999. The board's decision was based on the state legislature's failure to reform the delegate selection process and concern that valued provisions of the constitution might therefore be jeopardized.

In the late summer and early fall of 1997 League became the lead spokesperson in opposition to the ballot question on a constitutional convention. The League opposed holding a convention because the Legislature had failed to reform the delegate selection process sufficiently to ensure New Yorkers would be equitably and fairly represented in convention deliberations. League leaders fanned out across the state from Long Island to Buffalo speaking to various groups, including colleges and the media. Although a coalition was formed involving several special interest groups, the League remained outside any coalition trusting that our organizational credibility was our greatest asset. We spoke loudly and New York's voters heard us; the ballot question was defeated on Election Day by a 2-1 margin.

The League will continue to work whenever appropriate for the Legislature to reform the delegate selection process so that a future constitutional convention reflects the consensus of all its citizens.