

NYS Constitutional Convention- FAQ

(Frequently referred to as the Con Con)



Note : MCSBA has no formal position on the Con Con but will provide factual information about the process for BOE members to use at their discretion.

1) Q. Why are we having a Constitutional Convention in NYS?

A. Every 20 years the NYS Constitution provides for citizens to revise or amend the Constitution as they see fit so as to check the power of state government. (See attached timeline on reverse side).

Unlike the U.S. Constitution the NYS Constitution is a very wordy and archaic document containing 20 articles and more than 200 amendments.

2) Q. Outside a Constitutional Convention, what other methods exist for amending or changing the Constitution?

A. Currently the Legislature can forward any number of amendments to the NYS Constitution.

Each amendment must be approved by the following 3 step process:

1. Amendments (any # of them) are approved by the Legislature.
2. Amendments are approved a second time by the Legislature AFTER a legislative election.
3. Amendments are submitted to the NYS voters for approval.

Recent examples include, casinos, and ethics reform measures (on the 2017 fall ballot).

3) Q. What could be included in the Con Con?

A. A “yes” vote on the November ballot would open the entire Constitution for debate and revision, including anything related to public education. A “no” vote means that the current method the legislature uses to make amendments is the only option for change over the next 20 years.

4) Q. How have delegates been selected historically?

A. Currently NYS voters must choose 204 delegates for a convention, (3 from each senate district and 15 at large candidates), by the general election process. Incumbent legislators may be delegates. The legislature sets the process for delegate selection however if the process from 1967 is used it may be subject to a legal challenge. Delegates begin their work the April following their election.

5) Q. If the Con Con is approved, who is likely to become a delegate?

A. Delegates could be:

- Public figures who have the money, inclination and time to devote to the work.
- At the 1967 Constitutional Convention, delegates included 24 judges and 13 incumbent legislators, comprising approximately 20% of the total delegates.

6) Q. What does the NYS Constitution say about education?

A. Article XI addresses educational issues:

- NYS’s responsibility to “support a system of free common schools”.
- How our SUNY System (Board of Regents, SED) is to be set up and governed.
- What is commonly referred to as the “Blaine amendment” which denies funding for religious education except for testing, inspections and transportation.

7) Q. What would be the primary interest of the delegates?

A. The elected delegates will be charged with making changes on behalf of all the citizens of NYS. The delegates will most likely be approached by lobbyists or special interest groups, from within and outside the state, to protect or change specific language in the constitution.

8) Q. How will citizens vote on the final amendments when the delegates have completed their work?

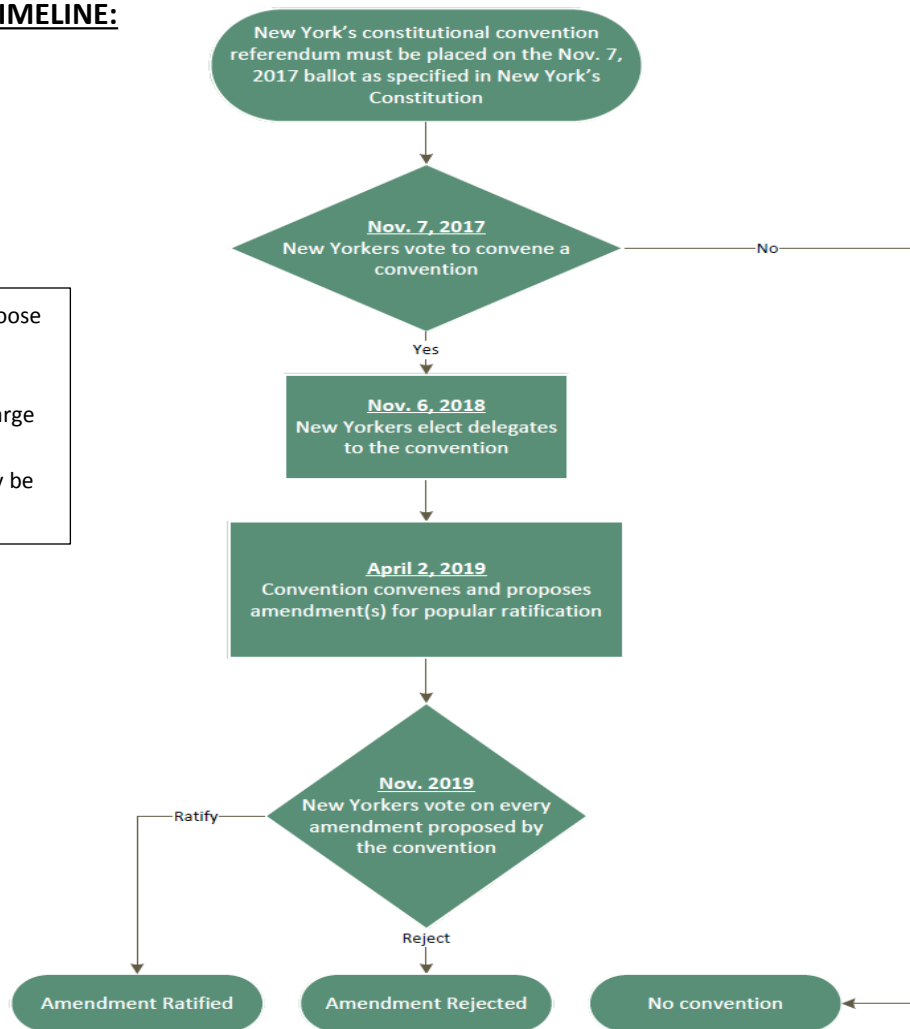
A. Delegates may submit any number of amendments, separately or as a single ballot question to the voters for their approval.

9) Q. What could the Con Con cost?

A. Based on the cost of the 1967 Con Con corrected for inflation, convention costs now are estimated to exceed \$47 million. Costs primarily arise from compensation paid to delegates and their staff, including actual travel expenses, until their work is completed. No timeline to finish their work is defined, although about one year is the norm.

NYS CONVENTION TIMELINE:

Note: NYS voters must choose 204 delegates for a convention, 3 from each senate district and 15 at large candidates. Currently incumbent legislators may be delegates.



For more information go to:

New York State Constitutional Convention Clearinghouse at www.newyorkconcon.info/