

State Constitutional Conventions

https://ballotpedia.org/State_constitutional_conventions

WHAT IS A STATE CONSTITUTIONAL CONVENTION?

- A **state constitutional convention** is a gathering of elected delegates who propose revisions and amendments to a [state constitution](#).
- 233 constitutional conventions to deliberate on [state-level constitutions](#) have been held in the United States.
- Forty-four states have rules that govern how, in their state, a constitutional convention can be called.
- In fourteen states, the question of whether to hold a constitutional convention is automatically referred to a statewide ballot without any requirement for a vote of the state legislature to place the question on the ballot.
- States that don't provide for conventions:
 - Arkansas, Arizona, Indiana, Mississippi, New Jersey, Texas, Vermont.
- *Some states use an **automatic ballot referral** system to initiate a constitutional convention. New York is one of those states.*
 - An **automatic ballot referral** is a [ballot measure](#) that is set up by a state's constitution to automatically appear as a statewide ballot proposition under certain circumstances [i.e.: number of years]. Automatic ballot referrals are sometimes also called **compulsory referrals**.
 - **States with Automatic Referrals at 10-year intervals**
 - [Alaska](#), [Hawaii](#), [Iowa](#), [New Hampshire](#), [Rhode Island](#)
 - **States with Automatic Referrals at 16-year intervals**
 - [Michigan](#)
 - **States with Automatic Referrals at 20-year intervals**
 - [Connecticut](#), [Illinois](#), [Maryland](#), [Montana](#), [New York](#), [Ohio](#), [Oklahoma](#)

HOW OFTEN ARE CONSTITUTIONAL CONVENTIONS HELD IN NEW YORK?

In New York State, a question is presented to the voters as to whether to hold a constitutional convention every 20 Years.

- **New York.** According to [Section 2 of Article XIX of the New York Constitution](#), the question as to whether to hold a constitutional convention is automatically placed on the statewide general election ballot every twenty years, starting in 1957.^[6] The measure was most recently on the [1997 ballot, where it was defeated 63-37%](#). It will again be on the ballot in 2017.

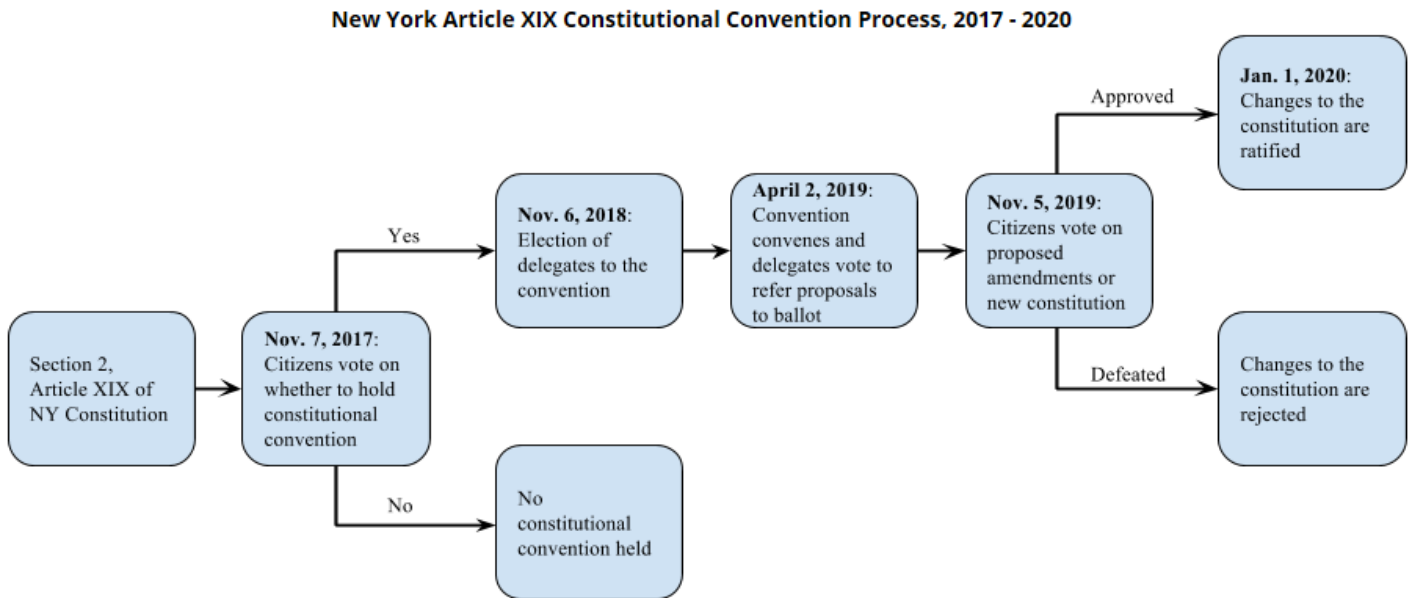
NOTE: The link [Section 2 of Article XIX of the New York Constitution](#) explains in detail the amendment process *including* the constitutional convention process.

WHAT IS THE ACTUAL “CON-CON” PROCESS?

Calling for and holding a constitutional convention

[Section 2 of Article XIX](#) of the [New York Constitution](#) provides for the automatic referral of a constitutional convention question every 20 years, including in 2017. The ballot question is the first step in the process of calling a constitutional convention in New York. If a majority of voters cast their ballots in favor of holding a convention on November 7, 2017, voters would elect 204 convention delegates on November 6, 2018. Fifteen of the delegates would be elected statewide. Three would be elected from each of the state's 63 [senate districts](#), totaling 189. The constitutional convention would convene on April 2, 2019, in [Albany](#). Delegates would be allowed to draft a new constitution or amendments to the existing constitution. Referring a constitution or amendment to the ballot would require a simple majority vote of the delegates. **Citizens would vote on the convention-proposed changes to the constitution on November 5, 2019.** An approved

constitution or approved amendments would take effect on January 1, 2020.^[10] Below is a flowchart detailing the process:



IS THE CONSTITUTIONAL CONVENTION THE ONLY WAY TO AMEND THE NYS CONSTITUTION?

The [New York Constitution](#) can be amended through [legislatively referred constitutional amendments](#) or through [constitutional conventions](#).

- According to [Section 1 of Article XIX](#), the [New York State Legislature](#) has the power to [propose amendments](#) to the constitution as follows:
 - Any proposed amendments must be referred to the [New York attorney general](#), who is required to provide a written opinion as to how the proposed amendment fits in with other provisions of the constitution.
 - If both chambers of the legislature—the [New York State Senate](#) and the [New York State Assembly](#)—agree with the proposed amendment by a simple majority vote, the proposed amendment is then referred to "the next regular legislative session convening after the succeeding general election of members of the assembly."
 - If that next session of the legislature agrees with the amendment by a simple majority vote of both chambers, "it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe."
 - If a general statewide vote approves the amendment by a simple majority vote, it becomes a part of the constitution beginning in January of the following year.^[8]
 - The [New York Constitution](#) can also be amended through the [constitutional convention](#) process.
 - According to [Section 2 of Article XIX](#), a question as to whether there shall be a convention is to appear on the statewide ballot every 20 years beginning in 1957.
 - The [New York State Legislature](#) can also refer a question to the ballot about whether to hold a convention.
 - The New York Constitution is the only state constitution that describes the constitutional convention process that specifically says what to do should a delegate to the convention die while the convention is still ongoing.

HOW OFTEN HAS THE NYS LEGISLATURE—WITHOUT A ‘CON-CON’--AMENDED THE STATE CONSTITUTION IN THE PAST?

- **New York.** In addition to an [automatic ballot referral](#) every 20 years, the [New York State Legislature](#) can also vote to put a constitutional convention question [amendment] on the ballot [annually].

NOTE:

		Constitutional Amendments Voted on by the NYS Legislature 2006-2014*									
		2006	2007	2008	2009	2010	2011	2012	2013	2014	Totals
New York	Approved	0	1	1	2	0	0	0	5	2	11
	Defeated	0	0	0	0	0	0	0	1	0	1
	Total	0	1	1	2	0	0	0	6	2	12

* - outside of a constitutional convention

NOTE: In 2015 and again in 2016, no constitution ballot measures were presented to the voters by the NYS Legislature.

See Amendments passed: [2007](#), [2008](#), [2009](#), [2013](#), [2014](#)

From 2006 through 2014, throughout the United States, **683** state constitutional amendments were proposed and put before voters, and **482** state amendments were approved. New York State represented 12 of the 683 (1.76%) proposed constitutional amendments and 11 of the 482 (2.28%) approved constitutional amendments.

NYS Constitution Amendments: 1821-1987

https://www.nycourts.gov/history/legal-history-new-york/documents/Publications_Votes-Cast-Conventions-Amendments.pdf

DO THE AMENDMENTS REACHED BY THE CONSTITUTIONAL CONVENTION AUTOMATICALLY BECOME LAW?



NOTE: Amendments to the New York State Constitution can be presented to the voting public by the NYS Legislature every year OR by the delegates of the NYS Constitutional Convention every 20 years for a statewide public vote. **No changes to the NYS Constitution—whether from the NYS Legislature or the Constitutional Convention--are made without a majority vote by the registered voters of NYS.**

VOTING OUTCOMES FOR THE BALLOT QUESTION ON NYS CONSTITUTIONAL CONVENTIONS 1957, 1977, 1997.

New York State Proposed Amendment No. 1 (1957)		
Result	Votes	Percentage
✓No	1,368,063	52.40%
Yes	1,242,568	47.60%

New York State Proposed Amendment No. 2 (1977)		
Result	Votes	Percentage
✓No	1,668,137	59.68%
Yes	1,126,902	40.32%

New York State Proposed Amendment No. 1 (1997)		
Result	Votes	Percentage
✓No	1,579,390	62.95%
Yes	929,415	37.05%

NEXT WEEK:

- **2017 NYS Con-Con** – The supporters and the opposition.
- **Following the Money** – how much are the special interest groups spending on opposing or supporting their positions on the Con-Con.
- **Mythbusters** – a quick analysis on many of the truths, myths, misdirection, and lies being circulated about the NYS Con-Con by the various special interest groups.
- **The Three Ballot Questions**
 - Ballot Question
 - Question Summary
 - Educational reading level required for both...*and why*.