

New York State Constitutional Convention

The New York State Constitution along with forty-four other states have provisions to conduct a constitutional convention. In New York the question of conducting the convention is automatically placed on the ballot every 20 years for voters to approve or reject starting in 1957. The state legislature may also place the convention question on the ballot during other years. The process for selecting delegates for the convention if approved by the electorate is for the election of three delegates per state senate district along with fifteen at-large delegates during the following general election. Unfortunately, the most likely candidates for this delegate election would be the existing elected officials as they already have the campaign mechanisms in place to run for and win the delegate positions. They would then be eligible to draw an additional salary equal to that of a state assemblyman on top of their existing salary. This may seem kind of ironic the state elected officials could be voted in to a position and draw additional pay to largely do the same job the taxpayers are already paying them to do with the undoubtedly enormous additional expense of the costs for meeting space, staffing and services.

The convention has no timeframe or deadlines and theoretically could last years. This is particularly scary when you consider that the current legislature can change and amend the existing constitution simply by passing a bill during two successive sessions which would then be placed on the ballot for the general election. This method has been used over two hundred times without the costs of holding a convention.

Aside from what would undoubtedly be staggering expenses, the risk involved is enormous. The entire existing constitution is fair game at the convention. Considering that the state population is largely divided between the two largest political parties, either side certainly can identify provisions or protections in the current constitution that would be at risk. An example of this is the New York State Retirement System. As currently established, it is one of the best financially secured in the nation largely due to the fact that it is separated from the general fund and passing administrations can't use it for other purposes. You've heard on the federal level how the government has continually raided the Social Security fund to a point that it is endangered. New York is protected from that. A convention could change that and give a governor access to the fund, whereas it would certainly be depleted for some political cause of the day instead of what it was established and protected for. Many other states and local governments have learned this lesson the hard way and have retirement benefits that eat into their operating budget causing major issues.

Many other areas are at risk also, including changes to the Judiciary. Growing up we have all learned the importance of having three branches of government and the checks and balances this provides. When a convention convenes the checks and balances are gone. The legislative branch is likely to be the controlling body as its members would make up the delegate body.

Frequently people are aware of how dysfunctional the current system seems to function with large political action committees and special interest pushing their own agendas. A lesson to be learned from is probably the Affordable Care Act. While noble in its pursuit, the bill was so large that no one understood everything that was in it and it has failed on all of its key

promises, like insuring everyone or controlling costs and is about to implode due to financial costs and lack of providers. Imagine rewriting our entire constitution in what would be a blink of an eye compared to the over 200 years of amendments that have created the constitution we currently have. While it is true that the finished product would then have to be approved by the voters, expecting the average working voter to read and understand the legalese that would surely comprise the bill is a recipe for the best ad campaign to win. It would be unfair and most likely create another legislative boondoggle. When so much is at risk it is more prudent to use the legislative practice of making amendments whereas each item can be broadly discussed and voted on separately. Yes, give the voters the decision to make any needed changes, but give it to them in plain language with all of the details open to see.

Madeline Spath

Passing the constitutional convention on November 7, 2017 is a mistake. Under the current constitutional convention pensions are protected. It states that pensions can not be diminished or impaired and protects current retirees and workers from having their pensions changed as well. This helps to attract qualified and dedicated public employees. If the public pension system is changed this will harm current employees. Many would also perceive this as unjust. Those who want to change the pension system claim that it is too expensive. This is not historically accurate. The past three years have had dropping rates, the pension system is becoming more affordable not more expensive. The pension system is 100% funded and healthy. New York State's system serves as a model to other states. States with bad pension systems don't have the same constitutional protection as workers in New York. If there are problems, they can be solved with an amendment or legislation. There is no need for an entire Constitutional Convention.

Also the health of labor unions is tied directly to the middle class and collective bargaining. Opening the constitution allows to chip away at bargaining rates. This severely hurts the middle class. States without Collective Bargaining have some of the worst working conditions in the country. These "Right to Work States" are not worker friendly.

I would tell someone who is thinking about voting for the constitutional convention that voting for it would hurt the middle class of this country as a whole. Pensions protect public workers and helps to bring qualified employees into the NYS public workforce. Collective Bargaining protects working conditions for public workers. Voting "YES" for the constitution would hurt the entire middle class.

Dillon Drumm

This November, people of the general public in New York will vote on having another constitutional convention. This is done to exercise our constitutional right to make changes in the New York constitution. The ability to make changes is a possible risk to state and union workers who have their public pensions and retirement benefits. Those benefits are protected under the Taylor law and more specifically the Triborough amendment to that law which prohibits a public employer from changing any provision of a previously agreed upon labor agreement. If the vote to have a convention passes, alterations to the Taylor law or Triborough amendment can affect the pensions and the retirement system of state employees.

Our state constitution provides us with many rights that benefit us as citizens and as workers. One of these benefits is the ability to make changes to our constitution by having a constitutional convention. After a vote by the public to have a constitutional convention is passed, delegates in the convention are then elected by New Yorkers. Next, delegates convene and propose amendments for ratification by popular vote. In 2016, Massachusetts had a constitutional convention and passed an increase on the tax rate on people making over one million dollars per year in both the Senate and the House of Representatives.

If the referendum to have a constitutional convention were to pass, the cost to taxpayers and public workers would be outrageous. Not only could public employees have their retirement benefits cut, taxpayers including those public workers would have to "foot the bill" to hold the convention. The cost would include payment to delegates to attend, along with food and housing. In 1967, the last time a constitutional convention was held, it costed taxpayers over 6.5 million dollars. Today that would amount to over 50 million dollars. The last time there was a vote in New York to have a convention was in 1997 where 62% of New Yorkers said no to the possibility of pension cuts and losses of retirement benefits. This November, that same majority must be reached to prevent the possibility of pension and retirement cuts to public employees at expense to the taxpayer.

Erica Harrell

If the constitutional convention were to be passed in November, it could have severe implications for the residents of New York State. This is because a constitutional convention allows for an entire rewrite of the laws that the state government previously enacted to protect and serve the people. Public pensions and the current retirement system could be taken out of the state constitution, which would leave many New York residents who have worked for most of their lives without enough money to live after they retire. Laws that guarantee rights to a free public education, require the state to provide funding for social welfare programs, and allow people the right to be members of a union and collectively bargain could also be left out of the new state constitution.

In the past, most states have denied constitutional conventions and voted for individual amendments instead, but a few states have held conventions within the past couple of decades. In 1983, the Alabama state legislature rewrote the entire constitution and attempted to have Alabama state residents vote on it, but it was halted by the Supreme Court because the legislature had not held a convention to rewrite it. A few years later in 1986, Rhode Island residents did vote for a constitutional convention. The General Assembly said that current legislators could not run as delegates to rewrite the constitution in an attempt to keep current political issues out of the process, but seven previous legislators and family members of current legislators were elected. There were 25 amendments on the ballot, which made it so that all amendments were bundled into one vote; if a person agreed with fifteen amendments but disagreed with ten, the person may have been swayed to vote for the ten laws that did not align with his beliefs. Rhode Island's constitutional convention shows just how unfair and corrupt a constitutional convention can be.

To anyone who may want to vote in favor of a constitutional convention, I would tell them that their vote may directly contribute to the suffering of many New Yorkers in the future. I would urge these people to research the success of the method of amending the constitution that allows for the constitution to be altered but not completely rewritten.

Sources:

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Michael Zhou

New York State's periodic constitutional convention referendum is something very special. Democracy is truly present in the state since voters are able to alter their constitution directly by casting votes for real change themselves. Thus, this convention that takes place once every twenty years is direct democracy at its finest. However, each proposed referendum has its benefits and drawbacks, and the constitutional convention this November has accentuated negatives and would greatly hurt our state's union workers.

Public employees, in particular, would be harmed through a "yes" vote. Their pensions and retirement savings would be substantially slashed. The Triborough amendment, which prohibits a public employer from altering any provision of an expired labor agreement until a new agreement is reached, is also at risk. In short, our state's hard working employees would be put at risk with this referendum.

Thus, I would convince all eligible voters to vote no. While we ought to celebrate this excellent example of our functioning democracy, we should also celebrate our right to vote no and protect our state employees.

Devan Singh

The Constitutional Convention to be voted upon on November 7, 2017 could have drastic effects if voted through. There could be radical changes implemented as a result that would affect every employee of the state. Because pensions, the right to organize, and the nature of people's work are defined in the New York State Constitution, voting to hold a Constitutional Convention could have far-reaching, long term ramifications. For example, if the laws on pensions are deemed necessary of change, all government employees could face having their dearly regarded pensions reduced or removed. Additionally, the rights of employees to organize and collectively bargain would be at risk. The rights of children to an education, workers' compensation laws, judicial organization, and environmental protections are also at risk. In summary, a Constitutional Convention would be a dire mistake for the citizens and employees of New York State. The burden lies on us to avoid such a nightmare event.

Daniel Morone, Jr.

People are but simplistic sheep who can be herded on the simplest of promises by those more charismatic than they. Should such a person arrive, and they contain such disdainful ideals as to take money away from hardworking Americans who, upon the sweat of their brow, the blood of their challenges and the conviction of their faith have fought for the life they have achieved. What sane person would seek to hamper the strong middle class, the union members and public workers. The many who seem to have such a small voice. But fret not for although they may view us a weak and herd-able, we are strong. I implore all, to turn their faces in disgust to the idea of changing the constitution which has protected all for as long as it has been employed. Unless you seek to have your voice taken away, your freedoms trampled and your honor disrespected, say, "*no*" to the *Constitutional* Convention.