

Memorandum in Support

FUNDING PREPARATORY COMMISSION FOR CONSTITUTIONAL CONVENTION

NYSBA #20

February 22, 2016

S. 6400
A. 9000

By: BUDGET
By: BUDGET

Senate Committee: Finance
Assembly Committee: Ways and Means

We are pleased that the Governor has recognized the importance of preparing for a possible constitutional convention by including \$1 million in his budget proposal for a preparatory commission. We urge the legislature to work with the Governor this budget season to create a preparatory commission in advance of the popular vote on whether to convene a state constitutional convention.

The people of the state will vote in 2017 on the question of whether to hold a constitutional convention. Such a vote occurs every twenty years under a provision contained in the constitution. Before each vote and convention in the twentieth century, a preparatory commission such as the one we have proposed was established. This occurred in 1914, 1937, 1956, 1965 and 1993.

At its meeting held on November 7, the House of Delegates, the policymaking body of the State Bar Association, adopted a report and recommendation from its Committee on the New York State Constitution calling for the state to create a commission to prepare for a convention. A copy of that report may be viewed on the NYSBA website via the following link: <http://www.nysba.org/nysconstitutionreport>.

Historically, commissions did the significant advance work needed to prepare for a convention. In fact, no convention could possibly succeed without such a commission. Many of these commissions did the comprehensive preparatory research necessary, defined the significant issues, issued impartial background papers, and, in some cases, educated the public prior to a vote. The last commission established was in 1993, four years before the 1997 vote.

Time is of the essence. We urge you to work to create a preparatory commission as soon as possible, because we are now less than two years away from the vote.

The State Bar Association is not advocating for or against the holding of a convention. What we are advocating is that the state do all that is necessary to prepare for a convention should the people vote to hold one. Creation and funding of a preparatory commission would be an appropriate step toward meeting that objective.