

United University Professions

Constitutional Convention: Fact Sheet and Concerns

On **Nov. 7, 2017**, the people of New York state will be asked the following question on the ballot: "Shall there be a convention to revise the constitution and amend the same?" This question appears every 20 years under the New York State Constitution (Article 19, §2).



UUP says vote 'NO' on this question. Here's why.

The NYS Constitution establishes the fundamental rights we enjoy as citizens of New York state, as public employees, and as retired public employees. A Constitutional Convention would become the vehicle to further the attacks on public education, unions and collective bargaining, pension security for retirees, and other basic rights and protections.

The following are some of the basic rights and protections under attack across our state and nation. A Constitutional Convention could further threaten them.

- The right to a free public education (Article 11, §1)
- Prohibition of reductions in public pension benefits (Article 5, §7)
- Rights to workers' compensation (Article 1, §18)
- Rights pertaining to union membership and collective bargaining (Article 1, §17)
- Social welfare rights (Article 27, §1)
- Prohibitions on the use of state monies to assist religious schools ("Blaine Amendment" Article XI, §3)
- A budget role for the state Legislature
- Adirondack "Forever Wild" protections
- State land and forest protections



A Constitutional Convention could:

— Eliminate collective bargaining rights

Consider Scott Walker and Wisconsin's "Act 10" legislation, a model for anti-union interests. It raises employee health care and pension costs, prohibits public employee unions from bargaining over anything other than wage increases based on inflation, bars automatic union dues deductions from paychecks, and requires annual union elections.

— Radically change public employee retirement systems, including but not limited to employer contributions, employee contributions, and benefits

Changes to the SUNY ORP could also occur. In all likelihood, no one would be protected from changes through "grandfathering."

— Change the defined benefits that people expect to receive from TRS or ERS

— Diminish the Legislature's budget role, giving more power to the Executive Branch

A governor could dictate the state budget without legislative approval.

— Change the role or eliminate the Board of Regents

A former NYS governor proposed eliminating the Board of Regents to give the governor more direct authority over education policy. Regents are appointed by the Legislature, with public accountability.

Why we must mobilize our colleagues and communities to vote 'NO'

— Groups and individuals that want to alter basic rights protected by the NYS Constitution will get people who support their positions to vote.

— There are very wealthy, anti-union groups that will spare no expense to curtail collective bargaining and other rights.

— 2017 is an "off election year." Voter turnout is normally low. We could lose state protections and rights if people who support them stay home on Election Day.



Is a Constitutional Convention the only way to make changes to the state's Constitution?

No. The Constitution can be changed through individual amendments passed by two separately elected legislatures and voted on by the electorate. Changes can be made without opening up the entire Constitution and threatening our basic rights and protections.

How are delegates to a Constitutional Convention selected?

If voters approve a Constitutional Convention on the Nov. 6, 2017, ballot, three delegates per state Senate district and 15 at-large delegates (204 in total) would be elected in November 2018 (the next general election). Delegates can include members of the Legislature, other elected officials, and political party leaders. It's not likely that convention delegates would be "representative" of a grassroots movement, which convention supporters will claim.

When would a Convention be held and what would it cost?

The convention would take place in Albany in 2019 for an unspecified period of time. The last New York State Constitutional Convention was in 1967 (voters declined to support a convention in the last two referendum votes in 1977 and 1997) and lasted 5½ months. It cost taxpayers roughly \$6.5 million. In 2015 numbers, that's more than \$46 million!

Take Action Now!

What You Can Do

- **Work with your chapter colleagues and participate in your chapter's action plans**

Activities can include:

- Write letters to the editor in local news outlets
- Write articles in organization newsletters
- Offer to speak or lead discussions at meetings of local organizations to which you belong
- Distribute leaflets in your neighborhood
- Educate family members, neighbors, friends and colleagues
- Recruit others to get involved in your chapter's activities

- **Work with Coalitions**

Groups involved in organizing to defeat the ballot measure for a Constitutional Convention include:

- Organized labor
- Environmental and conservation groups that support "forever wild" provisions that protect environmentally sensitive areas
- Public education advocates
- Social welfare advocates who will seek to maintain the requirement that New York state provide for the underprivileged
- Fiscal conservatives who want to keep existing state and debt limits in place
- Government watchdog groups that oppose spending the millions of dollars necessary to hold a Constitutional Convention

- **Donate to VOTE-COPE**

Those who want a Constitutional Convention to try and strip away collective bargaining, pensions, and other basic rights will spend billions trying to convince people to vote for the Convention. NYSUT will need to spend as much as possible to inform its members and the general public about what's at stake. The only way to accomplish this is through voluntary donations to VOTE-COPE, the union's nonpartisan political action fund.

- **Check out the UUP website at www.uupinfo.org for Constitutional Convention information and updates**



For More Information

Contact UUP Vice President for Academics Jamie Dangler at 1-800-342-4206 or via email at jdangler@uupmail.org

Resources:

— **The NYS Constitutional Convention Clearinghouse**

<http://www.newyorkconcon.info>

— **The Nelson A. Rockefeller Institute of Government**

http://www.rockinst.org/nys_concon2017/



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