

Proposed Legislative Amendment on Constitutional Change

Constitutional Change

Amendment Purpose: 1967 Constitutional Convention Amendment: Requires question of whether or not another constitutional convention is necessary, prohibits court of appeals judges as serving as convention delegates

Summary of Amendment:

- Requires question of whether another Constitutional Convention should be called to be submitted to the people in 1992, and every 20th year thereafter, or whenever else the legislature determines.
- Prohibits Court of Appeals judges from serving as delegates to future conventions.

Article XIV

Amendments to the Constitution

Section 1. This article provides for amendment of the constitution by the legislature or by a constitutional convention. An amendment may become part of the constitution by adoption by two regular sessions of succeeding terms of the legislature and approval thereafter by a majority of the electors voting thereon at a general election. A new constitution may also be adopted or amendments made to the existing constitution by a constitutional convention and approval by a majority vote of the people at an election held not less than six weeks after adjournment of the convention.

Section 2. The article provides the question of whether to hold a constitutional convention shall be submitted to the people in 1992, every twentieth year thereafter, and at such other times as the legislature may provide. The article prescribes the number, manner of election, qualifications and compensation of delegates to future constitutional conventions, and certain aspects of the conduct of such conventions.

Section 3. Any amendment proposed by a constitutional convention inconsistent with an

amendment proposed by the legislature and coincidentally submitted for approval of the people shall, if approved, supersede the latter to the extent of the inconsistency.

Legislative Amendment Text:

Article XIV

Amendments to the Constitution

Section I. Amendments to this constitution may be proposed by concurrent resolution in the senate or assembly. Any amendment adopted by the individually recorded vote of a majority of the members elected to each house shall be entered on their journals, referred to a regular session of the next elected legislature, and published at least once prior to such election. If then again so adopted by the next elected legislature, such amendment shall be submitted to the people at a general election. Any amendment approved by a majority of the electors voting thereon shall become a part of this constitution on the first day of January following its approval or on such later day as may be specified in the amendment.

§ 2. a. At the general election held in nineteen hundred ninety-two, every twentieth year thereafter, and at such other times as the legislature may provide, the following question shall be submitted to the people: "Shall there be a convention to amend or revise the constitution?" At the next general election following the approval of such a convention by a majority of the electors voting thereon, three delegates shall be elected from every senate district and fifteen delegates-at-large shall be elected by the electors of the state. Delegates shall be at least twenty-one years of age, eligible to vote in the state, and shall have been domiciled in the state for at least the three years preceding such election. The governor, lieutenant governor, attorney general, comptroller and chief judge and associate judges of the court of appeals shall not be eligible to serve as delegates. The delegates shall convene at the capitol on the first Tuesday of April after their election, and shall continue their session until the business of the convention is completed.

b. A majority of the convention shall constitute a quorum to do business, and no amendment proposed shall be submitted to the people, as hereinafter provided, unless adopted by the individually recorded vote of a majority of the delegates elected, entered on the journal to be kept. The convention shall determine its rules, choose its officers, and be the judge of the elections, returns and qualifications of its members. A vacancy in the office of district delegate shall be filled by a vote of the remaining delegates of that district. A vacancy in the office of delegate-at-large shall be filled by a vote of the remaining delegates-at-large. Any tie vote in filling a vacancy shall be resolved by the vote of the presiding officer of the convention. In the event of a failure to elect a person to any office of delegate the convention shall fill such office.

c. The convention shall have the power to appoint such employees as it deems necessary, fix their compensation and provide for its expenses including printing. Each delegate shall receive the same annual compensation and be reimbursed for actual and necessary expenses as shall then be authorized for members of the legislature; provided, that if the convention extends beyond one year from the date of convening, compensation shall continue at the same annual rate, prorated for the extended period of time.

d. Any proposed constitution or amendment when adopted by the convention shall be submitted to the people in the manner prescribed by the convention at an election held not less than six weeks after the convention adjourns. If approved by a majority of the electors voting thereon such constitution or

amendment shall become effective on the date provided therein.

Legislative History:

In 1967, the New York State Constitutional Convention proposed a whole new Constitution that contained this provision and these changes to a vote of the people of the State of New York at the General Election asking "Shall the proposed new Constitution, adopted by the Constitutional Convention, and the Resolution submitting same, be approved?" The Constitution as a whole was voted down by the people, which included these changes.

Learn more on our page devoted to the [1967 Convention](#)^[1]. The Proceedings of the Convention are available from the [New York State Library](#)^[2] and you can [download a PDF copy of the Constitution](#)^[3] proposed by the 1967 Constitutional Convention.

Source URL: <http://nyconstitution.org/proposed-amendment/constitutional-change/1967-constitutional-convention-amendment-requires-question->

Links:

[1] <http://nyconstitution.org/1967-convention>

[2] <http://www.nysl.nysed.gov/scandocs/nyconstitution.htm>

[3] http://nyconstitution.org/sites/default/files/1967_Proposed_Constitution-Text_Abstract_Highlights.pdf