

# Another Constitutional Convention Could Happen in New York

BY: [Alan Greenblatt](#) | January 2017

New York state government offers plenty of opportunities to complain. To start with, the legislature has witnessed an epidemic of scandals in recent years. Last year, the former leaders of both legislative chambers were sentenced in separate corruption cases. In fact, the last time the legislature held a session in which no members resigned due to ethical or legal troubles was back in 2002. All of that is putting aside the endemic complaints about the lack of transparency in a system under which “three men in a room” -- the governor and the two legislative leaders -- set the budget and other policy priorities.

This year, voters will have a rare chance to change the state’s governmental structure. Once every 20 years, under the New York Constitution, citizens are asked if they’d like to call a constitutional convention and reexamine the fundamentals of the government process. That vote is coming up this November. But even supporters of the idea concede that it’s a longshot.

The reason is obvious. Even if no one is happy with the current rules, there are plenty of powerful interests worried about what could happen to provisions that benefit them. “The convention is unlimited, so that puts fear into people about things they want to protect -- pensions, environmental protections, the rights of the poor,” says Gerald Benjamin, a political scientist at the State University of New York at New Paltz.

Benjamin argues that such fears are overblown. But organized interest groups are already lining up to oppose the measure. “Your pension could vanish in a constitutional convention,” the New York State Alliance for Retired Americans warns its members.

With interest groups maneuvering to block the idea of a fresh constitutional start, who will speak for it? Gov. Andrew Cuomo has expressed support for a constitutional convention in the past, but has shown little sign that he’ll make a big push for it this year. Supporters are hoping the general notion that it’s time for a change will hold powerful appeal for voters, especially in the current political environment. “The argument for the pro-convention side is, it’s broken, let’s fix it,” says Doug Muzzio, who is serving on the New York City Bar Association’s task force on the convention. “That’s a powerful message and it may be appealing to the Trump supporters and the Bernie Sanders supporters, as well as the unaffiliated.”

A convention could simply prune away some of the outdated and contradictory language in the constitution, or it could choose to radically alter the structure of state government. There would be no limits. Naturally, that makes people nervous. There are already questions about how delegates to a constitutional convention would be selected, and how big a role could be played by the same legislators and lobbyists whom people are unhappy with.

If voters approve the measure, the legislature will set up some ground rules and delegates will be elected next year. They would meet in April 2019 and finish in time for voters to decide the fate of their work that November. Any ideas without broad support could still be stopped. But as is often the case with the status quo, the benefits from pursuing change can feel broad and abstract, while the downside risks are more concrete. A threat to a favored program or one’s own pension can seem disturbingly immediate and real.

And then there’s the trust issue. “New York is a blue state,” Benjamin says. “But people are somehow convinced that the Koch brothers are going to capture the convention.”

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