

RESEARCH RESPONSE

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STATE CONSTITUTIONAL REVISION IN RECENT DECADES

Overview Illinois is among 14 states with mandatory periodic referenda on calling constitutional conventions. A law review article counted 98 elections under such provisions from the founding of the nation until 2002, of which 24 resulted in conventions. New Hampshire (which until recently had no other way to amend its constitution) held 13 of those 24 conventions.¹ But among the states with such provisions, none passed its most recent referendum on whether to hold a constitutional convention.

In preparation for Illinois' first automatic referendum on calling a convention (in 1988) the General Assembly passed a resolution calling for a committee to study the Constitution and make recommendations on whether a convention was needed. This report describes commissions and other groups that have studied and made recommendations on constitutional revision in the states, and the outcomes of constitutional revision efforts in Illinois and the other states. There is a trend toward revising state constitutions by appointing commissions to recommend possible revisions to the legislature, rather than holding constitutional conventions.

The first section of this report describes constitutional revision efforts in states with periodic mandatory referenda on calling constitutional conventions. The second section discusses efforts in states without such mandatory referenda.

Appendix A to this report describes how constitutional conventions are called in the states. Appendix B describes the same information, sorted by method of convention call allowed. Appendix C shows the frequency of states' mandatory referenda for constitutional conventions in states that require them, and the years of their last referenda. Figure 1 is a U.S. map showing frequency of states' mandatory referenda.

Mandatory Periodic Referenda

Fourteen states, including Illinois, require referenda on calling constitutional conventions to be put to the voters periodically.

Illinois In 1986 the General Assembly passed Senate Joint Resolution. Among other things, it directed the Joint Committee on Legislative Support Services to convene a "Committee of 50 to Reexamine the Illinois Constitution." It provided that the Committee would be a voluntary organization consisting of the Governor, the President of the 1970 Constitutional Convention, scholars, educators, government officials, legal experts, and public opinion leaders. The Committee was directed to reconvene all members of the 1970 constitutional convention to assess how well the 1970 Constitution secured the rights and welfare of Illinoisans.² Senator Philip J. Rock, who sponsored the resolution in the Senate, stated on the floor that the Committee would lay some of the groundwork for examining whether to call a constitutional convention.³

The Committee, along with the Illinois Commission on Intergovernmental Cooperation (ICIC), in September 1987 convened a two-day meeting of 63 surviving delegates to the 1970 convention. (ICIC was abolished in 2003, and all of its duties were transferred to the Legislative Research Unit.) ICIC issued a report of the proceedings entitled "The 1970 Illinois Constitution: An Assessment by the Delegates". The delegates were divided into groups to discuss five topics: (1) state-local relations and finance; (2) the judiciary; (3) individual rights; (4) legislative-executive relations; and (5) improving government. Discussions were facilitated and recorded by volunteer faculty members of Sangamon State University and Southern Illinois University. Twenty-four members of the Committee of 50 attended as observers. The groups discussed ways in which the Constitution was working as intended, and ways it could be improved. Overall, the former delegates did not seem to think another constitutional convention was necessary. They adopted a resolution stating:

We are generally well pleased with the product of our labors of 1969-1970 and believe that such changes as may be desirable can be handled by legislation, interpretation, or the amendment process.⁴

Senate Joint Resolution 127, passed in June 1988, established the Joint Committee for the Constitutional Convention Proposal. It consisted of eight legislators—two appointed by each of the top legislative leaders. The resolution instructed the Committee to direct the preparation of an explanation, including arguments for and against calling a convention.⁵

The 1988 voter guide, compiled by the Secretary of State and published in various newspapers, included a section on the call for a convention.⁶ Its four arguments in favor of holding a convention were:

- (1) A convention could address important issues, including constitutional changes that have been proposed but not approved by the General Assembly.
- (2) A convention would not necessarily revise the entire Constitution.
- (3) Periodic review of the Constitution is desirable.
- (4) The costs of a convention could be held to about \$5 million.

Arguments against holding a convention were:

- (1) The current Constitution is sound, and revision can be accomplished through the amendment process. Also, many issues raised by supporters of a convention are legislative, not constitutional.
- (2) The number and type of issues raised at a convention cannot be limited.
- (3) The cost of a convention could be \$31 million.
- (4) A convention could destabilize the state economy, especially if the tax limitation provisions in the Constitution are altered.

The question whether to call a constitutional convention was on the general election ballot in 1988. It lost by vote of 900,109 (24.8%) for to 2,727,144 (75.2%) against.⁷ In order to be successful, the question needed approval by three-fifths of those voting on the question or a majority of those voting in the election.⁸

Alaska A referendum on constitutional conventions is required every 10 years. The latest, in 2002, got only about 30% of the vote on that question.⁹ A spokeswoman for the Alaska Legislative Reference Library said no commission was appointed to study whether to call a convention.¹⁰

Advocates for a convention included John Havelock, a former Alaska Attorney General and Director of Legal Studies at the University of Alaska. In a ballot measure summary submitted to the Division of Elections, he argued that a convention could protect the state's Permanent Fund Dividend (paid yearly to Alaska residents using the state's income from oil interests); give members of Alaska's native peoples an opportunity to participate in a constitutional convention (only one served in the original convention in 1956, which preceded Alaskan statehood); reform a "rudderless and self-interested" legislature by creating small, single-member districts; and adopt a state fiscal plan, which had not been done in recent years.¹¹

Convention opponents included the president of the Alaska League of Women Voters and a former state legislator. Their main arguments in the ballot measure summary against a convention were that it was unnecessary because the legislature could propose amendments to the constitution; a convention would be too costly; and it could be dangerous because the entire Constitution would be open to change, and special-interest groups could introduce "unpredictable amendments." The League of Women Voters had also opposed convention proposals in 1972, 1982, and 1992.¹²

Connecticut A referendum on a constitutional conventions is required every 20 years. Its last referendum was in 1986, but the Connecticut Secretary of State decided in 2006 that the Constitution does not require a referendum until November 2008.¹³

Hawaii A referendum on a constitutional convention is required every 10 years. Before the last constitutional convention in 1978, the legislature asked the Legislative Reference Bureau to update a study of the Constitution that had been done for the 1968 convention. The constitutionally mandated referendum passed with 76% of the vote. Unlike the two previous conventions, which were held for specific purposes, delegates met in 1978 without widespread agreement on what topics should be considered.¹⁴

A majority of the delegates were of Hawaiian ancestry, and many proposals were directed at preserving traditional Hawaiian culture.¹⁵ All the proposed changes would later be approved by the voters, although some were later invalidated by state and federal courts.¹⁶ One provision created an Office of Hawaiian Affairs,¹⁷ which administers 1.8 million acres of royal land in trust for the benefit of native Hawaiians.¹⁸ Other proposals required teaching of Hawaiian culture in schools, established Hawaiian as an official language, and limited the use of adverse possession for acquiring land.¹⁹

Other proposals included establishing a right to privacy, and requiring 12-person juries in criminal trials.²⁰ Changes in the legislative process included staggering Senate terms, requiring open committee meetings, and requiring a legislative recess to give the public time to review bills and legislators time to hold public meetings. Another limited the Governor and Lieutenant Governor to two consecutive 4-year terms.²¹

Some of the changes on farm and home ownership, and representation and reapportionment, were invalidated by courts.²²

Referenda in 1988 and 1998 failed. The next mandatory constitutional convention referendum will be put to the voters in November 2008. Several bills and resolutions have been introduced calling for the Legislative Reference Bureau or a task force to study the cost of a proposed 2010 convention;²³ providing a framework for a convention should one be called;²⁴ and setting campaign spending limits for potential convention delegates.²⁵ As of this writing, none of the bills or resolutions have been approved by the legislature.

- Iowa No information could be found on a constitutional revision commission or legislative involvement before the last mandatory constitutional referendum in 2000 (failed). Referenda are required every 10 years.
- Maryland The last mandatory constitutional referendum was in 1990 (failed), and referenda are required every 20 years. No information on revision efforts could be found.
- Michigan Constitutional convention referenda are required every 16 years. No information could be found on constitutional revision efforts preceding the last mandatory referendum in 1994 (failed).
- Missouri The last mandatory constitutional referendum was in 2002 (failed), and referenda are required every 20 years. No information could be found on a constitutional revision commission or legislative involvement before the referendum.
- Montana Constitutional convention referenda are required every 20 years. No information could be found on a constitutional revision commission or legislative involvement before the last constitutional referendum in 1990 (failed).
- In 1967, the legislature asked the Legislative Council to study the state's 1889 constitution and to determine whether it was meeting the needs of the people. A 2-year study found that over half its provisions were obsolete.
- The legislature then created a 16-member Constitutional Convention Commission, with four members each appointed by the House leader, Senate Committee on Committees, Supreme Court, and Governor. About \$300,000 was appropriated for the Commission. It produced three series of reports. A new Constitution proposed by the Commission was ratified by voters in 1972.²⁶
- New Hampshire No information could be found on a constitutional revision commission or legislative involvement preceding the last mandatory referendum in 2002 (failed). Referenda are required every 10 years.

New York Mandatory referenda on constitutional conventions are required every 20 years. The state's voters last considered a referendum in 1997 (failed).²⁷ In 1993, then-Governor Mario Cuomo enlisted the help of the Rockefeller Institute (the public policy research department of the State University of New York) to plan for a possible convention. He also appointed an 18-member Constitutional Revision Commission to help prepare for a convention and publicize the issue.²⁸

The Commission consisted of prominent New Yorkers, balanced by race, gender, occupation, and party affiliation. It was chaired by the head of the Rockefeller Foundation, who had once been the State Budget Director.²⁹ Despite the members' diversity, the Commission was seen as Cuomo's, who favored holding a convention.³⁰ The Commission had a modest budget from the Governor's discretionary funds and received no specific appropriation.³¹

The Commission held regular public meetings, and commissioned and published research on constitutional issues. It established contacts with the media, published a newsletter, and sent education materials to schools. But no political support for a convention developed.³²

The main groups supporting a convention were chambers of commerce and newspaper editorial boards. The League of Women Voters, the New York Public Interest Research Group, and Common Cause opposed a convention. Groups such as environmentalists concerned about losing protection for nature preserves, and public-employee unions anxious about losing pension protections, feared that an open-ended convention might do more harm than good on their issues.³³

Because efforts at outreach to the public gained little public attention, the Commission found it hard to determine whether a convention was needed.³⁴ Its chairperson then decided to shift the focus from the question of holding a convention, toward considering policy areas seen by the public as needing basic reform. Commission deliberations found those to be as follows: (1) fiscal integrity; (2) state-local relations; (3) education; and (4) public safety. The Commission created four Action Panels to create packages of bills and constitutional amendments in those areas.³⁵

The Commission asked the Governor and legislature to commit to acting on any proposals made by the Action Panels. A majority of the Commission then recommended that a convention be called if the state failed to take action on its proposals before the referendum to occur in 1997.³⁶ But in 1994 Mario Cuomo was defeated by George Pataki for Governor, and the Commission was no longer funded.³⁷

Polls leading up to the 1997 referendum showed that a majority of registered voters were unaware that a referendum would be on the ballot, but a majority thought a convention would be a good idea. Two major changes to state government were particularly popular—imposing term limits and creating an initiative and referendum process—but there was no organized group advocating a convention.³⁸

Prominent political figures advocating a convention included former Governor Cuomo, Governor Pataki, and many upstate Republican legislators. They argued that while the convention system was not perfect, it was the only way to

get around (in the words of a 2002 *Albany Law Review* article) an “entrenched legislature” so as to “fix the system.”³⁹ Proponents also pointed out that if a convention were held, the voters would elect delegates and could reject any proposed amendments.⁴⁰ Proponents argued for a convention in debates organized by civic groups, the media, and editorial boards, but did not settle on a common message. An attempt to form a bipartisan group of “198 New Yorkers for a New Constitution” failed.⁴¹

Almost every organized interest in the state, including unions, civil rights groups, environmental organizations, abortion rights activists, and the trial lawyers’ association, opposed a convention. Many joined to form “Citizens Against a Constitutional Convention.” They warned about high costs, a likelihood of domination of the process by incumbent politicians, and a likelihood of few results as reasons against a convention.⁴² Unlike proponents, the opponents had funding, along with workers supplied by labor unions. They spent \$750,000 in the last few days and used phone banks to call voters.⁴³

The referendum failed 929,415 (for) to 1,579,390 (against). Almost 1.7 million other voters did not vote on the question.⁴⁴

- Ohio Constitutional convention referenda are required every 20 years. The legislature in 1969 formed the Ohio Constitutional Revision Commission to prepare for the 1972 periodic convention call. The Commission included legislators and others. It was directed to study the Constitution and recommend amendments to the legislature, and also to prepare recommendations to a constitutional convention if one was called in 1972. The voters refused to call a convention in 1972 by 62% to 38%. The Commission continued its revisory work, but ceased to exist in 1977.⁴⁵ The 1992 referendum also failed.
- Oklahoma The Constitution requires that the question of calling a convention be put to the voters every 20 years. Referenda in 1950 and 1970 were defeated. In 1989, Governor Henry Bellmon created a privately funded Oklahoma Constitutional Revision Study Commission. It comprehensively studied the Oklahoma Constitution and sought to shorten and modernize it. The Attorney General chaired the Commission and a well-known citizen activist was its executive director.

A diverse group of 35 Commission members formed eight committees—one for each subject area of the Constitution. All Commission meetings were made public, and open forums were held across the state to solicit comments and criticism. Organizations that contributed to the Commission’s work included the League of Women Voters of Oklahoma, Common Cause of Oklahoma, and the Metropolitan Tulsa Chamber of Commerce.

The Commission eventually proposed three amendments. Two, on reorganizing the executive branch and revising the article on corporations, were held invalid by the Supreme Court for encompassing more than one subject, so they never made it to a vote. The third, to create a constitutional Ethics Commission, was approved by the voters in 1990.⁴⁶ The question of calling a constitutional convention was not submitted to the voters that year because the legislature did not pass a resolution to put it on the ballot, and has not been since. But in 1994 a referendum on eliminating the requirement was narrowly defeated by the voters.⁴⁷

Rhode Island No information could be found on a constitutional revision commission or legislative involvement before the last mandatory constitutional referendum in 2004 (failed). Referenda are required every 10 years.

Other States Information on constitutional revisions efforts was found for seven states that do not have mandatory periodic constitutional convention referenda.

Alabama Periodic submission of a convention question is not required, and no committee has been appointed by either the legislature or Governor to study constitutional revision. But a public interest group called Alabama Citizens for Constitutional Reform (ACCR) has been working since 2000 to build support for constitutional revision and a convention.

ACCR was begun by a university president; a former Governor; and a former member of Congress from Alabama. Resolutions calling for a convention have been passed by the Alabama State Bar Association and several local bar associations; an association of circuit judges; 15 Alabama colleges; and the Alabama PTA.⁴⁸ ACCR lists several reasons for constitutional reform, including authorizing home rule for local governments; reforming the state's income tax system; allowing the state and all local governments to participate in economic development activities; creating budget flexibility (Alabama currently earmarks almost 90% of its revenues); shortening the Constitution (it has 743 amendments); and removing from it voting restrictions that were overturned by federal courts.⁴⁹

In 2007, bills in both houses proposed to call a constitutional convention.⁵⁰ A Senate bill was favorably reported from committee, but no further action was taken on it; no action was taken on the House bill.

California The legislature in 1993 created the California Constitution Revision Commission to look comprehensively at California's budget and legislative processes and governance in general, and to make recommendations for changes. The Commission had 23 members: 10 appointed by the Governor, 5 by the House Speaker, 5 by the Senate Committee on Rules, and three *ex officio*: the Chief Justice of California, the Legislative Analyst (a nonpartisan fiscal and policy advisor), and the Director of Finance.⁵¹ The Commission was assisted by legislative committee staff, the Legislative Analyst's Office, the Department of Finance, and the Office of Legislative Counsel,⁵² along with its own staff of six.⁵³

The Commission began meeting in 1994 and ended its work in 1996. It held 30 public meetings in that time including four formal hearings.⁵⁴ Its 1996 report made several far-reaching recommendations to increase accountability in state government, strengthen the state budget and fiscal process, improve education, and clarify the responsibilities of state and local governments.

Its recommendations on increasing government accountability included having candidates for Governor and Lieutenant Governor run on the same ticket; lengthening the maximum time a state senator could serve from 8 to 12 years, and the time a state representative could serve from 6 to 12 years; shortening the legislative session to 6 months; and empowering the legislature to veto proposed regulations.⁵⁵

Budget and fiscal recommendations included requiring a 4-year capital outlay plan; adopting a 2-year appropriations cycle; requiring the state's budget to be balanced each biennium; requiring a 3% General Fund reserve; prohibiting borrowing to finance deficits; and linking the Governor's and legislators' pay to passage of a budget.⁵⁶

Recommendations for improving education included establishing an accountability system for schools; increasing local control and authority; and making community colleges part of higher education for funding purposes.⁵⁷

The Commission also recommended developing a state and local realignment plan (to assign responsibilities for services that are financed by both state and local governments), and strengthening home rule.⁵⁸

The Commission attempted to link its recommendations to specific goals, and its final report spelled out the rationale for each recommendation. The Commission based its proposals on testimony and evidence.⁵⁹ While groups such as teachers, local officials, and taxpayers were active in the discussions,⁶⁰ the economy seems to have weighed most heavily on its recommendations. But as the mid-1990s recession ended, calls for change ended and the legislature and Governor decided that reform was unnecessary.⁶¹

Florida Florida's Constitution provides for a Constitutional Revision Commission to meet every 20 years to study the Constitution and make proposals for revision. The Commission can submit proposals directly to the voters. It has 37 members: the Attorney General; 15 members chosen by the Governor; 9 members each chosen by the House Speaker and Senate President; and 3 chosen by the Chief Justice of the Florida Supreme Court with advice from the other justices.⁶²

Each Commission meets for about a year. It travels around the state to identify issues, do research, and recommend constitutional changes. Appendices D and E are flow charts showing how the commissioners are selected; its procedures for its 1997-1998 meetings, and how proposals are reviewed and advanced through the Commission.

A March 1998 Commission newsletter said the Commission considered over 500 proposals and proposed 9 constitutional amendments. They addressed the environment, education, judicial elections, cabinet reform, equal rights for women, public campaign finance, open primaries, and gun control.⁶³ Voters approved a majority of the proposed amendments.⁶⁴

Georgia A revision commission drafted a revised constitution in 1963, which the legislature approved in 1964; but due to legal concerns about legislative malapportionment, it was never sent to the voters. The legislature established another revision commission in 1969, which proposed another revised constitution. It was approved by the House but not the Senate.

A member of the legislature during that time, George Busbee, decided that a revision of the entire document was too difficult, and that an article-by-article revision might work. Busbee became Governor in 1975, and then asked the Office of Legislative Counsel to prepare a "new" Constitution for submission to the voters. (The Office provides statutory revisions, renders legal opinions, and performs research for the legislature.⁶⁵) The Office was charged only with

reorganizing the document, not making substantive changes. The revised Constitution easily passed the legislature and was ratified by voters. Though no substantive changes were made, this paved the way for a more thorough revision of the Constitution because the document was better organized.

In 1977 the legislature created the Select Committee on Constitutional Revision including the Governor, Lieutenant Governor, Attorney General, House Speaker, other legislators, and judges. The Committee agreed first to a total revision of the Constitution. Each article was drafted and approved individually by the Committee and the legislature, with the goal of creating a brief, clear, and flexible document.

After a series of public meetings, a new Constitution was approved by the legislature and sent to the voters at the 1982 general election. With support from all three branches of government and a strong publicity campaign, it was overwhelmingly approved.

The new Constitution is about half the length of the 1976 Constitution; is better organized; and uses simple English rather than arcane terminology. Its most significant change was a prohibition on any further constitutional amendment that would affect only one local government.⁶⁶

New Jersey Since 2005, Governor Corzine has asked the legislature to find a way to reduce property taxes, which are among the highest in the country. In late 2006 the Governor and legislature agreed to hold a special legislative session on the problem. As part of the process, the legislature formed four special joint committees, one of which would assess the need for constitutional changes.⁶⁷ That committee determined that a convention was not necessary for property tax reform, and that any needed changes could be made through the amendment process.⁶⁸ But the legislature could not agree on a reform package, and the Governor continues to argue that a convention might be necessary due to legislative inaction.⁶⁹

Utah A permanent Constitution Revision Study Commission was created in 1977. Each of its 16 members serves for 6 years. Three members each are appointed by the Governor, House Speaker, and Senate President. Those nine appoint six others. The director of the Office of Legislative Research and General Counsel serves ex-officio.

Unlike in Florida, the Commission does not make proposals directly to the voters. It can consider constitutional changes either on its own motion or on recommendation by state leaders and the public, but its proposals for constitutional change must go to the Governor or legislature. Three of its revised articles were referred by the legislature to the voters and approved in 1992.⁷⁰

Virginia In 1968 the Governor asked for authority to create a commission to recommend constitutional revision. A legislative joint resolution authorized him to create an 11-member Commission on Constitutional Revision. It was chaired by a Virginia Supreme Court justice (and former Governor).⁷¹ The commissioners appointed a University of Virginia law professor as executive director and formed five subcommittees, corresponding roughly to the major areas of the Constitution. Each subcommittee had legal counsel. Further support was provided by law students and others, who wrote about 150 research memoranda in the summer of 1968.⁷²

The Commission solicited public comments and held five public hearings in June and July of 1968. The full Commission met to deliberate on proposals. By the late fall, a tentative draft of a revised constitution was complete. The Commission also approved detailed commentaries explaining its proposals, and reported to the Governor and legislature on January 1, 1969.⁷³

The proposals would have, among other things, committed the state to quality education; authorized some state borrowing to finance capital improvements; forbidden discrimination based on race, color, or national origin; reduced the period of residence required for voting; and provided for Congressional and legislative redistricting.⁷⁴ In addition to these specific recommendations, the Commission also proposed to delete obsolete sections and reorganize the Constitution so closely related subjects would be dealt with together.⁷⁵

In a March 1969 special session, the legislature approved most Commission proposals but significantly changed some. For example, it scrapped the Commission's proposal that at least some general obligation bonds for capital projects could be issued without referendum. It also did not approve a proposal to require localities to provide a specified portion of public school costs.⁷⁶

Some people worried that a revision of the Constitution by the legislature would be too open to lobbying, preferring a convention instead. But when the legislature had completed its revision, some opponents admitted that it was good—perhaps even better than the proposed constitution originally submitted by the Commission.⁷⁷ The legislature approved four amendments.⁷⁸

Supporters of the revisions saw a need to inform the public about them. The Governor asked the (disbanded) Commission's executive director to form such a committee. Called Virginians for the Constitution, it was funded solely by private contributions.⁷⁹ Its steering committee consisted of all candidates for Governor, Lieutenant Governor, and Attorney General in the 1969 general election. Their diversity was intended to show a broad consensus supporting the revisions.⁸⁰

The committee issued a manual for communities with ideas on local organizing to support the proposals; made contact with major statewide organizations such as unions, the state bar association, and the League of Women Voters; wrote articles for newspapers; supplied speakers at local group meetings; and provided brochures for distribution by local committees.⁸¹

Organized opposition to the revisions centered on their greater focus on the state's role in public education and the two debt proposals, which were contrary to some people's beliefs that state services should use "pay-as-you-go" funding. Opponents distributed pamphlets variously claiming that the revisions had been drafted by the Council of State Governments; the Department of Health, Education, and Welfare; or the United Nations.⁸²

By the end of the campaign, revision was supported by prominent leaders of both parties, nearly all important statewide organizations, and most newspapers. The new Constitution was approved by 72% of those voting on the question.⁸³

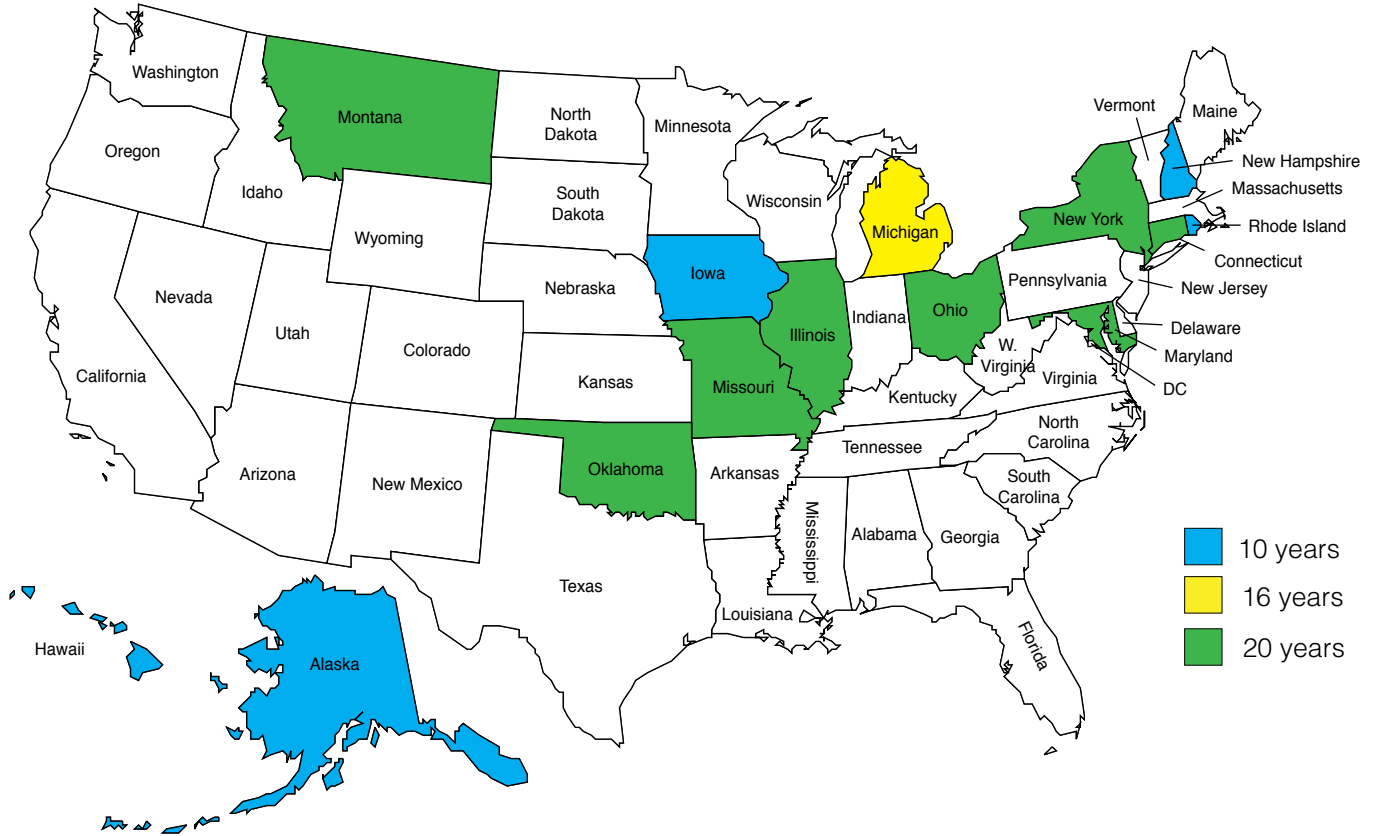
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33. "The Mandatory Constitutional Convention Question . . ." at 1033.
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35. "The Mandatory Constitutional Convention Question . . ." at 1034.
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Figure 1: Frequency of States' Mandatory Periodic Referenda on Calling Constitutional Conventions



Source: State constitutional provisions.

Appendix A: How States Call Constitutional Conventions

<i>State</i>	<i>Legislature can call</i>	<i>Mandatory periodic referendum</i>	<i>Referendum frequency (years)</i>	<i>Citation</i>
Alabama	<input type="checkbox"/>	-	-	Ala. Const., art. 18, sec. 286
Alaska	<input type="checkbox"/>	<input type="checkbox"/>	10	Alaska Const., art. 13, secs. 2 and 3
Arizona	<input type="checkbox"/>	-	-	Ariz. Const., art. 21, sec. 2
Arkansas	-	-	-	Ark. Const., art. 19, sec. 22
California	<input type="checkbox"/>	-	-	Cal. Const., art. 18, sec. 2
Colorado	<input type="checkbox"/>	-	-	Col. Const., art. 19, sec. 1
Connecticut	<input type="checkbox"/>	<input type="checkbox"/>	20	Conn. Const., art. 13, sec. 1
Delaware	<input type="checkbox"/>	-	-	Del. Const., art. 16, sec. 1
Florida*	-	-	-	Fla. Const., art. 11
Georgia	<input type="checkbox"/>	-	-	Ga. Const., art. 10, sec. 1
Hawaii	<input type="checkbox"/>	<input type="checkbox"/>	10	Haw. Const., art. 17, sec. 2
Idaho	<input type="checkbox"/>	-	-	Idaho Const., art. 20, sec. 3
Illinois	<input type="checkbox"/>	<input type="checkbox"/>	20	Ill. Const., art. 14, sec. 1
Indiana	-	-	-	Ind. Const., art. 16, sec. 1
Iowa	<input type="checkbox"/>	<input type="checkbox"/>	10	Iowa Const., art. 10, sec. 3
Kansas	<input type="checkbox"/>	-	-	Kan. Const., art. 14, sec. 2
Kentucky	<input type="checkbox"/>	-	-	Ky. Const., sec. 258
Louisiana	<input type="checkbox"/>	-	-	La. Const., art. 13, sec. 2
Maine	<input type="checkbox"/>	-	-	Me. Const., art. 10, sec. 4
Maryland	<input type="checkbox"/>	<input type="checkbox"/>	20	Md. Const., art. 14, sec. 2
Massachusetts	<input type="checkbox"/>	-	-	Mass. Const., pt. 2, ch. 6, sec. 1, art. 10
Michigan	<input type="checkbox"/>	<input type="checkbox"/>	16	Mich. Const., art. 12, sec. 3
Minnesota	<input type="checkbox"/>	-	-	Minn. Const., art. 9, sec. 2
Mississippi	-	-	-	Miss. Const., art. 15, sec. 273

Appendix A: How States Call Constitutional Conventions (cont'd)

<i>State</i>	<i>Legislature can call</i>	<i>Mandatory periodic referendum</i>	<i>Referendum frequency (years)</i>	<i>Citation</i>
Missouri	<input type="checkbox"/>	<input type="checkbox"/>	20	Mo. Const., art. 12, sec. 3(a)
Montana	<input type="checkbox"/>	<input type="checkbox"/>	20	Mont. Const., art. 14, secs. 1 to 3
Nebraska	<input type="checkbox"/>	-	-	Neb. Const., art. 16, sec. 2
Nevada	<input type="checkbox"/>	-	-	Nev. Const., art. 16, sec. 2
New Hampshire	<input type="checkbox"/>	<input type="checkbox"/>	10	N.H. Const., pt. 2, art. 100
New Jersey	-	-	-	N.J. Const., art. 9, para. 1
New Mexico	<input type="checkbox"/>	-	-	N.M. Const., art. 19, sec. 2
New York	<input type="checkbox"/>	<input type="checkbox"/>	20	N.Y. Const., art. 19, sec. 2
North Carolina	<input type="checkbox"/>	-	-	N.C. Const., art. 13, sec. 1
North Dakota	-	-	-	N.D. Const., art. 4, sec. 16
Ohio	<input type="checkbox"/>	<input type="checkbox"/>	20	Ohio Const., art. 16, secs. 2 and 3
Oklahoma	<input type="checkbox"/>	<input type="checkbox"/>	20	Okla. Const., art. 24, sec. 2
Oregon	<input type="checkbox"/>	-	-	Ore. Const., art. 17, sec. 1
Pennsylvania	-	-	-	Penn. Const., art. 11, sec. 1
Rhode Island	<input type="checkbox"/>	<input type="checkbox"/>	10	R.I. Const., art. 14, sec. 2
South Carolina	<input type="checkbox"/>	-	-	S.C. Const., art. 16, sec. 3
South Dakota	<input type="checkbox"/>	-	-	S.D. Const., art. 23, sec. 2
Tennessee	<input type="checkbox"/>	-	-	Tenn. Const., art. 11, sec. 3, second par.
Texas†	-	-	-	Tex. Const., art. 17, sec. 1
Utah	<input type="checkbox"/>	-	-	Utah Const., art. 23, sec. 2
Vermont	-	-	-	Vt. Const., ch. 2, sec. 72
Virginia	<input type="checkbox"/>	-	-	Va. Const., art. 12, sec. 2
Washington	<input type="checkbox"/>	-	-	Wash. Const., art. 23, sec. 2
West Virginia	<input type="checkbox"/>	-	-	W. Va. Const., art. 14, sec. 1

Appendix A: How States Call Constitutional Conventions (cont'd)

<i>State</i>	<i>Legislature can call</i>	<i>Mandatory periodic referendum</i>	<i>Referendum frequency (years)</i>	<i>Citation</i>
Wisconsin	<input type="checkbox"/>	-	-	Wis. Const., art. 12, sec. 2
Wyoming	<input type="checkbox"/>	-	-	Wyo. Const., art. 20, sec. 3
Totals	41	14		

Notes

- * Florida residents may petition for a referendum on holding a constitutional convention to be put on the ballot. The petition must be signed by at least 15% of the voters in each half-Congressional district of the state. In 2017 and each 20th year thereafter, a constitution revision commission will meet to examine the Constitution.
- † Texas' provision on constitutional conventions was repealed by Proposition 3 of 1999.

Appendix B: How States Call Constitutional Conventions, sorted by method

<i>State</i>	<i>Legislature can call</i>	<i>Mandatory periodic referendum</i>	<i>Referendum frequency (years)</i>	<i>Citation</i>
Alaska	<input type="checkbox"/>	<input type="checkbox"/>	10	Alaska Const., art. 13, secs. 2 and 3
Hawaii	<input type="checkbox"/>	<input type="checkbox"/>	10	Haw. Const., art. 17, sec. 2
Iowa	<input type="checkbox"/>	<input type="checkbox"/>	10	Iowa Const., art. 10, sec. 3
New Hampshire	<input type="checkbox"/>	<input type="checkbox"/>	10	N.H. Const., pt. 2, art. 100
Rhode Island	<input type="checkbox"/>	<input type="checkbox"/>	10	R.I. Const., art. 14, sec. 2
Michigan	<input type="checkbox"/>	<input type="checkbox"/>	16	Mich. Const., art. 12, sec. 3
Connecticut	<input type="checkbox"/>	<input type="checkbox"/>	20	Conn. Const., art. 13, sec. 1
Illinois	<input type="checkbox"/>	<input type="checkbox"/>	20	Ill. Const., art. 14, sec. 1
Maryland	<input type="checkbox"/>	<input type="checkbox"/>	20	Md. Const., art. 14, sec. 2
Missouri	<input type="checkbox"/>	<input type="checkbox"/>	20	Mo. Const., art. 12, sec. 3(a)
Montana	<input type="checkbox"/>	<input type="checkbox"/>	20	Mont. Const., art. 14, secs. 1 to 3
New York	<input type="checkbox"/>	<input type="checkbox"/>	20	N.Y. Const., art. 19, sec. 2
Ohio	<input type="checkbox"/>	<input type="checkbox"/>	20	Ohio Const., art. 16, secs. 2 and 3
Oklahoma	<input type="checkbox"/>	<input type="checkbox"/>	20	Okla. Const., art. 24, sec. 2
Alabama	<input type="checkbox"/>	-	-	Ala. Const., art. 18, sec. 286
Arizona	<input type="checkbox"/>	-	-	Ariz. Const., art. 21, sec. 2
California	<input type="checkbox"/>	-	-	Cal. Const., art. 18, sec. 2
Colorado	<input type="checkbox"/>	-	-	Col. Const., art. 19, sec. 1
Delaware	<input type="checkbox"/>	-	-	Del. Const., art. 16, sec. 1
Georgia	<input type="checkbox"/>	-	-	Ga. Const., art. 10, sec. 1
Idaho	<input type="checkbox"/>	-	-	Idaho Const., art. 20, sec. 3
Kansas	<input type="checkbox"/>	-	-	Kan. Const., art. 14, sec. 2
Kentucky	<input type="checkbox"/>	-	-	Ky. Const., sec. 258

Appendix B: How States Call Constitutional Conventions (sorted by method) (cont'd)

<i>State</i>	<i>Legislature can call</i>	<i>Mandatory periodic referendum</i>	<i>Referendum frequency (years)</i>	<i>Citation</i>
Louisiana	<input type="checkbox"/>	-	-	La. Const., art. 13, sec. 2
Maine	<input type="checkbox"/>	-	-	Me. Const., art. 10, sec. 4
Massachusetts	<input type="checkbox"/>	-	-	Mass. Const., pt. 2, ch. 6, sec. 1, art. 10
Minnesota	<input type="checkbox"/>	-	-	Minn. Const., art. 9, sec. 2
Nebraska	<input type="checkbox"/>	-	-	Neb. Const., art. 16, sec. 2
Nevada	<input type="checkbox"/>	-	-	Nev. Const., art. 16, sec. 2
New Mexico	<input type="checkbox"/>	-	-	N.M. Const., art. 19, sec. 2
North Carolina	<input type="checkbox"/>	-	-	N.C. Const., art. 13, sec. 1
Oregon	<input type="checkbox"/>	-	-	Ore. Const., art. 17, sec. 1
South Carolina	<input type="checkbox"/>	-	-	S.C. Const., art. 16, sec. 3
South Dakota	<input type="checkbox"/>	-	-	S.D. Const., art. 23, sec. 2
Tennessee	<input type="checkbox"/>	-	-	Tenn. Const., art. 11, sec. 3, second par.
Utah	<input type="checkbox"/>	-	-	Utah Const., art. 23, sec. 2
Virginia	<input type="checkbox"/>	-	-	Va. Const., art. 12, sec. 2
Washington	<input type="checkbox"/>	-	-	Wash. Const., art. 23, sec. 2
West Virginia	<input type="checkbox"/>	-	-	W. Va. Const., art. 14, sec. 1
Wisconsin	<input type="checkbox"/>	-	-	Wis. Const., art. 12, sec. 2
Wyoming	<input type="checkbox"/>	-	-	Wyo. Const., art. 20, sec. 3
Arkansas	-	-	-	Ark. Const., art. 19, sec. 22
Florida*	-	-	-	Fla. Const., art. 11
Indiana	-	-	-	Ind. Const., art. 16, sec. 1
Mississippi	-	-	-	Miss. Const., art. 15, sec. 273
New Jersey	-	-	-	N.J. Const., art. 9, para. 1
North Dakota	-	-	-	N.D. Const., art. 4, sec. 16

Appendix B: How States Call Constitutional Conventions (sorted by method) (cont'd)

<i>State</i>	<i>Legislature can call</i>	<i>Mandatory periodic referendum</i>	<i>Referendum frequency (years)</i>	<i>Citation</i>
Pennsylvania	-	-	-	Penn. Const., art. 11, sec. 1
Texas†	-	-	-	Tex. Const., art. 17, sec. 1
Vermont	-	-	-	Vt. Const., ch. 2, sec. 72
Totals	41	14		

Notes

* Florida residents may petition for a referendum on holding a constitutional convention to be put on the ballot. The petition must be signed by at least 15% of the voters in each half-Congressional district of the state. In 2017 and each 20th year thereafter, a constitution revision commission will meet to examine the Constitution.

† Texas' provision on constitutional conventions was repealed by Proposition 3 of 1999.

Appendix C: Frequency of States' Mandatory Referenda on Constitutional Conventions, and Year of Last Referendum

Note: All referenda shown below were unsuccessful.

	<u>Alphabetical order</u>		<u>Most to least recent</u>	
	<i>State</i>	<i>Year of last referendum</i>	<i>State</i>	<i>Year of last referendum</i>
10 YEARS	Alaska	2002	Rhode Island	2004
	Hawaii	1998	Alaska	2002
	Iowa	2000	New Hampshire	2002
	New Hampshire	2002	Iowa	2000
	Rhode Island	2004	Hawaii	1998
16 YEARS	Michigan	1994		
20 YEARS	Connecticut	1986*	Missouri	2002
	Illinois	1988	New York	1997
	Maryland	1990	Ohio	1992
	Missouri	2002	Maryland	1990
	Montana	1990	Montana	1990
	New York	1997	Illinois	1988
	Ohio	1992	Connecticut*	1986*
	Oklahoma	1970†	Oklahoma	1970†

Notes

* The Connecticut Secretary of State decided in 2006 that the Constitution does not require a referendum until November 2008.

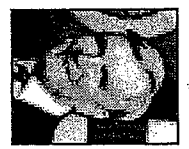
† Although Oklahoma was constitutionally required to hold a referendum in 1990, the legislature did not pass a resolution to put it on the ballot, and no referendum was held.

Sources: Election results posted on Internet sites of states' election authorities; Breen, "Timing of constitutional vote questioned," *Journal Inquirer* (north-central Connecticut), Feb. 22, 2006 (downloaded from Journal Inquirer.com Internet site).

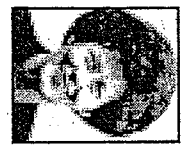
Florida's

Constitution Revision Commission Process

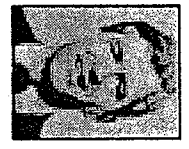
APPOINTING AUTHORITIES



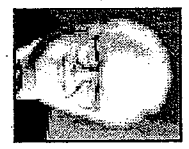
Governor
Lawton Chiles



Senate President
Tom Jennings



House Speaker
Daniel Webster



Chief Justice
Gerald Kogan



Attorney General
Robert Butterworth

15 Members
(Including Chair)

9 Members

9 Members

3 Members

Himself

37-Member
Constitution Revision
Commission

ORGANIZATIONAL
MEETING
(June 1997)

Concerned Citizens
& Groups Suggest
Proposals

PUBLIC HEARINGS
Scheduled throughout Florida
(July - August 1997)

Concerned Citizens
review proposals
offer comments

REVISION COMMISSION
CONDUCTS COMMITTEE
HEARINGS
Considers Proposals
(August - December 1997)

PUBLIC HEARINGS
Disseminate Proposals
(February - March 1998)

FULL COMMISSION
considers, debates, and votes on
proposals
(December 1997 - January 1998)

FULL
COMMISSION
Final Votes on Proposals

NOVEMBER
BALLOT
Vote on Proposals

Transmit to
Secretary of State

Sandra Morham
(May 1998)

CONSTITUTION REVISION COMMISSION

How a proposal advances through the Commission Process

