

MEMORANDUM

RE: CONSTITUTIONAL CONVENTION IN IOWA

Prepared by the Iowa Legislative Service Bureau, August, 1980

In 1970, the call for an Iowa Constitutional Convention was defeated by the electorate by a vote of 204,517 to 214,663. In compliance with the twenty-second amendment of the Constitution of the State of Iowa, which amends section three of Article ten, the citizens of Iowa will have an opportunity to approve or disapprove a Constitutional Convention at the general election this November. The Iowa Constitution does not provide a significant amount of direction for the Convention itself, once it is approved by the electorate. The purpose of this memo is to provide some foresight into the possible Convention by comparing nine Constitutional Conventions which have been held in other states within the last ten years. This memo is not for the purpose of suggesting the advantages or disadvantages of approving or disapproving a Constitutional Convention nor to interpret the Constitution of the State of Iowa, but rather attempting to outline the issues that may be considered if the Constitutional Convention is approved.

DELEGATES

The Constitution of the State of Iowa does not provide for the number of delegates which are to be elected to participate at the Convention. The number of delegates in other Constitutional Conventions ranged from 98 in North Dakota to 400 in New Hampshire. Three of the states had 100 delegates.

In seven states, the delegates were elected from districts which were the same as the districts used to elect the members of the House of Representatives and the number of delegates elected from each district was the same as the number of state representatives. The districts used for the delegate selection process in Rhode Island were the same as the senatorial districts with two delegates elected from each state senate district.

Texas' delegates were the actual members of the House of Representatives and the Senate combined. The electorate approved this procedure by adopting a Constitutional amendment proposing that the legislature sit as the convention.

The delegates to the Conventions were elected on a nonpartisan basis except for the states of Texas, Montana and Rhode Island. Twenty-seven of the 132 delegates of Louisiana's Convention were appointed by the Governor. The Montana Supreme Court, in Forty-second Legislative Assembly v. Lennon 481 P. 2d. 330 (1971), held that the phrase "elected in the same manner", relating to the election of delegates, prohibited the legislative assembly from changing election laws for the election of Convention delegates to provide for nonpartisan delegates.

The compensation for a delegate to a Constitutional Convention ranged from the delegates of Rhode Island not receiving any compensation to \$1,000 per month and \$30 per diem for a delegate at the Hawaii Convention. To become a candidate for a delegate position the most common practice was to file nomination papers to declare one's candidacy. Tennessee required 25 signatures of electors from the candidate's own district on the nomination petition. The state of Arkansas required 50 signatures in addition to a \$25 filing fee. Hawaii required a \$25 filing fee and a nomination paper with 15 signatures.

LENGTH OF CONVENTION

The Constitutional Conventions varied in length from 12 days in New Hampshire to approximately 130 days in Louisiana. The majority of the Constitutional Conventions met for an organizational session and then at a later date for a plenary session. Arkansas met three separate times: an organizational session, a plenary session, and a concluding session to approve the final amendments to be proposed to the electorate. North Dakota met in two separate sessions but held committee meetings between the organizational session and the plenary session for a total of 71 days of committee meetings for the six substantive committees. The total number of days is not necessarily interpreted as consecutive days, since many of the Conventions recessed and then reconvened at a later date during the plenary session.

COMMITTEES

The membership of the committees for each Constitutional Convention was usually selected by the president of the Convention. North Dakota had six substantive committees and seven procedural committees. Tennessee had a total of 20 committees. Each delegate in Texas and North Dakota were members of only one substantive committee.

PRESIDING OFFICERS

A president, vice president and a secretary was the most common combination for the presiding officers of a Constitutional Convention. The presiding officers were delegates elected by a majority of the delegates. Tennessee had an executive vice president and three regional vice presidents representing the eastern, central and western sections of the state rather than one vice president. Montana had one first vice president and two other vice presidents, one from each congressional district in place of a single vice president.

PRECONVENTION ACTION

The amount of preparation before each Constitutional Convention convened and the individuals who participated in the preparation varied between the Conventions. In Louisiana, a 48-member Constitutional Revision Commission prepared preliminary studies and a revision of the Constitution for the Convention delegates.

The Texas Constitutional Revision Commission was composed of 37 citizen members appointed by a committee consisting of the Governor, Lieutenant Governor, Attorney General, Speaker of the House, Chief Justice of the Supreme Court and the Justice of the Court of Criminal Appeals. The Commission received a \$900,000 appropriation and submitted drafts to the Convention for proposed changes in the Constitution.

New Hampshire's legislature created a ten-member "Commission to Study the State Constitution" and provided a \$10,000 appropriation.

A 16-member "Montana Constitutional Convention Commission" was created by the legislature to conduct research and prepare for the Convention. Four members of the Commission were appointed by the Speaker of the House, four by the Committee on Committees of the Senate, four by the Governor, and four by the Supreme Court. Approximately \$300,000 was appropriated for the purposes of the Commission.

The Legislative Reference Bureau in Hawaii received an appropriation of \$72,000 to prepare an update of a study which had been prepared for the 1968 Hawaii Constitutional Convention. The 30-member Constitutional Revision Study Commission in Arkansas consisted of appointees by the Supreme Court, Governor, President Pro Tempore and the Speaker of the House. Rhode Island and Tennessee did not complete any specific preparation.

The majority of the Conventions met in the chambers of the House of Representatives. The enabling Act for the Constitutional Convention held in Hawaii did not permit the Convention delegates to use legislative offices located in the Capitol.

EMPLOYEES

North Dakota employed 56 staff members ranging from a chief clerk and an assistant chief clerk to journal proofreaders and parking lot attendants for the 1972 Constitutional Convention. The chief clerk was paid \$40 per diem, the assistant chief clerk received \$35 per diem, the journal proofreaders \$25 per diem, and the parking lot attendants \$21 per diem. The Executive Committee composed of the presiding officers and committee chairpersons named the executive director who was paid \$1,800 per month.

In 1974, Texas hired a Convention research staff. A total of eight professional staff and ten clerical staff were employed. An additional nine research assistants were employed, one for each substantive committee, and each received \$1,219 per month. Nine administrative aides received \$673 per month. Eighteen secretaries (two for each committee) were employed and received \$552 per month. An additional researcher was employed for the Style and Drafting Committee and received \$1,667 per month. The Senate and the House each employed staff to assist their individual Constitutional Convention planning committees. The Senate employed two staff members and the House 33.

The Montana Convention, held in 1972, employed 56 staff members. The executive director received \$8.17 per hour and the typists received \$2.25 per hour. The staff members were appointed by the Committee on Administration. Twenty-eight interns were also utilized.

The 1978 Constitutional Convention in Hawaii had an estimated 400 staff members. Each delegate was permitted to employ as many employees as desired, within the budget permitted for each delegate. Each delegate employed a minimum of one aide and one secretary. Six researchers, one librarian and four secretaries from the Legislative Reference Bureau were employed for the Convention in addition to five attorneys from the Convention attorney's office. The Legislative Reference Bureau received \$40,547 for staff salaries.

The 1980 Constitutional Convention in Arkansas had 30 staff positions for a total expenditure of \$228,420 in salaries in addition to 25 temporary employees for an additional expense of \$40,000. An executive director received \$2,000 per month while the research director employed for the Convention received \$1,200 per month.

BUDGETS

The range for the budget of a Constitutional Convention ranged from \$20,000 in Rhode Island in 1973 to \$3.8 million in Texas in 1974. New Hampshire spent approximately \$180,000, Montana spent \$457,600 in 1972, North Dakota spent \$544,600 in 1972, Tennessee spent \$1,795,060 in 1977, the Hawaii Convention cost approximately \$2,306,646 in 1978 and Louisiana spent \$2,428,768 in 1974. The total cost for Arkansas has not been determined but \$800,000 was appropriated for the Convention.

PROCEDURE FOR THE INTRODUCTION OF MATERIAL

Most of the Constitutional Conventions had provisions that permitted individual delegate proposals to be submitted as suggestions for changes in the Constitution, in addition to committee proposals and citizen proposals. Many of the Conventions provided a deadline for the submission of the proposals within the rules of the Convention. North Dakota provided for 16 public hearings to receive citizen proposals, a delegate proposal could not be introduced after the fifth day of the Convention and a committee proposal could not be introduced after the 16th day of the Convention. Montana introduced material in the form of 178 delegate proposals, 1,380 citizen suggestions and numerous resolutions.

PUBLIC EMPLOYEES

Public employees were permitted to serve as delegates of the Constitutional Conventions except in the states of Texas, Montana and Tennessee. The Montana Supreme Court ruled in Forty-second Legislative Assembly v. Lennon, supra, that the public officials prohibited from holding more than one office could not be elected

to the Convention as a delegate. The Tennessee Constitution prohibits an individual from holding more than one lucrative office at one time.

The Constitution of the State of Iowa, Article III, section 21, reads "No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people."

Article III, section 22 reads "No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative."

Section 21 of Article III may not prohibit a legislator from becoming a delegate to a Constitutional Convention since section 3 of Article X requires that the delegates be chosen by election. Section 22 of Article III could prohibit a legislator from serving as a delegate while continuing to hold his or her seat if the position of delegate is both an "office" and "lucrative". A position is generally considered to be lucrative in this sense if compensation or salary is provided, regardless of the amount of compensation. However, the payment of expenses does not make the office lucrative. The Iowa Supreme Court in Vander Linden v. Crews, 205 N.W. 2d 686 (1973 Iowa) summarized that the five essential elements required by most courts to make public employment a public office are (1) the position must be created by the Constitution or legislature, (2) a portion of the sovereign power of the government must be delegated to the position, (3) the duties and powers must be defined directly or impliedly by the legislature or legislative authority, (4) the duties must be performed independently and without control of a superior power other than the law, and (5) the position must have some permanency and continuity and not be only temporary and occasional. However, the court has also said that each case turns upon its own circumstances and that a term of office is not essential. (State v. Taylor, 144 N.W. 2d 289 (1966 Iowa)) Here since the position of delegate is created by the Constitution and the legislature, its powers and duties defined by the Constitution, a portion of the sovereign power of the state is delegated to the delegates, and the delegates perform their duties independently, it is possible that the position of delegate will be considered a public office.

Most of the states which were surveyed permitted officials to be elected as a delegate if the official took a leave from the public job without pay or did not receive the compensation provided for a delegate position.

SUBMISSION OF PROPOSALS TO THE ELECTORATE

The enabling Act for the Montana Constitution Convention permitted the Convention to determine the method to submit the proposals to the electorate. The proposals could be submitted as one unit in the form of a new Constitution, submitted as one unit with separate proposals to be voted upon individually at the same time, or submitted as a series of separate amendments. The Convention determined that the proposals should be submitted as one unit in the form of a new Constitution with three separate proposals voted upon individually. The new Constitution and the three proposals were approved by the electorate.

Each amendment was submitted separately to the electorate in Tennessee. The enabling Act for the Constitutional Convention in section nine required that each amendment to the Constitution be submitted separately to the voters of the state for ratification or rejection. Twelve of the 13 proposed amendments were approved by the people.

Section seven of Act Three of the First Extraordinary Session of 1977 of Arkansas required the Convention to submit the proposed Constitution as one proposal and permitted the Convention to submit separate proposed parts or alternative parts to be voted upon separately, in addition to the proposed Constitution. On November 4, 1980, the electorate of Arkansas will have an opportunity to vote on a single document with several alternative proposals.

The method of submission to the electorate in Hawaii was challenged in court in Kahalekai v. Doi, 590 P. 2d 543 (1979) and upheld. The court ruled that a "ballot is not defective merely because it is mechanically easier for the voter to vote for rather than against any given proposition, so long as the ballot language is not misleading or deceptive." The manner that the proposed amendments are submitted to the people "is subject only to the limitation that the ballot must enable the voters to express their choice on the amendments presented and be in a form and language which will not mislead or deceive the voter." The amendments were grouped into 34 amendments, according to subject and were approved following the 1978 Hawaii Constitutional Convention.

Part 2, Article 100 of the Constitution of New Hampshire requires each Constitutional amendment to be submitted to the voters by written ballot. Twenty-seven amendments were submitted to the electorate of New Hampshire between 1974 and 1980.

The Texas legislature, with its approval of H.J.R. No. 61 provided for the submission of a new Constitution, which may contain alternative articles or sections, or could submit revisions of the existing Constitution which may contain alternative articles or sections. Each resolution adopted specified the form of the ballot. However, the Convention did not propose a new Constitution and following the adjournment of the Convention, the legislature approved eight amendments, all of which were rejected by the electorate.

North Dakota's enabling Act for the 1972 Constitution Convention permitted the Convention to submit a new Constitution as one proposal to be approved or rejected by the electorate and to submit proposed parts or alternative parts of a new Constitution. The electorate rejected the proposed new Constitution which was arranged by Article and therefore rejected the four controversial alternative propositions.

In the enabling Act for the 1974 Constitutional Convention in Louisiana, the Convention was required to submit a proposed draft of a new Constitution and was permitted to submit alternative provisions. The electorate approved the new Constitution and one of the alternative proposals.

The enabling Act for the 1973 Rhode Island Constitutional Convention required that the amendment or amendments approved at the Convention be submitted to the electorate as one proposition. However, a superior court in Rhode Island ruled that once the Convention convened, the delegates had the power to do what they desire regardless of a statute passed by the General Assembly, unless the General Assembly had put the restrictions regarding the Convention to a vote of the population of the state. In this case, the General Assembly had not requested voter approval of the statute and therefore the Convention passed a resolution to have the amendments submitted to the people separately. Five of seven proposed amendments were approved by the people of Rhode Island. The decision of the Court was based on In Re The Constitutional Convention, 55 RI 56 (1935).

The Twenty-second Amendment of the Constitution of the State of Iowa reads "If two or more amendments shall be submitted at the same time, they shall be submitted in such a manner that electors may vote for or against each such amendment separately."

There have been several attorney general opinions issued regarding Article X of the Constitution of the State of Iowa relating to the submission of amendments to the electorate.

In 1967, an opinion was issued regarding a proposed Constitutional amendment (S.J.R. 21, 61 GA). The amendment changed the length of the terms of office for governor and lieutenant governor from two years to four years and provided for the governor and lieutenant governor to be together in one voting bracket on the ballot instead of two. The proposed amendment was declared unconstitutional because this amendment had more than one object and purpose. The opinion referred to Lobaugh v. Cook, 1905, 127 Iowa 181, 102 N.W. 1121 in which the Iowa Supreme Court held:

"The evident purpose of this section (Article X, Section 2) is to exact the submission of each amendment to the Constitution on its merits alone, and to secure the free and independent expression of the will of the people as to each. The importance of this cannot be too strongly stated. It excludes incongruous matter and that having no connection with the main subject from being inserted, and thereby obviates the evil of loading a meritorious

proposition with an independent and distinct measure of doubtful propriety. The elector, in voting for or against, is limited to ratifying or rejecting the proposition in its entirety, and cannot be put in a position where he may be compelled, in order to aid in carrying a proposition his judgment approves, to vote for another he would otherwise reject. * * *

"* * * We think amendments to the Constitution, which (Article X, Section 2) requires shall be submitted separately, must be construed to mean amendments which have different objects and purposes in view. In order to constitute more than one amendment, the propositions submitted must relate to more than one subject, and have at least two distinct and separate purposes, not dependent upon or connected with each other." (Op. Att. Gen., Feb. 6, 1967)

In 1970, two related attorney general opinions were issued regarding the submission of Constitutional amendments. Although H.J.R. 6, 63rd GA (1970), relating to changing the terms of office of the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and attorney general from two years to four years, would amend more than one section of the Constitution of the State of Iowa, there was one single purpose of the amendments and therefore a single amendment would be constitutional. This opinion too, refers to Lobaugh v. Cook, supra for the basis of the opinion. (Op. Att. Gen. Jan. 30, 1970)

The other opinion issued by the Attorney General's office in 1970 relating to Constitutional amendments was regarding a proposed amendment, S.J.R. 7, 63rd GA, Second Session, which related to the rights of persons 19 years of year. The proposed amendment repealed Article II, Section 1 and replaced it with new language. The opinion concluded that S.J.R. 7 was not two amendments as it repealed a single section and substituted new language in lieu thereof. The subject matters of the amendment were related with each other, and it had a single purpose, that being the rights of persons of 19 years of age. Again Lobaugh v. Cook, supra was used for reference purposes. (Op. Att. Gen., Jan. 22, 1970)

CONSTITUTIONAL PROVISIONS

There is a limited amount of direction in most of the Constitutions once the Convention has been approved by the electorate. The Tennessee Constitution required that the delegates for the Convention be elected at the next election after the approval of the Convention.

The Hawaii Constitution provides for the election of delegates at the next regular election following the approval of the Convention unless the legislature provides for a special election. The legislature is to determine the number of delegates and the election districts. The delegates are to determine the manner the revisions or amendments are to be submitted to the electorate following the Convention.

The Constitution of the State of Montana sets the number of delegates to be the same as the number of legislators in the larger

body of the legislature, with the districts the same as those used for that body. The legislature is to provide pay for the members of the Convention.

The general assembly, at the next session, is to provide for the election of delegates according to the Constitution of the State of Rhode Island. The number of delegates is to equal the number of representatives and is to be apportioned the same. Statutorily the number of the delegates is to equal the number of representatives and the delegates are to be paid \$3 per diem.

The Constitution of the State of Iowa reads "the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention, and for submitting the results of said Convention to the people in such manner and at such time as the General Assembly shall provide." (Twenty-second Amendment)

RESULTS OF THE CONVENTIONS

The most common measure of success of a Constitutional Convention in the past has been determined by the adoption of the Convention's proposed changes to the Constitution by the electorate. Arkansas has yet to vote on its changes and will do so in the general election in November, 1980. North Dakota, in 1972, proposed a new Constitution as a whole which was defeated by the electorate. Montana, in 1972, adopted a new Constitution with three separate proposals voted on individually. Rhode Island, in 1973, proposed seven separate amendments of which the public approved five and rejected two. A special referendum was held in March of 1978 in Tennessee at which 12 of 13 proposed amendments were approved. New Hampshire's Convention provided for 27 proposed amendments to be submitted throughout the time period between 1974 and 1980 of which approximately half have been adopted. The Texas legislature proposed a revision in the form of eight separate amendments and all were rejected.

POSSIBLE TIMETABLE

If the electorate approves the Constitutional Convention on November 4, 1980, the General Assembly will need to pass an enabling Act during the 1981 legislative session. Depending on the enabling Act, a special election could be set for the latter part of 1981. Meanwhile, a Convention research staff could be selected by the "pre-convention commission" if one is established by the enabling Act. The research staff could prepare material during late 1981 and early 1982 for the Convention. The Constitutional Convention could be held in the last six months in 1982. In selecting these dates it is assumed the Convention delegates would use the legislative chambers as the Convention site and could not do so while the General Assembly is in session. Office space would have to be found for the staff.

If another site would be selected for the Convention, this timetable could possibly be accelerated, but the site should provide access to a law library, and thus Iowa City may be the only

alternative site. Some type of portable voting machine would then be desirable.

If the election of delegates were to be held in conjunction with an existing statewide election, either the primary or general election, delegates would not be elected until 1982, which would extend the time for holding the Convention and submitting the proposals to the electorate.

Another consideration is dependent upon the delegate selection process agreed to in the enabling Act, since the date for the election of delegates may depend upon the passage of reapportionment legislation. As passed by the 68th General Assembly, 1980 Session, in House File 707, the legislature has until September 1, 1981 to establish the legislative districts. If the legislation is not passed by that time, the Supreme Court has the responsibility to establish the districts by December 30, 1981. If this is the case, and again depending on the enabling Act for the Convention, the selection of the delegates could not be performed until early 1982, which would delay the Convention.

SUMMARY

The states that were surveyed for this memo were: Arkansas, Hawaii, Louisiana, Montana, New Hampshire, North Dakota, Rhode Island, Tennessee and Texas. Although the purposes and outcomes of the Conventions were different, the formats implemented were similar. (The Constitutional provisions which specified the format of the Conventions provided little insight for most of the states.)

The Constitution of the State of Iowa provides minimal direction for the legislature to organize a Constitutional Convention. The First Session of the Sixty-ninth General Assembly will need to determine the format for the Convention when it convenes in 1981 if the Constitutional Convention is approved November 4, 1980.

APPENDIX

DETAILED INFORMATION ON INDIVIDUAL
STATES' CONSTITUTIONAL CONVENTIONS

ARKANSAS

Year: 1979/80

No. of Delegates: 100

Special Election?: No, elected at general election on November 7, 1978. Runoff election on November 21, 1978.

Salary of Delegates: \$45 per diem plus expenses plus 15 cents per mile.

Districts Elected From: House of Representatives. 50 signatures on petition plus \$25 filing fee.

Nonpartisan?: Yes

Presiding Officers: 1 President, 4 Vice Presidents - one from each Congressional District.

No. of Committees: 12

Administrative	Local Government
Citizens Rights and Services	Finance and Taxation
Suffrage and Elections	General Provisions
Legislative Branch	Public Information
Executive Branch	Rules
Judicial Branch	Sciences and Technology

Pre-session Action: Constitutional Revision Study Commission. 30 members consisting of representatives of the Supreme Court and Bar Association. Others appointed by Governor, President Pro Tempore and Speaker of the House. Commission selected an Executive Secretary. Commission members received \$25 per diem.

Dates: December 11-12, 1978, May 14 - July 16, 1979, June 16 - June 30, 1980. 53 days.

Employees:

	<u>Maximum Salary</u>
1 executive director	\$2,000/month
2 assistant directors	1,500
1 research director	1,200
8 research associates	1,100
8 secretaries	650
3 office clerks	500
3 convention clerks	600
2 sergeants-at-arms	500
1 janitor	430
1 switchboard operator	450

30 positions: \$228,420

Also authorized 25 temporary employees at the "regular salary scale for comparable services":

Regular Salaries	\$180,000
Temporary Salaries	40,000

Delegates' Compensation and Supplies	530,000
Contingency Allocation	50,000
Total Appropriation	\$800,000

Public Employees served: Yes

Method Proposed to Public: Single document with alternative proposals.

Adopted?: Unknown. Known November 4, 1980.

Total Cost - Unknown at present time.

Miscellaneous:

Secretary of State presides until chairman selected. The candidate receiving majority of votes declared delegate. Met in House chambers of Capitol Building or place designated by Governor.

Convention may submit proposed constitution as one proposal to be voted upon and it may also submit separate proposed parts, or alternative parts, both of which shall be voted upon separately by the people.

The electorate votes at the same time as delegates are elected to determine the date the constitutional changes are to be submitted to the electorate.

The convention shall remain in session as long as required to transact business but not past 3rd Monday in July. Shall reconvene on 3rd Monday in June and must adjourn sine die on or before 5th Monday in June.

Committee meetings were held between the organizational meeting and the convening of the first session of the convention to draft initial proposals of the various sections of the proposed constitution.

Committee meetings held mainly in State Capitol committee rooms.

Most delegates assigned to one committee.

The supreme authority of constitutional convention overruled the amending process because of the "replacement process" of the constitution rather than actually "amending" the constitution.

HAWAII

Year: 1978

No. of Delegates: 102

Special Election?: Yes; May 20, 1978

Salary of Delegates: \$1000 per month (not to exceed \$4000) plus \$30 per diem (\$10 for Oahu delegates)

Districts Elected From: House of Representatives -- Nomination paper with 15 signatures plus \$25 fee required. 27 districts with number of delegates from each district based on each district's registered voter population.

Nonpartisan?: Yes

Presiding Officers: 1 President
8 V.P. one from each senatorial district
1 secretary
1 assistant secretary

No. of Committees: 16 -- membership appointed by President

Bill of Rights, Suffrage and Elections	Hawaiian Affairs
Legislature	Ethics
Executive	Revision, Amend- ment and other
Judiciary	Provisions
Taxation and Finance	Public Health and
Local Government	Welfare, Labor and
Education	Industry
Environment, Agriculture, Conservation and Land	Style
Submission and Information	Budget, Accounts
Rules	and Printing

Pre-session Action: Performed by the Legislative Reference Bureau. Updated the 1968 Constitution Convention study.

Dates: July 5 - September 21, 1978
Approximately 50 days

Employees: 6 LRB researchers
1 LRB librarian
4 LRB secretaries
5 Convention Attorney's Office Attorneys
Unknown number from Convention Attorney's
Office Secretarial Staff
204 minimum; 1 aide and secretary per delegate - delegate permitted to hire more if desired.
Estimated 400 staff members total

Appropriations: \$1,500,000 pre-session, session and post-session expenses, delegate compensation
485,599 special election
8,500 campaign spending commission

72,000	LRB presession work
200,000	citizen education
40,547	LRB staff salaries
<u>\$2,306,646</u>	

Material Introduced: Submitted by delegate, group of delegates or by a committee of the convention. Read once and referred to committee by President. Could be drafted by various agencies: Attorney General, Legislative Reference Bureau, individual delegates, general standing committees, special interest groups.

Public Employees Served: Yes -- take leave without pay or take vacation leave in lieu of delegate's salary.

Method Proposed to Public: 105 amendments condensed to 34 by subject. The voter was offered a choice of either a blanket yes or no on the proposed amendments or a blanket yes on the proposed amendments except for those specific proposed amendments that the voter marked no. Used this method to overcome voter apathy. Method challenged in Kaholekai v. Doi, 60 Haw 324, 590 P 2d 543 1979 - Upheld.

Adopted?: Yes; all of them.

Total Cost: Not determined at the present time.

Miscellaneous:

Delegates were to decide the time and manner that the amendments were to be submitted to the electorate.

Governor selected location of convention.

Prohibited from using the legislative offices located in the Capitol.

Temporary chair was one with highest number of votes from district No. 1.

Constitutional Provisions:

Delegates are chosen at the next regular election unless the legislature provides for a special election.

The legislature provides for the number of delegates, the districts, and facilities for the convention.

The convention delegates provide for the manner that the proposed revision or amendments are to be submitted to the electorate.

The constitutional convention is to convene not less than five months prior to the next regularly scheduled general election. (Article XVII).

LOUISIANA

Year: 1974

No. of Delegates: 132 -- 105 elected, 27 appointed by Governor,
12 representing interest groups, 15 at-large

Special Election?: Yes -- August 19, 1972, runoff election
November 7, 1972.

Salary of Delegates: \$50 per diem

Districts Elected From: 105 delegates were elected from House
districts

Nonpartisan?: Yes

Presiding Officers: Chairman
1st Vice Chairman
3 Vice Chairmen
Secretary
Treasurer

No. of Committees: 5 Procedural
Rules
Credentials and Ethics
Style and Drafting
Legislative Liaison and Transitional Measures
Public Information

8 Substantive

Bill of Rights and Elections
Executive Department
Legislative Powers and Functions
Judiciary
Local and Parochial Government
Revenue, Finance and Taxation
Education and Welfare
Natural Resources and Environment

Pre-session Action: Constitutional Revision Commission prepared
preliminary studies and a revision of the Constitution. 48
members

Dates: January 5-30, 1973 (9 days)
July 5, 1973 - January 19, 1974
Approximately 130 days total

Employees:	Salary
1 Director of Research	\$2,416.50 per month
3 Coordinators	2,000.00 per month
1 Executive	850.00 per month
1 Clerical Supervisor	850.00 per month
1 Administrative Assistant	800.00 per month
1 Secretary	750.00 per month

1 Receptionist	450.00	per month
15 Senior Research Assistants	1,500.00	per month (average)
9 Junior Research Staff	1,200.00	per month (average)
14 Secretarial Staff	700.00	per month (average)
6 Typist-Clerks	600.00	per month (average)
6 Proofreaders	550.00	per month (average)
2 Docket Clerks	500.00	per month (average)
2 Messengers	350.00	per month
3 Law Clerks	750.00	per month
4 Student Assistants	2.50	per hour
1 Librarian	600.00	per month
3 Duplicating Machine Operators	450.00	per month (average)

Total Salaries \$728,543.67

Appropriations: \$2,433,403.45 Total appropriated
\$2,428,768.50 Total expended

Material Introduced: Committees and individual delegates were permitted to submit proposals, then referred to committee. 38 committee proposals; 67 delegate proposals; 14 total adopted by Convention.

Public Employees Served: Yes

Method Proposed to Public: New Constitution plus two alternative proposals on education submitted separately.

Adopted: Constitution - Yes
Alternate A (multiple education boards) - Yes
Alternate B (single education boards) - No

Total Cost: \$2,428,768.50

Miscellaneous:

It was a limited Convention.

No delegate served on more than one substantive committee.

20 percent of the delegates were legislators at the time of the Convention.

Enabling Act required the Convention to submit a proposed draft of a new Constitution upon completion of its work with any alternative provisions proposed.

Enabling Act provided for the Convention to submit the proposal of acceptance or rejection of the Constitution in the manner determined by the Convention.

Constitutional Provision:

The revision or the proposed constitution shall be submitted to the people for ratification. (Article 13, Section 2).

Information still in process of being compiled by Louisiana.

MONTANA

Year: 1972

No. of Delegates: 100

Special Election?: Yes; special primary election September 14, 1971. Special general election November 2, 1971.

Salary of Delegates: \$40 per diem and expenses plus mileage.

Districts Elected From: House of Representatives used for the 1972 general election.

Nonpartisan?: Yes/No Elected on partisan basis. Convention organized on nonpartisan basis. 58 Democrats, 36 Republicans, 6 Independents.

Presiding Officers: President
First Vice President
2 additional Vice Presidents
(one from each Congressional district)
Secretary

No. of Committees: Ten substantive.

Bill of Rights	Revenue and Finance
Legislative	Education and Public Lands
Executive	Public Health, Welfare,
Judiciary	Labor and Industry
Local Government	Natural Resources and
General Government and	Agriculture
Constitutional Amendment	

Four procedural.

Public Information	Rules and Resolutions
Style, Drafting, Transition and	Administration
Submission	

Presidential appointment: Appointment rejected by majority vote of delegates.

Pre-session Action: Legislature created a Constitutional Commission: "Montana Constitutional Convention Commission". 16 members. 3 series of reports. Conducted public information program. Approximately \$300,000 appropriated. Conducted research, compiled, prepared and assembled essential information.

Membership selected as follows:

- 4 appointed by Speaker of the House
- 4 appointed by Supreme Court
- 4 appointed by Committee on Committees of Senate
- 4 appointed by the Governor

Dates: November 29 - December 1, 1971 preliminary session
January 17 - March 24, 1972 regular session

Total - 59 days

Employees: 56 staff members - appointed by Committee
on Administration
Executive Director - \$8.17/hour - nominated by President
Typists - \$2.25/hour
28 interns also

Appropriations: \$149,540 from general fund
149,461 federal and private fund revenue fund
Constitutional Convention Commission
499,281 appropriated for constitutional convention
41,000 elections cost
457,600 Final cost, excluding Commission and
election expenses.

Material Introduced: Submitted in the form of delegate proposals,
citizen suggestions and resolutions. 1,380 citizen suggestions.
178 delegate proposals. 12 Committee proposals were submitted
to the Convention.

Public Employees Served: No - Montana Supreme Court held that
legislators were already serving a term of office for a term
beyond the delegate terms, they could not become delegates.
State, municipal and county officers and employees served as
consultants.

Method Proposed to Public: Submitted as a unit in the form of a
new constitution with three separate proposals voted upon
individually.

Adopted?: Yes

Total Cost: \$457,600

Miscellaneous:

Meeting Place - Chambers of the House of Representatives

Governor presides until temporary President elected.

Given choice for submittal: New constitution, a new
constitution with separate proposals or series of separate
amendments.

Constitutional Provisions:

Number of delegates shall be the same as that of the larger body
of the legislature.

Legislature determines whether delegates are nominated on
partisan or nonpartisan basis.

The same districts used for delegates as used for members of the
legislative body determining the number of delegates.

Provide pay for members and expenses of convention.

Submitted to qualified electors for ratification or rejection as a whole or in separate articles or amendments as determined by the convention.

If more than one amendment is submitted, each shall be prepared so that it can be voted on separately. (Article XIV).

NEW HAMPSHIRE

Year: 1974

No. of Delegates: 400

Special Election?: Yes, March 5, 1974.

Salary of Delegates: \$3 per diem and mileage.

Districts Elected From: House of Representatives; declaration of candidacy and \$2 filing fee.

Nonpartisan: Yes

Presiding Officers: Speaker of the House was a delegate and was elected President. Assistant clerks of the House and Senate were elected Secretary and Assistant Secretary.

No. of Committees: 13, membership appointed by President.

Bill of Rights	Journal
Executive Department	Form and Style
Legislative Department	Resolutions relating to Taxation
Judicial Department	County and Local Government
Future Mode of Amending the Constitution	
Time and Mode of Submitting to the People	
Finance	Obsolete Provisions
Elections	

Pre-session Action: 10 member commission created by the legislature. "Commission to study the state constitution." \$10,000 appropriated.

Dates: May 8 - June 16, 1974. 12 days, has life for 10 years subject to call of the President.

Appropriations: \$180,000

Method Proposed: 27 proposed amendments submitted in referendums at various times between 1974 and 1980.

As of: November 5, 1974: 2 adopted, 3 rejected.

Miscellaneous:

Deadline for proposing amendments.

Must deliver amendments to the constitution to the Office of Legislative Services for drafting.

Constitutional Provisions:

Delegates chosen in same manner as representatives and the same proportion. (Part 2, Article 99)

Statutory Provisions:

The number of delegates equals number of representatives. \$3 per diem. Choose a delegate as President and other necessary officers.

Amendments submitted to the electorate either separately or by groups. (Chapter 667)

NORTH DAKOTA

Year: 1971/72

No. of Delegates: 98

Special Election?: No, at general election in 1970.

Salary of Delegates: \$25 per diem plus expenses and mileage.

Districts Elected From: Districts the same as those for the House of Representatives. Governor, Lieutenant Governor and Attorney General nominated 98 individuals, one from each district. 141 other individuals filed nomination papers with 150 signatures. 24 of the 141 not nominated by the nominating committee won delegate seats.

Nonpartisan?: Yes

Presiding Officers: 1 President, 1st Vice President, 2nd Vice President, 1 Secretary.

No of Committees: Membership appointed by President. 6 substantive.

Preamble, Bill of Rights, and Suffrage
Legislative Functions, Elections, Removal and Amendments
Executive Functions
Judicial Functions and Political Subdivisions
Finance and Taxation
Education, Resources, and Public Lands

7 procedural.

Budget	Coordinating and Transition
Rules	Calendars
Style and Drafting	Enrolling and Engrossing
Public Information	

Presession Action: None. Legislative Council made preliminary study of the constitution.

Dates: April 6-9, 1971; January 3 - February 17, 1972; 33 days total. Committee meetings: 71 days total for 6 committees. Committee meetings were held from June to November of 1971. Each committee held either four or five two- or three-day meetings.

Employees: 56 employees recommended by the members of the Committee on Employment. Executive Committee of presiding officers and committee chairs named Executive Director. At that time he was serving as Assistant Director of North Dakota Legislative Council. Executive Director received \$1,800 per month.

<u>Position</u>	<u>Compensation Per Day</u>	<u>Total Expenditure</u>
Chief Clerk (1)	\$40.00	\$1,200
Assistant Chief Clerk (1)	35.00	1,050
Desk Reporter (1)	40.00	1,200
Proposal Clerk (1)	30.00	900
Calendar Clerk (1)	25.00	750
Chief Committee Clerk and Stenographer (1)	27.00	810
Committee Clerks and Stenographers (7)	25.00	750
Enrolling and Engrossing Clerks (3)	25.00	750
Sergeant-At-Arms (1)	25.00	750
Assistant Sergeant- At-Arms (3)	20.00	600
Chief Page and Proposal Book Clerk (1)	22.00	660
Pages and Proposal Book Clerks (6)	20.00	600
Janitors and Engineers (3)	16.00	480
Information and Telephone Clerks (3)	20.00	600
Chief Proposal and Journal Room Clerk (1)	21.00	630
Proposal and Journal Room Clerks (3)	19.00	570
Parking Lot Attendants (2)	21.00	630
Journal Proofreaders (2)	25.00	750
Taping Clerk (1)	19.00	570

30 day employment period - \$971 per day, \$29,130 total.

BUDGET: Delegate Pay	\$ 82,500.00	
Expenses	59,400.00	
Mileage	16,000.00	
Current Bills	4,100.00	
	<u>162,000.00</u>	
Printing	50,000.00	
Convention Journal	15,000.00	
Other Printing	50,000.00	
Postage, Rental, Telephone	15,000.00	
	<u>130,000.00</u>	\$292,000.00
<u>Payroll</u>		
Director, Assistants and Secretaries	130,000.00	
Historian	10,000.00	
Recorder	15,000.00	
Payroll Taxes	15,000.00	
	<u>170,000.00</u>	462,000.00
<u>Committee Meetings</u>		
Daily Expenses and Pay	75,000.00	
Ten Trips per Delegate	<u>25,000.00</u>	

	100,000.00	562,000.00
Chief Clerk, Desk		
Clerk, Pages	12,000.00	574,000.00
Unbudgeted	26,000.00	<u>\$600,000.00</u>

Material Introduced: Committee and individual proposals. Citizen proposals received at 16 public hearings. Referred to committee by President. Until 15th day of convention - citizen submittal. No delegate proposal introduced after 5th day. No committee proposal introduced after 16th day. Convention passed 97 of 120 committee proposals, 2 of 78 delegate proposals. Of the 99 proposals passed, 13 repealed sections of the constitution.

Public Employees Served: Yes

Method Proposed to Public: Voted on proposed constitution as a whole as arranged by article and on four controversial alternative propositions. As provided in the enabling Act, the convention could submit a new constitution as one proposed and proposed parts or alternative parts.

Adopted: No, at special election.

Total Cost: \$600,000 appropriated, \$544,600 spent, \$55,400 returned to general fund.

Miscellaneous:

Met at the State Capitol Building in the House chambers.

Governor presided until President elected.

RHODE ISLAND

Year: 1973

No. of Delegates: 100

Special Election?: Yes - August 7, 1973. Same election that referendum for question of calling constitutional convention was on.

Salary of Delegates: No compensation.

Districts Elected From: 2 from each of the 50 senatorial districts.

Nonpartisan?: No - 54 Democrats, 43 Republicans, 3 Independents.

Presiding Officers: Chairman - a delegate who was a retired Supreme Court Justice. 3 Vice Chairmen, 1 Secretary.

No. of Committees: 5 procedural.

Rules and Credentials

Administration

Style and Drafting

Resolutions

Public Information

4 substantive.

Lotteries

Grand Juries

Election

Legislative Compensation

Pre-session Action: None.

Dates: September 4, 1973 - October 4, 1973. Approximately 25 days.

Employees:

1 Executive Director

\$15 per hour

1 Research Director

\$15 per hour

1 Assistant Director

Volunteered

6 Research Assistants

\$9 per hour

4 part-time Secretaries

\$3 per hour

7 Convention Aides

\$10 per diem

1 Sergeant-At-Arms

\$25 per diem

1 Deputy Sergeant-At-Arms

\$20 per diem

1 Parliamentarian

Volunteered

Appropriations: \$20,000
\$19,500 final cost.

Material Introduced: Submitted by delegates upon roll call. Chairman then referred proposal to a committee. 91 proposals submitted. Seven were amended and adopted.

Public Employees Served: Yes

Method Proposed to Public: 7 proposed amendments were submitted at a special election.

Adopted?: Approved 5, rejected 2.

Total Cost: \$19,500

Miscellaneous:

Delegates were to be chosen in a primary and thereafter selected in the same manner as the state senators were selected.

Convention called to order by the Governor.

Enabling Act required Convention to be completed between September 4, 1973 and October 4, 1973.

Enabling Act required that a special election be held to propose the amendment or amendments to the people.

The enabling Act called for the amendment(s) to be submitted to the people as one proposition. However, due to a decision of a superior court, based on In Re The Constitutional Convention, 55 RI 56, the Convention passed a resolution to have the amendments submitted separately.

Constitutional Provisions:

The general assembly, at the next session, shall provide for the election of delegates.

The number of delegates is equal to the number of representatives and apportioned the same.

Before the vote to call a constitutional convention, a bipartisan preparatory commission is to be formed to assemble information on constitutional questions.

(Article XLII, section 2)

TENNESSEE

Year: 1977

No. of Delegates: 99

Special Election?: No; held in conjunction with other local races. Enabling Act provided for delegates to be elected at next general election. Elected November 2, 1976.

Salary of Delegates: \$62.00 per day. \$.17 per mile.

Districts Elected From: Legislative house districts as then apportioned. 25 names on nominating petition required.

Nonpartisan?: Yes

Presiding Officers: 1 President
1 Vice President - Executive
3 Regional Vice Presidents - east, central, west
1 Secretary
Chief Clerk and Chief Engrossing Clerk all elected by convention membership.

No. of Committees: 20 - membership appointed by President.

Invocation	Legislative Vacancies
Calendar and Agenda	G.A. Bills Passage
Public Information and Elections	Limitations on State
Rules and Procedures	Spending
Style and Drafting	Governor's Term of Office
Administration, Budgeting and Expenditure	Governor's Veto Provision
Legislative Sessions and Governor's Inauguration	Voting Age
Local Government Subcommittee on Terms of Office	Local Government
Intermarriage	Interest Rates
	Homestead Exemption
	Education
	Judicial Department

Pre-session Action: None

Dates: August 1, 1977 - December 22, 1977, Monday through Thursday. One week off in September. One week off in November. 74 days.

Employees: Staff: 1 chief clerk
1 chief engrossing clerk
5 assistant clerks
4 secretaries
2 administrative assistants
2 attorneys
3-5 sergeants-at-arms

Convention staff was drawn from existing legislative employees. Clerical and secretarial staff selected by convention clerk. Professional staff selected by convention president. Legislative staff on loan received regular compensation. Other

staff received comparable amounts. Salaries ranged from \$500 per month to \$2500 per month.

Appropriations: Comptroller of the Treasury shall provide staff, services and assistance for the convention.

Material Introduced: In form of resolutions. 185 resolutions were submitted; referred to appropriate committees; consolidated into 13 amendments. Enabling Act required amendments proposed by the convention to be submitted to the electorate separately.

Public Employees Served: No - Constitutional provision prohibiting an individual from holding more than one lucrative office at one time.

Method Proposed to Public: Each proposed amendment was submitted and voted on separately. 13 proposals.

Adopted?: 12 of the 13 amendments were approved in special referendum in March, 1978.

Total Cost: \$1,795,060.76.

Miscellaneous:

Met in chambers of House of Representatives.

Enabling Act required amendments proposed by the convention to be submitted separately to the voters at an election held in the manner and on the date to be determined by the convention.

Constitutional Provisions:

Delegates were to be chosen at the next election after the approval of the convention. (Article II, Section 3).

Prohibits an individual from holding two lucrative offices at one time; (therefore prohibiting legislators from participating at the convention as delegates). (Article II, Section 26)

TEXAS

Year: 1974

No. of Delegates: 181; 31 Senators, 150 Representatives. The constitutional amendment called for the 1974 legislature to sit as a constitutional convention.

Salary of Delegates: \$37 compensation per day plus mileage and transportation expenses in addition to \$35 per diem.

Presiding Officers: President, Vice President, Secretary.

No. of Committees: Membership selected by President. 8 substantive.

Legislative	Finance
Executive	Local Government
Judiciary	General Provisions
Education	Rights and Suffrage

5 procedural.

Rules	Administration
Submission and Transition	Style and Drafting
Public Information	

Pre-session Action: Texas Constitutional Revision Commission. 9 months of study, 37 citizen members. Appointment committee of: Governor, Lieutenant Governor, Attorney General, Speaker of the House, Chief Justice of the Supreme Court, Justice of the Court of Criminal Appeals. Held 6 public hearings. Members received \$50 per day and expenses. Submitted drafts to convention. \$900,000 appropriation. Actual cost \$673,765.79.

Dates: January 8, 1974 - April 5, 1974. May 6, 1974 - July 30, 1974. Approximately 125 days.

Employees: An executive director and convention research staff: 8 professional staff, 10 clerical, in addition to:

9 research assistants (1 per committee)	\$1,219/month
9 administrative aides	673/month
18 secretaries (2 per committee)	552/month
1 research associate (style and drafting com.)	1,667/month

Senate department - 2 employees

House department - 33 employees

The Legislature and 1974 Constitutional Convention

	<u>Expenditures from Funds Appropriated to</u>			
	<u>Total</u>	<u>The Senate</u>	<u>The House of Representatives</u>	<u>The Constitutional Convention</u>
	\$	\$	\$	\$
Salaries and Wages:				
Delegates	765,881.50	72,964.00	345,025.00	347,892.50

Employees	595,575.74	38,669.74	114,785.88	442,120.12
Per Diem -				
Delegates	1,104,915.00	96,810.00	463,610.00	544,495.00
Professional				
Serv. and Fees	170,210.64	1,870.00	22,331.99	146,008.65
Stationary and				
Office Sup.	58,374.60	22,183.18	6,654.02	29,537.40
Other Supplies				
and Materials	1,098.70		1,098.70	
Postage	24,471.67	4,404.67	4,575.00*A	24,642.00
Telephone and				
Telegraph	33,846.72	2,697.66	1,358.80	29,790.26
Trans. Charges	350.71		350.71	
Travel:				
Delegates	211,545.59	16,579.90	105,199.87	89,765.82
Employees	3,391.09	273.06	2,144.50	973.53
Rental:				
Equipment	37,975.98	12,208.97	2,709.58*A	28,476.59
Office	350.00		350.00	
Other Operating				
Expenses:				
General	13,163.00		12,658.28	504.72
Publications	1,394.58	1,017.76	4.07	372.75
Serv. Charges	5,557.47	5,557.47		
	<u>3,028,102.99</u>	<u>275,236.41</u>	<u>1,068,287.24</u>	<u>1,684,579.34</u>

* Denotes Deduction

Note A: Represents reimbursement from Constitutional Convention funds net of expenditures charged.

Constitutional Convention Planning Interim Committee:

Senate	\$ 14,419.97
House of Representatives	50,487.17
Constitutional Revision Commission	673,765.79
Total Appropriated:	\$3.8 million

Method Proposed to Public: After the adjournment of the Constitutional Convention, the legislature, in regular session, passed a joint resolution that proposed revision of the Constitution in the form of 8 separate amendments.

Adopted?: All were rejected.

Total Cost: Revision Commission	\$ 673,765.79
Total identifiable with Convention	\$3,028,102.99

Miscellaneous:

Both the Senate and the House created Constitutional Convention planning committees to recommend the organization, rules, staffing, budget and methods of presenting proposals to voters.

Allowed in budget for staff and expert witness travel.

Met in House chambers.

Each delegate is limited in membership to only one substantive committee.