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STATE CONSTITUTIONS AND CONSTITUTIONAL REVISION, 1974-1975

BY ALBERT L. STURM*

THE BICENTENNIAL of American independence is coincident with that of the first state constitutions. It is appropriate, therefore, on the occasion of the commemoration of this significant event to preface analysis of constitutional change during the past two years with a brief general perspective of the use and development of American state constitutions.¹ Since 1776, the States have operated under at least 144 constitutions, eight of which were drafted in the year of American independence. A few States made alterations in their colonial charters and used them as constitutions. These first documents inaugurated a line of development that has provided the States with more collective experience in political constitution-making than the rest of the world combined until the accession of new countries to nationhood during the last decade.

174 (7) Analysis of the data in Table 1 on page 60 indicates that 19 States have had only one constitution, of which five were products of the twentieth century; of the remaining 14, all date from the nineteenth century except the Massachusetts document (1780). Nine States have had two constitutions; four States have had three constitutions; nine have had four; and

three States have operated under five constitutions.

The South leads all sections of the country in constitution-making, and it is noteworthy that all States that have adopted six or more constitutions are southern. Louisiana leads all States with 11 constitutions. Georgia ranks second having operated under eight; South Carolina is next with seven, and then Alabama, Florida, and Virginia with six. The Civil War and Reconstruction periods account for many constitutional changes in the South.

The effective date and age of state constitutions range downward from the 196-year-old Massachusetts constitution operative since 1780 to Louisiana's eleventh organic law which became effective January 1, 1975. At the beginning of 1976, the average age of state constitutions was approximately 84 years, and the median, 86 years—the age of the Idaho, Mississippi, and Wyoming documents which became effective in 1890. Only three New England States have basic laws that date from the eighteenth century: Massachusetts (1780), New Hampshire (1784), and Vermont (1793). Twenty-nine of the present constitutions, almost three fifths, were written and adopted during the nineteenth century; of these, 15 date from the last quarter of the century.

Eighteen state constitutions are products of the twentieth century. Four were adopted from 1901-12, and the remaining 14 in the last 30 years, 1945-75. Eight became effective during 1965-75. through

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¹Much of the following analysis is adapted from the writer's *Thirty Years of State Constitution Making: 1938-1968* (New York: National Municipal League, 1970).

are Thus, in the bicentennial year, 32 States, more than three fifths, were operating with constitutions that antedate 1900. Most typical of these are the 19 documents written and adopted during the 35 years from the Civil War to the turn of the century. In their lengthy provisions these constitutions reflect the problems and popular pressures of the times in which they were drafted more than the earlier basic instruments of American state government.

The original state constitutions were short, rarely containing more than 5,000 words, demonstrating the principle that the basic law should be restricted to fundamental matters.² Subsequent developments produced many changes reflecting new conditions, issues, and problems of the growing Nation. The diversity and complexity of functional growth account for much verbiage in state constitutions, exemplified in such areas as finance, education, regulation of economic enterprise, health, and welfare.

Significant factors that have contributed to the increase in length, detail, and restrictive contents of state constitutions include: population growth and urbanization; expansion of popular participation in public affairs through extension of the suffrage, increase in the number of elective officers, and adoption of the initiative and referendum in some States; industrialization; technological development, particularly in transportation and communication; and resultant growth in the magnitude and complexity of state functions and responsibilities. Also of primary importance is the change in the people's conception of the proper role of government in modern society. The extensive protective, regulatory, and service activities of the States in 1976 clearly manifest the growth of popular demand for positive government.

In large measure the dynamic factors contributing to big government account

²For early state constitutional development, see Allan Nevins, *The American States During and After the Revolution, 1776-1789* (New York: The Macmillan Company, 1924. Reprinted in 1969 by Augustus M. Kelley, Publishers, New York) Chs. IV, "The Writing of the State Constitutions," and V, "The Constitutions in Operation: Their Revision."

for the length and detail of state constitutions. New functions and programs require expanded governmental machinery, much of which has a constitutional basis. Much detail is attributable to distrust of Legislatures. Pressure of special interests for constitutional status, faulty drafting, and the tendency of lengthy constitutions to breed more amendatory detail are other reasons for the length of state constitutions.

Table X indicates that at the end of 1975 the estimated length of state constitutions ranged from 600,000 words (including 832 amendments of which 685 are local) in the Georgia constitution down to 6,600 words in the Vermont document, which is one of the oldest. Average estimated length of the 50 documents was 36,661 words. If the Louisiana document is excluded in computing the average, the figure drops to 25,951, which is approximately three and one half times the length of the Constitution of the United States with its 26 amendments. The median of estimated length falls between the 21,500 and 21,200 words of the Pennsylvania and Wyoming documents, respectively.

Since midcentury, more official attention has been given to revising and modernizing state constitutions than during any comparable period since the Reconstruction era. Yet, despite effective constitutional reform in approximately one third of the States during the last two decades, major weaknesses remain in others that seriously handicap the States in effectively discharging their responsibilities in the federal system. In the bicentennial year, therefore, efforts continued to achieve optimum stability and flexibility in state constitutions.

METHODS OF CHANGING CONSTITUTIONS

Tables 2, 3, and 4 on pages 60 to 66 summarize major constitutional provisions for the three principal methods of changing state constitutions, effective December 31, 1975. These include proposal by the Legislature, the constitutional initiative, and the constitutional convention. In addition, the Florida constitution expressly authorizes use of a constitutional commission to initiate constitu-

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tional changes and to submit them directly to the electorate. Usually constitutional commissions serve as auxiliary bodies to study constitutions and recommend changes to the Legislature. The following paragraphs summarize salient constitutional provisions for the three methods used most often in altering state constitutions.

As indicated in Table 2, proposal of constitutional changes by the Legislature is authorized in all the States, American Samoa, and Puerto Rico. The most usual vote required to propose amendments is two thirds of elected members (18 States and Puerto Rico), followed by a simple majority (17 States), and three fifths (9 States and American Samoa). Action by two sessions of the law-making body is required in 12 States. Most States (43 plus American Samoa and Puerto Rico) require a simple majority of the vote on the proposal for adoption. Use of the legislative proposal method, like the others, involves wide variation in procedural detail.

The constitutions of 17 States provide for use of the constitutional initiative in proposing amendments. In Illinois, only the legislative article may be altered by initiative petition. Sixteen States specify a number of signatures on initiative petitions equal to a required percentage of total votes cast for various offices or in a particular election; these range from 3 percent of the total votes cast for Governor at the last election (Massachusetts)

to 15 percent of the same base (Arizona). In North Dakota, the requirement is 20,000 signatures of electors. Massachusetts is the only State in which constitutional initiative measures must be approved by the law-making body (General Court) before submission to the voters. Requirement for electorate approval in most States is a majority voting on the proposal.

The constitutions of all but nine States contain provisions for calling constitutional conventions. In six States the Legislature may call a constitutional convention without popular referendum. The legislative vote specified for submission of the convention question to the electorate is a simple majority in 15 States and Puerto Rico. As shown in Table 4, there are numerous variations in requirements both for submission of the convention question to the electorate and in the specified popular majority to authorize a convention. A simple majority voting on the question is most common, applying to 23 States and Puerto Rico; seven constitutions specify a majority voting in the election. Periodic submission of the convention question to the voters is required in 14 States, the specified interval between required submissions ranging from 10 years in five States, to 16 years in Michigan, to 20 years in the remaining eight States. Like the procedure for other methods, the popular vote most often specified for ratification of convention proposals is a majority voting on the issue.

TABLE A
STATE CONSTITUTIONAL CHANGES BY METHOD OF INITIATION
1970-71, 1972-73, 1974-75

Method of initiation	Number of States involved			Total proposals			Total adopted			Percentage adopted		
	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75
All methods	48	47	48	403	530	352	224	368	257	55.6	69.4	73.0
Legislative proposal	47	46	47	392	497	332	222	356	245	56.6	71.6	73.8
Constitutional initiative	4	7	7	5	16	13	1	3	8	20.0	18.8	61.5
Constitutional convention	2	4	2	6	17	7	1	9	4	16.7	52.9	57.1

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All authorized methods of change may be used to initiate piecemeal amendments, but proposal by the state law-making body is by far the most used technique. More extensive revision and the rewriting of state constitutions may also be proposed by the Legislature, but the traditional method for a general overhaul in American States is the constitutional convention; these bodies may be unlimited or limited in their authority to act. Submission to the voters of all legislative and initiative proposals for constitutional change is required in every State except Delaware, where legislative action only is necessary.

USE OF AUTHORIZED METHODS

Table A summarizes state constitutional changes by the three methods of formal initiation used during 1974-75 and the two preceding biennia. Included are totals of proposals, adoptions, percentages of adoptions, and the aggregates for all methods. All States except Rhode Island and Tennessee were involved in formal constitutional change during 1974-75. Totals for all methods in this biennium were approximately one-third fewer than during 1972-73, reflecting the diminishing official attention to constitutional revision following the heavy emphasis on modernizing constitutions in the preceding decade. The percentage of adoptions, however, improved over the last biennium.

Legislative Proposals. As always, state law-making bodies initiated the vast majority of proposed alterations during 1974-75. Only Louisiana, Rhode Island, and Tennessee failed to use this method. Since legislative proposals comprise such a large proportion of the total by all methods, the trends stated above apply

generally to them. Although legislative proposals diminished in number, the concern of state law-making bodies for the subject remained relatively high. In 45 States, one or more proposals initiated by the Legislature were adopted; in 17 of these the electorate approved all such proposals. The number of proposals ranged from one each in six States to 79 (13 general, 66 local) in Georgia. The following tabulation indicates the number of proposals and adoptions in the States that made greatest use of this method during 1974-75.

Constitutional Initiative Proposals. The constitutional initiative, which is designed to propose limited alterations that have substantial popular support when Legislatures fail to act, is inappropriate for proposing extensive constitutional change. Not only does the constitutional initiative have limited use, but proposals that originate by popular petition often lack the necessary political support to assure their success. Thus, the rate of adoption is usually substantially lower than for legislative proposals.

Table A indicates that eight, or 61.5 percent, of the 13 initiative measures proposed in seven States during 1974-75 were adopted. The numbers proposed and adopted in each State were: Arizona (1-1), Arkansas (1-0), Colorado (4-4), Massachusetts (1-1), Michigan (1-1), Montana (1-1), and Ohio (4-0). All initiative measures were adopted in five States, and none in the other two States. The substance of the four initiatives in Ohio was included in the constitutional amendments proposed by Governor James A. Rhodes, who took office in January 1975. When the General Assembly failed to approve them, he used the initiative method to get the four measures on the ballot in

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State	Proposals	Adoptions
Georgia	13 general, 66 local	9 general, 55 local
South Carolina	6 general, 23 local	6 general, 21 local
California	18 general, 2 local	13 general, 2 local
Oklahoma	16 general	10 general
Oregon	16 general	7 general
Maryland	8 general, 5 local	7 general, 4 local

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TABLE B
SUBSTANTIVE CHANGES IN STATE CONSTITUTIONS
PROPOSED AND ADOPTED
1970-71, 1972-73, 1974-75

Subject matter	Total proposed			Total adopted			Percentage adopted		
	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75
Proposals of statewide applicability	300	389	253	176	275	172	58.2	70.7	67.9
Bill of Rights	13	26	9	11	22	6	84.6	84.6	66.7
Suffrage and elections	39	34	23	23	24	20	59.0	70.6	86.9
Legislative branch	42	46	40	19	25	27	45.2	54.3	67.5
Executive branch	27	36	34	22	25	20	81.5	69.4	58.8
Judicial branch	17	35	20	11	26	19	64.7	74.3	95.0
Local government	21	30	13	15	23	12	71.4	76.7	92.3
Taxation and finance	50	85	49	29	56	33	58.0	65.9	67.3
State and local debt	25	24	18	10	15	6	40.0	62.5	33.3
State functions	46	40	23	26	36	16	56.5	90.0	69.6
Amendment and revision	13	19	8	7	12	7	53.8	63.1	87.5
General revision proposals	7	2	12	3	1	3	42.9	50.0	25.0
Miscellaneous provisions	—	12	4	—	10	3	—	83.3	75.0
Local amendments	103	141	99	48	93	85	46.6	65.9	85.9

the 1975 general election. Adoption rate for 1974-75 more than tripled that for the preceding biennia shown in Table A.

Substantive Changes. Table B classifies constitutional changes during 1974-75 and the two preceding biennia by subject matter. All proposals are grouped under two major categories: first, those of general statewide applicability, which include all proposed changes in all except five States; and, second, proposed local amendments in Alabama (3), California (2), Georgia (66), Maryland (5) and South Carolina (23), which affect a single political subdivision or a restricted number of such units. Proposals of general statewide applicability are further classified under subject matter headings that conform broadly to the principal functional areas of state constitutions. The percentage of adoptions of proposals of statewide applicability decreased in 1974-75 to 67.9 percent compared with the 70.7 percent of adoptions during 1972-73, but remained substantially higher than the 58.2 percent of 1970-71 biennium.

The largest number of proposed changes during each of the three biennia shown in Table B was in the area of state and local finance, including taxation, debt, and financial administration. The total number of proposals in this area decreased from the high of 109 during 1972-73 to 67, lowest number in any of the three biennia. The percentage of adoptions remained among the lowest of all categories, 58.2 percent in 1974-75, compared with 65.1 percent during the preceding biennium. Generally, the voters continued to show greatest resistance to local debt proposals; however, as in previous biennia, they approved proposals related to both debt and taxation that involved benefits to veterans, low-income elderly, and most financial benefits relating to education.

The same rank order of proposals for constitutional change in the three branches of government occurred during 1974-75 as in the two preceding biennia. The legislative branch led in the number of proposals, followed by the executive

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and the judiciary. In percentage of adoptions, the judicial branch led the others during 1974-75 with 95 percent, the highest percentage for proposals in any category, followed by the legislative branch with 67.5 percent and the executive branch with 58.8 percent. During 1974-75 the legislative branch exceeded the executive branch in percentage of adoptions, reversing the order in the two preceding biennia. The adoption rate of proposals related to the judiciary rose consistently during the three recent biennia (64.7 percent, 1970-71; 74.3 percent, 1972-73; 95 percent, 1974-75).

Most changes approved in the legislative branch provided for open legislative meetings and apportionment. Rejected most often were proposals related to compensation of legislators. Reversing the trend toward annual sessions, Montana voters approved an initiative measure substituting biennial for annual sessions which were authorized in the constitution adopted in 1972. Most adopted changes in the executive branch related to administration; the only two regarding joint election of Governor and Lieutenant Governor were approved. Rejections included the only proposals for increasing the Governor's salary, removal of the Lieutenant Governor as presiding officer of the Senate, and a general revision of the executive article. Most approved alterations in judicial articles related to judicial organization and establishment of, or changes in powers and duties of, judicial qualifications commissions. Three of four revised articles were adopted.

The number of proposed changes in bills of rights decreased during 1974-75, as did the percentage of adoptions. Two of four proposals adding sex to anti-discrimination guarantees during the biennium were approved.

Suffrage and elections proposals ranked high in percentage of adoptions (86.9), although they decreased in number. The adopted changes included liberalization of residency and voting requirements (9 of 11), reduction of the minimum voting age to 18, and restoration of voting rights to ex-felons. Voters in Oklahoma defeated the proposal to remove the residency requirements from the constitution and

authorize the Legislature to provide for them by law. The Oregon electorate rejected a proposal to reduce the minimum voting age from 21 to 18 and to remove literacy requirements, although both are required as a result of the Twenty-Sixth Amendment to the U.S. Constitution and judicial decision.

The number of local government proposals was less than half those during 1972-73, but the percentage of adoptions increased from 76.7 to 92.3 percent, second highest rate of adoption of all proposals. Structural changes were the principal subject of approved proposals. The adoption rate of proposals relating to state functions dropped sharply, from 90 to 69.6 percent. Contributing was the high rejection percentage of proposed changes in structure or powers of governance of both public schools and institutions of higher education. During the previous biennium, all proposals relating to education had been adopted. Continuing the trend of the preceding biennium, proposals for lotteries had a relatively high rate of adoptions (5 of 6). Generally, proposed changes in amendment and revision articles liberalized the procedure for altering the States' organic laws. Included in these changes was reduction of the required interval between proposal of constitutional amendments in Vermont from 10 to four years. Rejection by Texas voters of all eight proposals which, if adopted, would have provided an extensively revised constitution contributed to the dismal 25 percent rate of adoptions of general revision proposals.

CONSTITUTIONAL COMMISSIONS

Usage. Despite the diminished pace of general state constitutional revision following extensive modernization during the preceding decade, state lawmaking bodies continued to rely heavily upon constitutional commissions to initiate changes in state constitutions during 1974-75. In this period eight commissions were operative in eight States, attesting the continuing preference of state legislators for these auxiliary bodies over constitutional conventions as organs for proposing alterations in the States' basic laws. Table 5 on page 00 summarizes salient

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features of the eight commissions operative during the biennium ending December 31, 1975. Six of these bodies (in Alabama, New Hampshire, Ohio, South Dakota, Texas, and Utah) were created before 1974; both the North Dakota and Washington commissions were established in 1975. Previous volumes of *The Book of the States* have reported on the earlier activities of most of these bodies.

General Features. Six of the eight constitutional commissions were created by statutory law. In North Dakota, the Committee on Constitutional Revision was established as an organ of the Legislative Council by a House concurrent resolution; the Washington Commission for Constitutional Alternatives is the only one of the eight commissions created by executive order. Although the New Hampshire and Texas commissions were expressly mandated to prepare recommendations for constitutional conventions, these bodies as well as the other six operative during 1974-75 were basically study commissions. No strictly preparatory commission with a specific mandate to make all necessary preparations for holding a constitutional convention was active during the period.

Typically, study commissions are mandated to study the constitution, determine what changes are needed, and submit recommendations with supporting reports, and often with proposed drafts. Such reports most commonly are submitted to the Legislature, sometimes to the Governor, and to a constitutional convention if called. Most commissions active during 1974-75 reported to the Legislature.

The membership of constitutional commissions includes two types: ex officio and appointive. On practically all commissions appointive members far outnumber ex officio designees. Of the eight commissions active in 1974-75, ex officio members were designated only on those in Alabama (4), South Dakota (2), and Utah (1). The size of the eight commissions ranged from 60 on the Washington body down to 10 on the New Hampshire commission. Median size of the eight commissions fell between the 16-member Utah body and the 27-member Alabama com-

mission; average number of members was approximately 24. Appointing authorities typically include the Governor, the presiding officers of the two legislative houses, and the Chief Justice of the Supreme Court. Membership mix of recent commissions usually includes representatives of prominent interest groups, public officials, and legislators. Express limitations on the representation of any one political party apply to some commissions, exemplified by the South Dakota and Utah bodies.

Public funds financed all state constitutional commissions operative during 1974-75. As shown in Table 5, most commissions received direct appropriations. The North Dakota Committee on Constitutional Revision is funded from the general Legislative Council appropriation, and the Washington Commission for Constitutional Alternatives from the Governor's budget. As noted above, these two commissions are the only ones operative during 1974-75 not created by statute. Total funding for the eight commissions through the current appropriation period ranged from \$1,000,000 appropriated to the Ohio commission down to \$10,000 for the New Hampshire body. Appropriations to the Alabama, Ohio, South Dakota, and Utah commissions extend over four biennia. Most generous funding was the \$900,000 appropriation to the Texas Constitutional Revision Commission which completed its task in less than one year. Average total funding through the current fiscal period for the seven commissions for which figures are available was \$399,241. This figure reflects not only generous financial support for the Ohio and Texas commissions, but the heavy impact of inflation on the costs of constitutional reform and of general government operations.

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The duration of constitutional commissions, like their funding, varies greatly. The period of active operation of the eight commissions, as of December 31, 1975, ranged from the 80-month duration of the Utah commission and 76 months for the Alabama body to the six months' existence of the Washington commission. Average effective life of the eight commissions was between 42 and 43 months. Four

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of the commissions (Alabama, Ohio, South Dakota, and Utah) were created in 1969 and were still operative at the end of 1975; the North Dakota and Washington bodies also remained active after December 1975. The New Hampshire and Texas commissions completed their work in 1974, and the South Dakota body is scheduled to submit its final recommendations by January 1976.

Reports and Implementation. Constitutional changes recommended in commission reports ranged from a series of proposed amendments to entire constitutions. The Alabama and Texas reports, which were completed and submitted in 1973, included proposed new or revised constitutions with commentary. At the end of 1975, implementation of the Alabama commission's recommendations included only a new judiciary article; in Texas, the commission's report was the basis for deliberations by the Legislature which assembled as a constitutional convention in 1974. The series of constitutional changes proposed by the New Hampshire commission provided the basis for action in 1974 by the State's sixteenth constitutional convention.

The Ohio, South Dakota, and Utah commissions have been involved in programs of phased revision by stages since their creation in 1969. In these and other States involved in revising their constitutions by stages, constitutional commissions prepare draft proposals, but responsibility for their formal initiation and submission to the voters rests with the Legislature. As of December 31, 1975, the Ohio commission had submitted nine reports to the General Assembly; some had been adopted, but most were still pending. The voters had approved at least five revised articles of the constitution proposed by the South Dakota commission. In Utah, revision of the legislative article had been accomplished, a proposed revision of the executive article rejected by the voters, and elections and apportionment articles submitted to the Legislature by the end of 1975. In South Carolina the voters extended through 1976 the authorized period for completing the program of phased revision initiated in the late 1960s.

The commissions in North Dakota and Washington, both created in 1975, had mandates to study the constitution and to submit their recommendations to the Legislative Assembly and the Governor, respectively. In North Dakota, much work on constitutional revision had been done by the 1972 constitutional convention. The Washington Commission for Constitutional Alternatives, established by Governor Daniel J. Evans, had instructions to work closely with the Legislature. This commission is expected to make preparatory studies for a constitutional convention, if the convention question is submitted to and approved by the voters.

CONSTITUTIONAL CONVENTIONS

Usage. Constitutional conventions were operative in Louisiana, New Hampshire, and Texas during the biennium ending December 31, 1975. Another convention, called in Arkansas by legislative act and approved by the Governor, failed to convene after the act was held unconstitutional by the State Supreme Court. The New Hampshire convention was unlimited with no restriction on its power to propose revision; the mandates of the Louisiana and Texas conventions, however, imposed stated limitations on their action. The Louisiana convention, which had assembled and completed most of its work in 1973, adjourned January 19, 1974. Both the New Hampshire and Texas conventions met and completed their deliberations in 1974. A new constitution proposed by the Louisiana convention was adopted in April 1974 and became effective January 1, 1975. The New Hampshire convention recommended a series of amendments, two of which were adopted in 1974. The Texas Legislature, sitting as a constitutional convention in 1974, was unable to muster the two-thirds majority required to approve a proposed new constitution.

The following paragraphs summarize salient features of the three conventions held during 1974-75. More information on their authorization and the early phases and developments of the Louisiana convention is provided in the previous volume of *The Book of the States*.

Louisiana. The limited eleventh consti-

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tutional convention of Louisiana, which began its plenary sessions July 5, 1973, completed its work and adjourned sine die on January 19, 1974.³ The convention, whose total membership of 132 delegates included 105 elected from House districts and 27 appointed by the Governor, approved a new constitution by a vote of 120 to 1 with 11 absent and not voting. Also approved for submission to the voters were two alternate proposals providing for a multitiered or unitary board system for control of public higher educational institutions. In comparison with the 256,500 words in the 1921 constitution with its local amendments, the proposed new constitution contained only 26,300 words.

Salient features of the proposed new constitution include: a strong bill of rights including a guarantee of equality of treatment; annual legislative sessions; single-member legislative districts; power of legislators to convene the Legislature by majority vote; automatic veto sessions; removal of the Lieutenant Governor as president of the Senate; limitation of the number of principal executive departments to 20; strengthened authority for local government; elimination of many constitutional tax rates and dedications of revenue; expanded property tax exemption on homes; provision for a lower tax assessment ratio on homes than on business property; and removal of the prohibition against public aid to private and parochial schools.

Submitted to the voters on April 20, 1974, the new constitution was approved by a vote of 360,980 to 262,676. Thirty-six percent of the registered voters voted, and 58 percent of those voting voted for the constitution. Also approved 331,339 to 199,085 was Alternative A, providing for the three-tiered board system for public higher educational institutions. Litigation in both state and federal courts to have the enabling act providing for Louisiana's eleventh constitutional convention declared unconstitutional had not been successful as of the end of the

³For more detailed information on the authorization, membership, organization, staffing, and early developments of the convention, see *The Book of the States, 1974-1975*, vol. XX, pp. 12-13.

period here under review.⁴

New Hampshire. The 400 delegates to New Hampshire's unlimited sixteenth constitutional convention were elected March 5, 1974, on a nonpartisan basis, one from each House of Representatives district.⁵ On May 8, 1974, the convention met to organize and adopt rules and then recessed until May 15, 1974. Between May 8 and June 16, 1974, the convention was in session for a total of 12 days. As a continuing body with life for 10 years or until its successor is authorized and selected, the convention adjourned subject to the call of the president.

The convention approved 27 proposed constitutional amendments to be submitted to the voters in referendums during the period 1974-80. Of the five proposals submitted to the electorate on November 5, 1974, two were approved. These prohibited denial of equality of rights by the State on account of race, creed, color, sex, or national origin, and authorized organizational legislative sessions. The three proposals defeated would have permitted granting of pensions by the General Court for more than one year, increased membership in the Senate from 24 to 36, and authorized the General Court to provide alternate methods for taking oaths by legislators. Referendums on the remaining 22 convention proposals are scheduled as follows: five in March 1976; seven in November 1976; four in November 1978; three in March 1980; and three in November 1980.

Texas. The 181 members of the Texas Legislature convened on January 8, 1974,

⁴In *Bates et al. v. Edwards, Governor*, 294 So. 2d 532 (1974), the Supreme Court of Louisiana rejected plaintiffs' contention that the one-man, one-vote requirement applies to a constitutional convention. Furthermore, the Court declared, there is no requirement that the call for a constitutional convention must be submitted to and approved by the voters. In *Driskell et al. v. Edwards et al.* (No. 74-4020, September 5, 1975), the U.S. Court of Appeals vacated and remanded a judgment by the U.S. District Court (Western La.) holding that an action for a declaratory judgment seeking to invalidate the act providing for the constitutional convention was insubstantial and need not be heard by a three-judge court, 374 F. Supp. 1 (1975).

⁵For initial legislative action and authorization of the convention, see *The Book of the States, 1974-1975*, vol. XX, p. 13.

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Walter R. Peterson, former Governor and Speaker of the House, was elected president of the convention; the assistant clerks of the House and Senate were elected secretary and assistant secretary of the convention, respectively.

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Officers elected by the delegates included Speaker of the House Price Daniel, Jr., as president, a vice president, and a secretary.

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¶ The act provided for 35 members, 27 to be appointed by the Governor, six from each of the four congressional districts and three from the State at large; five were to be named by the House of Representatives from its members; and three senators by the Senate. Other salient features of Act 16 were provisions for assembly of the convention within 15 days after appointment to organize, transaction of its business within 60 days after assembly, certification of a proposed constitution within five days after adjournment, re-assembly to make any necessary changes, and submission of the proposal to the voters as a single issue at a special election September 16, 1975.

Most significant were the extensive limitations on the convention specified in the act. The General Assembly listed 11 articles and sections of the constitution as amended that were not to be changed by the convention, mainly because of their controversial nature. A new constitution proposed by a constitutional convention and including many of these controversial features had been rejected by the Arkansas electorate in November 1970.⁷ Salient provisions expressly excluded by Legislative Act 16 included the bill of rights, the judiciary, education, franchise and elections, voter registration, right to work, the legal definition (rate) of usury, and other specified sections and amendments. The General Assembly appropriated \$800,000 for the convention and expenses related to the special election.

✓ See The Book of the States, 1972^N 1973,
vol. XIX, pp. 11^N 12.

as delegates to the State's seventh constitutional convention. A constitutional amendment approved by the electorate in November 1972 authorized the convention. Except for a recess from April 5 to May 6 to permit the delegates as legislators to campaign for the primary, the convention remained in session until sine die adjournment July 30, 1974. The convention staff ranged from 58 to 266 at various times, and eight substantive and five procedural committees comprised the basic working structure of the convention.

The Texas convention was limited by its mandate which forbade any changes in the bill of rights. Product of the convention's labors was a 17,000-word draft constitution with 11 articles, as compared with 17 articles in the 1876 document which contained approximately 64,000 words. Final vote on the convention draft was 118 for, 62 against, with one absent and not voting. The vote in favor of the draft document was three votes less than the two-thirds majority required for convention approval. Thus the seventh Texas convention, composed of legislator-delegates for whose work \$3.8 million had been appropriated, failed to submit any proposal to the electorate.

The 1975 Legislature, however, which included many who had been delegates to the constitutional convention, approved for submission to the voters eight amendments which collectively comprised a revised constitution. Based on the convention document with certain changes, the eight amendments excluded some of its most controversial provisions, such as "right to work." Submitted to the voters on November 4, 1975, all eight proposals were rejected by a margin of approximately 2½ to 1.

Major features of the proposed eight amendments relating to the three branches of government were provisions for: annual legislative sessions, authorization for organizational and veto sessions, a legislative compensation commission, deletion of many restrictions on the Legislature, enhanced gubernatorial appoint-

*For more background information on the convention, see *The Book of the States, 1974-1975*, vol. XX, pp. 13-14.

ment and removal powers, limitation of the Governor to two consecutive four-year terms, periodic legislative review of executive agencies with requirement for their abolition after 10 years unless renewed, initiation of reorganization plans by the Governor, a unified judicial system, elimination of jurisdictional minutiae, and election of judges.

Other salient provisions included: legislative prescription of residence and registration requirements for voting, equal educational opportunity, comprehensive reform of the property tax system, omission of numerous restrictions on public spending, authorization to incur debt by legislative action followed by popular referendum, consolidation of provisions on local government, retention of home rule for cities and extension of greater options to counties, permissive legislative authority to restrict taxing powers of local governments and mandatory imposition of debt ceilings by the Legislature, environmental protection, prohibition of discrimination against the handicapped, and provision for calling constitutional conventions and periodic submission of the convention question to the voters every 30 years.

Arkansas. A 4-to-3 decision by the Supreme Court of Arkansas on May 27, 1975, held unconstitutional a constitutional convention scheduled to assemble May 29, 1975. Legislative Act 16, approved by Governor David H. Pryor January 31, 1974, called the convention without popular referendum.

A suit brought by two Republicans joined by two legislators against Governor Pryor and others in the Pulaski Chancery Court sought to prevent the convention. The trial court held Act 16 of 1975, which provided for the convention, invalid. On appeal, the Supreme Court of Arkansas affirmed the ruling, holding the convention unconstitutional on the ground that delegates would be exercising power inherent in the people as reserved in the Arkansas constitution;

Article II, Section 1 states: "All political power is inherent in the people, and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same in such manner as they think proper."

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259-Book of States-

limitations imposed on the exercise of that power without the approval of the electorate are prohibited. If the convention had been held, it would have been Arkansas' eighth such constituent assembly.

Other Developments. The ⁹biennium ~~1974-75~~ was the first in more than a quarter of a century during which no State held a popular referendum on the question of calling a constitutional convention. Considering the extensive attention to general constitutional revision in the States since mid-century, the slackening of official attention to basic legal reform by the convention method was to be expected. Besides Arkansas Governor Pryor, at least one other Governor—Governor Ray Blanton of Tennessee—has urged that an unlimited constitutional convention be called in his State. In Washington, creation of the Commission for Constitutional Alternatives in 1975 by Governor Daniel J. Evans was a possible first step toward calling a constitutional convention. Generally, phased revision and more limited change by amendments initiated by state law-making bodies, often with the help of constitutional commissions, continue as the most popular methods of modernizing state constitutions.

CONSTITUTIONAL STUDIES

Materials prepared by constitutional commissions and conventions continued to provide a major part of the literature on constitution-making in American States during 1974-75. These reports and analyses contain much information of use not only to persons directly involved in actual modernization of constitutions, but to other students of public affairs as well. Records of debates and proceedings of constitutional conventions and commissions comprise an invaluable source of data for planning and organizing constitutional reform efforts in other jurisdictions. Some recent examples are cited in the list of selected references at the end of this analysis.

Major official action to revise or re-

David Pryor et al. v. Lynn Lowe et al., 258 Ark. 188 (1975)

write a state constitution usually stimulates substantial studies by organizations other than those officially involved. Background symposia in law reviews and professional journals are prominent examples. Furthermore, bureaus or institutes of governmental research and public affairs at higher educational institutions have produced many useful studies before, during, and after completion of official action. Institutes or bureaus at state universities in Illinois, Louisiana, Montana, North Dakota, South Carolina, South Dakota, and Texas have published such materials during the last five years.

Some of these publications are listed below. The most recent compilation of general references on state constitutional revision is the writer's *A Bibliography on State Constitutions and Constitutional Revision, 1945-1975*, published in August 1975 by the Citizens Conference on State Legislatures. The first of the two parts of this bibliography lists general works on state constitutions and constitutional revision; the second is a state-by-state listing of both nonofficial and selective official publications. The bibliography excludes those publications that deal solely with the functional areas of constitutional systems.

One of the most valuable additions to the growing body of literature on state constitutions during the biennium was Professor A. E. Dick Howard's two-volume *Commentaries on the Constitution of Virginia*. Although focused on the 1971 Virginia document, this work traces the evolution of American constitutionalism from its English and colonial antecedents to 1974. Another major contribution is the 10-volume (projected) *Sources and Documents of United States Constitutions*, edited and annotated by Professor William F. Swindler, the College of William and Mary. A number of volumes in this series were published during 1974-75.

The National Municipal League's state-by-state series of studies dealing with state constitutional conventions held since World War II added volumes on the Illinois and Alaska conventions during the biennium. This nine-volume series with previous publication of the

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League's *State Constitution Studies* (10 volumes in two series) issued 1960-65 constitutes a major contribution to the material on state constitutional revision.

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TABLE 1
GENERAL INFORMATION ON STATE CONSTITUTIONS
As of December 31, 1975

State or other jurisdiction	Number of constitutions*	Dates of adoption*	Effective date of present constitution	Estimated length (number of words)	Number of amendments	
					Submitted to the voters	Adopted
Alabama.....	6	1819, 1861, 1865, 1868, 1875, 1901	1901	120,000	514	342
Alaska.....	1	1956	1959	12,800	13	12
Arizona.....	1	1911	1912	23,000	147	81
Arkansas.....	5	1836, 1861, 1864, 1868, 1874	1874	38,280(a)	140	63(b)
California.....	2	1849, 1879	1879	32,000	682	403
Colorado.....	1	1876	1876	39,200	206	41
Connecticut.....	4	1818(c), 1965	1965	7,400	9	8
Delaware.....	4	1776, 1792, 1831, 1897	1897	21,000	(d)	97(e)
Florida.....	6	1839, 1861, 1865, 1868, 1886, 1968	1969	23,500	22	16
Georgia.....	8	1777, 1789, 1798, 1861, 1865, 1868, 1877, 1945	1945	600,000(f)	1,095(g)	532(g)
Hawaii.....	1(h)	1950	1959	17,795(a)	40	35
Idaho.....	1	1889	1890	20,942(a)	164	87
Illinois.....	4	1818, 1848, 1870, 1970	1971	13,200	1	0
Indiana.....	2	1816, 1851	1851	10,500	53	32
Iowa.....	2	1846, 1857	1857	12,500	44	42(i)
Kansas.....	1	1859	1861	11,700	103	76(i)
Kentucky.....	4	1792, 1799, 1850, 1891	1891	23,500	49	22
Louisiana.....	11	1812, 1845, 1852, 1861, 1864, 1868, 1879, 1898, 1913, 1921, 1974	1975	26,300	0	0
Maine.....	1	1819	1820	13,350	154	131(j)
Maryland.....	4	1776, 1851, 1864, 1867	1867	41,200	191	160
Massachusetts.....	1	1780	1780	33,092(k)	112	104
Michigan.....	4	1835, 1850, 1908, 1963	1964	20,000	15	7
Minnesota.....	1	1857	1858	9,491(a)	191	102
Mississippi.....	4	1817, 1832, 1868, 1890	1890	23,200	109	40
Missouri.....	4	1820, 1865, 1875, 1945	1945	34,980(a)	54	35
Montana.....	2	1889, 1972	1973	11,200	3	3
Nebraska.....	2	1866, 1875	1875	18,725(a)	243	167
Nevada.....	1	1864	1864	18,400	123	80(i)
New Hampshire.....	2	1776, 1784(l)	1784	10,000	144(l)	64(l)
New Jersey.....	3	1776, 1844, 1947	1948	15,700	27	19
New Mexico.....	1	1911	1912	26,500	188	91
New York.....	4	1777, 1822, 1846, 1895	1895	39,000	256	189
North Carolina.....	3	1776, 1868, 1970	1971	12,500	13	11
North Dakota.....	1	1889	1889	29,000	166	97
Ohio.....	2	1802, 1851	1851	31,000	212	117
Oklahoma.....	1	1907	1907	63,669(a)	205(m)	93(m)
Oregon.....	1	1857	1859	23,500	301	150
Pennsylvania.....	5	1776, 1790, 1838, 1873, 1968(n)	1968	21,500	11(n)	8(n)
Rhode Island.....	2	1842(c)	1843	19,003(a.k)	79	42
South Carolina.....	7	1776, 1778, 1790, 1861, 1865, 1868, 1895	1895	36,350(o)	606(p)	430(p)
South Dakota.....	1	1889	1889	23,000	158	85
Tennessee.....	3	1796, 1835, 1870	1870	13,400	23	19
Texas.....	5	1845, 1861, 1866, 1869, 1876	1876	60,000	354	220
Utah.....	1	1895	1896	17,350	107	61
Vermont.....	3	1777, 1786, 1793	1793	6,600	210	52
Virginia.....	6	1776, 1830, 1851, 1869, 1902, 1970	1971	18,000	3	3
Washington.....	1	1889	1889	29,400	116	63
West Virginia.....	2	1863, 1872	1872	25,550(a)	83	51
Wisconsin.....	1	1848	1848	13,800	145	105(i)
Wyoming.....	1	1889	1890	21,200	83(q)	41
American Samoa.....	2	1960, 1967	1967	5,000	9	5
Puerto Rico.....	1	1952	1952	9,281(a)	6	6

*The constitutions in this table include those Civil War documents customarily listed by the individual States.

(a) Actual word count.
(b) Eight of the approved amendments have been superseded and are no longer printed in the current edition of the constitution. The total adopted does not include five amendments that were invalidated.

(c) Colonial charters with some alterations, in Connecticut (1638, 1662) and Rhode Island (1663), served as the first constitutions in these States.

(d) Proposed amendments are not submitted to the voters in Delaware.

(e) Various sections of the constitution have been amended 97 times by 46 acts of the General Assembly.

(f) Estimated length of the printed constitution which includes only provisions of general statewide applicability is 64,500 words.

(g) Includes 196 general and 899 local amendments submitted to the voters, and 147 general and 685 local amendments adopted.

(h) As a kingdom and a republic, Hawaii had 5 constitutions.
(i) The figure given includes amendments approved by the voters and later nullified by the State Supreme Court: in Iowa, three; Kansas, one; Nevada, six; Wisconsin, two.

(j) One approved amendment is inoperative until implemented by legislation.

(k) The printed constitution includes many provisions that have been annulled. Length of effective provisions are: in Massachusetts, estimated 20,768 words (12,324 annulled); in Rhode Island, 11,376 words (7,627 annulled).

(l) The constitution of 1784 was extensively revised in 1792. Figures show proposals and adoptions since 1793, when it became effective.

(m) The figures include one amendment submitted to and approved by the voters and subsequently ruled by the Supreme Court to have been illegally submitted.

(n) Certain sections of the constitution were revised by the limited constitutional convention of 1967-68. Amendments proposed and adopted are since 1968.

(o) Of the estimated length, 16,613 words are of general statewide effect; the remaining 19,740 are local amendments.

(p) Of the 606 proposed amendments submitted to the voters, 120 were of general statewide effect and 486 local; the voters rejected 76 (12 statewide, 64 local); of the remaining 530, the General Assembly refused to approve 109 (22 statewide, 78 local), and 430 (186 statewide, 344 local) were finally added to the constitution.

(q) Estimate by the State Archives and History Department.

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TABLE 2

CONSTITUTIONAL AMENDMENT PROCEDURE: BY THE LEGISLATURE
(Constitutional Provisions)

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State or other jurisdiction	Legislative vote required for proposal(a)	Consideration by two sessions required	Vote required for ratification	Limitation on the number of amendments submitted at one election
Alabama	3/5	No	MA	None
Alaska	2/3	No	MA	None
Arizona	Maj.	No	MA	None
Arkansas	Maj.	No	MA	3
California	2/3	No	MA	None
Colorado	2/3	No	MA	None(b)
Connecticut	(c)	(c)	MA	None
Delaware	2/3	Yes	Not required	No referendum
Florida	3/5	No	Not specified	None
Georgia	2/3	No	MA	None
Hawaii	(d)	(d)	MA(e)	None
Idaho	2/3	No	MA	None
Illinois	3/5	No	(f)	None(b)
Indiana	Maj.	Yes	MA	None
Iowa	Maj.	Yes	MA	None
Kansas	2/3	No	MA	5
Kentucky	3/5	No	MA	2
Louisiana	2/3	No	MA(g)	None
Maine	2/3(h)	No	MA	None
Maryland	3/5	No	MA	None
Massachusetts	Maj.(i)	Yes	MA	None
Michigan	2/3	No	MA	None
Minnesota	Maj.	No	ME	None
Mississippi	2/3(j)	No	MA	None
Missouri	Maj.	No	MA	None
Montana	2/3(h)	No	MA	None
Nebraska	3/5	No	MA(e)	None
Nevada	Maj.	Yes	MA	None
New Hampshire	3/5	No	2/3 vote on A	None
New Jersey	(k)	(k)	MA	None(l)
New Mexico	Maj.(m)	No	MA(m)	None
New York	Maj.	Yes	MA	None
North Carolina	3/5	No	MA	None
North Dakota	Maj.	No	MA	None
Ohio	3/5	No	MA	None
Oklahoma	Maj.	No	MA	None
Oregon	(n)	No	MA	None
Pennsylvania	Maj.(o)	Yes(o)	MA	None
Rhode Island	Maj.	No	MA	None
South Carolina	2/3(p)	Yes(p)	MA	None
South Dakota	Maj.	No	MA	None
Tennessee	(q)	Yes(q)	ME(r)	None
Texas	2/3	No	MA	None
Utah	2/3	No	MA	None
Vermont	(s)	Yes	MA	None
Virginia	Maj.	Yes	MA	None
Washington	2/3	No	MA	None
West Virginia	2/3	No	MA	None
Wisconsin	Maj.	Yes	MA	None
Wyoming	2/3	No	ME	None
American Samoa	3/5	No	MA(t)	None
Puerto Rico	2/3(u)	No	MA	3

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MA—Majority vote on amendment.
ME—Majority vote in election.
(a) In all States not otherwise noted, the figure shown in this column refers to percentage of elected members in each house required for approval of proposed constitutional amendments.
(b) Legislature may not propose amendments at the same session to more than six articles in Colorado, three in Illinois.
(c) Three-fourths vote in each house at one session, or majority vote in each house in two sessions.
(d) Two-thirds vote in each house at one session, or majority vote in each house in two sessions.
(e) Majority of amendment must be at least 35 percent of total vote at election.
(f) Majority voting in election or 3/5 voting on amendment.
(g) If five or fewer political subdivisions of State affected, majority in State as a whole and also in affected subdivision(s) is required.
(h) Two thirds of combined membership of both houses.
(i) Majority of members elected sitting in joint session.
(j) The 3/5 must include not less than a majority elected to each house.
(k) Three fifths of all members of each house at one session, or majority of all members of each house for two successive sessions.
(l) If a proposed amendment is not approved at the election when submitted, neither the same amendment nor one which

would make substantially the same change to the constitution may be again submitted to the people before the third general election thereafter.
(m) Amendments concerning certain elective franchise and education matters require 3/4 vote of members elected and approval by 3/4 of electors voting in State and 3/5 of those voting in each county.
(n) Majority to amend constitution, 3/4 to revise (revise includes all or a part of the constitution).
(o) Emergency amendments may be passed by 3/5 vote of each house, followed by ratification by majority vote of electors in election held at least one month after legislative approval.
(p) Two thirds of members of each house, first passage; majority of members of each house after popular ratification.
(q) Majority of members elected to both houses, first passage; 3/5 of members elected to both houses, second passage.
(r) Majority of all citizens voting for Governor.
(s) Two-thirds vote Senate, majority vote House, first passage; majority both houses, second passage. As of 1974, amendments may be submitted only every four years.
(t) Within 30 days after voter approval, Governor must submit amendment(s) to Secretary of the Interior for approval.
(u) If approved by 3/5 of members of each house, amendment(s) submitted to voters at special referendum; if approved by not less than 3/4 of total members of each house, referendum may be held at next general election.

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TABLE 3
CONSTITUTIONAL AMENDMENT PROCEDURE: BY INITIATIVE
Constitutional Provisions

State	Number of signatures required on initiative petition	Distribution of signatures	Referendum vote
Arizona.....	15% of total votes cast for all candidates for Governor at last election	None specified	Majority vote on amendment
Arkansas.....	10% of voters for Governor at last election	Must include 5% of voters for Governor in each of 15 counties	Majority vote on amendment
California.....	8% of total voters for all candidates for Governor at last election	None specified	Majority vote on amendment
Colorado.....	8% of legal voters for Secretary of State at last election	None specified	Majority vote on amendment
Florida.....	8% of total votes cast in the State in the last election for presidential electors	8% of total votes cast in each of 1/2 of the congressional districts	Majority vote on amendment
Illinois (a).....	8% of total votes cast for candidates for Governor at last election	None specified	Majority voting in election or 3/5 voting on amendment
Massachusetts (b)....	3% of total vote for Governor at preceding biennial state election	No more than 1/4 from any one county	Majority vote on amendment which must be 30% of total voters at election
Michigan.....	10% of total voters for Governor at last election	None specified	Majority vote on amendment
Missouri.....	8% of legal voters for all candidates for Governor at last election	The 8% must be in each of 2/3 of the congressional districts in the State	Majority vote on amendment
Montana.....	10% of qualified electors, the number of qualified electors to be determined by number of votes cast for Governor in preceding general election	The 10% to include at least 10% of qualified electors in each of 2/5 of the legislative districts	Majority vote on amendment
Nebraska.....	10% of total votes for Governor at last election	The 10% must include 5% in each of 2/5 of the counties	Majority vote on amendment which must be at least 35% of total vote at the election
Nevada.....	10% of voters who voted in entire State in last general election	10% of total voters who voted in each of 75% of the counties	Majority vote on amendment in two consecutive general elections
North Dakota.....	20,000 electors	None specified	Majority vote on amendment
Ohio.....	10% of total number of electors who voted for Governor in last election	At least 5% of qualified electors in each of 1/2 of counties of the State	Majority vote on amendment
Oklahoma.....	15% of legal voters for state office receiving highest number of votes at last general state election	None specified	Majority vote on amendment
Oregon.....	8% of total votes for all candidates for Governor elected for 4-year term at last election	None specified	Majority vote on amendment
South Dakota.....	10% of total votes for Governor in last election	None specified	Majority vote on amendment

(a) Only Article IV. The Legislature, may be amended by initiative petition.
 (b) Before being submitted to the electorate for ratification, initiative measures must be approved by two sessions of the General Court (Legislature) by not less than 1/4 of all members elected, sitting in joint session.

TABLE 4
PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS
Constitutional Provisions

State or other jurisdiction	Provision for convention	Legislative vote for submission of question(a)	Popular vote to authorize convention	Periodic submission of convention question required(b)	Popular vote required for ratification of convention proposals
Alabama.....	Yes	Majority	ME	No	Not specified
Alaska.....	Yes	Not specified(c)	(c)	10 yrs.(c)	Not specified(c)
Arizona.....	Yes	Majority	(d)	No	MP
Arkansas.....	No	...	MP	No	MP
California.....	Yes	2/3	MP	No	ME
Colorado.....	Yes	2/3	MP	No	MP
Connecticut.....	Yes	2/3	MP	20 yrs.(e)	MP
Delaware.....	Yes	2/3	MP	No	No provision
Florida.....	Yes	(f)	MP	No	Not specified
Georgia.....	Yes	(g)	None	No	MP
Hawaii.....	Yes	Not specified	MP	10 years	MP(h)
Idaho.....	Yes	2/3	MP	No	Not specified
Illinois.....	Yes	3/5	(i)	20 years	MP
Indiana.....	No	...	MP	No	MP
Iowa.....	Yes	Majority	MP	10 yrs.; 1970	MP
Kansas.....	Yes	2/3	MP	No	MP
Kentucky.....	Yes	Majority(j)	MP(k)	No	No provision
Louisiana.....	Yes	(g)	None	No	MP
Maine.....	Yes	(g)	None	No	No provision
Maryland.....	Yes	Majority	ME	20 yrs.; 1970	MP
Massachusetts.....	No	...	MP	No	MP
Michigan.....	Yes	Majority	ME	10 yrs.; 1978	3/5 on P
Minnesota.....	Yes	2/3	MP	No	MP
Mississippi.....	No	...	MP	20 yrs.; 1962	Not specified(l)
Missouri.....	Yes	Majority	MP	No	MP
Montana.....	Yes(m)	2/3(n)	MP	20 years	MP
Nebraska.....	Yes	3/5	MP(o)	No	MP
Nevada.....	Yes	2/3	ME	No	No provision
New Hampshire.....	Yes	Majority	MP	10 years	2/3 on P
New Jersey.....	No	No	...
New Mexico.....	Yes	2/3	MP	No	Not specified
New York.....	Yes	Majority	MP	20 yrs.; 1957	MP
North Carolina.....	Yes	2/3	MP	No	MP
North Dakota.....	No	...	MP	No	MP
Ohio.....	Yes	2/3	MP	20 yrs.; 1932	MP
Oklahoma.....	Yes	Majority	(d)	20 years	MP
Oregon.....	Yes	Majority	(d)	No	No provision
Pennsylvania.....	No	...	MP	No	MP
Rhode Island.....	Yes	Majority	MP	10 years	MP
South Carolina.....	Yes	(g)	None	No	MP
South Dakota.....	Yes	(g)	(g)	No	MP(p)
Tennessee.....	Yes(q)	Majority	MP	No	MP
Texas.....	No	...	ME	No	ME
Utah.....	Yes	2/3	ME	No	MP
Vermont.....	No	No	...
Virginia.....	Yes	(g)	None	No	MP
Washington.....	Yes	2/3	ME	No	Not specified
West Virginia.....	Yes	Majority	MP	No	Not specified
Wisconsin.....	Yes	Majority	MP	No	No provision
Wyoming.....	Yes	2/3	ME	No	Not specified
American Samoa.....	Yes	(r)	None	No	ME(s)
Puerto Rico.....	Yes	2/3	MP	No	MP

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MP—Majority voting on the proposal
ME—Majority voting in the election
(a) In all States not otherwise noted, the entries in this column refer to the percentage of members elected to each house required to submit to the electorate the question of calling a constitutional convention.
(b) The number listed is the interval between required submissions of the question of calling a constitutional convention; where given, the date is that of the first required submission of the convention question.
(c) Unless provided otherwise by law, convention calls are to conform as nearly as possible to the act calling the 1955 convention, which provided for a legislative vote of a majority of members elected to each house and ratification by a majority vote on the proposals. The Legislature may call a constitutional convention at any time.
(d) The law calling a convention must be approved by the people.
(e) The Legislature shall submit the question 20 years after the last convention, or 20 years after the last vote on the question of calling a convention, whichever date is last.
(f) The power to call a convention is reserved to the people by petition.
(g) In these States, the Legislature may call a convention without submitting the question to the people. The legislative vote required is 2/3 of the members elected to each house in Georgia, Louisiana, South Carolina, and Virginia; 2/3 concurrent vote of both branches in Maine; and 3/4 of all members of each house in South Dakota. In South Dakota, the question of calling a convention may be initiated by the people in the same manner as an amendment to the constitution (see Table 1) and requires a majority vote on the question for approval.
(h) The majority must be 35 percent of the total votes cast at a general election or 30 percent of the number of registered voters if at a special election.
(i) Majority voting in the election, or 3/5 voting on the question.
(j) Must be approved during two legislative sessions.
(k) Majority must equal 1/4 of qualified voters at last general election.
(l) Majority of those voting on the proposal is assumed.
(m) The question of calling a constitutional convention may be submitted either by the Legislature or by initiative petition to the Secretary of State in the same manner as provided for initiated amendments (see Table 1).
(n) Two thirds of all members of the Legislature.
(o) Majority must be 35 percent of total votes cast at the election.
(p) Convention proposals are submitted to the electorate at a special election in a manner to be determined by the convention.
(q) Conventions may not be held more often than once in six years.
(r) Five years after effective date of constitution, Governor shall call a constitutional convention to consider changes proposed by a constitutional committee appointed by the Governor. Delegates to the convention are to be elected by their county councils.
(s) If proposed amendments are approved by the voters, they must be submitted to the Secretary of the Interior for approval.

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TABLE 5
STATE CONSTITUTIONAL COMMISSIONS
Operative during the period January 1, 1974-December 31, 1975

State	Name of commission	Method and date of creation and period of operation	Membership: Number and type	Funding	Purpose of commission	Proposals and actions
Alabama	Alabama Constitutional Commission	Statutory; Act No. 753, Reg. Sess., 1969, extended in 1971, 1973, and 1975; Sept. 1969-Sept. 30, 1976	Originally 21; 2 ex officio; 19 appointed (at least 2 from each congressional district); increased in 1971 to 25; 2 ex officio; 23 appointed; increased in 1975 to 27; 4 ex officio, 23 appointed	\$100,000 appropriation initially; \$66,828 appropriation, fiscal year 1971-72; \$47,860 appropriation, fiscal year 1972-73; \$100,000 appropriation, fiscal years 1974-75; \$40,000 appropriation, fiscal year 1975-76 Total: \$344,688 \$10,000 appropriation	Submit recommendations for constitutional revision and appropriate procedure for submission and adoption of proposed changes	Report, May 1, 1973, proposed a revised constitution, with commentary; judicial article was approved by Legislature and adopted by voters Dec. 18, 1973, and implemented by legislation in 1975
New Hampshire	Commission to Study the State Constitution	Statutory; H.B. 176, c. 351, N.H. Laws, 1973; Sept. 1973 through the 1974 constitutional convention	10 members: appointed by the Speaker of the House (2), President of the Senate (2), Governor (3), and Supreme Court (3)	No. specified amount; funded from the general Legislative Council appropriation	Study the constitution and if amendments are found to be needed, recommend such amendments to the next constitutional convention.	Report, recommending constitutional changes submitted to 16th constitutional convention in 1974
North Dakota	Committee on Constitutional Revision	Legislative; H.C.R. No. 3059, 1975; April 1975-	14 members: appointed by the Legislative Council—3 Representatives, 6 Senators, and 5 citizens		Study the constitution and make recommendations regarding desirable revision	Mandated to submit recommendations to the 45th Legislative Assembly with drafts of proposed revisions through 1975 on: General Assembly, state debt, constitutional amendments, taxation, indirect debt limit, executive branch, elections and suffrage, local government, initiative and referendum. Several proposals have been adopted; most still pending in the General Assembly
Ohio	Ohio Constitutional Revision Commission	Statutory; Secs. 103, 51-103.57, Ohio Rev. Code, effective Nov. 26, 1969; Nov. 1969-July 1979	32 members: 12 appointed from the General Assembly who appointed 20 members not from the General Assembly	\$100,000 appropriation for first biennium; \$300,000 for biennium beginning July 1, 1971; \$300,000 for biennium beginning July 1, 1973; approx. \$300,000 for biennium beginning July 1, 1975. Total: \$1,000,000	Study constitution and submit recommendations to the General Assembly; if convention is called, submit recommendations to it (convention call was defeated Nov. 1972)	Nine reports submitted through 1975 on: General Assembly, state debt, constitutional amendments, taxation, indirect debt limit, executive branch, elections and suffrage, local government, initiative and referendum. Several proposals have been adopted; most still pending in the General Assembly
South Dakota	South Dakota Constitutional Revision Commission	Statutory; S.B. 1, S.L. 1969, c. 225, approved March 13, 1969; amended by S.B. 217, S.L. 1970, c. 19; H.B. 750, S.L. 1971, c. 21; and H.B. 743, 1975; Nov. 1969-Jan. 1976	13 members: 2 ex officio; 1 appointed—by Speaker of the House (3), President of the Senate (3), Governor (3) (no more than 2 from each group to be members of the same political party), and the Presiding Judge of the Supreme Court (2)	Fiscal year appropriations: 1970, \$25,000; 1971, \$38,500; 1972, \$42,000; 1973, \$44,500; 1974, \$44,500; 1975, \$47,300; 1976, \$20,000. Total: \$261,800	Make comprehensive study of the constitution and determine means to improve and simplify it	Required to report findings and recommendations to the Legislature at regular sessions until discharged. Voters rejected one commission proposal in Nov. 1970, approved 4 revised articles in Nov. 1972, and adopted one revised article and rejected one in Nov. 1974

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TABLE 5—Concluded
STATE CONSTITUTIONAL COMMISSIONS

State	Name of commission	Method and date of creation and period of operation	Membership: Number and type	Funding	Purpose of commission	Proposals and action
Texas	Texas Constitutional Revision Commission	Statutory; S.C.R. No. 1, approved Feb. 12, 1973; March 1973—March 9, 1974	37 members: appointed by an appointment committee composed of the Governor, Lieutenant Governor, Attorney General, Speaker of the House, Chief Justice of the Supreme Court, and Presiding Judge of the Court of Criminal Appeals (subject to rejection by the Legislature)	\$900,000 appropriation (spent \$673,763.79)	Study the need for constitutional change and report recommendations to the Legislature and the constitutional convention	Submitted report to the Legislature Nov. 1, 1973; required to submit to the constitutional convention legal drafts of all proposed changes and alternative changes in the constitution
Utah	Utah Constitutional Revision Study Commission	Statutory; c. 89, Laws of Utah, 1969; amended by c. 107, Laws of Utah, 1975; May 1969—June 30, 1977	16 members: 1 ex officio; 9 members appointed—by the Speaker of the House (3), President of the Senate (3), and Governor (3) (no more than 2 of each group to be from same political party)	\$20,000 appropriation fiscal year 1969; \$30,000 annually during fiscal years 1970, 1971, and 1972; \$5,000 during fiscal year 1974. Total: \$115,000	Study constitution and recommend changes, including drafts of proposed changes	Mandated to report recommendations at least 60 days before Legislature convenes. Interim report Jan. 1971 recommended revision of legislative article, which was approved by the electorate Nov. 1972; interim report Jan. 1973 recommended revision of executive article, which the electorate rejected Nov. 1974; interim report Jan. 1975 recommended revision of election and appointment articles
Washington	Commission for Constitutional Alternatives	Executive; Ex. Ord. No. 75-08, approved July 29, 1975; July 1975—December 1976	60 members: appointed by the Speaker of the House (5 Representatives) and the Governor (5 State Senators and 50 citizens)	\$164,000 appropriation from Governor's "Survey and Installations Funds" budget	Study the constitution and recommend changes	Mandated to work with the Legislature and to report to the Governor