



# ALBANY LAW SCHOOL

## *Schaffer Law Library's* **Guide on the New York State Constitution**

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New York State has had five constitutions, adopted in 1777, 1821, 1846, 1894, and 1938. In this century alone it held three constitutional conventions, the efforts of two of which (1915 and 1967) were rejected by the electorate. The constitution produced by the 1938 convention (itself substantially a modification of the 1894 constitution), as modified by subsequent amendments, now forms the fundamental law of the State.

The state constitution can be changed in two ways. First, a constitutional convention may be called. Const. Art. XIX, sec. 2, mandates that in every general election held at twenty-year intervals after 1957, or when the legislature so decides, the question whether to hold a convention must be submitted to the electorate. A majority of electors must both vote in favor of a convention and subsequently approve a convention's efforts for constitutional change to take place. In the mid-1990s a Temporary State Commission on Constitutional Revision prepared several reports in preparation for another convention; but in 1997, the voters rejected a proposal to hold a new constitutional convention.

Second, amendments may be proposed by the legislature. Const. Art. XIX, sec. 1, requires that the legislature approve any proposed amendment in two successive, regular legislative sessions (divided by a general election), before submitting it to the electorate and that a majority of voters approve of the proposal before it can take effect.

### **Records of Constitutional Conventions**

#### **1777**

Fiche NY-1 Provincial Congress, Journals, 1775-1777, 2 vols. (1842)  
Proceedings of governing body before first constitution. Index at end of each volume.

Fiche NY-2 contains address of the revolutionary convention to citizens (1776).

Fiche NY-3 State Convention Ordinance. . .for organizing and establishing the government (1777) Interim measure, until government under 1777 convention established.

Fiche NY-4 Text of 1777 constitution

#### **1801**

Fiche NY-5 Journal of the convention. . .1801. Unindexed.

Fiche NY-6 Text of 1801 amendment to constitution

#### **1821**

Fiche NY-7 Journal of the convention. . .1821. Index at end of volume.

Fiche NY-8 Reports of proceedings and debates of the convention of 1821. Index at end of volume.



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Fiche NY-12 Amendments to the constitution of 1821 (1846). Text of amendments ratified in 1826.

### **1846**

Fiche NY-11 Convention of Friends of Constitutional Reform, Address (1837). Proposal for, and draft of, revised constitution.

Fiche NY-13 Journal of the convention. . .1846. Index at end of volume.

Fiche NY-14 Report of the debates and proceedings of the convention. . .1846. Index at end of volume.

Fiche NY-15 Documents of the convention. . .1846, 2 vols. Index at end of second volume.

Fiche NY-16 Manual for use of convention. . .1846. Unindexed; table of contents at beginning of volume.

Fiche NY-17 Constitution. . .adopted. . .1846 (1849). Indexed, with marginal annotations.

Fiche NY-18 Amendments of the constitution of 1846. Text of amendments, 1846-1874.

### **1867**

Fiche NY-19 Journal of the convention. . .1867. Index at end of volume.

Fiche NY-20 Report of the proceedings and debates of the convention. . .1867, 5 vols. Index at end of vol. 5.

Fiche NY-21 Documents of the convention. . .1867-68, 5 vols.. Index at end of vol. 5.

Fiche NY-22 Convention manual, 2 vols.. Index at end of vol. 2.

Fiche NY-23 Amended constitution. . .adopted by the convention of 1867-68. Indexed at end of volume.

Fiche NY-24 Constitution Article VI Text of article ratified in 1869.

### **1872-1890**

Fiche NY-25 Journal of the constitutional commission. . .1872-73. Index at end of volume.

Fiche NY-26 Constitution. . .as amended (1874)



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Fiche NY-27 Constitution. . .annotated to and including. . .1889 (1890). Indexed, with marginal annotations.

Fiche NY-28 Journal of the constitutional commission (1890). Unindexed.

Fiche NY-29 Constitutional commission, Report. . .on the Supreme Court (1890)  
Unindexed.

### **1894**

Fiche NY-30 Journal of the constitutional convention. . .1894. Index at end of volume.

KFN            Revised record of the constitutional convention, 1894,  
5680            5 vols.  
1894            Indexes at end of vol. 5. (Also on fiche NY-31.)  
A3

Fiche NY-32 Convention documents. . .1894, 2 vols. Unindexed. Table at end of vol. 2 shows where 1846 provisions appear in 1894 constitution.

Fiche NY-33 Convention manual. . .1894, 7 vols.. Unindexed. Table of contents at beginning of each volume.

Fiche NY-34 Proposed constitution. . .1894. Unindexed.

### **1915**

KFN            Journal of the constitutional convention of. . .1915  
5680            Index at end of volume. (Also on fiche NY-36.)  
1915  
A283

KFN            Revised record of the constitutional convention. . .1915,  
5680            4 vols.  
1915            Indexes in vol. 4. (Also on fiche NY-37.) Library  
A21            also has unrevised record (KFN5680/1915/A2).

KFN            New York constitutional convention index (1915)  
5680            Detailed indexes, with tables and summaries of 1915 actions.  
A2

KFN            Documents of the constitutional convention. . .1915,  
5680            2 vols.  
1915            Indexed by index to Revised Record of convention.  
A282            (Also on fiche NY-38.)

KFN            Convention manual (1915)  
5680            (Also on fiche NY-40. Convention rules can also



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1915 be found on fiche NY-39, and convention directory on  
A281 fiche NY-40.)

KFN State constitution annotated (1915)  
5680 Prepared for 1915 convention. Includes amendments  
1894 1895-1914. (Also on fiche NY-35.)  
A3

KFN Bureau of Municipal Research, Constitution and Government  
5680 of the State of New York (1915)  
1915 Prepared for 1915 convention.  
A3

KFN Proposed amendments of the constitutional convention  
5680 . . .1915, 2 vols.  
1915 Vol. 2 contains subject index.  
A8  
A2

Fiche NY-42 Proposed constitution. . .1915

### 1921-1933

Fiche NY-43 Judiciary constitutional convention of 1821, Reports and proceedings  
Records of convention held to consider amendments to judiciary article.

Fiche NY-45 Joint Legislative Committee on Revision of the Constitution and Election  
Law, Report (1933)

### 1938

KFN Journal of the constitutional convention. . .1938  
5680 Contains table showing where constitutional  
1938 provisions are discussed. (Also on fiche NY-47.)  
A283

KFN Revised record of the constitutional convention. . .  
5680 1938, 4 vols.  
1938 Indexes in vol. 1. (Also on fiche NY-47.)  
A2 Library also has unrevised record (KFN5680/1938/A2).

KFN New York constitutional record and index (1938)  
5680 Detailed indexes, with tables and summaries of  
1938 actions.  
A3  
Index



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## *Schaffer Law Library's* **Guide on the New York State Constitution**

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KFN Proposed amendments of the constitutional convention  
5680 . . .1938, 3 vols.  
1938 Indexes in vol. 1. (Also on fiche NY-49.)  
A285

KFN Constitutional Convention Committee, Reports and Studies,  
5680 12 vols. (the "Poletti Report")  
1938 Index in vol. 12. Volumes of particular interest  
A29 include vol. 1: Constitution Annotated and vol. 9: Judicial Administration  
and Organization.

### 1967

#### Preliminary Proceedings

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NYdoc Temporary State Commission on the Constitutional  
CON Convention, Interim (1957) and Final Reports 671-4 (1966-67). (Interim  
report also on fiche NY-51; final also on fiche NY-56 to NY-71.) Final Report. No. 16  
contains index.

Fiche NY-52 Public hearings, four parts (1957)

KFN Public hearings, 5 vols. (1966)  
5680 (Also on fiche NY-124.)  
1967  
A29

NYdoc Temporary Commission on the Revision and Simplification  
CON of the Constitution, First Steps Toward a Modern  
170-4 Constitution (1959) (Also on fiche NY-54.)

KFN Simplifying a Complex Constitution (1961)  
5680 (Also on fiche NY-84.)  
1938  
A6

Fiche NY-85 to NY-119 Constitutional Revision Commission, Background Studies on  
Local Government: Staff Reports (1958)

### Convention

KFN Proceedings of the . . . convention, 1967, 12 vols.  
5680 Vol. 12 contains indexes, reference tables, and text  
1967 of proposed constitution. (Also on fiche NY-75.)  
A2



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## *Schaffer Law Library's* **Guide on the New York State Constitution**

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KFN 1967 New York Constitutional Convention Record and  
5680 Index (1967)  
1967 Detailed indexes and tables, with summaries of  
A21 convention actions. (Also on fiche NY-166.)

Fiche NY-168 to NY-206 Constitutional Convention, Committee hearings, statements and resolutions (1967)

Fiche NY-214 Official text of proposed constitution. . .1967 (Other editions are on fiche NY-76 and Nydoc/CON 418-4/TEXAH.)

### **Temporary State Commission on Constitutional Revision Documents**

KFN The New York State Constitution: a Briefing Book (1994) (Discusses issues a new  
5680 convention might raise)  
1994  
.A184

KFN The Delegate Selection Process (1994)  
5680  
1994  
.A183

RES Effective government for the New Century (1995)  
NY doc (Commission's final report)  
718-1 2/95  
94-79522

### **Sources for Pending Amendments**

Index: Legislative Record and Index (to 1984); Legislative Digest (1984 on) (status tables)

Text: Laws of New York, McKinney's Session Laws of New York, Consolidated Laws Service Session Laws

Retrospective Collection, 1895-1937: Vol. 2 of the "Poletti Report" (KFN5680/1938/A29)

### **Annotated Constitution**

- McKinney's Consolidated Laws of New York, vols. 1A, 1B, 2 pt.1, and 2 pt.2 (court decisions and historical notes)
- New York Consolidated Laws Service, vols. 42 and 42A (court decisions and historical notes)
- 4 Lincoln, The Constitutional History of New York (1906) (KFN5681/L638) (court decisions and historical notes)



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## *Schaffer Law Library's* **Guide on the New York State Constitution**

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- "Poletti Report," vol. 1 (KFN5680/1938/A29) (historical notes)
- R. Carter, *New York State Constitution: Sources of Legislative Intent* (1988) (KFN5680/1894/A6/C37/1988) (historical notes)

### **Unannotated Constitution**

Constitutions of the United States: National and State, vol. 4 (REF.KF4530/C717/1974)

### **Prior Texts of Constitution**

- Lincoln, *The Constitutional History of New York* (1906), vol.1:1777 --p.162; 1821--p.192; 1846--p.226; 1894--p.325
- Poore, *The Federal and State Constitutions* (1878) (Ref.JK18/1878)
- Swingall, *Sources and Documents of U.S. Constitutions* (1978), vol.7 (KF4530/Sw63)
- Thorpe, *The Federal and State Constitutions* (1909), vol.5(KF4530/T46/1993)

### **Digests**

- 8 Abbott New York Digest; 4A Abbott New York Digest 2nd;
- 6-7 New York Digest 3rd; 8-9 New York Digest 4th: topic "Constitutional Law"
- New York Law Journal Digest-Annotator: Part 3, Topic 378 Constitutional Law

### **Encyclopedia**

- 20 N.Y.Jur.2nd: Constitutional Law

### **General Histories**

- Dougherty, "Constitutional History of New York," in Chester, ed., *The Legal and Judicial History of New York* (1911), vol.2 (JK3481/L522)
- Lincoln, *The Constitutional History of New York* (1906), 5 vols. (KFN5681/L638)
- Galie, *Ordered Liberty: a Constitutional History of New York* (1996) (KFN5681/G35/1996)



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## Some Convention Histories

### 1915:

- Schick, *The New York State Constitutional Convention of 1915 and the Modern State Governor* (1978) (JK3425/1915/Sch32)

### 1938:

- O'Rourke and Campbell, *Constitution-Making in a Democracy* (1943) (JK3425/1938/O7/1943)

### 1967:

- Diamond, *Modernizing State Government* (1967) (JK2408/M72)
- Dullea, *Charter Revision in the Empire State* (1997) (KFN5681/D854/1997)
- League of Women Voters of NYS, *Seeds of Failure* (1973) (KFN5683/L4/1973)

### 1997 (which never happened):

- Benjamin and Dullea, eds., *Decision 1997; Constitutional Change in New York* (1997) (KFN5683/D83/1997)

## Bibliographic Guides

- Breuer, *Constitutional Developments in New York, 1977-1958 and Supp., 1958-1967* (REF.KFN5682/A1/B757)
- Emery, *A Brief Research Guide to the New York State Constitution*, 8 (nos.3/4) *Legal Reference Services Quart.* 189 (1988)
- Galie, *The New York State Constitution; a Reference Guide* (1991) (KFN5680/1777/A6/G35/1991)
- Gibson, *New York Legal Research Guide* (1988), chp.1 (RES.KFN5074/G53/1988)