

# Steve Max's Presentation Notes From the Three Parks Independent Democrats Debate on the NY State Constitutional Convention Referendum

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1. Joke: Man goes into the US patent office. I want to patent my invention, an ashtray that has a special chemical to put out anything that's burning. The Clerk says, but your plans don't say what the special chemical is. The man answers, Oh, I haven't invented that part yet. I just want to patent the ashtray.
2. The great benefits of the convention are just like that ashtray. They require a special chemical that hasn't been invented yet, a super majority of progressive delegates. Not just a majority of one or eight, because we know that a handful are always ready to sell out to the other side for money and power, but a large majority of tamper proof delegates.
3. A progressive majority is highly unlikely. A Republican controlled disaster could easily occur. It's is a huge risk not worth taking.
  - a) Three delegates will be elected from each of 63 State Senate districts, but the Senate was Gerrymandered in 2012 to produce a Republican majority.
  - b) The political parties will put their people on the ballot. In addition, you can go to Bill's web site and sign yourself up to run -- other groups are also doing that. We could easily have not three, but six, nine or more Democrats and Independents all running against each other in the same district, splitting the vote -- letting the Republicans win -  
- It's a terrible idea, and a big risk.
  - c) Elections in Senate districts are expensive. The 2014 election figures have been analyzed. \$60 million spent that year. The average for each Senate candidate was over \$995 thousand.
    - i) It's not that there isn't enough money, there is too much money. The problem is that it goes to all the wrong people. The best people, who can't be bought, will get the least.
4. We hear that this will be a "people's convention," and our neighbors will be the delegates. The last time there was a convention, it lasted four months -meeting a few days a week in Albany. The law says there is no time limit, the convention itself decides the limit, it could

be four months or six a year, who knows? They'll tell you after you get there -- still want to run? Who will feed the cat?

- a) But, I know who will love that schedule, the current Assembly and Senate members because they are up in Albany anyway, and they get paid double to be delegates. That's right, delegates do get paid, the same pay as State Senators, but legislators and judges who are also delegates get both paychecks.
- b) Here is what Governor Cuomo said, "You have to find a way where the delegates do not wind up being the same legislators who you are trying to change the rules on. I have not heard a plan that does that. ... The way it will work is you'll probably elect assemblyman and senators as delegates, and you may make the situation worse, not better."<sup>1</sup> He's right, it's a big risk.
  - i) At the last convention 75% of the delegates were either serving, or had previously served in a governmental capacity. These are not your neighbors.

5. Because the Senate is pretty much split, a convention elected from the same Senate districts is also likely to be split. Then, the 15 delegates elected statewide might be the balance of power. They will not be your neighbors.

- a) What does it cost a relatively obscure person to campaign statewide for an obscure position? In 2014, our state Comptroller, Thomas DiNapoli, raised over \$5 million dollars for just such a campaign.

6. What happens after the convention? There is a state wide referendum on the results. This is where the really big money pours into the state.

- a) For example:

Suppose one constitutional amendment reads, "In order to promote prosperity in the agricultural sector, increase income, lower taxes and create jobs, the state shall encourage the sale of all marketable products from farmland." You might think that means legalizing Marijuana, which polls 80% positive with voters. But you know what else comes from farmland? Fracked gas! Who would know that this also overturns the Governor's ban on fracking -- hydraulic fracturing to produce natural gas, one of the most environmentally destructive practices know -- now banned, it would be encouraged. What would the oil and gas industry not pay to get that passed? How much money will we be able to raise to tell voters that this amendment is really about fracking?

7. Who is right in this debate? You don't need to decide that. It isn't about whose right, its about just one thing -- how much risk do you want to take on one roll of the dice? How much can you afford to lose? We have lost enough already, defeat the convention. Vote NO!

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<sup>1</sup> NY Daily News, 2/6/2017