League of Women Voters of Minnesota Records

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Version 3
August 20, 2018

THE STATE OF MINNESOTA HAS A *Hole In Its Pocket!*

Under our present Constitution, it costs more than it should to run the State.

Put Minnesota on a business basis.

Amendments are the expensive way to remodel the Constitution.

Passing the three amendments in 1956 cost the taxpayers **$204,168,** in addition to the **$1,431,-414** cost of the 1955 State Legislature which enacted the amendments.

A CONSTITUTIONAL CONVENTION gives you more for your money.

Missouri's Convention cost **$647,145,** in 1945.
New Jersey's Convention cost **$350,000,** in 1947. This is **$1,063,414 less** than the 1955 Minnesota Legislative Session.

Let's have a *Constitutional Convention* in Minnesota to SEW UP THAT HOLE IN THE POCKET!

LEAGUE OF WOMEN VOTERS OF MINNESOTA • 15th and Washington Avenues, S.E., Minneapolis 14, Minnesota

[1957?]

I'M A VOTER AND I'M MAD

Our legislature – the majority, that is – doesn't think we, the people, have enough good judgment to decide whether we want a convention to revise our State Constitution.

They won't let us vote on it.

AND YET . . .

1947 – The legislature, recognizing many faults in our present constitution, created a commission to study it.

1949 – The commission recommended 112 changes and 6 new sections. All members agreed the best way to make changes was in a constitutional convention.

1951 – The legislature voted "no" on its own commission's recommendation.

1953 – Again "No" . . .

1955 – And again "NO"!

I'M A VOTER AND I'M MAD!!

Why won't our state legislature act so that we may vote on whether we want a constitutional convention?

They say —

"*We can make changes by amendment.*"

Yet, in the last 50 years, less than 1/3 of all proposed amendments have passed.

They say —

"*A convention is too expensive.*"

One convention would not cost what piecemeal amendment over the years would cost.

They say —

"*Delegates to a convention would write a constitution which would undermine our form of government and endanger our rights.*"

Legislators seem to think our judgment is sound when we elect *them.* We would exercise the same sound judgment in electing convention delegates.

★ ★ ★

I'M A VOTER AND I'M MAD!

I want the opportunity to vote on whether there should be a constitutional convention. I'm going to let my legislators know about it.

HOW ABOUT YOU?

CONSTITUTIONAL AMENDMENTS IN BRIEF— to be voted on November 4, 1958

Amendment No. 1—Home Rule Amendment

— a complete rewriting of all sections of the Constitution relating to local government.

— main provisions deal with —

1. **SPECIAL LEGISLATION.** ***The amendment provides that a proposed law pertaining to a unit of local government:***
   - must name the villages, towns, cities, or counties involved;
   - may apply only to one town, city or other local government unit, or a group of such units within a county or adjacent counties; anything else must be general legislation;
   - needs local voter or governing body approval before going into effect;
   - may pass without local approval only if previous general law allows;
   - may be overruled by home rule charters or charter amendments adopted after the special law is passed.
2. **HOME RULE CHARTERS FOR MUNICIPALITIES.** ***The amendment permits:***
   - legislation which authorizes local government units to adopt home rule charters (cities and villages already have the power to adopt);
   - laws to provide for charter commissions, methods of amending charters, and set vote requirements for local voter approval of amendments;
   - repeal of a home rule charter, paving the way for adoption of a new charter or selection of a statutory form of government.
3. **COUNTY GOVERNMENT.** ***The amendment provides that:***
   - home rule charters for county governments may be adopted in the same manner as for municipalities;
   - in cases of city-county consolidation or separation by a home rule charter, there must be separate votes of approval in each city and in the remainder of the county;
   - county boundary changes or county seat transfers require a majority vote of approval in each county affected.
4. **"Existing laws and charters, valid when adopted, shall continue in effect until amended or repealed in accordance with this article."**

Amendment No. 2—Four Year Term Amendment

— would increase the terms of governor, lieutenant governor, secretary of state, treasurer and attorney general, from two to four years (auditor is now a four-year office), starting with the election of 1962.

Amendment No. 3—Elective Office Amendment

— would permit a legislator to run for another elective office while a member of the legislature (if elected, he must resign his legislative post);

— would permit a legislator to serve as school district or local government attorney, but not as county attorney.

Prepared as a service to the voters by the

LEAGUE OF WOMEN VOTERS OF MINNESOTA, 15th and Washington Avenues S.E., Minneapolis

Price per 100 — 50 cents

070158-50M

AN ACT proposing an amendment to the Constitution of the State of Minnesota, Article IV, Section 9, pertaining to the Legislature.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. An amendment to the Constitution of the State of Minnesota, Article IV, Sec. 9, is proposed to the people of the state for their approval or rejection, which section when amended shall read as follows:

Sec. 9. No senator or representative shall during the term for which he is elected, hold any nonelective office under the authority of the State of Minnesota except that of Notary Public or of the United States except that of postmaster. No senator or representative shall be disqualified for election to any elective office, but any senator or representative who is elected to any elective office under the authority of the state of the United States, who shall qualify for the office to which elected shall automatically terminate his term of office as senator or representative and create a vacancy therein, provided, however, that nothing herein contained shall preclude any senator or representative from serving as attorney for any school district or political subdivision of the state except that he shall not serve as a county attorney.

Sec. 2. The proposed amendment shall be submitted to the people of the state for their approval or rejection at the general election for the year 1958 in the manner provided by law for the submission of amendments to the constitution. The votes thereon shall be counted, canvassed, and the results proclaimed as provided by law. The ballots used at the election shall have printed thereon the following:

"Shall Article IV, Sec. 9 of the Constitution of the State of Minnesota be amended so as to permit a senator or representative to hold certain elective and nonelective offices under authority of the State of Minnesota or the United States?"

March 24

Give to your Constitutional Revision Chairman for her notebook

CONSTITUTIONAL
REVISION
3/24/58

Enclosed is one copy of Information on Proposed Constitutional Amendments to be Voted on November 1958. Copies were included in the kit of materials for all who attended an Area Conference. We call your attention to the fact that the State Board has voted to reconsider the League's action on Amendments 1, 2, and 3 -- that we support 1 and 2, but that we neither support nor oppose Amendment #3 - the Elective Office Amendment. The State Board decided, after full discussion, that the implications of the last phrase of the bill, "...provided, however, that nothing herein contained shall preclude any senator or representative from serving as attorney for any school district or political subdivision of the state except that he shall not serve as a county attorney," made the amendment one which does not satisfy League standards.

This action was taken after study and consultation with political scientists and others interested in state government, most of whom felt that the improvement made by the first section outweighed the possible disadvantages of the second. However, the State Board feels that the disadvantages of the second section (the lawyer-legislator rider) create new problems not now in the constitution. Therefore, despite the advantages of the first section in removing unnecessary restrictions on holding office, the Board felt that the League of Women Voters should not support Amendment #3. We will supply the public with information, as set forth in the accompanying material. See enclosure.

February 20, 1958

Dr. Charles Turck
1644 Summit Avenue
St. Paul, Minnesota

Dear Dr. Turck:

You may remember my letter of January 29, 1958 to Governor Freeman in which I asked for his opinion in regard to Constitutional Amendment #3. The Governor forwarded the letter to you as Chairman of the Governor's Advisory Committee on Ethics in Government.

The board of the Minnesota League of Women Voters is in the process of evaluating this amendment and would like to have your opinion, either personal or collective, on the questions asked in my letter.

We have discussed this amendment with Mr. William Anderson and Mr. Orville Peterson, and we would like to discuss it with you before we decide whether or not to support it. If you should like to discuss this over the phone due to the number of questions asked and the length of time it would take to answer them in written form, please call me at Melrose 3-1748.

Our board will be meeting on March 6, 1958 and would appreciate hearing from you before that time.

Sincerely yours,

Mrs. Kenneth W. Green
Minnesota League of Women Voters

Mrs. Kenneth W. Green
3025 Simpson Avenue
St. Paul, Minnesota

January 29, 1958

Memo to: Ann Green
From: B. Uppgaard
Re: Amendment #3

In working out our detailed report to the Leagues thruout the state of the three amendments to be voted on next fall, certain questions were raised regarding Amendment # 3. We agreed that in light of the questions raised we should seek several opinions of authorities on the question, review their findings, and then submit this to the MLWV Board for review.

A brief review of the facts will be helpful at this time:
At present Art. IV Sec. 9 of our state constitution reads: Restriction as to holding office. "No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluements of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature."

The constitutional amendment # 3 reads as follows:
Sec. 9. No senator or representative shall during the term for which he is elected, hold any nonelective office under the authority of the State of Minnesota except that of Notary Public or of the United States except that of postmaster. No senator or representative shall be disqualified for election to any elective office, but any senator or representative who is elected to any elective office under the authority of the state or of the United States, who shall qualify for the office to which elected shall automatically terminate his term of office as senator or representative and create a vacancy therein, provided, however, that nothing herein contained shall preclude any senator or representative from serving as attorney for any school district or political subdivision of the state except that he shall not serve as a county attorney.

The questions raised were these:
1. What were the reasons for including the section above which is underlined?
2. We wonder how a legislator can possibly escape having a conflict of interests if he is an attorney for a village, city, or school district while serving in the legislature?
3. Since we recognize that this very thing is being done at present in the legislature, is this amendment an attempt to legalize an already existing practice?

(PLEASE REFER TO THE ATTACHED LETTER TO THE GOVERNOR FOR MORE DETAILED INFORMATION)

In addition to asking the Governor for his personal feelings on this amendment, we called Professor Wm. Anderson, Mr. Floyd Flom of the Political Science Department, and Orville Peterson, attorney for the League of Minnesota Municipalities.

Unfortunately, Mr. Anderson and Mr. Flom had not studied the amendment to any extent, but both were willing to say that they felt that the good parts of this amendment far outweighed any bad which might result from the above underlined portion. Mr. Anderson said that many good men have been lost as a result of the restrictive parts of the present Art. IV Sec.9. He also said that he felt that it was a good thing to have lawyer-legislators and that they need practical experience while serving in the legislature, and this is one way they can get it.

On the other hand, Orville Peterson said that he had some personal misgivings about the latter part of the amendment, and felt that it was definitely an afterthought on the part of the authors of the amendment. He said that at present there are many legislators who are attorneys for cities, villages, and school districts and they do this by using the firm name of their particular law firm, or else calling themselves "attorney for the village" instead of "village attorney". (Apparantly there's a difference!?)

Mr. Peterson cited as an example of possible misuse of this practice that a legislator might be able to exert undue pressure on a local governmental unit to retain the legislator as attorney for that village.

By way of comparison he mentioned the private client who comes to an attorney for legal services knowing that he is a legislator and possibly thinking that this might aid him in some way with his particular problem. He said you might call these village and city governments "~~xxxxxxx~~ "public clients" in that they may have reasons for doing the same thing.

Despite thatfact that he has personal misgivings about the proposed amendment, he said that he would support it in that he feels that the first part of the amendment is so important that it overshadows the failings of the last part. In addition, he has not found evidence of any particul misuse of this practice to date, even tho he was able to cite a number of legislators who are doing this.

He was extremely interested in our concern over this matter and said that he intended to discuss this with Senator Fraser. He doubts that the amendment will pass due to the ambiguous wording, and if not, hopes that there will be more public interest aroused on the matter just discussed.

January 29, 1958

Governor Orville L. Freeman
Office of the Governor
St. Paul, Minnesota

Dear Governor Freeman:

The Minnesota League of Women Voters is in the process of discussing and evaluating the three constitutional amendments to be voted on in the fall. Mrs. Uppgaard and I have been going over Amendment #3 and in our talks together certain questions and certain reservations have arisen regarding it.

The questions that came to mind in our discussion were roughly these:

1. What were the reasons for including the section reading "that nothing herein contained shall preclude any senator or representative from serving as attorney for any school district or political subdivision of the state except that he shall not serve as county attorney"?

   We recognize the importance and desirability of allowing a state senator or representative to run for another elective office without resigning his present office and of dropping the one year waiting period; but it seems as though these things are completely unrelated to the problems involved in allowing a legislator to be an attorney for a city, village, or school district while serving in the legislature.

2. Also, we feel that the wording of the amendment is bad and the public will be completely unaware of what it is actually voting on.

3. We wonder how a legislator can possibly escape having a conflict of interests if he is an attorney for a village, city, or school district while serving in the legislature. For example:

   If a legislator is a village attorney and the village is interested in highway construction or improvement, would he be impartial as he served on the Highways Committee or on the Appropriations Committee?

   If a legislator is an attorney for a school district and the school board would like the bonded indebtedness increased, would his attitude in the legislature be fair and impartial?

   What would his attitude be if a legislator were also a village attorney, and the Attorney General was asked for an opinion on the constitutionality of a bill relating to that village which has been passed by the legislature of which the attorney was a member?

   It is our feeling that an attorney is in a peculiar position in that he is, or should be, bound by a code of ethics for his profession and that this does not allow for that much conflict of interest.

4. Admittedly there are legislators at present who are attorneys for cities, villages, and possibly school districts, only they do this by using the firm name instead of their own name or some other means. Do you, or the legislators, condone this practice, and if so, is this amendment an attempt to legalize an already existing practice?

By way of rebuttal people ask us if we feel this is as bad as having an attorney for a trucking firm, for example, serve in the legislature on a committee having to do with trucking and highways? Perhaps not; but we must ask ourselves if two wrongs, even though one wrong may be less than the other, make a right.

This is our thinking at present on this problem, and we will look forward to a reply from you on these questions. Thank you for your interest.

Yours very truly,

Mrs. K.W. Green
3025 Simpson
St. Paul, Minnesota

Mrs. A.O. Oppegaard
5807 Russell So/
Minneapolis 10, Minnesota

THIS IS HOW THE AMENDMENTS WILL APPEAR ON YOUR BALLOT AND VOTING MACHINE

1 "Shall the Constitution of Minnesota be amended by revising and consolidating the provisions on local government, regulating the passage of special laws relating thereto, and providing for the adoption and amendment of home rule charters by cities and villages and by other local government units when authorized by law? Yes ☐ No ☐

2 "Shall the Constitution of the State of Minnesota, Article V, Sections 3 and 5, be amended so as to provide for the election of the governor, lieutenant governor, secretary of state, treasurer, and attorney general for four year terms beginning with the general election in 1962? Yes ☐ No ☐

3 "Shall Article IV, Section 9 of the Constitution of the State of Minnesota be amended so as to permit a senator or representative to hold certain elective and non-elective offices under authority of the State of Minnesota or the United States? Yes ☐ No ☐

[1958]

Be "In the Know"

Informed voters mean better government

Be informed when you go to the polls

A QUICK LOOK AT

Constitutional Amendments 1, 2, 3

To be voted on November 4 by Minnesota Voters

Prepared and Distributed by

INFORMATION COMMITTEE
ON CONSTITUTIONAL Amendments 1 2 3

346 Griggs—Midway Building
Saint Paul 4, Minnesota
Midway 6-2743

HERE IN BRIEF IS WHAT THE AMENDMENTS ARE:

AMENDMENT NO. 1 — The Home Rule Amendment

Revises the local government sections of the constitution, particularly those dealing with home rule and special legislation. (See next page for more on this.)

AMENDMENT NO. 2

Increases the terms of Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General from two to four years, commencing in 1963.

29 states now have four year terms for governors while 19 states have two year terms. Terms of other officials vary widely.

Some arguments for the four year term are that it allows for long range planning and budgeting, it reduces the time required for campaigning, and allows more time for the job of administration. It also allows voters to concentrate their attention on state issues and national problems at separate elections. The four year term has been recommended by the Little Hoover Commission. A major argument against a change is that voters would not have as frequent opportunity to express approval or disapproval of the programs and work of these officials.

AMENDMENT NO. 3

Permits a legislator to be elected or appointed to another office provided he resigns his legislative office when he assumes the new office. This treats senators and representatives like other elected officials in Minnesota.

The amendment also permits legislators to be attorneys for local units of government and to run for any state office regardless of whether the office was created or the salary of the office increased during their term of office.

Some Questions and Answers About Amendment No. 1

Q. What is Home Rule?

A. Home rule is the power given by a state constitution to local communities to determine their own form of government. The home rule power is used by a community when it drafts, and its voters adopt, a home rule charter.

Q. How many Minnesota communities have used their home rule privileges?

A. 86 of the 102 cities in Minnesota have home rule charters. When a *village* adopts a home rule charter it automatically becomes classified as a city, regardless of size.

Q. What are "general" and "special" laws?

A. A "general" law is any law which applies to a class or group of communities, areas, or counties. A "special" law is a law which applies usually to only one or at most two or three communities, areas, or counties.

Q. How are communities governed which do not have home rule charters?

A. *Cities* not having home rule charters are governed under one of three "general" laws or under "special" laws passed by the state legislature to apply to the particular city. *Villages* are governed under a "general" law permitting them to choose certain optional plans of government set forth in the laws.

Q. What are the advantages and disadvantages of the present system whereby communities are largely or completely governed by "general" or "special" laws?

A. (1) *Advantages:* Changes in local government are obtained merely by the legislature passing a new law.

(2) *Disadvantages:* (a) "Special" laws applying to a particular community may be passed contrary to the preference of the community. (b) It concentrates local powers in the hands of legislators who are not elected for this purpose. (c) Changes in "general" laws are difficult to pass because of the many communities affected.

Q. How will Amendment No. 1 change things for cities and villages?

A. (1) It permits the legislature to lower the present high voting requirements of 4/7 now needed to adopt and 3/5 needed to amend which would make it easier for communities to adopt and amend home rule charters.

(2) It strengthens local responsibility by generally requiring that "special" laws affecting particular communities be approved by referendum in the community or by the local governing body before they take effect.

(3) It requires that "special" laws name the community affected.

(4) It provides that a charter amendment overrules an existing "special" law.

Q. How will Amendment No. 1 affect counties?

A. (1) It makes it possible for the legislature to authorize county home rule by the adoption of a home rule charter. The legislature might also authorize optional forms of county government as it presently does for villages.

(2) It provides that consolidation of a city and county can only be effected if the voters both in the city and in the rest of the county approve of it.

League of Women Voters of Minnesota, 15th & Washington Avenues S.E., Minneapolis 14,Minn.
October 14, 1960

..model press release for
use by local Leagues

VOTE YES ON AMENDMENTS 3 and 4

AMENDMENT # 3 -- CONTINUITY OF GOVERNMENT

The League of Women Voters urges support of Amendment #3.

Amendment #3 authorizes the legislature to provide for succession to the offices of Governor and Lieutencnt Governor in case of vacancies in both offices. (There is now no provision for succession beyond president pro tem of the Senate.) This Amendment also allows the legislature to provide for the continuity of state government in case of enemy attack including succession to the powers and duties of public office and change in the seat of government. (There is now no provision for such emergency.)

Amendment #3 is exceedingly important. A YES vote assures the continuity of government regardless of sudden accident (as in the airplane crash of Oregon officials a few years ago) or all out catastrpphe. VOTE YES ON #3.

AMENDMENT #4 -- VOTING RIGHTS

The League takes pleasure in its support of Amendment #4. In fact the League of Woman Voters takes prime responsibility for its being on the ballot this fall!

Amendment #4 allows the legislature to determine a place of voting for a citizen, otherwise qualified, who changes precincts within the state within 30 days of an election. (At present, a voter who moves within 30 days of an election is disenfranchised.) This Amendment also removes obsolete provisions regarding voting rights of Indians.

A cardinal principle of the League of Women Voters is support of a system of government which is responsible to the will of the people and which enables the voter to carry out his obligations as a citizen. In February 1959 the local Leagues in Minnesota reiterated their concern for the disenfranchised voter. There was almost unanimous agreement that some provision should be made to allow an otherwise qualified voter to vote for president and vice-president before he meets local residence requirements.
VOTE YES ON # 4!

CONSTITUTIONAL AMENDMENTS IN BRIEF— to be voted on November 8, 1960

Amendment No. 1 — Extension of Legislative Session; Introduction of Bills; Legislators and Elective Offices

- Retains the 90-day biennial legislative session, but allows any regular session to extend the next regular session by no more than 30 days. (Presently only the Governor may add to a legislative period, by calling a special session.)
- Requires new bills introduced after the 70th legislative day to be authorized by joint House and Senate rules. (Presently such new bills require permission of the Governor.)
- Allows a senator or representative, if otherwise qualified, to run for any elective office, provided he resigns his legislative post if elected. (Presently a legislator may not resign to run for any office during his term; and he must wait one year after his term before holding a state office, if the position was created or the salary raised by the session during which he served.)

Amendment No. 2 — Reapportionment

- Authorizes the legislature to reapportion itself after the 1970 census, and every ten years thereafter.
  . . . House of Representatives shall be on the basis of "equality according to population." (The same as at present. No standards or guarantees of what "equality" is.)
  . . . Senate is to be on the basis of "fair representation to all parts of the state." (The word "fair" is neither defined nor explained.) The five counties including and adjacent to Ramsey County, having 35% or more of the state's population, are to have 35% of the senators. (Presently the Constitution states that Senate apportionment should be based on population.)
- States that if the legislature fails to reapportion in the first regular session after each Federal census, it shall sit in special session immediately after the end of that session, without pay, for the purpose of reapportionment only, until the purpose is accomplished. (There are no enforcement provisions at present.)
- Limits the size of the legislature to 67 senators and 135 representatives. (There is now no limit on legislative size, although the present figures are 67 and 131.)

Amendment No. 3 — Continuity of Government

- Authorizes the legislature to provide for succession to the offices of Governor and Lieutenant Governor in case of vacancies in both offices. (There is now no provision for succession beyond president pro tem of the Senate.)
- Allows the legislature to provide for the continuity of state government in case of enemy attack, including succession to the powers and duties of public office and change in the seat of government. (There is now no provision for such emergency.)

Amendment No. 4 — Voting Rights

- Allows the legislature to determine a place of voting for a citizen, otherwise qualified, who changes precincts within the state within 30 days of an election. (At present, a voter who moves within 30 days of an election is disenfranchised.)
- Removes obsolete provisions regarding voting rights of Indians.

REMEMBER—FAILURE TO VOTE COUNTS AS A "NO" VOTE

Presented as a public service by the

LEAGUE OF WOMEN VOTERS OF MINNESOTA, 15th and Washington Avenues S.E., Minneapolis 14

Price 50¢ per 100

050160

League of Women Voters of Minnesota
Mrs. George Seltzer
1917 E. River Road
Minneapolis, Minnesota

April 26, 1960

FOR IMMEDIATE RELEASE

LEAGUE STAND ON AMENDMENT # 1

The League of Women Voters of Minnesota voted to take no action on Amendment No. 1 to the State Constitution to be voted on November 8th. This decision reflects the concern the League has for clearly drawn, constitutional amendments evidencing careful and considered thought.

Amendment No. 1, if passed, would change three parts or provisions of Article IV of the constitution. These three provisions refer to commendable causes: that is, the need to extend the Legislative Session, to permit Legislators to run for other offices and to cut down the number of bills introduced beyond a particular date.

The League feels, however, that irrespective of the merits seemingly contained in the amendment, (1) the voter should be able to vote on each of the three provisions separately, (2) the voter should have some evidence that proposals to amend our constitution represent the best thinking on the subject, and 3) that the voter should be presented with clearly drawn amendments that are easily understood if he is to vote intelligently. The amendment reads as follows:

> "Shall Article IV, Sections 1 and 9 of the Constitution be amended to provide for extending by law the regular legislative session for not exceeding thirty days, for restricting the time during which bills may be introduced; and for setting qualifications for legislators to be candidates for other elective offices?"

DOORWAY TO CHANGE

A STUDY OF MINNESOTA'S AMENDING PROCESS

LEAGUE OF WOMEN VOTERS OF MINNESOTA

15th and Washington Avenues S. E. Minneapolis 14, Minnesota
November 1961 110761M-20¢

INTRODUCTION

So far as League members are concerned the vitality of our state Constitution is not a dead issue. When the 1961 State League Convention elected to restudy the Constitution we were restating our belief that Minnesota's basic document needs attention. In 1948 the Minnesota Constitutional Commission recommended 34 major and 78 minor changes as well as six new sections to the Constitution. Since then the League's major efforts have been toward revision by constitutional convention. The stumbling block has been the two-thirds legislative vote required to call a convention. To date not enough legislators have been willing to delegate their revising authority to that other revising body--the constitutional convention.

On the other hand, during the period from 1948-1960, the voters accepted 13 of the amendments to the Constitution proposed by the legislature. The percentage of amendments which were successful at the polls increased markedly, reflecting, in part, greater care by legislators in drawing the amendments and more work by interested citizen groups in getting them passed. Two of these amendments, the highway and judiciary, made major revisions of whole articles. Several of them, particularly the local government amendment, closely followed the recommendations of the 1947 Commission.*

The Minnesota League, aware that the Constitution was being revised, asked itself how long it could persist in working for the convention method of revision. In reviewing the valuable amendments of the past 12 years we were impressed with how much credit for them must go to the 1947 Commission. We were interested to note that appointing constitutional commissions to study and recommend changes to legislatures is becoming another method of revising constitutions. For these reasons the League has recommended another appointed commission be formed to evaluate the important changes still needing to be made. Meanwhile the League hopes to help in this process of re-evaluation by its own study of the Constitution. To this end we begin by examining the amending article itself.

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*A three-year study by the National Municipal League on amending constitutions in the 48 states is underway. Final conclusions of this group will help us evaluate the amending method.

THE AMENDING PROCESS

How Minnesota Amends Its Constitution

If Minnesota chooses to revise its Constitution by amendments, it is necessary to examine the amending process as contained in the Constitution to see if the provisions are adequate or whether changes are needed. A. L. Sturm says, in Methods of Constitutional Revision, "Provisions for amendment (are) so rigid, in some constitutions, as practically to deprive the people of the opportunity to alter their basic law, and, in others so lax as to encourage too frequent change." Where does Minnesota stand in the balance between too rigid and too flexible? How do Minnesota's provisions compare with those of other states?

On amending procedure, the Minnesota Constitution says, in Article XIV, Section 1: "Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner provided by law, that a majority of all the electors voting at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately."

Comparison of These Provisions with Other States

Initiation

In Minnesota, initiation of amendments can be by either house of the legislature. This method prevails in most states, with some variations. (New Hampshire is the only state that does not provide for proposal of amendments by the legislature. Revision of its constitution can only be by the convention method.)

Minnesota is one of the fortunate majority of states that requires consideration of amendments by only one session of the legislature. In 13 states, including our neighbor Wisconsin, two consecutive sessions must approve an amendment, with varying majorities, before it is presented to the people. The Indiana LWV is working to change this restrictive provision of the Indiana Constitution.

Another method of initiating amendments, designed to circumvent a recalcitrant legislature, is available to 12 states of the Midwest and far West in addition to Massachusetts in the East. This process, known as the "Initiative," requires a petition to enable a percentage of voters to place an amendment directly on the ballot for ratification. The method has had limited use and limited success and is the subject for study by many protagonists and antagonists. It was proposed by Minnesota's legislature in 1916 but failed to get the voters' approval.

Vote requirement for proposal

In the preponderant number of states, an extraordinary majority of members of the legislature is necessary to submit an amendment to the voters. Minnesota is one of nine states (with consideration of amendments by only one session) that requires a simple majority of members elected to each house (note: Minnesota's Constitution says "a majority of both houses"). The majority in other states is generally 2/3; in some cases, 3/5. It is interesting that our two newest states, Alaska and Hawaii, require a 2/3 majority of each house. Before deliberating on the merits of the varying requirements, we must look at the votes required for popular ratification, since they bear a relationship to each other.

Vote requirement for ratification

All the states, except Delaware, require that amendments proposed by the legislature be submitted to the people for approval or rejection. Only passage by the legislature was necessary to amend state constitutions before 1818, when Connecticut was the first state to ask for popular ratification.

The most common vote requirement for approval of an amendment is a majority of those voting on the question. Very few states (Minnesota is one) require the higher percentage--a majority of those voting in the election. This provision would not be troublesome if all voters who came to the polls voted on the amendments. However, for many reasons--such as a long ballot and the lack of interest or knowledge on the part of the voters--a disproportionate number of voters refrain from voting on constitutional amendments. The voter who does not mark his ballot is counted as voting "no," and a favorable majority becomes difficult to obtain in many instances. Prof. William Anderson in The History of Minnesota's Constitution speaks of the illogic of assuming that a voter who does nothing is opposing an amendment. In Alabama the voter is assumed to approve, unless he strikes out or erases the amendment. This is an equally faulty assumption.

Easy versus Difficult Amendment

Minnesota History

The requirement demanding approval by a majority of those voting at the election has been in effect since an 1898 amendment to this Article. Before that time Minnesota had the easiest amending process in the nation--proposal by a simple majority of both houses and approval by a simple majority of those voting on the question. The easy amending process was the result of a compromise between the Republicans and Democrats who drafted our constitution in 1857. The Republicans gave up their drive for Negro suffrage in exchange for the simpler amending provision, hoping to gain this objective and others by amendment at a later date. (The amendment providing for Negro suffrage was adopted in 1868.) Why Minnesota adopted the more difficult provision in 1898 has not been fully explained, although there is some conjecture that important interests and large businesses favored the change for special reasons. Incidentally, the amendment stiffening the amending process would have failed to pass under our present method, since it did not receive a majority of votes cast in the election!

Years	Number of Amendments Proposed	Number Adopted	Number Rejected	Percentage Adoptions	Percentage Rejections
1858-1898	66	48	18	72.7	27.3
1900-1946	80	26	54	32.5	67.5
1948-1960	26	13	13	50.0	50.0

1949 91

What the chart means

The chart shows that for about 50 years after the difficult amending process went into effect there was a drastic reduction in the percentage of amendments adopted. It also shows that despite the high percentage of rejections the legislature continued to propose many amendments, not only because more were needed, but because some amendments had to be submitted again and again. There is some thought that other factors besides the difficult amending process may have contributed to the failure of a large percentage of the amendments, especially in the light of recent successes under the same amending requirements. An analysis of the 54 amendments rejected from 1900 to 1946 shows that all but two of them would have passed by a simple majority of those voting on the question. (The two that failed decisively were (1) an amendment to establish a state-owned grain terminal in 1924 and (2) an amendment to encourage a sales tax in 1936.) Of the 54 amendments that failed, about 3/4 of them would have passed under the requirement of a 60% majority of those voting on the question.

Recent Minnesota trends

Since 1948, the trend towards approval of amendments has taken a sharp upturn.* A large share of credit undoubtedly goes to the Minnesota Constitutional Commission of 1947-48 for its thorough and professional job of analyzing and proposing needed changes in our Constitution. All of the 13 amendments approved in the period from 1948 to 1960 not only passed under our present system but passed with more than a 60% majority of those voting on the question. Of the 13 amendments rejected from 1948 to 1960, six received a majority of votes cast on the question. A requirement of a 60% majority of those voting on the question would have resulted in passing two of these proposals. For an analysis of amendments from 1948 to the present see Appendix I.

Other factors involved

Today seven states follow the easy amending process. These states have not proposed an exorbitant number of amendments nor have they passed any greater percentage of those proposed than quite a few other states (see Appendix II). We must conclude that there are other factors involved in the successful passage of amendments, such as care and deliberation in the drafting by the legislature and an informed electorate.

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* Actually from 1954-1960 the percentage adopted rose to 78.5% of those proposed by the legislature.

Pros and Cons on Vote Requirements

What vote requirements are desirable and workable in a good amending process? Generally, in a great majority of states, when an extraordinary majority is required for proposal by the legislature the vote for approval by the people is a simple majority of those voting on the amendment. This was the position of the 1947 Minnesota Constitutional Commission whose recommendation was a 2/3 legislative vote and a majority of those voting on the question. Each state constitution has characteristics peculiar to its own situation and care must be exercised not to assume that what is good for another state, or a majority of states, is necessarily (on that basis only) a solution for Minnesota. Informed opinion tends to support the view that the amending process should be more difficult than the ordinary legislative process but not excessively difficult. How this is accomplished is debatable. The mere fact of needing voter approval at all makes the process more difficult.

Legislative vote requirements

Some argue that an extraordinary majority requirement in the legislature limits proposals of amendments to those with wide support and keeps down the number of decisions a voter must make at the polls. Others say that the high majority required weakens the character and quality of amendments because it is necessary to please so many legislators of different persuasions for a favorable vote. It is, in effect, a rule by minority since so few can block a proposal. Another point is made by A. L. Sturm (op. cit.): because most state constitutions contain so much legislative detail (matters of statutory law rather than constitutional law) it would seem consistent to demand a simple majority to change it as with other legislation.

Popular ratification vote

Two arguments can be forwarded in defense of the provision requiring a majority of those voting in an election to ratify an amendment. It can be said that a great deal of voter education and awareness must take place for an amendment to pass. This seems highly desirable considering the importance of amending our basic document. Another favorable aspect of the present method is that a majority of the electorate must approve a change in its constitution. When only a majority of those voting on the question is required it is possible for a small minority of the total voters to pass an amendment. However, logic seems to indicate that decisions on constitutional issues should be left to those who have sufficient interest to be informed and vote on them. There are ways to insure that an adequate number of voters take part. For instance, Nebraska and Hawaii require that the affirmative votes cast on the question be not less than 35% of the total votes cast in the election. The percentage could even be 40%. Another possibility is to require an extraordinary majority of 55% or 60% of those voting on the amendment. This too would reduce the chances that the outcome would have involved too few voters.

Other Amending Provisions

Publication of proposed amendments

All but five states recognize the importance of informing the citizenry in making changes in a constitution by constitutionally requiring publication of proposed amendments. Publication is generally in the daily or weekly press, but Connecticut and Minnesota publish amendments along with the session laws

of the legislature. These are available to the public upon request. North Dakota and Massachusetts require that the full text, plus pro and con arguments, be mailed to each registered voter. If Minnesota were to have such a plan, some form of distribution might be devised through the local election officials since voter registration is not required in every municipality.

Special Elections

In most states, as in Minnesota, amendments are submitted at the next general election. Nine states permit the governor or legislature to call a special election especially for emergencies. Minnesota, according to an attorney general's ruling during the 1961 Legislative Session, may not call a special election under the constitution. If Minnesota law had provided for a special election, the pending debt limit amendment, on which the state building program depends, could have been decided instead of having to wait for the next general election of November 1962.

Limitations on Revision by Amendment

Problems faced by other states in using the amending process to revise their constitutions have to do with restrictive provisions on the number, character, and frequency of proposals. Kansas, for one example, limits to three the number of amendments that may be submitted at any one election, while Vermont may only submit amendments to the people every ten years. (LWV's in both of these states are interested in changing these requirements.) In some states a proposal that is defeated at the polls cannot be re-submitted for three or five years. Most of the states, including Minnesota, require that if two or more amendments are submitted at the same time they must be voted on separately. This situation does not preclude the complete revision of one article by one amendment, as we have seen by the judiciary amendment passed in 1956 or the substantial changes made in the highway article. There is no constitutional requirement that each amendment be limited to a single point. This has been a legislative determination and the courts have stated that issues "may be submitted in a single proposal if they are rationally related to a single purpose." This opinion was cited by Justice Loevinger in the 1960 test* of the legality of Amendment #1 which contained proposed changes to more than one section of Article IV. The decision to approve Amendment #1 as it stood was not unanimous and was based largely on deference to legislative judgment, precedence of action on former amendments, and the time factor.

Nine co-ordinated amendments resulting from a commission study were submitted to the people of New York in 1938 and six were adopted. Georgia, with no restrictions, was able to revise its whole constitution as one amendment in 1943. Oregon passed an amendment in 1960 allowing the legislature to submit a revision of all or any part of the constitution as one amendment.

Rep. Douglas Head of Minneapolis introduced an amendment to Article XIV in the last session of the legislature which provided for an exception to the rule that amendments be voted on separately. The exception, as stated in the bill, is "amendments which are submitted to remove obsolete material from the constitution, to rearrange and consolidate material in the constitution." The bill was not acted upon.

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* Fugina vs. Donovan 1104 N.W. 2nd 9 11

Summary of Minnesota's Position

While Minnesota does not have the easiest amending process, neither does it have some of the obstructive restrictions that plague other states. One conclusion is inescapable--the ratio of amendments adopted to those proposed doesn't bear much relationship to the ease or difficulty of the amending provisions. The constitution provides the tools with which to operate; how well they are used depends on the skill of the legislature in the first instance and the judgment of the people in the second. Procedures should be devised which result in as precise reflection as possible of the popular will. In examining the amending process in Minnesota, we would do well to be guided by this statement of W. Brooke Graves in State Constitutional Revision: "If a state constitution is to serve its proper purposes, the door must be open to change by reasonable procedures. Where the amending process is too difficult, such as the requirement of an extraordinary popular vote, the document tends to get out of date; on the other hand, if the amending process is too easy, then the constitution tends to get out of hand. Ideally, the amending process should be more difficult than the ordinary legislative process, but not impossibly difficult."

Determining the ease or difficulty of the amending process, in the last analysis, is a matter of political opinion, according to Professor Anderson who says (perhaps with tongue in cheek), "that amending process is too difficult which prevents a favored amendment from passing, and that process is too easy which permits the passage of an amendment to which one is opposed."

APPENDIX I

26 Proposed Amendments to the Minnesota Constitution
1948 - 1960

#	Year	Subject of Amendment	A or R	Yes Vote	No Vote	Total Vote at General Election	Yes Vote Percent of Total
1	1948	reapportionment of gasoline tax	R	534,538	539,224	1,257,804	42.49
2	"	permit vote on 2 or more amendments at one time	R	319,667	621,523	"	25.41
3	"	permit 2/3 of legis. to call a const. conv. without vote by people	R	294,842	641,013	"	23.44
4	"	bonus for veterans of World War II	A	664,703	420,518	"	52.84
1	1950	1% of occupation mining tax for vet's bonus fund	A	594,092	290,870	1,067,967	55.62
2	"	new fund for a forestry management program	R	367,013	465,239	"	34.37
3	"	reap. of gasoline tax	R	420,530	456,346	"	39.37
1	1952	change in loan requirements for trust funds	R	604,384	500,490	1,460,326	41.38
2	"	60% vote of people on rev. const. by convention	R	656,618	424,492	"	44.96
3	"	clarify voter's qualific.	R	716,670	371,508	"	49.07
4	"	allow legis. to extend probate court jurisdiction	R	646,608	443,005	"	44.27
5	"	reap. of motor vehicle tax	R	580,316	704,336	"	39.73
1	1954	allow legis. to extend probate court jurisdiction	A	610,138	308,838	1,168,101	52.23
2	"	stockholder liability	A	624,611	290,039	"	53.47
3	"	60% vote of people on revised const. by conv.	A	638,818	266,434	"	54.69
4	"	vacancies in elective offices	A	636,237	282,212	"	54.46
1	1956	revision of judiciary article	A	939,957	307,178	1,443,856	65.10
2	"	reap. of gasoline & motor vehicle taxes, revision of highway article	A	1,060,063	230,707	"	73.41
3	"	diversion of occupation mining tax from permanent funds to current school needs	A	1,084,627	209,311	"	75.12

#	Year	Subject of Amendment	A or R	Yes Vote	No Vote	Total Vote at General Election	Yes Vote Percent of Total
1	1958	revision of provisions relating to home rule and local government	A	712,552	309,848	1,178,173	60.47
2	"	4 year terms for state constitutional officers	A	641,887	382,505	"	54.48
3	"	permit legislators to hold other elective offices	R	576,300	430,112	"	48.91
1	1960	permit legislators to hold other elective offices; lengthening of legislative session	R	733,434	501,429	1,577,509	48.39
2	"	reapportionment of legislative districts	R	600,797	661,009	"	38.08
3	"	continuity of government	A	974,486	305,245	"	61.77
4	"	waive 30 day residence for moving voter; remove obsolete Indian provisions	A	993,186	302,217	"	62.32

= Amendment number on ballot; year = election year; A or R = adopted or rejected

Mitau - "Constitutional Change by Amendment," pp 482-483
Adapted from Minnesota Law Review - January 1960

APPENDIX II CONSTITUTIONAL PROVISIONS FOR AMENDMENTS (1954) and NUMBER OF AMENDMENTS FOR EACH STATE (1953)

State	Legislative Vote Required for Proposal	Vote Required for Ratification	Consider-ation by 2 sessions	Total Amendments Proposed	Total Amendments Adopted	Time of Popular Referendum
Alabama	3/5 of members elected to each house	Majority on proposal	No	181	95	Next gen. elec. or spec. elec. to be held within 3 months
Arizona	Majority of members elected to each house	Majority on proposal	No	87	35	Next gen. elec. or spec. elec. called by legislature
Arkansas	Majority of members elected to each house	Majority on proposal	No	---	42	Next gen. elec. for senators & repres.
California	2/3 of members elected to each house	Majority on proposal	No	482	272	As legislature prescribes
Colorado	2/3 of members elected to each house	Majority on proposal	No	140	56	Next. gen. elec. for general assembly
Connecticut	Maj. vote in house, 1st passage; 2/3 mem. each house, 2nd passage	Majority voters at town meetings	Yes	63	47	At special town meetings
Delaware	2/3 of members elected to each house	No requirement for for popular vote	Yes	41	21	No requirement of popular vote
Florida	3/5 of members elected to each house	Majority on proposal	No	140	89	Next. gen. elec. or spec. elec. called under emer'y prov.
Georgia	2/3 of members elected to each house	Majority on proposal	No	101	83	Next general election
Idaho	2/3 of members elected to each house	Majority of the electors	No	96	58	Next general election

Illinois	2/3 of members elected to each house	Majority of electors voting in elec. or 2/3 voting on proposal	No	24	10	Next general election for general assembly
Indiana	Majority of members elected to each house	Majority of said electors	Yes	37	18	Not specified
Iowa	Majority of members elected to each house	Majority on proposal	Yes	23	20	As general assembly prescribes
Kansas	2/3 of members elected to each house	Majority on proposal	No	66	40	Next general election for representatives
Kentucky	3/5 of members elected to each house	Majority on proposal	No	37	15	Next general election for house of reps.
Louisiana	2/3 of members elected to each house	Majority on proposal	No	347	302	As legislature prescribes
Maine	2/3 of members elected to each house	Majority on proposal	No	93	75	Next bien. Sept. town meetings
Maryland	3/5 of members elected to each house	Majority on proposal	No	87	69	Next general election
Massachusetts	Maj. of members elected sitting in joint session	Majority on proposal	Yes	98	81	Next general state election
Michigan	2/3 of members elected to each house	Majority on proposal	No	110	55	Next spring or autumn general election
Minnesota	Majority of members elected to each house	Majority in election	No	158	76	Any general election
Mississippi	2/3 vote of each house	Majority qualified electors	Insertion after referendum	---	35	An election
Missouri	Majority of members elected to each house	Majority on proposal	No	7	4	Next gen. elec. or spec. elec. called by gov.
Montana	2/3 of members elected to each house	Majority on proposal	No	41	26	Next general election for legis.

Nebraska	3/5 of members elected to legislature	Majority on proposal	No	110	65	Next general election for legis.
Nevada	Majority of members elected to each house	Majority on proposal	Yes	92	56	As legislature prescribes
New Hampshire	----	---	---	194	105	---
New Jersey	3/5 of members elected to each house	Majority on proposal	Contingent on size of vote	0	0	Next general election
New Mexico	Majority of members elected to each house	Majority on proposal	No	76	27	Next gen. election or special election
New York	Majority of members elected to each house	Majority on proposal	Yes	144	110	As legislature prescribes
N. Carolina	3/5 of members elected to each house	Majority of votes cast	No	104	80	Next general election
N. Dakota	Majority of members elected to each house	Majority on proposal	No	109	63	Any statewide elec. or spec. elec. called by governor
Ohio	3/5 of members elected to each house	Majority on proposal	No	132	66	Next gen. elec. or spec. elec. prescribed by general assembly
Oklahoma	Majority of members elected to each house	Majority at election	No	110	36	Next gen. election or special election
Oregon	Majority of members elected to each house	Majority on proposal	No	206	92	Next general elec. or special election
Pennsylvania	Majority of members elected to each house	Majority on proposal	Yes	77	53	As general assembly prescribes
Rhode Island	Majority of members elected to each house	3/5 on proposal	Yes	56	32	Next April town meetings

South Carolina	2/3 of members elected to each house	Majority on proposal	After pop. approval	342	215	Next gen. elec. for representatives
South Dakota	Majority of members elected to each house	Majority on proposal	No	119	57	Next general election
Tennessee	Maj. - 1st passage; 2/3 mem. elected to each house - 2nd passage	Majority at election for governor	Yes	24	0	As legislature prescribes
Texas	2/3 members elected to each house	Majority on proposal	No	197	110	As legislature prescribes
Utah	2/3 members elected to each house	Majority on proposal	No	81	52	Next general election
Vermont	2/3 of senate, maj. of house 1st passage; maj. of both houses, second passage	Majority on proposal	Yes	120	40	As general assembly prescribes
Virginia	Majority of members elected to both houses	Majority on proposal	Yes	30	23	As general assembly prescribes
Washington	2/3 of members elected to each house	Majority on proposal	No	56	28	Next general election
W. Virginia	2/3 of members elected to each house	Majority on proposal	No	47	27	Next general election
Wisconsin	Majority of members elected to each house	Majority on proposal	Yes	87	56	As legislature prescribes
Wyoming	2/3 of members elected to each house	Majority at election	No	36	18	Next general election
Alaska	2/3 of members elected to each house	Majority on proposal	No			
Hawaii	2/3 maj. of each house or maj. vote at each of two successive sessions	Majority on proposal	Contingent on notice to governor			Next general election

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League of Women Voters of Minnesota, 15th & Washington S.E., Minneapolis 14, Minn.
November 1961 110961M

STUDY QUESTIONS FOR PROPOSED CONSTITUTIONAL AMENDMENTS

No. 1 - Trust Fund Amendment

1. Why was the amendment proposed by the legislature?

2. Which trust funds are affected by the proposed amendment?

3. Are the trust funds continuing to grow in size?

4. Have the constitutional provisions relating to these funds been kept brief, with details left to the legislature, or have they become detailed and tied the legislature's hands? If detailed, in what ways?

5. What are the principal changes proposed in Amendment #1?

6. What advantage would there be in allowing the legislature to designate by statute how trust funds could be invested (as is done for insurance companies, retirement funds, etc.) rather than writing these rules into the constitution?

7. Would the recommendations of the Governor's Committee on the Investment of State Trust Funds have written more detail into the constitution on the funds or less than the proposed amendment?

8. How does the present rate of return on fixed governmental securities compare with other types of investments?

9. Is the outlook on common stocks and corporate bonds equally good? What danger signals are seen for common stocks?

10. In what ways does the amendment meet the criteria of a good amendment and in what ways does it fail to meet them?

No. 2 - Debt Amendment

1. What is the constitutional debt limit and what is the present state debt?

2. How has the state managed to get around the debt limit?

3. Why is this amendment being proposed at this time?

4. What are the principal changes that would be made in the constitutional debt provisions if Amendment #2 were to pass?

5. What kinds of restrictions on borrowing have been written into many state constitutions?

6. What are a few of the main arguments for and against writing strict controls into the constitution?

No. 3 - Length of Session Amendment

1. What indications have we that the legislature needs to be in session longer?

2. Has Minnesota always had 90-day biennial sessions?

3. Is the trend among states in the direction of longer or shorter sessions?

4. Name some groups favoring the unlimited session for state legislatures.

5. List major arguments for and against the annual session.

6. What advantages and disadvantages can you see in the alternate budget session plan?

7. Why should the legislature have the right to call a special session as well as the governor?

8. What advantage would result from allowing the governor to limit the agenda when he calls a special session?

9. What were the pro and con arguments for Amendment #3 suggested by some of our state legislators?

League of Women Voters of Minnesota, 15th & Washington S. E., Minneapolis 14, Minn.
November 1961 111061D

CONSENSUS SHEET ON STATE ITEM I
(Amending Process and 3 Constitutional Amendments)

Local League Boards please return to State League Office by March 1, 1962.

Consensus on Amending Process

Give your choice on the following:

Legislative vote for proposal of amendments: 2/3 ____; 3/5 _____;

simple majority _____

Popular ratification of amendments by: Majority of votes in election _____

Majority of votes on amendment _____

3/5 vote on amendment _____

Majority of votes on amendment plus percentage of votes cast _____

Permission for governor or legislature to call a special election: Yes _____

No _____

Do you have other suggestions for amending?

* *

Consensus on Amendment #1 (Trust Funds) Support _____ Oppose _____

Consensus on Amendment #2 (Debt Limit) Support _____ Oppose _____

Consensus on Amendment #3 (Length of Session) Support _____ Oppose _____

Comments:

Date _____

_____
League of Women Voters

League of Women Voters of Minnesota, 15th & Washington S.E.,Minneapolis
December 1961 122461M-Free

SUPPLEMENT: PROPOSED AMENDMENTS TO MINNESOTA CONSTITUTION 1962

The following facts will correct and clarify portions of the LWV resource material on Amendments I and II. They were brought to our attention by Robert Blixt, Executive Secretary of the State Investment Board.

Amendment I - Investment of Minnesota's Trust Funds

1. On page 4: In discussing the reasons for the proposed amendment it should be made clearer that there are two ways in which the amendment hopefully would increase trust fund earnings: 1) by allowing the investment of trust funds in certain new types of securities, stocks, and bonds now excluded by the constitution; 2) by allowing the Investment Board to sell, at less than cost, stocks and bonds in which trust funds are now invested--with the provision that any net loss in principal resulting therefrom is to be repaid from subsequent earnings.

   This second way is important. If the amendment were passed, for example, U.S. government obligations, purchased in the past and bearing low interest rates, could be sold, the proceeds from the sale could be used to buy recent U.S. government obligations which yield as much as 2¼% higher interest. On the present market, the old bonds would have to be sold at a loss of approximately $25 to 30 million, but the greater return on the new bonds would still make the transaction profitable. Under the present constitution the courts have construed "inviolate and undiminished" to mean that no such sales at less than cost can be permitted because this would result in "diminishing" the principal. Had the proposed amendment been in effect years ago, the currently held low-interest bonds could have been sold before their value declined so markedly, with the double advantage of a smaller loss in their sale and an earlier re-investment of the proceeds in bonds yielding a higher rate of interest.

2. On page 8: The explanation of why the Permanent University Fund is not included in the amendment's proposed changes is incomplete. This fund was omitted at the request of the Board of Regents because the Board hopes to handle its own funds in the near future. From 1851 to 1863 the Regents controlled investment of University funds. In 1863, at their request, a law was passed to give the state this authority. An attorney general's opinion in 1955, however, stated that the Board of Regents still has authority to invest the Permanent University Fund as it sees fit, subject only to the limitations of Article 8, Section 6. (They may invest in municipal and school bonds or farm mortgages but have not done so for several decades. No other constitutional provisions govern investment of these funds. Currently they are almost completely in U.S. government obligations.) To date no agreement has been reached between the Regents and the legislature on the transfer of the funds. Because of uncertainty about who is to handle the funds, it was decided by the legislators to leave the present Permanent University Fund provisions intact. The wisdom of allowing these provisions to remain in the article is debatable.

3. On page 7: The Committee on the Investment of State Trust Funds actually suggested more detailed constitutional provisions than the proposed amendment contains. Amendment I noticeably reduces Article 8. The question remains--could it leave still more to statutory law?

4. The House vote on Amendment I was 68-50; the Senate, 56-0.

Amendment II - State Debt Limit

On the top of page 13: The discussion of Certificates of Indebtedness omits mention of an important reason why new constitutional debt provisions are needed.

Because of the low debt ceiling in the present constitution, the state has had to do its "illegal" borrowing from the state's trust and retirement funds rather than from private investors. The rate of interest paid has been higher than it would have been if the state could have sold its Certificates of Indebtedness on the open market where competition for such securities tends to bring the going interest rate down. The fact that income from interest earned on such an investment is not subject to federal and state income taxes is of benefit to many private investors (they can afford to lend at a lower rate of interest and still come out well), but this feature is of no added benefit to state trust funds because they are already tax exempt. It is estimated that a change in the state's method of borrowing, which the proposed amendment would permit, could save the state thousands of dollars annually in interest on short term certificates alone and millions of dollars over a period of years on the entire state financing program.

January 17, 1962

LEGISLATIVE VOTE ON THREE PROPOSED CONSTITUTIONAL AMENDMENTS

	NAME	DISTRICT	#1	#2	#3
Senate	Allen, Claude H.	42	Y	N	Y
	Anderson, Ernest J.	7	Y	N	N
	Benson, C. J.	48		Y	Y
	Bergerud, Alf	36	Y	Y	Y
	Butler, Gordon H.	57	Y	Y	
	Carr, H. M.	59	Y		N
	Child, Fay G.	24	Y	Y	Y
	Davies, John P.	31	Y	Y	Y
	Dosland, W. B.	49	Y	Y	Y
	Dunlap, Robert R.	3	Y		Y
	Erickson, Chris L.	9	Y	N	
	Feidt, Daniel S.	34	Y	Y	Y
	Ferrario, Richard E.	58	Y	Y	Y
	Franz, W. J.	10	Y	N	Y
	Fraser, Donald	29	Y	Y	Y
	George, Grover C.	19	Y	N	Y
	Goodin, H. P.	35	Y	Y	Y
	Grittner, Karl F.	39	Y	Y	Y
	Hanson, Norman W.	54	Y	Y	Y
	Hanson, Rudolph	6		Y	Y
	Harren, Henry M.	46	Y	N	Y
	Heuer, Wm. C. F.	51	Y	Y	Y
	Holand, P. J.	5	Y	N	Y
	Holmquist, Stanley W.	26	Y	Y	Y
	Inn, Val	8	Y	Y	Y
	Johnson, C. Elmer	56		Y	Y
	Johnson, Ralph W.	44	Y	Y	Y

NAME	DISTRICT	#1	#2	#3
Josefson, J. A.	13	Y	Y	
Kalina, Harold	28	Y	Y	Y
Keith, A. M.	4		Y	Y
Keller, J. R.	2	Y	N	Y
Kording, Herman J.	32	Y	Y	Y
Kroehler, Franklin P.	15	Y	N	Y
Larson, Lew W.	1	Y	Y	Y
Larson, Norman J.	64	Y	N	Y
Lauerman, Leo J.	23		N	Y
Lofvegren, Clifford	47	Y	N	Y
McGuire, Michael	17	Y	N	Y
McKee, John H.	62	Y	Y	Y
Metcalf, John A.	21	Y	N	Y
Mithhell, C. C.	55	Y	Y	Y
Murray, Louis A.	66	Y	Y	Y
Nelson, Harold S.	16	Y	N	Y
Novak, Edward G.	38	Y	Y	Y
O'Loughlin, Harold J.	40	Y		
Olson, John L.	11	Y	Y	Y
Peterson, Elmer	60		Y	Y
Popp, Harold R.	22		Y	Y
Richardson, John L.	45	Y	N	
Root, Charles W.	33	Y	N	Y
Rosenmeier, Gordon	53	Y	N	Y
Salmore, Raphael	43	Y	Y	Y
Schultz, Harold W.	37	Y	Y	Y
~~Schâltz, Harold W.~~	~~37~~	~~Y~~	~~Y~~	~~Y~~
Shipka, Vladimir	52	Y	X	Y
Sinclair, Donald	67	Y	N	Y

NAME	DISTRICT	#1	#2	#3
Sundet, A. O.	18	Y	N	Y
Thuet, Paul A. Jr.	20		Y	Y
Uldelberg, Cliff	50	Y	Y	Y
(Deceased) Vadheim, Joseph	12	Y		
Vukelich, Thomas D.	61		Y	Y
Wahlstrand, Harry	25			
Walz, Norman J.	63	Y	N	Y
Welch, Thomas P.	27	Y	Y	Y
Westin, Leslie E.	41	Y	Y	Y
Wiseth, Roy E.	65	Y		
Wright, Donald C.	30		N	Y
Zwach, John M.	14	Y	Y	Y
Representatives				
Adams, James L.	31	Y	Y	Y
Albertson, Howard R.	43	Y	Y	Y
Anderson, Harold J.	33	N	Y	Y
Anderson, Harold R.	15	Y	Y	N
Anderson, Moppy	1	N	N	
Anderson, Wendell	37	Y	Y	Y
Barr, S. R.	48	Y	Y	Y
Barsness, Edward	47	Y	Y	Y
Basford, Harry	63	N	Y	Y
Bassett, Wayne R.	11	Y	Y	N
Battles, Everett	67	Y		
Beedle, Ernest	39		Y	
Bergeson, B. J.	64	Y	Y	N
Carlson, Bernard	54	Y	Y	Y
Chilgren, E. J.	62	Y	Y	Y
Cina, Fred A.	61	Y	Y	Y
Conn, Edmond F.	6	N	N	Y

NAME	DISTRICT	#1	#2	#3
Conroy, Dan	48	N	Y	N
Cummings, Roy H.	11	N	N	Y
Cunningham, Lawrence	12	N	N	Y
Dickinson, Leonard	62	N	N	Y
Dirlam, Aubrey W.	14	Y	N	Y
Dunn, Roy E.	50	N		
Duxbury, Lloyd	1		N	Y
Enebo, Stanley A.	32	Y	Y	Y
Enestvedt, Odean	23	N	N	N
Erdahl, L. B.	7	N	N	Y
Evenson, Clarence	49	N	Y	Y
Everson, Ron	51	Y	Y	Y
Falkenhagen, Alfred	5	N	N	Y
Fena, Jack	60		Y	N
Fieldman, Mrs. Esther	63	N	Y	
Fitzgerald, John M.	21	N	N	Y
Fitzsimons, Richard	66	Y	Y	N
Franke, Donald T.	4		Y	Y
Franz, Sam	10	Y	Y	Y
French, George A.	33	N	N	N
Fudro, Stanley	28	Y	Y	Y
Fugina, Peter	61	Y	Y	Y
Fuller, Graham	12	Y	N	Y
Furst, Frank	3	N	N	Y
Gerling, Gordon	53	Y	Y	
Gimpl, Joe	56	N	Y	N
Grant, George	55	Y	Y	N
Grassing, George	24	N	N	Y
Hall, Clinton	1	N	N	N
Halsted, Charles	53	N	Y	Y

NAME	DISTRICT	#1	#2	#3	
Hartle, John	16	N	N	Y	
Head, Douglas	30	Y	Y	Y	
Hegstrom, M. K.	9	N	N	N	
Henning, H. J.	50	N	N	Y	X
Hinman, Keith	51	Y	Y		Y
Hofstad, Alvin O.	24	Y	Y		Y
House, William	57	N	Y		Y
Iverson, Carl	48	N	N		N
Johnson, Victor	67	Y	Y	N	
Jones, Richard	42	Y	Y		
Jopp, Ralph	21	N	N	Y	
Jude, Victor	27	N	N	N	
Jungclaus, Walter	22	N	N	Y	
Karvonen, George	50	Y	N	Y	
Kelly, Dr. J. J.	13	Y	Y	Y	
Kinzer, John	46			Y	
Klaus, Walter	20	Y	N	Y	
Knudsen, Eugene	25	Y		Y	
Krenik, George	17	Y	N	Y	
Kucera, Robert C.	18	N	Y	Y	
LaBrosse, Francis	59				
Langley, C. G.	19	N	N	Y	
Latz, Robert	35	Y	Y	Y	
Lee, L. J.	65	Y	Y		
Luther, Mrs. Sally	30	Y	Y	Y	
Mahowald, Robert;	45	N	Y	Y	
Mann, George	10	Y	N	Y	
Maruska, Harveydale	66	Y	Y	N	
McCarty, Glenn D.	34	N	N		
McGill, John	2	N	Y	N	

NAME	DISTRICT	#1	#2	#3
McGowan, Martin, Jr.	25	Y	Y	Y
McKenzie, William	41	Y	Y	Y
McLeod, Donald	2	N	N	Y
Meier, Leo D.	35	Y	Y	Y
Mueller, August	15	N	N	Y
Mulder, Michael	40	Y	Y	Y
Munger, Willard	59	Y	Y	Y
Murk, George	29	Y	Y	Y
Nelson, R. N.	49	Y	Y	N
Newhouse, Julian	47	Y	N	N
Nordin, John H.	44	Y	Y	Y
Nordlie, O. Gerhard	26	N	N	Y
Noreen, Roger F.	57	Y	Y	Y
Nurminen, Birger	54		Y	Y
O'Dea, Richard	43	Y	Y	Y
Odegard, Robert	55	Y	Y	N
Parish, Richard	36	Y	Y	Y
Parks, Clifton	42	N	N	
Paulsen, Harvey N.	14	N	N	Y
Peterson, A. Harold	56	Y	Y	Y
Peterson, C. Donald	36	Y	Y	Y
Peterson, Jack M.	58	Y	Y	Y
Podgorski, Anthony	38	N	Y	Y
Popovich, Peter	40	Y	Y	Y
Prifrel, Joseph	38	N	Y	Y
Renner, Robert	52	N	Y	N
Richardson, Hervey	48	Y	Y	Y
Richie, Richard	37	N	Y	Y
Rutter, Leren	60		Y	Y
Sabo, Martin	31	Y	Y	Y

NAME	DISTRICT	#1	#2	#3
Schaffer, Emil	5		N	Y
Schulz, Roy	8	N	Y	Y
Schumann, M. C.	45	N	Y	N
Searle, Rod	16	N	Y	Y
Shovell, William	41		Y	Y
Skeate, John P.	29	Y	Y	Y
Stone, Ivan	14	Y	Y	Y
Swanson, Donald	8	Y		
Swanson, Glen W.	27	Y		N
Tiemann, Edward	46	Y	Y	
Tomczyk, Edward	28	Y	Y	Y
Van Santen, Peter	50	N	Y	Y
Volstad, Edward	32	Y	Y	Y
Vexland, Roy	19	N	Y	Y
Wangensteen, George	52	Y	Y	Y
Wanvick, Arne	56	Y	Y	Y
Warnke, Curtis	13	Y	Y	Y
Wee, Reuben	12		Y	N
Wichtermann, E. M.	65	Y		
Wilder, Harvey A.	66		Y	Y
Wozniak, D. D.	39	Y	Y	Y
Wright, F. Gordon	34	N	Y	Y

Grace Wilson
File
F3 D2 B2

PROPOSED

AMENDMENTS

TO

MINNESOTA'S CONSTITUTION

1962

League of Women Voters of Minnesota, 15th & Washington Avenues S.E., Minneapolis 14
Revised January, 1962 110861MD-50¢

INVESTMENT OF MINNESOTA TRUST FUNDS
(Constitutional Amendment #1)

The 1961 Legislature passed a bill to amend the Constitution by relaxing the constitutional provisions governing investment of the permanent trust funds.(.) This bill is to appear as Constitutional Amendment #1 on the November 6, 1962, ballot. Because only the income from investment of principal can be spent, the purpose of the proposal is to enable realization of a greater return on the monies held in trust. Before listing the amendment's provisions a description of the trust funds and their history is in order. (1) Vote: House, 68-50; Senate, 56-0.

Trust Fund History

Although the proposed amendment does not affect all of the trust funds, in practice they tend to be treated together and will be so considered here.*

1. Permanent School Fund--the only trust fund established by the Constitution (1858). Its principal was originally derived from sale of lands granted to the State by the United States for the use of schools. In 1922 an amendment was adopted dedicating to this Fund 40% of the occupation tax on iron ore; it has been the main source of the millions of dollars which have accrued to the principal. A 1956 amendment directed that 40% of the occupation tax be used for support of the elementary and secondary schools of the state, rather than salted away in the Permanent School Fund for investment use only. All of the proceeds of this Fund are used for elementary and secondary public schools.

2. Swamp Land Fund--established by constitutional amendment in 1881. Derived from the sale of swamp lands held by the State, its income is dedicated half to the public schools and half to public institutions.

3. Internal Improvement Land Fund--originated by a constitutional amendment adopted in 1872, to consist of monies received from the sale of lands donated to the State by the United States for the purpose of internal improvement (roads, canals, etc.). It provided for no appropriation of its income until approved by the electorate, which in 1884 pledged it to the payment of the 1857 defaulted railroad bonds. After these bonds were retired the income was dedicated to the Road and Bridge Fund by an amendment adopted in 1897.

4. Permanent University Fund--established by statute in 1870. An 1896 amendment provided that the Permanent School, Permanent University, and Swamp Land Funds might be invested in bonds of political subdivisions of the state. Upon the passage of the Iron Ore Occupation Tax amendment in 1922 the principal of the University Fund was increased annually by 10% of the occupation tax collections. The 1956 amendment provided that this 10% be spent directly for the general support of the university rather than accrue to the principal of the Permanent University Fund.

A 1914 amendment, recognizing that some school and other public lands were better suited to forestry than to agriculture, set them apart as school forests and provided that the net revenue from timber sales be placed in the respective trust funds. Another source of increment to the funds has been the royalties paid on iron ore mined on the trust fund lands.

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* The Permanent School Fund and the Swampland Fund are the two funds affected by Amendment #1.

Changes in Trust Fund Provisions

The development of Minnesota's trust funds reflects changes in thinking regarding purposes and functions of constitutions during the last half of the 19th and early part of the 20th centuries. Constitutions became lengthy and detailed instead of short and confined to fundamental law. Many restrictions were imposed on legislators. This resulted in more and more amendments as conditions changed.

The first trust fund was established by the Constitution and specified only that it be a perpetual fund and that the principal be forever preserved inviolate and undiminished. Not until 1872, when the Internal Improvement Fund was established, were the objects of investment of a fund specified. Investment at that time was restricted to "bonds of the United States, or the State of Minnesota issued since 1860." The 1872 amendment was followed two years later by the amendment to the Permanent School Fund of the clause directing the investment of the principal of that fund in "interest bearing bonds of the United States, or of the State of Minnesota, issued after the year 1860, or of such other state as the legislature may, by law, from time to time direct." In 1886 another amendment was added to Article 8 allowing the permanent school funds to be loaned to the counties or school districts of the state to be used in the erection of county or school buildings. In 1896 another extension of allowable investments of the trust funds was written into the Constitution as Section 6 of Article 8, providing that "The permanent school, permanent university and swamp land funds of this state may be loaned to or invested in the bonds of any county, school district, city, town, or village of this state" upon the meeting of certain conditions. In 1916 the last extension of investment was added to this section to include first mortgage loans secured upon improved and cultivated farm lands of the state.

Modifications that have been made since that time have been in the conditions to be met, such as the percentage of bonded indebtedness to assessed valuation of the political subdivisions, the rate of interest and the term of the bond issue. These limitations have made it difficult for the state to invest the trust funds, and each time a change is needed the constitutional amendment process must be resorted to.

Present Trust Fund Provisions Summarized

In summary: We have four funds, the principal of which "shall forever be preserved inviolate and undiminished," meaning that only the income from investment of the money can be spent, which principal can be invested only in interest-bearing bonds of the United States, of the State of Minnesota and other states, in the bonds of political subdivisions of Minnesota and in first mortgage loans upon improved and cultivated farm lands of Minnesota.

The funds and their principal balances as of June 30, 1961, were:

	Amount Invested plus cash on hand
Permanent School Fund	$231,863,306.79
Permanent University Fund	46,094,427.34
Swamp Land Fund	28,156,594.54
Internal Improvement Land Fund	409,192.54
TOTAL	$306,523,521.21

How Trust Funds are Invested (June 30, 1960)

U. S. Government Bonds	81.4%
Loans to Minnesota Municipalities	1.3%
Minnesota Bonds	.9%
State Certificates of Indebtedness	16.3%
Bonds of other states	.1%

Proposals of Amendment #1

Briefly, the proposed changes are:

1. To combine the Permanent School Fund and the Swamp Land Fund into a single fund;

2. To authorize investment of the fund (computed on the cost price of the stocks or bonds) in:

   (a) Interest bearing fixed income securities of the U. S. and of its agencies, fixed income securities guaranteed in full as to payment of principal and interest by the U. S.,* bonds of the State of Minnesota, of its political subdivisions or agencies, or of other states, with the limit that not more than 50% of any issue by a political subdivision shall be purchased;

   (b) Stocks of corporations on which cash dividends have been paid from earnings for five consecutive years or longer immediately prior to purchase, but not more than 20% of the fund shall be invested in corporate stocks at any given time, nor more than 1% in any one corporation, nor shall more than 5% of the voting stock of any one corporation be owned;

   (c) Bonds of corporations whose earnings have been at least three times the interest requirements on outstanding bonds for five consecutive years or longer immediately prior to purchase, but not more than 40% of the fund shall be invested in corporate bonds at any given time.

3. To modify the provision for preserving the principal of the fund "inviolate and undiminished forever" to this extent: "The principal of the permanent school fund shall be perpetual and inviolate forever; provided, that this shall not prevent the sale of any public or private stocks or bonds at less than the cost thereof to the fund; however, all losses not offset by all gains, shall be repaid to the fund from the interest and dividends earned thereafter." This is considered an important improvement by the state treasurer.

4. To distribute the net proceeds to the different school districts in the state in proportion to the number of schclars in each district between the ages of 5 and 21 years.

   Two changes would be effected by this provision. First, the specification of "net" implies that costs of administration be deducted before distribution is made. Under present provisions, this practice has been ruled unconstitutional.

   Secondly, all of the swamp land fund's proceeds would go to the schools thus eliminating one-half of the income which presently is appropriated to state institutions. In 1960-1961 this income to institutions amounted to $405,619.73. Since it went to many institutions, none benefited greatly.

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* This refers to U. S. agencies as the Federal Housing Administration or the Commodity Credit Corp., whose obligations are not issued by the U. S. Treasury but are fully guaranteed by it.

5. To establish a board of investment consisting of the governor, the state auditor, the state treasurer, the secretary of state, and the attorney general, to approve any contemplated investment, and to administer and direct the investment of all state funds. There are already two other provisions on the same subject in the Constitution; i.e., Article 8, Section 5, requires approval of loans to counties or school districts for building purposes by a board of investment consisting of the governor, the state auditor, and the state treasurer; whereas Article 8, Section 6, requires the approval by a "board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state." By statute, the present State Board of Investment consists of the governor, the state auditor, the state treasurer, the attorney general, and a member of the University Board of Regents. The new provisions would take priority over these and would substitute the secretary of state for a member of the Board of Regents.

6. To prohibit the state board of investment from permitting the fund to be used for the underwriting or direct purchase of municipal securities from the issuer or his agent. This means the state would need to buy securities on the open market and would prevent private deals between the state and bond agents.

7. To amend Section 6 of Article 8 to eliminate mention of the Permanent School Fund and the Swamp Land Fund.

Trust Funds not affected by these provisions

This amendment does not affect the present status of the Permanent University Fund. This fund was omitted at the request of the Board of Regents because the Board hopes to handle its own funds in the near future. From 1851 to 1863 the Regents controlled investment of University funds. In 1863, at their request, a law was passed to give the state this authority. An attorney general's opinion in 1955, however, stated that the Board of Regents still has authority to invest the Permanent University Fund as it sees fit, subject only to the limitations of Article 8, Section 6. (They may invest in municipal and school bonds or farm mortgages but have not done so for several decades. No other constitutional provisions govern investment of these funds. Currently they are almost completely in U. S. government obligations.) To date no agreement has been reached between the Regents and the legislature on the transfer of the funds. Because of the uncertainty about who is to handle the funds, it was decided by the legislators to leave the present Permanent University Fund provisions intact.

The amendment also does not affect the investment policies of the Internal Improvement Land Fund.

Reasons for the Proposed Amendment

To produce more income

There are two ways in which the amendment hopefully would increase trust fund earnings: 1) by allowing the investment of trust funds in certain new types of securities, stocks, and bonds now excluded by the constitution; 2) by allowing the Investment Board to sell, at less than cost, stocks and bonds in which trust funds are now invested--with the provision that any net loss in principal resulting therefrom is to be repaid from subsequent earnings.

This second way is important. If the amendment were passed, for example, U. S. government obligations, purchased in the past and bearing low interest rates, could be sold; the proceeds from the sale could be used to buy recent U. S. government obligations which yield as much as 2¼% higher interest.

On the present market, the old bonds would have to be sold at a loss of approximately $25 to 30 million, but the greater return on the new bonds would still make the transaction profitable. Under the present constitution the courts have construed "inviolate and undiminished" to mean that no such sales at less than cost can be permitted because this would result in "diminishing" the principal. Had the proposed amendment been in effect years ago, the currently held low-interest bonds could have been sold before their value declined so markedly, with the double advantage of a smaller loss in their sale and an earlier re-investment of the proceeds in bonds yielding a higher rate of interest.

To Meet the Need for More Income

In addition, the need for the money is much greater because of tremendously increased costs of government caused by rising costs, expanded services, and an exploding population. Education accounts for a larger fraction of state general expenditures than does any other function, and that is the function with which we are primarily concerned in considering the investment of the trust funds. As the number of persons to be educated increases, and as the cost of providing that education continues to increase, the desirability of realizing the highest possible income from the funds set aside to help support public education mounts. In addition, it would seem only common sense to invest the available monies at the highest possible yield.

Recommendations of Study Groups

Minnesota Constitutional Commission Suggestions

That the problem was not a major consideration in 1948 when the Minnesota Constitutional Commission made its intensive study may be inferred from its recommendations, which were that "The principal of the net proceeds of these (all the trust fund) lands, may be invested only in bonds of the United States, the State of Minnesota, and its political subdivisions and bonds of other states as may be provided by law." A note appended states that "The Commission has eliminated the possibility of the investment of the trust funds in farm mortgages and has recommended that the investment of such funds be confined to federal, state, and local bonds." The Commission did recommend specifically that the costs of administration be deducted from the income arising from the investment of these funds before distribution be made to the dedicated purposes (also in proposed amendment). It also recommended not to write into the constitution such provisions as the assessed value against which loans might be made to local governments, the interest rate and duration of such loans, and the distribution of the proceeds of the Permanent School Fund "in proportion to the number of scholars in each township between the ages of 5 and 21." On the last point the Commission recommended simply that the income from the School Fund be appropriated to the public schools. The details should be left to the legislature in each of these matters.

Minnesota Tax Study Commission Suggestions

The Minnesota Tax Study Commission, a legislative interim commission of the 1953 Legislature, made its report in December of 1954. By that time a general decline in interest rates had become more pronounced and the commission commented that "under the existing constitutional limitations on the investment of these funds, not much improvement in the yield can be expected unless there is a general increase in all interest rates." It suggested that the legislature consider the advisability of submitting a constitutional amendment for the purpose of increasing the yield upon the principal of the state's permanent trust funds from (a) the fixed income securities now authorized but which cannot be purchased because of the narrow limitations now prescribed, (see page 2) and (b) investing

a limited portion of all permanent trust funds of the state in other than fixed income securities, providing for proper and adequate safeguards including a competent investment board whose members shall all have had adequate experience in this field of investment (proposed amendment meets these suggestions for the most part).

Professor Rosental's Study

Alek A. Rosental of the School of Business Administration of the University of Minnesota conducted a comprehensive study of the investment policy of Minnesota trust funds in 1955. In it he analyzed the types of investments made by other institutions which have large sums of money to invest for the highest possible return and which must safeguard their funds for depositors or clients. These most comparable institutions include savings banks, life insurance companies, educational endowment funds, private trusts, public and private retirement funds, and other state permanent trust funds. Unlike our trust funds most of these funds are subject to unannounced withdrawal and hence investments must sometimes be sold whether or not the market is especially propitious. The point is stressed that investments such as would be made of the trust funds are not at all speculative in nature, that is, the income would not be dependent upon profits made by buying and selling, but that they are made for long-term interest or dividend yield.

Recent Investment Trends

The trend in recent years in all such financial institutions has been to allow greater latitude in investments. With the exception of state trust funds, investments made by such financial institutions are governed by statute. The result is that there has been a marked decline in the proportion held in government obligations and an increase in corporate stocks and bonds.

The various states' trust funds are still the most rigidly controlled because in many instances their operations are restricted by constitutional provisions. Where possible, the scope of investments has been broadened by statute. Texas, the only state which has larger trust funds than Minnesota, approved a constitutional amendment in 1956 enabling the investment of as much as 50% of its assets in corporate stocks and bonds.

Rosental's Recommendations

Professor Rosental outlined an enlightened investment policy, which would, first, broaden the eligibility provisions regarding securities. It would include among governmental securities those fully guaranteed, although not directly issued, by the Treasury; and corporate securities, which would include bonds, debentures, preferred and common stocks; it would ideally not set percentage limits of the amounts invested in any single type of investment, and would require competent and skilled management to insure adequate diversification of the portfolio, that is, to be sure of having sufficient variety so that capital losses in some would be offset by gains in others.

Investment Department Established

In 1959 the legislature established a department to advise the State Board of Investment in determining the investment policies to be adopted for the various state funds and in implementing these policies through the actual purchase and sale of securities. The Board of Investment is responsible for the investment of the retirement funds as well as the trust funds. In its report to the legislature in February, 1961, the new department said that the Board had made certain exchanges of U. S. government securities which have been beneficial to the trust funds. The largest exchange resulted in increased income to the funds of over

$400,000 per year, or approximately $8,500,000 during the 19½ year period through 1980, the maturity date. Robert E. Blixt, the Executive Secretary, adds, "Additional investment rearranging, under the existing Constitutional restrictions, appears to be very limited in scope. It is evident that a constitutional amendment such as that suggested by the Governor's Committee, is necessary before the beneficiaries of the State Trust Funds can receive a more adequate income."

Committee to study and recommend

Late in 1959 the Committee on Investment of State Trust Funds was organized at the request of the governor "to study the investment policy of the four permanent trust funds of this state, with a view to setting forth recommendations on how to improve the rate of return on invested assets." Its report shows a continuation of the same trend pointed out by Mr. Rosental four years earlier. As of June 30, 1960, the trust funds had an investment of 81.4% of total assets in U. S. governmental obligations. The remaining 18.6% was invested in state and municipal bonds including those of the State of Minnesota and its subdivisions. The report showed the average interest rate on total assets of the four funds was 2.78%. This rate of return is low compared with other types of investments as shown in the table below.

Comparison of Yields
Various Objects of Investment

Type	Period	Rate
Minn. Trust Funds, Govermental obligations	6/30/59 to 6/30/60	2.78%
Mutual savings banks, real estate mortgages	1959	4.57%
Average yields, high grade (Aaa) corporate bonds (Moody's)	1959	4.38%
Moody's average yield, preferred stocks	1959	4.78%
Moody's common stock average (200 stocks)	1950-1959	4.80%

There are many other factors to be considered in the development of a sound investment policy, but most of them are beyond the scope of this review and need not be considered in deciding whether or not the proposed constitutional amendment is sound and worthy of support. Suffice it to say in summary of the Governor's Committee report that securities other than government obligations have been yielding a higher rate of return during the last 15 years, that the trend has been for legislatures to relax restrictions on investments of fiduciary institutions during this period, that in the management of the state trust funds the paramount consideration must continue to be the safety and preservation of principal, and that even a 1% differential in yield amounts to $3,000,000 per year on a principal of $300 million.

Committee on Trust Funds' Recommendations

In the suggested revisions of Article 8 of the Constitution, the Governor's Committee on the Investment of State Trust Funds specifies 14 types of investments to be authorized, setting detailed conditions for eligibility. In addition, they add the prudent man clause, common to many investment statutes, as follows: "Be it further provided, however, that any investments under this Article shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived." Finally they removed the management of the Permanent University Trust Fund from the State Board of Investment and gave it back to the Board of Regents. The Committee's recommendations are more detailed than proposed Amendment #I.

Economic Considerations

Since hindsight is so much better than foresight, it is easy to see that investments in corporate securities made fifteen, ten and even five years ago were made at a favorable time--a time of general economic expansion. Whether or not the trend will continue and how to cope with it is primarily the business of the investment managers, and need not concern us too much in considering the amendment. Some signs have developed, however, which point toward a slowing-down of corporate earning power. Among them are increased competition resulting in cutting of prices with consequent lowering of profits, forcing companies to produce more and more goods in order to maintain earnings at a static level. Common industrial stocks are yielding only 3%, whereas high-grade bonds can be bought to yield 4½%. Unless we stand on the threshold of another wave of business expansion, dividends on common stocks are likely to fall below the 3% level, in which case they would not necessarily produce a bit better yield than do the fixed interest-bearing securities of the United States at the present time.

Two assumptions in large part govern our economy today. They are (1) that the United States will never again have another great depression and (2) that inflation is here to stay. Therefore, as long as the supply of printed money continues to increase, it probably behooves us to do what we can to get our share of the devalued dollar income. At the same time we might look toward placing greater safeguards than this proposed amendment delineates to hang onto the number of dollars we already have as the principal balance of the trust funds. As long as we assume that we shall never experience another great depression, we perhaps need not worry about default on corporate bonds and subsequent loss to the principal of the funds.

What are the criteria for judging the merits of this proposed amendment, and how well does it meet them?

1. Does it meet the definition of fundamental law which properly belongs in the Constitution?

   No. It contains too much detail which ideally ought to be left to the discretion of the legislature. It does eliminate a substantial amount of old clutter but adds some new clutter. The Model State Constitution (1948) does not specify any objects of investment. Investments which should be allowed at any particular time can be classified as measures of temporary importance which are better not cast into permanent form by constitutional provision.

In addition, why should the composition of the Investment Board be frozen by constitution? And why should the legislature not be trusted to prohibit such things as the use of the fund for the underwriting or direct purchase of municipal securities from the issuer or his agent?

2. Is it sufficiently general in scope to be a good amendment, or would it only serve to add to the haphazard, patchwork mending of our present constitutional faults?

No, to the first part of the question. The proposed amendment would affect only two of the four trust funds--the Permanent School Fund and the Swamp Land Fund. It would have no effect at all on investment of the Permanent University Fund as discussed earlier on page four. The amendment also does not propose to disturb the present investment policies of the Internal Improvement Fund. At first glance, that this was not included is logical, as it is contained in a different article of the constitution (4). But it could and should have been included in this proposal under the Supreme Court Decision (Fugina v. Donovan, 1960, N.W. 2d 911) stating that "Proposed constitutional amendments that might be submitted separately may be submitted in a single proposal if they are rationally related to a single purpose, plan, or subject..."

Thus, it is not general enough in scope and it would make for patchwork mending of the constitution's faults.

3. Does it preserve the intent of our founding fathers to perpetuate the trust funds inviolate and undiminished?

The proposed amendment provides (1) "Within limitations prescribed by law, to secure the maximum return thereon consistent with the maintenance of the perpetuity of the fund. ." and (2) "The principal of the permanent school fund shall be perpetual and inviolate forever; provided, that this shall not prevent the sale of any public or private stocks or bonds at less than the cost thereof to the fund; however, all losses not offset by all gains, shall be repaid to the fund from the interest and dividends earned thereafter." These statements should protect the principal of the fund. As stated earlier this last provision will allow the sale of United States' bonds yielding low interest rates. These sales will mean a temporary loss to the principal which will be offset by increased earnings from more lucrative investments. The provision does recognize the original intent of keeping the funds intact as well as the need to increase the interest earnings.

Two other points might stand examination on this criteria of perpetuating the trust funds. They are the proportions of the fund to be allowed in corporate investment and the criteria of eligibility for purchase. As far as the percentages are concerned, they seem to follow the trend established by similar fiduciary institutions. The procedure is that the investments would be made gradually over quite a long period of time, so that the maximum allowable proportions would not be reached in the near future, thereby reducing the risk of the new investments and of market changes.

Five years does not seem to be a very long period on which to judge the behavior of a corporation in the long run. As the market and economic conditions change, such eligibility requirements might well be subject to change, which is a reason for their inappropriateness in the basic law. The legislature would have the power to make the requirements more, but not less, stringent.

4. Is the purpose for which the amendment has been proposed a worthy one?

Yes. It has been pointed out that on account of inflation the effective income from the investment of these funds has been stationary in the face of increased principal and under present policies and continuation of inflation can be expected to decline. Proposals for investment follow present practices of conservative investment groups such as life insurance companies and college endowment funds. These groups are currently earning considerably more on their investments than are Minnesota's trust funds.

APPENDIX A -- MINNESOTA TRUST FUNDS

Permanent School Fund and Swamp Land Fund

	Present, 1961	Amendment Proposed for 1962 General Election
STRUCTURE	Separate trust funds, although subject to same provisions except for use of income derived	Combine into a single fund
INVESTMENT	Interest bearing bonds of the U.S., of Minnesota or of other states; bonds of Minnesota political subdivisions	(1) Interest bearing fixed income securities of the U.S. and its agencies, fixed income securities guaranteed by the U.S., bonds of Minnesota, of other states, and of Minnesota subdivisions; (2) corporation stock not to exceed 20% of the fund; (3) corporate bonds, not to exceed 40% of the principal of the fund.
PRINCIPAL	"Shall be perpetual and forever preserved inviolate and undiminished."	Shall be perpetual and inviolate forever, except that stocks or bonds may be sold at less than the cost to the fund, but such sales resulting in net loss to the fund shall be repaid to the fund from the interest and dividends earned subsequently.
ADMINISTRATIVE COSTS	Not deductible from income derived from investment of principal, before distribution.	Proceeds available for distribution to schools would be investment income less the costs incurred in obtaining it.
USES		
Permanent School Fund	Income distributed to the different townships of the state in proportion to the number of scholars in each Twp between the ages of 5 and 21 years.	Net interest and dividends shall be distributed to the different school districts of the state in proportion to the number of scholars in each district between the ages of 5 and 21 years.
Swamp Land Fund	One-half of proceeds shall be appropriated to the common school fund of the state;	Net interest and dividends shall be distributed to the different school districts of the state, etc., as immediately above.
	The other one-half shall be appropriated to the educational and charitable institutions of the state.	This clause abolished by omission.
Permanent University Fund		No changes proposed in this amendment.
Internal Improvement Land Fund		No changes proposed in this amendment.

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THE DEBT AMENDMENT
(Constitutional Amendment #2)

During the final days of the 1961 special session, legislators hurriedly passed a state debt amendment, with the Senate voting 37-22 and the House 86-36. While there was reluctance among some of those who voted for the bill, the overriding argument was need to annul the old debt limit of $250,000 in order for the state's $33 million building program to proceed. League members now must decide whether the proposed amendment is good enough to substitute for the admittedly outdated constitutional provisions, or whether, at the sacrifice of delaying state building construction, they would prefer that the legislature propose an improved amendment next session. What we decide will surely affect the vote outcome next November.

The legislators' compulsion to act resulted from a state supreme court warning issued in April of 1960. In Naftalin vs. King the court warned that in the future it would declare present methods of financing debt unconstitutional. Despite the $250,000 debt limit, which was written into the original constitution in 1857, current state indebtedness stands at $192,737,903.24 (June, 1961).

Outstanding Bonds and Certificates of Indebtedness
As of June 30, 1961

Minnesota Seaway Property Conservation	$ 4,000,000.00
Minnesota State Parks	367,500.00
Minnesota Aeronautics	5,050,700.00
Minnesota School Aid (Debt service Loan Fund)	4,468,333.34
University, Teachers Colleges and State Building	126,401,369.90
Rural Credit Deficiency Fund Certificates of Indebtedness	9,000,000.00
TOTAL	$149,287,903.24
Trunk Highway Bonds	43,450,000.00
TOTAL OUTSTANDING INDEBTEDNESS	$192,737,903.24

Debt Defined

A definition of debt is: the amount the state is bound to pay in excess of its current revenues, or an obligation secured by the full faith and credit of the state. Debt is discharged from general tax revenues.

History of the State Debt

Problems with the low debt ceiling began early in the state's history. When hospitals for the mentally ill and other public institutions were to be erected in the 1870's, it was thought necessary to pass an amendment to the constitution to authorize additional borrowing for this purpose. Two unfortunate constitutional amendments were passed by the voters to allow the state to borrow more than the $250,000 limit. First, a debt amendment was passed to help build railroads early in the state's history. The railroads defaulted and left the state arguing for 25 years on how the money was to be repaid. Secondly, in 1922 the legislature created a Rural Credit Bureau to make loans for farm relief. Nine million dollars of indebtedness still remains as a result of unwise loans to farmers.

Besides using constitutional amendments to circumvent the rigid constitutional debt provisions, the legislature found a method to evade them without recourse to the slow and expensive amendment process. This has involved the issuance of certificates of indebtedness which are payable from special funds rather than from the general revenue. In operation, this has meant the state levies a tax which goes into a special fund, which, in turn, is used to repay the certificates. Because the supreme court allowed this method of getting around the debt limit some 80 years ago, later court tests continued to permit it on the basis of those earlier favorable decisions. This continued until the Naftalin-King case when Justice Dell pointed out the credit of the state is actually pledged when the certificates of indebtedness are issued, and that the special fund, used to pay the debt, is the result of taxes levied generally against the property of the state. In other words, the certificates are actually state debt. The legislature must act to make the debt constitutional.

Another consequence of the low debt ceiling is that the state has had to borrow from the state trust and retirement funds rather than from private investors. The rate of interest paid has been higher than it would have been if the state could have sold its certificates of indebtedness on the open market where competition for such securities tends to bring the going interest rate down. The fact that income from interest earned on such an investment is not subject to federal and state income taxes is of benefit to many private investors (they can afford to lend at a lower rate of interest and still come out well), but this feature is of no added benefit to state trust funds because they are already tax exempt. It is estimated that a change in the state's method of borrowing, which the proposed amendment would permit, could save the state thousands of dollars annually in interest on short term certificates alone and millions of dollars over a period of years on the entire state financing program.

Problems Created by the Warning

The legislature borrowed no additional money for building construction in the last session awaiting passage of this proposed amendment. Meanwhile, because the constitutionality of the certificates is in question, the state has been unable to get more than a double A credit rating. If Minnesota's debts were to become constitutional beyond any doubt, the state's rating could become a triple A and this would, of course, reduce interest costs.

Another problem waiting to be solved because of the court's warning involves the present status of the state trust and retirement funds. The state has borrowed from these funds against the certificates of indebtedness. If the certificates are ruled unconstitutional, this jeopardizes the status of these borrowed funds.

Proposed Constitutional Amendment

In response then to the court's warning and the urgent need to borrow for building, legislators have suggested changes in Article 9, Sections 5, 6, and 7. (Note Amendment #2 and the present Article 9, Minnesota Constitution.)

Section 1 of the Amendment rewords Sections 5, 6, and 7.

Section 5--The proposed wording omits the first part of the present Section 5 which defines the limit and the procedure for acquiring and financing debt. It retains the outdated phrase "the state shall never be a party in carrying on works on internal improvements," which reflected 19th century ideas on the role of a state. It also retains the portion on the excise tax on motor fuels and the highway user fund, which would appear more logically in Article 16 on highways.

Section 6, Subdivision 1: The state would be allowed to contract public debt by levying taxes on real and personal property and for purposes outlined in the next subdivision.

Subdivision 2: Outlines four purposes for which public debt may be contracted and provides for a three-fifths vote by the members of each legislative branch as the one requirement for the incurring of debt. Currently the constitution allows debt only for extraordinary expenditures (up to $250,000 and by two-thirds vote of members of each branch), for emergencies, and for rural credits to farmers (no longer done in practice).

Subdivision 3: Allows certificates of indebtedness for short time borrowing in anticipation of taxes and provides for emergencies when revenues are less than expected.

Subdivision 4: Specifies bonds as the form to be used to incur debt (except as in subdivision 3). Maturing date shall be for no longer than 20 years; purpose of debt must be specified in each law. The treasurer is to maintain a special fund for debt repayment from money the auditor raises by levying on all property a tax sufficient to pay each year's principal and interest costs. Funds from other sources may be appropriated by the legislature to the state bond fund.

Section 7: Exceptions are given to the above rules for incurring public debt. "Debt" is defined, and in so doing projects payable from revenues other than taxes are eliminated as debt (e.g., tollbridges and toll roads).

Section 2 of the Amendment repeals Section 14 of Article 9. Section 14, passed in 1872, allowed a special debt increase to finance the building of certain state hospitals and a state prison.

Section 3 of the Amendment states the wording of the amendment as it will appear on the ballot.

Use of Debt Controls in the USA

Will Minnesotans be making it too easy for legislators to borrow against the future by adopting Amendment #2? In 1842 in Rhode Island a constitutional provision to prevent accumulation of state debt appeared for the first time. Disastrous state borrowing experiences between the years 1830-1890 resulted in a number of states following this example. Today all but four states-Connecticut, New Hampshire, Tennessee and Vermont-have debt control provisions in their constitutions.

Common Types of Restrictions on Borrowing

a. A maximum on the amount of debt. This may be absolute (as in our present constitution); limits range from $50,000 - $2,000,000. In most states a limit can be bypassed by popular vote. A few states limit borrowing to a percentage of assessed valuations or a percentage of yearly state appropriations. B. U. Ratchford in American State Debts (1941) subscribes to a plan whereby the state debt is set at a sum not to exceed the average state revenue over the preceding five years. Such a plan is flexible by expanding or contracting with revenues. It exerts a steady pressure. It does not decline sharply in periods of depression. It leaves little room for misinterpretation by the courts. (Amendment #2 sets no limit, absolute or otherwise.)

b. Constitutional amendment or a referendum. These are used when the debt exceeds a limit. Twenty states require an amendment, twenty a referendum. (Amendment #2 would require neither.)

c. Extraordinary majorities in the legislature. Where legislatures are permitted to borrow without popular approval several states require an extraordinary two-thirds or three-fourths majority vote of the legislature. (Amendment #2- three-fifths of legislators of each house.)

d. Specify purpose for which debt incurred. About one-half the states require this. (Amendment #2 does this.)

e. Specify number of years for bond retirement. Twenty-one states demand this and an additional five require a tax to be levied at the time loans are approved to pay the principal and interest. (Amendment #2 - 20 years retirement. Also provides for auditor to levy tax each year to pay principal and interest on state bonds due within the fiscal year.)

f. Prohibition against lending the state's credit for benefit of individuals or private enterprises. (Amendment #2 limits debt to "public debts." Our present constitution, Article IX, Section 10, prohibits giving or loaning credit of state to aid individuals, associations, or corporations.)

What the Experts say about Debt Controls

Arguments in favor of controls

In the states where the legislature has had wide discretion in determining borrowing policies, the debts are larger than where borrowing is limited by constitutional amendment or by referendum (see Table 1). The Tax Foundation, in Constitutional Debt Control in the States (1954), summarizes its position by concluding that constitutional debt limitations tend to keep down state debt despite loopholes discovered by state officials and the courts. It recommends limitations which can be flexible enough to accommodate demonstrated capital needs. It believes referendum or amendments discourage officeholders from succumbing to the temptation to provide programs which will be paid for by others later on. Also controls are valuable in providing increased public discussion and presentation of the facts by civic-minded groups. Other advantages seen are that debt controls protect investors in government obligations; they have a beneficial effect upon the credit of the state and its bond quality; they make it difficult or impossible for debt service costs to become so high that essential services have to be curtailed.

Arguments against strict controls

One finds a general tendency for experts to worry less about debt controls since the end of World War II than prior to this time. Anderson, Penniman, and Weidner, in Government in the Fifty States (1960), say "Students of public finance formerly worried a great deal about the borrowing and debts of state and local governments...today the difference is so great, and men think in utterly different terms about debt, that state and local indebtedness no longer cause as much concern...being widely distributed, state and local bonds issue at such low rates of interest that the tax burden to support the debt is proportionately smaller."

W. Brooke Graves, in American State Government (1946), says flatly, "constitutional restrictions on the borrowing power of states have been numerous, some are drastic, but the record shows they have not been very effective in holding down the total amount of state debt." In addition he believes former abuses of state credit by legislators should not be held against them today, that referendums violate the principle of the short ballot, and the voters' tendency is to pass them in order to let others meet the payments of debts.

In State Constitutional Revision (1960) edited by Mr. Graves, Frank Landers, director of the budget division, Michigan State Department of Administration, says less arbitrarily that it's true that limits don't limit; they simply make fiscal powers more cumbersome, but sometimes they do stop runaway borrowing. The evidence is not conclusive.

The most recurring objection to strict debt controls has been that governments find techniques for getting around them (in Minnesota by issuing certificates of indebtedness). Also some states have created a special authority, as an agency or commission, with power to issue bonds. These special authorities create non-guaranteed, long-term debt, with funds to repay this debt coming from a special fund. Courts have usually allowed this kind of weakening of debt control.

Comparisons

In the Minnesota Constitutional Commission's recommendations of 1948, no limit was placed on the amount of debt the legislature could incur, but a two-thirds vote of the legislators was specified. Other suggested provisions meet those of the proposed amendment. Three fairly recent constitutions, those of Hawaii, New Jersey, and Alaska, all include constitutional debt control provisions stricter than Amendment #2. The first two have flexible debt limits with recourse to a large legislative majority or a popular referendum if the debt exceeds the limit. Alaska demands a majority of those voting on the question for all debts passed by law.

Minnesotans View Amendment #2

Senator Donald O. Wright, Minneapolis, Chairman of the Senate Tax Committee, who voted against the amendment, believes there should be an absolute debt limit beyond which the state could not incur debt without submitting the matter to a referendum in the form of a constitutional amendment. He is concerned with accumulating public debt and mentioned the federal debt structure as an example of this. In addition, Senator Wright believes Section 6, Subdivision 2 (a) is too loosely drawn and should have been followed by language which could have made it clear that the state and its political subdivisions must use borrowed funds only for recommended governmental activities.

Senator Gordon Rosenmeier, Little Falls, who also opposes the amendment, does so principally for the following two reasons: first, because it would open the use of state credit for loans to any agency or political subdivision (this had not been in the original Senate bill); secondly, he wanted more study of the possible alternative of a cash basis for all future building. Senator Rosenmeier did not list in his objections to the amendment the fact that there is no debt limit or popular referendum requirement.

Representative Roger Noreen of Duluth, one of the authors, feels that the philosophy of no debt limit for capital improvement purposes is one that is not new to Minnesota, as the state has in effect been operating for a great number of years without any legal debt limit.* He feels that the legislature has not incurred capital debt unwisely under the present situation even though many large building programs have been passed and built. Mr. Noreen believes that a specific debt limit of some large dollar amount without limitation as to purpose would permit borrowing for current expenditures which he believes is highly undesirable. He feels that with the recent supreme court decision it is absolutely imperative that this amendment be passed.

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* In other words, despite a $250,000 debt limit, the current debt is about 193 million dollars due to the evasive device of the certificates of indebtedness.

State Treasurer Val Bjornson would very much like to see the amendment passed, even though he would have preferred an amendment in which state debt was based on a percentage of assessed valuation rather than no debt limit. He is, however, satisfied with the amendment and feels it would be a great tragedy for the state of Minnesota if the amendment does not pass, since the state building program would come to a halt. He noted another proposed debt limit amendment to the constitution could not be voted upon by the people until the next general election in 1964.

As with most public questions the case for or against strict constitutional debt controls is not clear cut. The most important consideration involves how far we feel we can trust our Minnesota legislators to decide what are necessary capital expenditures and how much debt we can afford.

CONSTITUTIONAL DEBT CONTROL PROVISIONS

Present	Proposed
1. $250,000 absolute debt limit.	1. No debt limit.
2. 2/3 legislative vote for incurred debt.	2. 3/5 legislative vote.
3. Amendment to constitution required to spend more than $250,000.	3. Amount of debt depends on legislature entirely.
4. Purposes for which debt may be incurred are to defray extraordinary expenditures.	4. Purposes: a. To acquire and improve public land and buildings and other improvements of a capital nature. b. To provide money to be appropriated or loaned to any agency or political subdivision of the state for the raasons in (a). c. As authorized in any other section of the constitution. d. For temporary borrowing. e. For refunding outstanding bonds of the state or its agencies and for refunding certificates of indebtedness. f. For emergencies.
5. Purpose of debt must be specified.	5. Purpose of debt must be specified.
6. 10 years for bond retirement.	6. 20 years.
7. Exceptions to the above rules for contracting debt are war, invasion or insurrection and the rural credit system.	7. Exceptions - war, invasion, insurrection and temporary borrowing.

TABLE 1

PER CAPITA TOTAL OUTSTANDING STATE DEBT AND TAX REVENUE
Fiscal Year 1953

Constitutional Amendment			Popular Referendum			Legislative Act		
State	Debt (End of Year)	Tax Revenue	State	Debt (End of Year)	Tax Revenue	State	Debt (End of Year)	Tax Revenue
Average[a]	$ 43.24[b]	$ 65.96	Average[a]	$ 49.46	$ 69.16	Average[a]	$ 77.18[c]	$61.44
Alabama	23.77	51.58	S. Carolina	64.68	72.52	Delaware	313.02	72.44
Arizona	3.07	82.36	Arkansas	67.96	55.55	Massachusetts	86.53	65.82
Colorado	11.57	76.53	California	57.13	94.44	Maryland	91.16	64.37
Florida	21.90[d]	77.26	Idaho	2.05	64.82			
Georgia	19.71	61.13	Illinois	39.48	56.57	Connecticut	121.06	63.21
Indiana	5.79	67.87	Iowa	11.85	65.46	Mississippi	37.74	52.22
Louisiana[e]	75.33	101.95	Kansas	2.27	68.45	New Hampshire	58.71	51.17
Michigan[e]	52.23	85.02	Kentucky	3.47	47.00	Tennessee	33.95	56.54
Minnesota[e]	37.19	74.57	Maine	72.48	63.78	Vermont	11.66	74.04
Nebraska	2.30	44.64	Missouri	4.77	51.09			
Nevada	4.50	84.44	Montana	74.29	60.53			
N. Dakota[e]	51.55	74.37	New Jersey	83.14	36.41			
Ohio[e]	56.45	57.96	New Mexico	36.68	93.08			
Oregon[e]	82.72	79.62	New York	63.16	73.40			
Pennsylvania[e]	89.25	55.72	No. Carolina	62.49	68.07			
South Dakota[e]	21.78	55.91	Oklahoma	58.08	88.37			
Texas	11.07	53.28	Rhode Island	66.63	67.60			
Utah	2.02	66.41	Virginia	9.95	52.87			
West Virginia[e]	132.79	64.32	Washington	97.29	105.41			
Wisconsin	1.53	71.34	Wyoming	14.02	86.60			

a. Obtained by dividing total debt and tax revenue of states in each group (in each column) by their combined population
b. Average debt, excluding states specified by footnote (e), is $11.82
c. Average debt, excluding Delaware, is $71.97
d. Non-guaranteed debt only.
e. Veterans' bonus authorized by constitutional amendment.

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LENGTH OF SESSION AMENDMENT
(Constitutional Amendment #3)

At the 1962 general election Minnesota voters will approve or reject a proposed constitutional amendment to permit legislators to stay in session 120 days rather than 90 legislative days every other year. Since 1888 Minnesota's Constitution has limited the state legislative session to 90 days every odd-numbered year. About 25 years ago, the legislature began extending the session by "covering the clock," thus prolonging the last legislative day by some 72 hours. More recently the sessions have been prolonged by the governors calling a special session immediately after the 90 days have lapsed. In 1959 the session lasted 138 legislative days and in 1961, 108. That the state legislature needs additional time to do its work is hardly debatable. But whether this time should come in the form of additional hours, days, or sessions is a matter which probably will be debated in the coming months.

Proposed Amendment

In addition to permitting legislators to stay in sessin 30 more legislative days, the amendment would also increase from 20 to 30, the number of days before the end of the session when new bills must have the written consent of the governor in order to be introduced. The amended section 1 of Article IV would read:

> Section 1. The legislature shall consist of the Senate and House of Representatives. The senate shall be composed of members elected for a term of four years and the house of representatives shall be composed of members elected for a term of two years by the qualified voters at the general election.*
>
> The legislature shall meet at the seat of government in regular session in each odd-numbered year at the time prescribed by law for a term not exceeding 120 legislative days; and no new bill shall be introduced in either branch, except on the written request of the governor, during the last 30 days of such sessions.

A special session of the legislature may be called as otherwise provided by this constitution.**

The 1959 Amendment

A 1959 proposal to lengthen the legislative session was rejected at the polls in 1960. It would have allowed the legislature to extend the next regular 90-day session to a maximum of 30 additional days. It also provided that, after the 70th day of the session, introduction of new bills would be authorized by the joint rules of the house and senate rather than by the governor. Many people feel the amendment was opposed not so much for the change in sessional limitation as for a third provision which allowed a legislator to hold another government position, providing he resigned his legislative job. The League took no stand on the amendment principally because we believed that under the present constitution voters are to vote separately on unrelated provisions.

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* The legislator's terms of office are not contained in the present Section 1, Article IV. (Note: Minnesota Constitution)

** This refers to Article V, Section 4. The power to call a special session continues to remain with the governor.

Where the League Stands

In 1955 the Minnesota League adopted a current agenda item on constitutional revision which included a position to support "adequate time for consideration of legislation by the legislature." Now League members must decide whether this particular amendment provides a satisfactory solution to the problem.

Minnesota History

Surprisingly, Minnesota's 1858 constitution originally contained what many would consider an ideal provision: "The legislature...shall meet...at such times as shall be prescribed by law." In 1860 voters approved an amendment restricting the annual sessions to 60 days. In 1873 voters rejected biennial 70-day sessions; four years later they approved biennial 60-day sessions. A proposal to remove the time limit was turned down in 1881. The present section providing for biennial 90-day sessions was adopted in 1888. It is interesting to note no proposed amendment to change this time limit passed the legislature until 1959, despite much use of the "clock covering device." The 1961 proposal passed each house easily (House 93-24, Senate 57-2).

National Trends

Minnesota's change from a flexible to a restrictive provision followed the national pattern with regard to legislative sessions. Early legislatures, considered the bulwark of democracy, were rarely restricted; annual sessions were standard. But as a result of unwise and even dishonest legislative action more and more states began to restrict the powers of legislators. By 1900 most states had biennial sessions and this trend did not reverse itself until after World War II. At that time only five states provided for annual sessions.

Today there are 19 states, plus Puerto Rico, Guam, and the Virgin Islands, where legislatures meet annually. Nine of these states require that the alternate session be devoted solely to budget consideration. The 50 states and their restrictions on the length of session, as shown in The Book of the States, 1960-61, are listed on the next page.

ANNUAL SESSIONS

	Restriction on session length
Alaska	none
Arizona	63 C*
Georgia	40 C
Massachusetts	none
Michigan	none
Nevada	60 C*
New Jersey	none
New York	none
Rhode Island	60 L*
South Carolina	none

ANNUAL, BUT ALTERNATE YEAR IS A BUDGET SESSION

	Restriction on session length
California	120 C[1]
	30 C
Colorado	120 C*
Delaware	90 L
	30 L
Hawaii	60 C[2]
	30 C
Kansas	60 L*
	30 C
Louisiana	60 C
	30 C
Maryland	90 C
	30 C
Pennsylvania	none[3]
West Virginia	60 C[3]
	30 C[3]

BIENNIAL SESSIONS

Alabama	36 L
Arkansas	60 C
Connecticut	150 C[4]
Florida	60 C[5]
Idaho	60 C*
Illinois	none[6]
Indiana	61 C
Iowa	none[7]
Kentucky	60 L
Maine	none
Minnesota	90 L
Mississippi	none
Missouri	150 C[4]
Montana	60 C
Nebraska	none
New Hampshire	none
New Mexico	60 C
North Carolina	120 C*
North Dakota	60 L
Ohio	none
Oklahoma	none
Oregon	none
South Dakota	60 C
Tennessee	75 C*
Texas	120 C*
Utah	60 C
Vermont	none
Virginia	60 C*[8]
Washington	60 C
Wisconsin	none
Wyoming	40 C

C - Calendar Days L - Legislative Days

* - Indirect restriction on session length-legislators' pay ceases but session may continue

1. Exclusive of Saturdays and Sundays.
2. Governor may extend any session for not more than 30 days. Sundays and holidays excluded in computing number of days of any session.
3. Must be extended by governor until general appropriation passed; may be extended by 2/3 vote of legislature.
4. Approximate length.
5. Length of session may be extended by 30 days, but not beyond September 1, by 3/5 vote of both houses.
6. By custom legislature adjourns by July 1, since all bills passed after that day are not effective until July 1 of the following year.
7. Custom and pay limit session to 100 calendar days.
8. May be extended up to 30 days by 3/5 vote of each house but without pay.

Special Sessions

It is interesting to note that during the years 1958 and 1959 26 states were using special sessions to complete their work. These special session lengths ranged from 1 day to 81 days. There were 13 states with a special session lasting 10 days or longer. Of these 13 states, 9 states met biennially; the other 4 states met annually but reserved one session for budget considerations.*

* The Book of the States 1960-61

Recommendations on Length of Session

Intergovernmental Relations Commission

Because amending constitutions demands special effort, and, since voters often are reluctant to alter the status quo, it is not surprising that most states do not follow the recommendations of groups which have studied sessional limitations. One such group is the Commission on Intergovernmental Relations (often referred to as the Kestnbaum Commission). Suggested by President Eisenhower, the Commission was directed by Congress to examine the role of the national government in relation to the states and their political subdivisions. In its 1955 Report, the commission suggested that "...self-imposed constitutional limitations make it difficult for many states to perform all of the services their citizens require, and consequently have frequently been the underlying cause of state and municipal pleas for federal assistance." One of the limitations cited was that on frequency and length of sessions. Removing such limitations "would be an important step toward strengthening state government," advised this commission of congressional and civic leaders.

American Assembly

A second group started by President Eisenhower, when he headed Columbia University, is the American Assembly. The Assembly is a program of continuing conferences on "the major problems which confront America" and consists of representatives of business, labor, agriculture, the professions, political parties and government. The Eighth Assembly considered the problems of state governments and in its report, The Forty-eight States: Their Tasks as Policy Makers and Administrators, recommended that "The legislature should meet annually without limits on the length or scope of its deliberations."

Council of State Governments

A similar recommendation came from the Council of State Governments, an organization established by the states themselves in 1933 to promote interstate cooperation. The Council's Committee on Legislative Processes and Procedures, in its 1946 report on Our State Legislatures, advised "Restrictions upon the length of legislative sessions should be removed."

APSA Report

Another committee which studied legislative problems was the Committee on American Legislatures of the American Political Science Association. This committee was composed of political science professors and professional legislative and congressional personnel. In its 1954 report, American State Legislatures, the committee strongly denounced sessional limitations for intensifying "all evils associated with legislative halls. Taking advantage of the short time for deliberation, a strong minority may thwart the interest of the majority through delaying tactics...The restrictions on length of sessions are the real reasons for bad laws-not extended periods of discussion."

The committee suggested that, "No state constitution protects the interest of all the people when the question of length and frequency of legislative sessions is a forbidden topic for legislative determination...to freeze into a state constitution a restriction upon the length and frequency of legislative sessions is a reactionary and negative approach to a problem that requires the most positive and constructive analysis and remedy."

Political Science Honor Society

A second political science group interested in this matter is Pi Sigma Alpha, National Political Science Honor Society, which is sponsoring a series of studies on major governmental problems. State Constitutional Revision, edited by W. Brooke Graves and published in 1960, is the first in the series. In the section titled "The Legislative Article," Charles W. Shull of Wayne University says in part, "Legislation has become a matter of continuous concern in state government, and it is obvious that state legislative problems do not have an incidence or life limited to the first 60 or 90 days in each biennium." He later adds "...there would seem to be no valid reason today for any limitations on the duration of regular and special sessions of state legislatures, let alone including such limitations in state constitutions."

Karl Bosworth's Report

Lest the experts appear too unanimous in their praise of the unlimited session, Karl Bosworth of the University of Connecticut in a research report to the Eighth American Assembly qualifies his endorsement of the continuous and unlimited session: "Although limitations on legislative sessions may seem to be the cause of the unseemly rush of business in the last days of limited sessions, the formal limits probably only slightly aggravate the situation. Some decisions get delayed in all legislatures. In those without a formal time limit, a closing date is normally agreed upon among the leaders, thus [illegible] forcing compromise and decision on the remaining bills. An important advantage of the unlimited session is that the closing date can be revised when stalemates prevent the enactment of bills destined to pass either in the regular session or a special session called for the purpose.

"Some have suggested that state legislatures, like city councils, be in practically continuous session, taking recesses between relatively short meeting periods. This could be the eventual development in some states. But the contrary and generally prevailing view is that both the governmental administrators and others likely to be affected by state policy changes need closed seasons on legislation in which they can get along with their existing policies. Administrators, too, need some escape from legislators' importunities on administrative details."

Model State Constitution

Still another recommendation comes from the National Municipal League through its Model State Constitution. The tentative draft of the 6th Model, which is to be formally adopted at the Municipal League's conference in December 1961, reads: "Sessions. The legislature shall be a continuous body during the term for which its members are elected. It shall meet in regular sessions annually as provided by law. It may be convened at other times by the governor, or, at the request of a majority of the members, by the presiding officer of the legislature."

Alaska, Hawaii, Puerto Rico

Of the three new state constitutions, only Hawaii does not include an unrestricted section as counseled by the above groups. Alaska and Puerto Rico have annual unlimited sessions, while Hawaii has a 60-day session in odd-numbered years and a 30-day budget session in even-numbered years.

Minnesota Constitutional Commission

The Constitutional Commission of Minnesota, established by the state legislature in 1947, compromised the sessional ideal with Minnesota tradition. Its Report advised that the legislature be a "continuous body" meeting in January of each odd-numbered year and "at other times as prescribed by law." While sessions would be limited to 90 legislative days, the legislature would have power by concurrent resolution to extend the session within the first 75 days. Introduction of bills would be restricted after the 70th day "unless consent is given by concurrent resolution upon an important matter of general interest," thus removing this power from the governor and placing it with the legislature. Since governors have been rather automatically consenting to the legislature's request to have new bills introduced after the 70th day, this recommendation is less important. The MCC proposal also would empower the legislature to call itself into special session.

The Pros and Cons of Annual Sessions

For annual sessions

1. There is the difficulty of anticipating financial needs for a biennium. It is hard to imagine a private business, with a budget the size of the State of Minnesota, which is required to plot its income and appropriations two years in advance.

2. New laws need not wait two years to pass the legislature. Poor laws need not wait two years to be corrected.

3. The legislature could be more independent of the executive branch. One example: with biennial sessions the governor must be given some authority to change budget figures depending, for one thing, on changes in anticipated revenue. With annual sessions the legislature would be involved in these annual adjustments of spending to income.

4. Legislation has increased greatly in volume and complexity. A few of the expanding areas of state concern are: welfare, education, health, and local government. With the increase of population as well as the number of state duties the increased complexity of legislation is obvious.

Against annual sessions

1. The biennial session receives more public attention. Since state government already receives far too little attention, any reduction of this would be unfortunate.

2. Annual sessions would certainly require pay increases for legislators. These salary increases would need to be high enough to convince capable people to leave their regular employment a number of months each year.

3. Laws should receive the thought between sessions that biennial sessions provide. Normally a number of legislative interim commissions are appointed by the legislature to study state governmental problems between sessions. Legislators on a commission often become experts in their assigned field and carry the ball in getting legislation passed at subsequent sessions. Would they have the time for interim commission study if they met annually in session? The Legislative Research Council, established in 1947, is comprised of a paid professional staff to do research on legislative problems. Unfortunately, funds have never been provided to permit them enough staff for the amount of research needing to be done. Unless the legislature is willing to provide greatly increased funds for the LRC, legislators will continue to rely heavily on the interim commissions for research.

Alternate Budget Session

Should Minnesota have alternate sessions which would be restricted to drawing the budget? W. Brooke Graves in State Constitutional Revision comments, "...the effort to establish a barrier between fiscal and policy questions is a little ridiculous, since it is impossible to consider either without reference to the other." In the same book, speaking of the governor's responsibility toward fiscal matters, Louis E. Lambert writes, "If annual full-scale sessions are not acceptable, a brief budget-appropriation session in even-numbered years will allow the budget period to be kept to one year and thus permit greater precision in estimating revenues and expenditures."

Interestingly, the 1949 Idaho Legislature, where the regular session is constitutionally limited to 61 days, had an alternate budget session without revising the constitution. It made appropriations for only one year forcing the governor to call a special session in 1950.

Split Sessions

A few states, including Wisconsin, divide their sessions into two parts - one for organization and introduction of bills, and the other for consideration and passage of laws - with a recess period between in which legislators can confer with constituents and study and weigh arguments on bills. American State Legislators says "Certainly the states that have experimented with the 'split session' have not achieved in practice the advantages claimed for it, particularly with respect to the early introduction of bills with substance and the elimination of the rush at the end of the session. However, in California with some 5,000 bills introduced in the first 16 days of a 120-day session, the period of recess (which may last as long as six weeks) is used to advantage by the office of legislative counsel to prepare short digests and a subject-matter index of the introduced bills."

Calling Special Sessions and Limiting Agenda

The question arises whether the legislature should have the power to call special sessions. Amendment #3 would not alter the present provision which allows only the governor to give the call. While only 14 states now permit their legislatures to call special sessions, most political experts recommend that the legislature as well as the governor should have this right. According to The Book of the States, "Recent years have seen some marked development, as in Alaska and Hawaii, toward granting the legislature power to call itself into special session." Nor is any mention made in the proposed amendment on the subject of control of the agenda in special sessions. The Minnesota Constitutional Commission would have allowed the governor to limit the agenda if he desired - a power the constitution does not allow him. This is pertinent since recent governors have wished they could limit special sessions to certain subjects.

Some Reactions to Amendment #3

Authors of Amendment #3 were Reps. Popovich, Wozniak, Cina, Dirlam and Duxbury. Reps. George French, a lawyer from Minneapolis, and Carl Iverson, a farmer from Ashby, both voted against the proposal. They feel the present session length is long enough to get the work done, and that even with longer sessions controversial issues would be crowded to the end of the calendar with each side hoping the other would weaken under the pressure of time. During sessions where no strong divisions of opinion exist they feel the 90 days have been adequate. Secondly, they feel the caliber and/or the diversity of legislators

would suffer if they were required to be away from their regular jobs for longer periods. Mr. Iverson believes the farmers and small businessmen would be less likely to run. Mr. French feels the "professional politician rather than the capable person sent to the legislature by his neighbors to represent them" would find time to serve.

Representative Donald Wozniak, from St. Paul, an author of the bill, believes that the 120 legislative day plan is the best that can pass the legislature at this time. He does not favor annual sessions, particularly in Minnesota where the fiscal year ends on June 30th. The legislature need only plan 1½ years in advance and if corrections need to be made in budget planning, the legislature can make them the last six months. Mr. Wozniak would have preferred dividing the session first, into an organizational period of drafting and introducing bills and secondly, the regular session.

Senator Edward Novak, lawyer from St. Paul, who favored the bill, admitted that the tendency to postpone divisive issues until the end will persist. He thinks, however, the legislators will plan their time better with a specified number of days than they do presently when they rely on a special session which can run on indefinitely. Senator Novak had hoped for a provision limiting to the first 90 days legislation on local affairs. This would have allowed major statewide issues to receive the total attention of legislators during part of the session. He does not believe the longer sessions would affect the caliber of the legislators.

A newspaperman, who covers the legislature, felt Amendment #3 a pretty good compromise, and that if it passes, the legislators would experiment with it a few sessions, thus precluding change for a time. If it does not pass, they would probably re-propose a similar amendment. He believes that while they feel something needs to be done they are not ready for more than this now. Rural legislators, he believes, prefer annual sessions; business and professional men the longer biennial session.

Practical Problems

In deciding what we in the League want to write into our constitution on the subject of the session's length some practical considerations include:

1. Do we feel the 120-day provision is a solution that will offer more than temporary relief?

2. If we feel this is not the best provision, do we reject it, or do we accept it as a stopgap believing it is unlikely the legislators will propose either annual or unlimited sessions in the near future?

3. Are Minnesota voters prepared to accept annual or unlimited sessions and the salary increases any lengthening of the session would involve? Could they be sold on this by an intensive campaign?

4. If Amendment #3 were rejected by the voters, would legislators delay a third proposal to lengthen the session for several sessions?

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If Amendment No. 2 is rejected in November, can another amendment be framed before needed?

Since no reapportionment is to be done until after 1970 anyway, there are 5 more legislative sessions at which another amendment can be decided on. Even many members of the Conference Committee which worked so long and hard on this amendment felt it could be improved.

Has a really satisfactory reapportionment amendment ever passed either house?

Yes, the House passed a measure in 1959, suggested by a Citizen-Legislator Committee, which put the House on a fair, specific, flexible area basis; guaranteed a population basis in the Senate; and enforced reapportionment by a limited special session, then by a commission of district judges. Since the Senate insisted on the area factor, this bill gave way to the Senate version in conference.

Isn't it traditional for the upper chamber to be based on area?

Only in the U.S. Congress. Of states which base one house on population, one on area, more put the area factor into the House. This is especially true in states which, like Minnesota, have a large number of counties. Only by putting area into the lower, larger body can most counties have a resident legislator.

Practically and statistically speaking:

- It is easy to guarantee area in the House (by using county units). It is difficult to put an effective area factor in the Senate except by inflexible frozen districts.
- Conversely, the Senate divides easily into 67 districts of equal population. But to make 135 equal House districts means cutting county lines and/or making representatives run at large in 2, 3, or 4 counties.
- With an area Senate and population House arrangement, Minnesota would have multiple-county districts in both chambers, thus destroying one of the valid arguments for a bicameral legislature.

Just and prompt reapportionment is the very cornerstone of representative government. The power to reapportion its legislative bodies lies originally with the people, who in the constitution have described the manner, the time, and the agency of reapportionment.

Generally speaking, constitutional provisions should be broad and flexible, allowing for legislative discretion. However, in the field of reapportionment, such discretion has led to gross misrepresentation in state legislative bodies—due to inaction and to the play of power politics. The prevailing pattern in other states is, therefore, to revise reapportionment articles to provide an exact, specific manner of districting, and to designate another agency should the legislature fail to act within a specified time.

Amendment No. 2 retains too much of the ambiguous, permissive character that has made our present constitutional provisions ineffective:

- The area factor in the Senate is completely open to political maneuvering.
- The provisions for a "population" House do not assure the urban dweller of equality in that chamber.
- The enforcement provisions are not effective, since (1) the power to reapportion never leaves the hands of the legislature; (2) no time limit is provided; (3) all matters undecided in regular session must wait settlement of reapportionment; and (4) legislators who could afford to hold out the longest, for whatever reason, would have the final power to reapportion.

The League will continue to work for an amendment that:

- Limits the size of the legislature
- Guarantees population in one chamber
- Puts a fair, specific, flexible area factor into the other chamber
- Provides effective enforcement machinery

[1962]

Vote NO Nov. 8 on AMENDMENT NO. 2

Neither urban nor rural voters will find this an adequate permanent REAPPORTIONMENT solution

BACKGROUND

In 1959, the State Legislature passed *two* reapportionment measures:

1. A statute reapportioning legislative districts as provided in our present constitution, to take effect in 1962. This measure is to some extent a population-area compromise; more populous regions are given only part of the increase to which they are entitled.
2. A constitutional amendment (No. 2) which changes the basis on which legislative districts would be apportioned after 1970. This is to be approved or rejected by the voters in November, 1960.

The statute takes effect whether or not the amendment is accepted.

Before approving a constitutional amendment, voters want to know:

- What does the present constitution say?
- Are these provisions inadequate or impractical?
- What changes would correct these defects?
- Does the amendment make these changes?

Your vote on November 8 will answer the final question: Is Amendment No. 2 good enough for Minnesota? Here are some facts that may help you to a decision.

Prepared and distributed by the League of Women Voters of Minnesota, 15th and Washington Avenues S.E., Minneapolis 14, Minnesota.
Price 2¢ per copy

What does our constitution now say about reapportionment?

That districts in both Senate and House be changed after each census, by the legislators themselves, to reflect population changes.

Have these constitutional provisions worked?

No; until 1959 they were ignored for almost 4 decades. Reasons for this neglect were: (1) fear that apportioning both bodies by population would mean metropolitan domination of our legislature; and (2) lack of enforcement provisions.

Is fear of a big-city legislature well founded?

According to population estimates, a majority of the state's population will eventually live in the 5 to 7 counties surrounding Minneapolis and St. Paul.

How can urban domination of our legislature be prevented?

By using an "area" factor in reapportioning. Area doesn't mean square miles. It means cutting down the number of representatives from urban centers and increasing those from less populous counties. Urban dwellers have been quite willing to accept under-representation in one house if they can be assured of (1) equality in the other and (2) regular reapportionment.

What is meant by saying that our present constitution has no enforcement provisions?

Simply that there is no way of forcing an unwilling legislature to reapportion. Many states have now found such a way (see page 4).

Are other parts of our present reapportionment provisions ineffective?

Yes, the provision that senators be elected for staggered terms, half running every two years, is ignored. If citizens decide such continuity of experience is desirable, an amendment should contain effective language. U. S. Senators have staggered terms, as do senators in about half the states.

Doesn't Amendment No. 2 do what most citizens have asked—provide population in one house, area in the other, and enforcement machinery?

On the surface. However, when carefully analyzed, the provisions are found to be both vague and permissive. Neither rural nor urban areas can be sure of what will happen in future reapportionments. Nor is periodic redistricting sufficiently guaranteed.

What area factor does Amendment No. 2 provide?

The 5 counties including and surrounding Hennepin and Ramsey "having 35% or more of the population of the state" are to have 35% of the representation in the Senate. (No provisions are made for redistricting within these metropolitan counties.) The rest of the state is to have "fair" representation in the Senate.

What is the meaning of "fair" Senate districts?

Even members of the Conference Committee (the 5 senators and 5 representatives who arrived at the final settlement) gave these varying interpretations: (1) No reapportionment would ever again be done in the Senate. (2) Spot reapportioning, within various areas, would occur from time to time. (3) "Fair" means equal. In other words, the Senate provisions can be interpreted exactly as the legislature of the reapportioning year sees fit. There would be no judicial remedy against any kind of legislative manipulation of Senate districts.

How would the House of Representatives be reapportioned?

By equality of population, but without guarantees or standards. Reapportionment students think that, to be equal, districts should not vary by more than 15% from the average.

The word "population" in Amendment No. 2 will probably mean only what it does in our present constitution—adjustment *toward* equality. In 1970, the metropolitan area would, according to estimates, deserve about 21 more House members; so 21 small counties would have to give up their separate representatives. Judging by legislative action in the past, this wholesale shift, involving 42 incumbents, will not be accomplished without some guarantees.

How does Amendment No. 2 enforce reapportionment?

By special session, to convene immediately after the regular session, consider only reapportionment, and not adjourn till reapportionment is done. Possibly, even probably, reapportionment would be done every 10 years, but with some hidden dangers for the best conduct of legislative business.

Have other states had success with special session enforcement?

No other state uses this device. In Florida, where the governor may call a special session for reapportionment, the legislature met for three months in 1956, recessed for 9 months, and never reapportioned. Some lawyers point out there is no way to force Minnesota's legislature into special session if unwilling to do so.

What about taxes, appropriations, and other important matters usually left to a special session?

They would simply have to wait for settlement of reapportionment.

What about the expense of a special session?

Legislators would not be paid. However, this "economy" would put at a disadvantage those who live far from the capitol; those who have farms or businesses requiring attention; and those who have no retainer fees or other outside income.

How do other states force action?

All states which have recently revised their reapportionment provisions have taken the job away from the legislature at some point. All these states reapportioned promptly after the 1950 census.

Seven states lay down specific directions for reapportionment and give the job of redistricting one or both houses to an independent agency (e.g., Missouri to Secretary of State for the House). Six other states give the legislature so many days to reapportion after the federal census, then pass the power to another agency (e.g., Michigan to Secretary of State, Treasurer, Superintendent of Public Instruction; Illinois to a bipartisan committee).

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

CERTIFICATE

THE PROGRESS AND GROWTH OF MINNESOTA AND ITS PEOPLE ARE A DIRECT REFLECTION OF THE INTEREST AND CONCERN OF SINCERE AND ABLE INDIVIDUALS WHO COOPERATE IN SEEKING TO FIND THE ANSWERS TO THE PROBLEMS OF OUR SOCIETY. SUCH INTEREST AND EFFORT IN MANY FIELDS OF ACTIVITY MATERIALLY HELP TO RAISE OUR STANDARDS TODAY AND ENLARGE OUR VISION FOR TOMORROW.

THIS CERTIFICATE OF COMMENDATION IS PRESENTED IN RECOGNITION OF THE OUTSTANDING CONTRIBUTION YOU HAVE MADE IN SERVICE TO BETTER GOVERNMENT AND TO THE PEOPLE OF MINNESOTA.

MRS. O. H. ANDERSON

MINNESOTA CITIZENS' COMMITTEE FOR AMENDMENT NO. 2

GOVERNOR OF MINNESOTA

DATED: November 20, 1962

November 27, 1963

Mr. Val Bjornson, State Treasurer
State Capitol
St. Paul, Minnesota

Dear Mr. Bjornson:

Mrs. Newstrom sent your letter on tomme. I am not particularly happy to get another report of those rumors that the League will oppose the Taconite Amendment on a constitutional basis--but I am happy to realize that we have already done exactly what you indicate would be a good idea--that is, examine the tax provisions which are now in the State Constitution. I am sure you know the Leagues does not act until the members have studied an item and reached a consensus on their position.

We have just finished work on two publications designed to help our members study the 1964 ballot amendments. The first, Proposed Amendments to the Minnesota Constitution 1964, is a factual examination of both amendments intended for every Leggue member. The second, Minnesota Taxes Established by Special Constitutional Provision, is primarily background material for the taconite amendment, and will also add a new dimension to our 16 year long study of the Constitution.

We have found that although constitutional authorities are unanimous in their disapproval of statutory tax detail in a constitution, almost all the states have such provisions. Not just the old ones, either--Michigan's new constitution has an extremely restrictive financial article.

We also found that despite our general understanding of the Constitution, we knew very little about the specific tax provisions in it. We hope the new publication will fill a gap in our constitutional studies. I believe all theppoints you mention about existing taxes are covered in the publication.

We are planning to send you copies of both publications. Thank you for your help in preparing the material on the obsolete provisions--and for your kind words on our amendment summaries.

Sincerely,

Mrs. L. G. Murray
State Board

SM:rw

November 27, 1963

Mr. Elmer L. Andersen
1150 Eustis Street
St. Paul 8, Minnesota

Dear Mr. Andersen:

Mrs. Whiting sent your letter on to me because I have been responsible for preparing study material on the 1964 ballot amendments.

We have just finished a publication which will be used by League members as a basis for their consideration of the proposed amendments. We believe that it is unbiased and factual. Dr. Pfleider was one of themmany knowledgeable people to whom we turned for information, and in addition he was one of the readers who checked the completed material for accuracy.

We would not care to distribute any publications in addition to our own to the units at this time. However, I am preparing a list of reference materials for unit resource chairmen and would be glad to include your material in that list. I should have the name of the publication, price (if any) and the address from which it may be ordered by December 10th. If it is ready by then, I would appreciate having a copy so we will know just what we are listing.

Sincerely,

Mrs. L. G. Murray
State Board

SM:rw

E. J. CHILGREN
62ND DISTRICT
KOOCHICHING COUNTY
LITTLEFORK, MINNESOTA

SPEAKER OF THE HOUSE
62nd Legislative Session

State of Minnesota
HOUSE OF REPRESENTATIVES

Nov. 14. 1963

League of Women Voters of Minnesota
Attention Mrs. L. G. Murray,
State Organization Service, U of M.
Minneapolis, Minn.

Dear Mrs. Murray:

Your chapter on Forest Taxes is very good. For a brief, concise article I am sure I could not have done any better or as well. I inserted the words "by 2% per year", which I believe clarifies the matter of the rate reduction. The 40% rate and 2% reduction per year was an amendment tacked on the Legislature because some areas being set up under the law contained mature timber that had been paying advalorem taxes. No need to go into that in your article, though.

I took the time to read the whole

publication and I think it is a wonderfully informative article that will be of value to tax experts and students alike.

I would like to receive a copy when it is published. If they are for sale I will be glad to pay whatever the established price is.

Sincerely yours

E. J. Ahlgren

LEAGUE OF WOMEN VOTERS OF MINNESOTA

STATE ORGANIZATION SERVICE, UNIVERSITY OF MINNESOTA, MINNEAPOLIS 55, MINNESOTA

October 28, 1963

Mrs. Esther Tomljanovich
Reviser of Statutes Office
State Capitol
St. Paul, Minnesota

Dear Mrs. Tomljanovich:

Thank you for the help you have given Mrs.Newstrom in preparing this material on proposed Amendment II.

We would appreciate any suggestions you might have concerning the material.

It would help us meet our publication deadline if we could have your comments within a week.

Sincerely,

Mrs. L. G. Murray
State Item Chairman

LM:rw
Enc.

Return to me at
B of 82
Minnetonka Beach, Minn

this looks like an excellent analysis of the Constitutional amendment, I can suggest no changes

Esther M Tomljanovich

SOCIAL SCIENCE BUILDING / TELEPHONE 373-2959

September 9, 1963

The Honorable Karl Rolvaag Governor
State of Minnesota
The State Capitol
St. Paul, Minnesota

Dear Governor Rolvaag:

The League of Women Voters of Minnesota respectfully requests that you appoint a new Governor's Committee of legislators and citizens to continue the study of the state constitution and make suggestions for needed amendments.

We believe that such a thoughtful study and analysis makes a real contributions to the work of the legislature. Furthermore such a committee can provide help in making state government more intelligible to the citizens of Minnesota who are being asked to vote on amendments to their constitution at each state election.

At its State Convention in May, the League of Women Voters of Minnesota voted to continue to work for amendments to improve our state constitution. As you know we have worked in the field of constitutional revision for many years and have many members who could serve with great effectiveness on a committee such as we propose.

We hope that you will give this plan serious consideration. We offer you our willing cooperation.

Sincerely,

Mrs. William W. Whiting
President

MEMO

TO: Ann Duff

FROM: A. Whiting

SUBJECT Action program

LEAGUE OF WOMEN VOTERS OF MINNESOTA
STATE ORGANIZATION SERVICE
UNIVERSITY OF MINNESOTA
MINNEAPOLIS 4, MINNESOTA
PHONE: 373-2959

DATE 9-17-63

Do plan to bring up the community program on taconite at the Board meeting so we can begin to lay some groundwork for this type of action.
I appreciated your thought and comments on this. I question Jeanne's role in the plans other than as a committee member (Constitution) because she has her hands full and is a member of this committee because of a publication and also because of her responsibility for discussion plans for the Leagues. I would expect the type of suggestions we would provide for taking this item to the community as it is studied by the League would not be in the form of informal discussions such as we have in units .... but maybe this is what you have in mind....whatever we decide should be done will have to be spelled out quite specifically. I am certainly not a bit afraid of it but agree that we have to make up our minds ahead of time to face realitities and not be afraid of who is saying what! I have not sent your memo to Julie because it will get to her sooner if I take it! See you Thursday and look forward to discussing all of this at that time.

Office

SEP 17 1963

9/15/63

Annette dear, (Sue & Jeanne too)

Thanks for your note of 9/13. I agree with you we should do more than we have in the past about bringing the community along with us as we study a new program item. As you know, I felt this was of particular importance some years ago as we sailed forth in the ethics and election laws fields. As usual, LWV was years ahead of its time. As Mrs. Percy Lee used to say, "Out where the air is clearer."

On our taconite item, we are not ahead of our times and needless to say the air is far from clear. The opinion builders have made up their minds. This particular combination of business & labor plus the emotional impact - the personal agonies of economic distress - will give us problems. I can hear the storm of protest now over our publication. Anything that's not 100% in favor will really get lambasted. What will be even more agonizing is the doubts we will have among ourselves. As local Leagues take potshots at us, we as a Board will be sorely tempted to print revisions, retractions, clarifications etc. Remember Mrs. Hymes and the Amendment # 2 people after Phyl Richter's publication in 1960 and the Human Right's Commission's reaction to our Indians pamphlet? Taconite will be more so I'm afraid. I mention it now in hopes of preventing a rppeat performance in the state Board.

Now for specifics of how to take the taconite information to the community. Sue & Jeanne's thoughts on this will be very valuable. Sue's suggestions on how LLs can present the material and carry-through via discussion outline to consensus and Leanne's ideas on how LLs can take it to their communities. Want to give some Board time to it Thursday? The PR carrythrough would probably be in Julie's hands as temporary PR chairman. Send her this letter if yoy wish (office has a carbon of course). My thoughts are of 2 kinds: 1) the usual and 2) the unusual because we are behind rather than ahead of public opinion on this. 1) Select organizations and individuals from our give-away lists for state and national pbulications adding groups interested in taxes. Plus the usual advice to LLs on how to do this and the double checking of who gives to who. 2) The unusual - consider taking the material before publication to a few community leaders such as Wayzata's Mayor Whitney who's also chairman of the state wide "Pass the taconite amendment" group and his union counterpart. Miriam Seltzer, I think, researched it for the DFL. Plus the anti-taconite leaders. We may not wish to do this. In the past we have stuch to the authorities on both sides rather than the community leaders and politicians. And when we worked where the "air was clear" it was and is good policy - we stick to the facts regardless of the political winds and popular pressures. I suggest it as a possible variation for this particular agenda this particular time because of the unusual circumstances plus your request to me to get something rolling.

How does this fit into the Fall Workshops??

xxx

Ann

Dear Ellie,
I welcome with open arms any advice you might have for me in this project. Also, I'm dying to meet you - heard such nice things about you & so long.
Ann

Please put in her folder → Ellie
I don't have her address. Thanks
Ann

Mrs. Sally Luther, Executive Assistant
The Governor's Office, 130 State Capitol
St. Paul 1, Minnesota

Janaury 23, 1964

Dear Sally,

In true League of Women Voters fashion, I have been doing some research. Here are the thoughts you wished on a reading list to start off the proposed Executive Reorganization Committee:

TODAY -
Commissioner Quigley's recommendations
1963-4 Blue Book:
article, Minn. State Government (Backstrom) especially p. 412
the entire Executive article, pp. 151-266 with the following sections
Executive Dept. pp. 151-174
Administrative dept., Boards, Commissions (39 of them) 175-239
Policy, Advisory, Miscellaneous Boards & Commissions (31 of them) pp. 240-251
Examining & Licensing Boards (21 of them) pp. 252-257
Retirement Boards (5 of them) pp. 258-262
Semi-State Societies (5 of them) pp. 263-266
Does the Governor's office have any chart of all this?
National Municipal League's new 1963 Model State Constitution - just the two sections on the Executive. This gives the current political science thoughts on the hows and whys of administration of state government - mentions Minnesota too!

LITTLE HOOVER DAYS - 1950
copy of chart on p. 16 of the Report
pamphlet, Reorganizing the State Government of Minn., Minn. Institute of Governmental Research, bulletin 29, July 1952. Very valuable summary of Little Hoover recommendations plus what went wrong in the action phase - very pertinent today.

FREEMAN's REORGANIZATION - 1955
his original proposal - do you have this in the Governor's office?
1955 Blue Book pp. 227-8 article on what passed the legislature but subsequently was declared not valid

STASSEN'S REORGANIZATION - 1939
St. Paul Pioneer Press, Sunday Aug. 13, 1939 p. 6 - excellent full page with large chart by Joseph H. Ball
Minneapolis Tribune series by Orlin Folwick Oct. 9-14, 1939

MISCELLANEOUS - just for you, not the committee

Orientation Program for New Members of 1963 Minn. Legislature. Mr. Berger of the State Department of Education did this - interesting "school" perhaps adaptable for the committee. Also the format of the packet is good - cheap, easy to handle and holds lots of stuff.

New Dimensions for Minnesota - Project 70 of Gov. Andersen and Commissioner Stevenson. It has some good charts and capsule views of state departments, agencies etc. Parts of it might be adaptable for the reorg. committee; might save some valuable time for the administrative department personnel now.

I'm suggesting that the basic reading for the proposed committee be kept to a minimum. The above mentioned are quite ample. This by the way should be checked by some learned professor; I'm just a little old amateur as you know. Then I think the committee should concentrate on learning through the eyes and ears - a go-see program on the order of the Orientation Program for new members of 1963 legislature. Tape the reports by constitutional officers, administrative department heads etc. (too much for the committee to absorb in one sitting) for more careful analysis later by the sub-committees. Lots of visuals too. Or instead of that, another kind of school could be held in late spring - 1½ days at U. of M. Continuation Center - Seminar on the Executive Department. This is a very relaxed, delightful way to learn (spouses could come for drinks and dinner Friday night - speech by Governor etc.. Under this system, the department heads etc. would come to the committee - a whale of a lot of learnigg would take place very quickly. Lots of publicity possibilities here too - adult education a la Blue Ribbon! The newspapers, TV - and Stan Wenberg too - would love it. The Continuation Center does this regularly (have to sign up long way in advance) for any group - Taxpayers Assn., Rusty Ladies or what have you - cheaply (committee members pay own way) and very nicely with excellent facilities, parking etc.

I'm suggesting we go back to the Stassen era for two reasons: 1) One common thread comes through with great clarity from 1939 and 1955 - the best public relations approach on this issue of executive reorganization is to stress prominently the financial savings. Both Governors Freeman and Stassen did this very effectively and it worked. 2) It's important to stress the bi-partisan nature of this issue - Gov. Stassen, Gov. Freeman, Gov. Rolvaag, Gov. Christianson (but heaven forbid going back to the '20s!) Then as the committee proceeds, I think it's important to stress the non-partisan aspects of this issue - simply good government irrespective of any personalities or political parties involved and also irrespective of the time element. Different aspects of the committee's recommendations - after passage by the 1965 legislature! - would be going into effect at different times, some over a long span of time. It's easier to think out ahead in time where the air is clearer!

Stassen's coming to town (U. of M.) next month - any publicity possibilities? By the way, Marj. Howard is probably our best contact with this 1939 era. Also serving in the Legislature then were House members: Butler (same one now in Senate ???), Cummings, Dorweiler, Dunn, Hartle, Zwach, Chilgren, Iverson and also perhaps (but I don't remember them from my newspaper reading yesterday in the Library) Kinzer, Prifrel, Nordin, Halsted and Wanvick all of whom are listed in the Blue Book as having been there in '39. Senate members: (I have no information from the newspaper clippings of the time but according to the Blue Book) Zwach and Vukelich (in House), Imm, Wright, Carr and Norm Larson. Mr. Leahy ('35) and Mr. Torrey ('31) were both there at the time and I mention these as possible newspaper feature stories if things should get hot and partisan a year from now.

Stress the action aspects for this committee rather than the study. We build on the fine work of the past but after all, "the past is prologue." Busy people want to move fast - not feel this is dragging out and then gathering dust on a shelf someplace.

Hence my pitch for a few carefully selected, but thorough, research pieces, plus a concentrated "course" by ear and eye. This all comprises 2 meetings of the committee and takes us into the summer for sub-committees to hammer out specifics. Three meetings in the fall for the full committee to hash out sub-committee thoughts and throw together a report. Publication date Christmas 1964 for best news coverage. January, the legislators take over with Joseph Bright. February, committee chairmen testify before both Senate and House Civil Administration Committees - lots of publicity, visuals etc. throughout the state's press plus articles in the publications of all the statewide organizations etc. etc.

June 1965, the committee may wish to reactivate itself for the long haul to finish up the job with constitutional amendments and the 1967 session. As you know, I have great sympathy for your long viewpoint concept of this committee. You have lived through this problem during the last decade and thoroughly know whereof you speak. However, there are many pluses on the side of a short range viewpoint too. Have fun with this difficult decision! And the best of luck to the Governor in his pursuit of the right personnel for this committee.

Again cordially,

Ann

Mrs. Nicholas E. Duff

By the way, there are 2 Ann Duffs both living in Wayzata! The other one is Mrs. David Duff, a delightful person interested in things cultural - art, music etc. Between the 2 of us I guess we cover the gamut of volunteer organizations. The resultant confusion is the amusing! We are sisters-in-law. There is a 3rd Ann Duff (!) but fortunately she lives in Red Wing & is age 6! niece.

September 24, 1963

Mr. Edward Schmid
Reserve Mining Company
Silver Bay, Minnesota

Dear Mr. Schmid:

We appreciate the time you have given to Mrs. Thorngren of the League of Women Voters of Silver Bay to discuss with her your company's position on taconite taxation. You expressed at this time concern that we would not be able to present this complex subject without errors.

We are well aware of the problems in presenting facts on this issue. The League itself has been a victim of erroneous statements — in spite of what has been said by some politicians the League has no position on the taconite amendment now, nor have we had any position on it in the past. The League members will determine this position after study of the forthcoming publication and discussion of it in their meetings.

As a nonpartisan organization working to promote political responsibility through informed and active participation of citizens in government we are in a unique position of being able to gather facts and present all sides of the issues.

Because we are not a group of tax experts, we have relied on authoritative sources for our material. In addition to publications such as Mining Engineering, we have drawn from reports of various tax study committees, legislative interim commission reports, the transcript of testimony heard by the legislative committees on taxation, and other published sources. In addition, we have found personal interviews with knowledgeable people such as yourself most helpful.

It has long been the policy of the League to have all publications checked by expert readers before printing. Representative Donald Wozniak and Dr. Eugene Pfleider have agreed to be readers for the taconite amendment material. James McComb will also receive a copy of the material and we would be happy to send you or your attorneys one of the copies. Your comments would be appreciated.

I certainly agree with you that mineral taxation is a complex subject, but the citizens of the state are being asked to make a decision on that subject and they are entitled to a clear explanation of the amendment and its accompanying statute, and of the salient issues involved. We hope to provide just that.

Sincerely,

Mrs. L. G. Murray
State Board

Walter F. Mondale
Attorney General
State of Minnesota
St. Paul

July 15, 1963

Mrs. E. C. Williams, Executive Secretary
League of Women Voters of Minnesota
State Organization Service
University of Minnesota
Minneapolis 4, Minnesota

Dear Mrs. Williams:

You have inquired about the statement of intent of constitutional amendments which the Attorney General is required by law to supply to the Secretary of State. The opinion of this office to the Secretary of State relating to the proposed constitutional amendments will not be issued until June of the election year. I am afraid this will not be in time for your publication, but I will see that you receive a copy of the same.

Very truly yours,

Walter F. Mondale

WALTER F. MONDALE
Attorney General

WFM:B

Memo from Mary Ann to Ele Colborn - re: VS talk outline for Speakers Bureau - 6-1-64

Here is a suggested outline for a talk to explain VS activities in local League work and also present some basic amendment information from a service to voters angle, not program promotion. I hope this is what you had in mind--if not, please adapt!!

Your Vote Makes a Difference

I. "To help the busy citizen to vote" - p. 38 of Local League Handbook - an introduction to the purpose and specific goals of Voters Service
   A. Aiming to inform voters on issues, not just "get-out-the-vote"
   B. Undertaking educational work to provide citizens with information and understanding of the structure and operation of government

II. Election in Minnesota - 1964 - The Ballot Issues
   A. Amendment No. 1 - Taxation of Taconite and Other Metals
      1. History of this Amendment and its issues
      2. Provisions of the Amendment
      3. Purpose of the Amendment
   B. Amendment No. 2 - Removal of Obsolete Provisions from the State Constitution
      1. History of this Amendment and its issues
      2. Provisions of the Amendment
      3. Purpose of the Amendment

III. Election in Minnesota - 1964 - The Dates
   A. Residence Requirements for voting in Minnesota
   B. Registration information
      1. August 18 - last date to register before Primary Election
      2. Octobe 13 - last date to register before General Election
      3. Absentee Registration
   C. Election Dates
      1. Primary Election - September 8, 1964
      2. General Election - November 3, 1964
   D. Offices to be filled in 1964 election - explain something about each office or choose one office to elaborate upon -- suggest Railroad and Warehouse Comm. as this is little known.
      1. One U. S. Senator
      2. Eight U. S. Representatives
      3. 135 State Representatives
      4. One Chief Justice of State Supreme Court
      5. two Assoc. Justices of State Supreme Court
      6. 24 District Court Judges
      7. One Railroad and Warehouse Commissioner

IV. "One Vote" - conclude talk with some examples of the importance of "one vote" selected from the report of the President's Commission on Registration and Voting Participation (or other source) - aimed at rousing voters from the psychological apathy apparently currently affecting voting participation in the U. S.

Notes on Resources for such a talk:

Local League Handbook
Give the Voter a Hand
Report of President's Commission on Registration and Voting Participation
Proposed Amendments - 1964
"Your Vote Makes a Difference" - Voters Service flyer, Minnesota State LWV
Legislative Manual - 1963-1964

MINNESOTA STATE BAR ASSOCIATION
500 NATIONAL BUILDING
MINNEAPOLIS 2, MINNESOTA

JUN 26 1964

June 24, 1964

COPY

Mrs. Earl Colborn
5309 Girard Avenue South
Minneapolis, Minnesota

Dear Mrs. Colborn:

You communicated with me as President of the Minnesota State Bar Association concerning "1964 Suggested Amendment Broadside". I am also in possession of a printed pamphlet relating thereto.

With particular reference to Amendment II, you have accurately stated the position of the Minnesota State Bar Association and we are pleased that we are able to be a part of your efforts in this regard. Our committee has gone over the matter and are of the view that you have accurately and conscientiously stated the effect of the amendment were it to be enacted into law.

On Amendment I, which relates to Taconite, the Minnesota State Bar Association as such has made no detailed study and so we are unable to comment on the figures and facts which you present in connection therewith.

Again, thank you for your courtesy and congratulations for the effort that your league is making in this regard. It is always refreshing to see a group of citizens take an active part in public issues and questions.

Yours truly,

Philip Neville

PN:jmn

cc: Mrs. Anette T. Whiting

LWV of Minnesota, State Organization Service, U. of Minn., Minneapolis, Minn. 55455
July 1964

MEMO TO: Local League Public Relations and Constitutional Item Chairmen
FROM: Mary Nash, State Public Relations Chairman
SUBJECT: PROGRAM PROMOTION - Amendment II

'Tis summer ..... And before we know it, fall will be here ..... And what a busy one it will be! Any plans or preparations that can be made ahead of time will be doubly appreciated when things shift into high gear along about September. So, while lolling on the dock, keeping an eye on your swimming youngsters, perhaps you'd like to give a thought to some fall plans for promotion of Amendment II.

Before we go further ..... KEEP PROGRAM PROMOTION SEPARATE FROM VOTERS SERVICE!! Do not do both at the same time and place!

Even though we do not expect opposition to Amendment II, it needs wide support to gain passage. Because amendments must have the approval of a majority of those voting at the election, the number of voters required will probably be higher than usual at this presidential election.

KEEP PROGRAM PROMOTION SEPARATE FROM VOTERS SERVICE!

You will want to work together with your Constitution Item Chairman in planning a campaign to reach as wide a segment of your community as possible. Your League probably has many places where it can distribute broadsides. With this mailing we are sending sample copies of a promotion flyer for PR Chairmen and Constitutional Item Chairmen. This is meant as a suggestion. You may use it if you wish, rewrite it your own way or whatever suits your needs. The state League does NOT have copies for distribution, so you may make your own as you wish. Perhaps your newspaper will be willing to print your material. They might like to run a series with one obsolete provision at a time. Do you have a cartoonist in your League - or among your friends? This Amendment seems especially well suited to cartoon treatment. Some clever spot announcements could be done for radio or TV also. Probably many other organizations will be eager to learn about this Amendment at their meetings or in their newsletters. Your resource chairman probably has suggestions of who you might try to reach.

Remember .... KEEP PROGRAM PROMOTION SEPARATE FROM VOTERS SERVICE!

These thoughts are sent merely as suggestions, with confidence that you will add to, expand and develop them to suit your community. If we can be of any help, let us know. Best of luck!

PROGRAM PROMOTION AND VOTERS SERVICE ARE DIFFERENT. KEEP THEM SEPARATE! PLEASE.

file

August 3, 1964

Mr. Ralph T. Keyes
Executive Secretary, The Ass'n of Minn. Counties
Griggs-Midway Bldg.
St. Paul 4, Minnesota

Dear Mr. Keyes:

The League of Women Voters of Minnesota was pleased to know that your association supports Amendment #2 on obsolete provisions as well as supporting the taconite amendment.

You mentioned your regional meetings during late August and September. There is a great deal of promotional material on amendment #1 available from the Citizen's Committee for the Taconite Amendment. I know of no other organizations beside your association and the League of Women Voters who are taking an active interest in Amendment #2.

I am enclosing a copy of our voters service amendment flyar and also a copy of a promotional flyer on amendment #2. We do not have the funds to provide these in great quantity but would like to make them available at your regional meetings and perhaps your members would like to buy them for use in their communities.

I am also enclosing our background information "Proposed Amendments to the Minnesota Constitution 1964" which is available for 10 cents a copy. All those who have read this pamphlet feel it provides excellent basic information needed by all citizens to cast an informed vote.

We welcome any suggestions your association may have for promoting both amendments #1 and #2.

Sincerely,

Mrs. William W. Whiting
President

ATW/mc
Enc: 3

Const Rev 63-65

LWV of Minnesota, State Organization Service, U. of Minn., Minneapolis, Minn. 55455
July 1964

Sample Amendment II Promotion Flyer

VOTE YES ON AMMENDMENT II ON NOV. 3RD

to remove eight obsolete provisions from our State Constitution

DO YOU KNOW THAT OUR MINNESOTA CONSTITUTION NOW:

- Limits women's voting rights to school and library elections?
- Says that U.S. Senators are to be "elected by the two houses of the Legislature....."?
- Calls for appointment of the law librarian by the Governor? (The librarian is actually appointed by the State Supreme Court as required by a 1956 amendment.)
- Sets Legislators' salaries at $3.00 per day during the first legislative session?
- Contains references to elections of 1884, 1886 and to expiration of terms in 1887?
- Requires voter approval before the Internal Improvement Land Fund moneys can be used? Voter approval was given in an 1884 election.
- Has a provision requiring a state census?
- In reference to the minimum number of residents a Legislator may represent contains words "exclusive of Indians not taxable under the provisions of the law."? (Indians as a class are no longer "not taxable" and are included in census figures determining the size of a Legislator's district.)

These eight provisions have been made obsolete either by passage of time, lack of use or supercession by later or higher laws.

Since none of these provisions are effective, why are they still in the Constitution? Your vote is needed for their removal. Amendment II asks for this approval.

IF YOU FAIL TO VOTE ON THIS AMENDMENT,
YOU ARE VOTING AGAINST THE AMENDMENT!

Distributed by the League of Women Voters of _____

Con Rev 63-65

R

LWV of Minnesota, State Organization Service, University of Minn., Minneapolis, Minn. 55455

October, 1964

This is not going on
Duplicate President's
Mailing.

AMENDMENT II MAY BE IN TROUBLE

The activities planned for Taconite Week will bring Amendment I to the attention of most of the people of Minnesota. But, how many know anything about Amendment II? The latest polls show Amendment II trailing the Taconite Amendment; 72% of those who plan to vote will support taconite while only 65% plan to vote yes on Amendment II. 65% may sound like a nice safe margin, but remember this is a presidential election and many people will fail to vote at all on the amendments. This means we need over 800,000 Yes votes.

What can Leagues do in these critical ten days before the election?

Newspapers. A release will be given to the Minnesota Newspaper Association on October 21 which will go out to papers throughout the state of Minnesota. Local Leagues should follow up by contacting their local newspaper editor and making sure he knows your interest in Amendment II. Can you

Write a letter to the editor
Persuade your editor to write an editorial on Amendment II
Buy an ad

Buying an ad in your local paper may be a good way to impress your paper with your concern for Amendment II.

Radio Stations. Can you persuade your local station to

Do a feature story on Amendment II
Have a series of spot announcements
Interview a Leaguer on the provisions of the amendment
Do an open-mike program

Meetings. Remember the average Leaguer belongs to five different organizations, besides the League. As your members go to different groups can they

ask for two minutes on the program to explain the amendment
ask for permission to display a poster
get a story inserted in bulletins

Voters Service. With a noncontroversial amendment such as Amendment II, the best way to promote it is to simply inform the public of its provisions. Are you

handing out amendment broadsides
doing a brief explanation of the amendment at candidates meetings
doing voters sedvice talks

BUT REMEMBER ALWAYS, ALWAYS, ALWAYS KEEP PROGRAM PROMOTION SEPARATE FROM VOTERS SERVICE.

We are enclosing a proposed flyer on Amendment II; these are not available in quantity in the League office, but are intended to give you a brief run down on the provisions of the amendment.

Const Rev 63-65

YOUR VOTE MAKES A DIFFERENCE . . .

"Shall the Constitution of the State of Minnesota be amended by . . . ?"

YOUR VOTE WILL DECIDE.

Here are the Constitutional Amendments to be voted on November 3, 1964.

Amendment No. 1 - Taxation of Taconite and Other Metals

Iron ore mining has been taxed by special formulas in Minnesota resulting in a constitutional amendment in 1922 establishing an Occupation Tax in place of Minnesota Corporation Income Taxes. Taconite is the name given the basic lowgrade iron formation in Minnesota. It is made usable through a multi-step process resulting is concentrated iron pellets suitable for shipping and use in blast furnaces.

This amendment would prohibit for 25 years change or repeal of the 1963 Legislature's law declaring the state's policy on certain of the taxes paid by companies mining taconite and semi-taconite iron ores.

This statute states in brief that the combined occupation, royalty, and excise taxes on taconite and semi-taconite shall not exceed the greater (a) the amount payable under 1963 laws or (b) the amount payable under laws which apply to manufacturing corporations.

In other words taconite companies may be taxed as presently, or if the Legislature determines in the future that the corporate income tax would yield more money, it could require the taconite companies to pay the higher of the two taxes.

Taxes imposed in place of property taxes, including the taconite production tax and special assessments passed by the legislature will not be affected by this amendment.

This amendment would also authorize the legislature to limit taxes for 25 years on mining and production of copper, copper-nickel and nickel.

Amendment No. 2 - Removal of Obsolete Provisions from the State Constitution

This amendment directs voters' attention to out-of-date language in Articles IV, V and VII of the State Constitution and orders its removal.

Specific instructions concerning early state and general elections would be removed from the statement of the official year. Reference to salaries of legislators for the first session would be removed.

Language requiring a state census in 1865 and every tenth year thereafter would be removed; federal census figures are used in legislative apportionment. Reference to "Indians not taxable" would be removed since Indians are now included in census figures used to determine legislative districts.

Provision for appointment of a "state librarian" would be removed because the state law librarian is appointed by the Supreme Court under the Judiciary Amendment of 1956.

Provisions restricting the use of income from the Internal Improvement Land Fund until popular vote thereon would be removed; a popular vote in 1884 authorized the use of these funds.

This amendment would repeal Section 26 of Article IV since members of the U.S. Senate are now elected by the people according to Amendment 17 of the U.S. Constitution. It would also repeal Section 87 of Article VII thereby granting women the right to vote in all elections in accordance with Amendment 19 of the U.S. Constitution.

Since these eight provisions are all concerned with one subject, the subject being obsolete material, they are being considered in one amendment. Passage of time, lack of use, and later or Federal laws have made these provisions no longer necessary, and approval of the voters is sought to remove them from the Constitution.

IF YOU FAIL TO VOTE ON THE AMENDMENTS
YOU ARE VOTING *AGAINST* THE AMENDMENTS

It's YOUR vote that counts in '64.

Presented as a public service by the

LEAGUE OF WOMEN VOTERS OF MINNESOTA
State Organization Service, University of Minnesota, Minneapolis, Minnesota

League of Women Voters of Minnesota, State Organization Service, University of Minn.
Minneapolis, Minnesota 55455 December 1963

REPORT FORM

PROPOSED AMENDMENTS 1964

Unit #____, LWV of _____ wishes to
(your League)
_____ Amendment #1.
(support, oppose, take no stand)

WHY? (use back of this page for full explanation)

Unit #____, LWV of _____ wishes to
(your League)

_____ Amendment #2.
(support, oppose, take no stand)

WHY? (use other side)

How many unit meetings were spent on this topic?

Were they well attended?

In your estimation, how many members (%) read Proposed Amendments 1964 before the unit meeting?

List any non-League materials which were used by resource leaders.

Send your unit consensus to your local League Board which will send on to the state League the composite of thinking in your whole League. Report any areas of agreement, any significant minority and most important FILL IN THE WHY SECTION. Why did your unit wish to support or oppose this amendment? Why did your unit wish to take no stand? Was the discussion complete and thorough? Do the members feel strongly about this agreement? Or was it kind of casual? Or were you split down the middle? How about taking no stand - doing Voters Service instead? This information will be of great help to your local and state Boards in trying to plan your future in the 1964 amendment world, and we thank you in advance!!!

League of Women Voters of Minnesota, State Organization Service, University of Minn.
Minneapolis, Minnesota 55455 December 1963

PROPOSED DISCUSSION OUTLINE ON AMENDMENTS

AMENDMENT I

I. Goal of meeting (Discussion Leader)

To reach consensus on whether to support or oppose Amendments I and II. An alternative of course is to neither support or oppose.

II. Introduction

A study of the Taconite Amendment is of great interest to all of us because of the heated controversy which has raged about taconite for so long. It is a problem which affects each of us because it affects the health and economy of our state. This study was undertaken because of our current agenda item, "The League of Women Voters of Minnesota will work for amendments to improve the state constitution."

The resource leader would then briefly explain the statute and the proposed amendment (p. 6 & 7). Then she might wish to do a brief taconite tax summary, perhaps using a chart from the bottom of page 5 and the top of page 6, stressing the occupation and royalty taxes, since these are the only ones which would be affected by the amendment. This is purely factual information, and you may at this point wish to refer to the natural ore tax policy (p. 3) and also to the publication, Minnesota Taxes Established by Special Constitutional Provisions. Perhaps a brief word here, too, about the political background.

III. Discussion leader then takes over and makes sure all sides of the issue are brought out on the following main points:

(a) The economic considerations.
Provocative Question: If the Taconite Amendment is passed, and new taconite plants are built, what difference would it make to:

(1) Statewide business climate?
(2) The average taxpayer in Minnesota?
(3) Unemployment on the iron range?

(b) Tax policy considerations.
Provocative Questions: What difference would passage of the Taconite Amendment make in the local property taxes paid by the people living on the iron range?

How important do you think the "natural heritage doctrine" is in relation to the mining and taxing of taconite?

(c) Constitutional Considerations.
Provocative Question: How much weight do you think should be given the argument that the constitution should be a broad basic document?

IV. Summary

When you are convinced that all sides of the issues have been aired, attempt to seek an area of agreement.

AMENDMENT II

I. See Amendment I

II. Introduction

The Resource Leader might briefly paraphrase the eight suggested changes and mention that these present provisions are all obsolete or inoperative.

III. Discussion Leader

After the eight provisions have been reviewed the remaining decision is whether or not it is desirable to remove "deadwood" from the Constitution.

Provocative Question: What, if any, effect might passage of this amendment have on increasing or decreasing the chances for major constitutional revision?

IV. Summary

The Discussion Leader should try to evaluate whether or not there is any group feeling on the advisability of supporting or opposing this amendment.

League of Women Voters of Minnesota, State Organization Service, Univ. of Minnesota
Minneapolis, Minnesota 55455 December 1963

PROPOSED AMENDMENTS 1964

TIPS ON USING RESOURCE MATERIAL

The basic publication for this study is Proposed Amendments to the Minnesota Constitution - 1964. It has been designed as an every member piece and its greatest effectiveness will be achieved if every member reads it before the unit discussion.

As resource chairman you will want a broader background. Minnesota Taxes Established by Special Constitutional Provisions has been prepared to help fill this need for Amendment I. It is the only publication we know of that summarizes the tax provisions now in our constitution. We have thought of it only as factual background material and have not included a discussion outline for it. (If there is interest in your League you could work up a presentation for a future unit discussion.) It is essential reading for resource leaders. The introduction and first chapter will help you relate the taconite amendment to the general tax policy on iron ore. The rest of the publication summarizes facts and reports various opinions on the other constitutional taxes.

Two other helpful League publications are:. The State You're In, Chapter VII and Commentary on the Minnesota Constitution, Article 9.

A good picture of iron ore tax problems and how taconite taxes fit into the whole structure of state taxation is given by the 1962 Governor's Tax Study Committee Report. Interesting tables showing sources and amounts of tax revenues are included. A fuller treatment of the philosophy of mineral taxation, including the natural heritage theory, is given in the 1956 Governor's Tax Study Committee Report. Both reports are available at public and college libraries.

The development of taconite as a natural resource is presented in Natural Resources of Minnesota 1962, the report of the Minnesota Natural Resources Council. It is available at public libraries throughout the state.

A different viewpoint is presented by James McComb's Iron Mining and Taxes in Minnesota. Here the emphasis is on iron ore tax problems from the industry's point of view, rather than as a part of the state tax structure. You can get a copy for each of your units, without charge, from: Bureau of Economic Studies, Macalester College, St. Paul 1, Minnesota.

While the above publication gives reasons for supporting the taconite amendment, the opposing viewpoint is more difficult to find in printed form. The best sources are old (before March, 1963) issues of the D.F.L. district News Letter and Labor Union papers, such as the Labor World, published by the Duluth AFL-CIO. Try your college and public libraries for these.

Remember to list all non-League publications you have used for background material on your report form.

November 27, 1963

Mr. Elmer L. Andersen
1150 Eustis Street
St. Paul 8, Minnesota

Dear Mr. Andersen:

Mrs. Whiting sent your letter on to me because I have been responsible for preparing study material on the 1964 ballot amendments.

We have just finished a publication which will be used by League members as a basis for their consideration of the proposed amendments. We believe that it is unbiased and factual. Dr. Pfleider was one of themmany knowledgeable people to whom we turned for information, and in addition he was one of the readers who checked the completed material for accuracy.

We would not care to distribute any publications in addition to our own to the units at this time. However, I am preparing a list of reference materials for unit resource chairmen and would be glad to include your material in that list. I should have the name of the publication, price (if any) and the address from which it may be ordered by December 10th. If it is ready by then, I would appreciate having a copy so we will know just what we are listing.

Sincerely,

Mrs. L. G. Murray
State Board

SM:rw

Box 82

STATE TREASURER

MINNESOTA

VAL. BJORNSON
TREASURER

ST. PAUL

LYLE V. HARRIS
DEPUTY TREASURER

November 14, 1963

Send copy of pub. to Ralph Keyes

Mrs. E. H. Newstrom
4301 Overlook Drive
Minneapolis 31, Minnesota

Dear Mrs. Newstrom:

I am writing you about another constitutional amendment, in addition to the one eliminating obsolete language which you and I have earlier discussed at some length. The one I have in mind at the moment is the so-called taconite amendment, and the reason I write you involves a rather disturbing rumor I have heard.

I have been told that some leaders in the League of Women Voters studying this amendment are inclined to recommend opposition to it in the November election next year. I hope that isn't so. If someone other than you is responsible for the study being made of the taconite amendment, I would appreciate it very much if you would pass this letter on.

It is easy to figure out what the basis of opposition to the amendment must be -- the contention that fixed tax policies should not be written into the state's organic act, but should be dealt with in statutes only. That may carry just a bit of conviction in an academic way, but it strikes me as virtually meaningless in view of practical considerations.

Our constitution is already well loaded with precisely spelled-out, specific details as to one form of tax or another. I suppose it will be argued that two or more "wrongs" don't make a "right." I don't know whether it is necessary to accept the idea that precise details as to tax levies are "wrong" when in the constitution.

Most constitutions were written a long time ago. As tax patterns changed over the years, it became necessary widely to make constitutional changes permitting this levy or that. I suppose the outstanding example is our federal income tax, which required a constitutional amendment to effectuate, back in 1916, I think it was. I don't think the League of Women Voters will argue that we ought to wipe out the federal income tax just because it stands on a constitutional base. We couldn't have enacted it without that constitutional change.

I haven't made any really exhaustive analysis of our state constitution, but I think it would be most revealing for anyone doing that, to

read the section in the last Blue Book or Legislative Manual beginning on page 409 and continuing through page 420. Here is an analysis of each of our numerous constitutional amendments, many of them dealing with taxation.

I had occasion recently, in response to an inquiry, to look up our gross earnings tax on railroads. This tax came into being in 1871 through a constitutional amendment. Any reading of Minnesota history substantiates the conclusion that the opinion then was that it would prove easier to get a vote of the people for somewhat higher taxes on railroads than to trust the normal legislative process.

The railroads were an enormously powerful lobby back in those years, and the provision rooting our gross earnings tax on railroads in the constitution has remained there for more than 90 years now. There have been changes, each by referendum vote of the people. The original 3% rate on gross earnings was raised to 4% through that means in 1903, and it went from 4% to its present 5% level, again through a vote of the people, in 1912.

There were amendments as to powers of taxation involved in Section 1 of Article 9, in 1869, 1881 and 1894. Then came the so-called "wide open tax amendment" of 1906, removing all controls on the legislature's power of taxation except for the requirement that taxes be uniform upon the same class of subjects. The occupation tax on iron ore, which has added so many millions to school and university support through the years, was possible only through a constitutional amendment passed in 1922. The same is true of the gas tax, effective through a constitutional amendment in 1924, contributing so much to better roads for the state and for the counties. Our trunk highway system itself came into being through what was called the "Babcock amendment" in 1920. I think I found 11 different specific details as to taxation in our constitution, and I believe there are more, if a bit more carefully examined.

All the taconite amendment seeks is a guarantee of tax equality, providing definite assurance that the taconite industry would not be taxed at any higher rate than other industries. Burt Pearson, editor of the Mesabi Daily News, at Virginia, wrote a most thorough and informative editorial on iron ore taxation in the fall of 1962. I had a copy of it, but have given it away. I think it would be most interesting for League of Women Voters leaders to see that editorial, in the application it so definitely has to the now pending taconite amendment.

It has been a privilege for me to work closely with the League of Women Voters on several of our constitutional amendments in recent years. I admire the magnificent job the League does, particularly in its brief summary of amendments. I have often said that if the attorney general's office would only provide voters a similarly brief and simple explanation, amendments would be much more readily understood. I sincerely hope that the League and other groups like it, does not find itself opposing an amendment which has such tremendously important bearing on the future wellbeing of our state, and particularly its northeastern section.

Sincerely yours,

Val Björnson

VB:gwn

Val Björnson
State Treasurer

November 27, 1963

Mr. Val Bjornson, State Treasurer
State Capitol
St. Paul, Minnesota

Dear Mr. Bjornson:

Mrs. Newstrom sent your letter on tomne. I am not particularly happy to get another report of those rumors that the League will oppose the Taconite Amendment on a constitutional basis--but I am happy to realize that we have already done exactly what you indicate would be a good idea--that is, examine the tax provisions which are now in the State Constitution. I am sure you know the Leagues does not act until the members have studied an item and reached a consensus on their position.

We have just finished work on two publications designed to help our members study the 1964 ballot amendments. The first, Proposed Amendments to the Minnesota Constitution 1964, is a factual examination of both amendments intended for every Leggue member. The second, Minnesota Taxes Established by Special Constitutional Provision, is primarily background material for the taconite amendment, and will also add a new dimension to our 16 year long study of the Constitution.

We have found that although constitutional authorities are unanimous in their disapproval of statutory tax detail in a constitution, almost all the states have such provisions. Not just the old ones, either--Michigan's new constitution has an extremely restrictive financial article.

We also found that despite our general understanding of the Constitution, we knew very little about the specific tax provisions in it. We hope the new publication will fill a gap in our constitutional studies. I believe all theppoints you mention about existing taxes are covered in the publication.

We are planning to send you copies of both publications. Thank you for your help in preparing the material on the obsolete provisions--and for your kind words on our amendment summaries.

Sincerely,

Mrs. L. G. Murray
State Board

SM:rw

SAMPLE BALLOT

If a voter fails to vote on a constitutional Amendment he votes, in effect, in the negative.

To vote for a proposed constitutional amendment put an (X) in the square opposite the word "Yes" at the right of the proposition. To vote against a proposed amendment, put an (X) in the square opposite the word "No.".

STATE BALLOT

Constitutional Amendments to be voted on by the people.

Vote on Two

FIRST

Taconite Amendment

"Shall the constitution of the state of Minnesota be amended by adding an Article XXI prohibiting the amendment, modification, or repeal for a period of 25 years of Laws of Minnesota 1963, Chapter 81 relating to the taxation of taconite and semi-taconite and facilities for the mining, production and beneficiation thereof; and to taxes imposed upon or required to be paid with respect to the mining, production and beneficiation of copper, copper-nickel and nickel?"

YES	
NO	

SECOND

Obsolete Language Amendment

"Shall the constitution be amended by removing the obsolete language of Article IX, Section 2, relating to apportionment of members of the legislature; of Article IV, Section 7, relating to the compensation of members of the legislature; of Article IV, Section 23, requiring a state census; of Article IV, Section 32 (b), calling for a validating election in 1884; of Article V, Section 4, relating to appointment of a state librarian; and of Article VII, Section 9, relating to the first state general election and the first state election; and by repealing Article IV, Section 26, relating to election of members of the senate of the United States, and Article VII, Section 8, limiting women's suffrage to school and library elections?"

YES	
NO	

PROPOSED AMENDMENTS TO THE MINNESOTA CONSTITUTION 1964

League of Women Voters of Minnesota

PROPOSED AMENDMENTS TO THE MINNESOTA CONSTITUTION — 1964

AMENDMENT I

The 1963 Legislature passed a law (Minnesota Statutes 1963, Chapter 81) declaring its policy on the taxing of taconite and semi-taconite iron ores. It also passed a bill proposing an amendment to the state constitution which would prohibit the amendment, modification or repeal of this law for 25 years. This bill will appear as Amendment I on the November 1964 ballot.

If Amendment I should fail to be ratified by the voters, the statute would still remain in effect.

DEFINITIONS

TACONITE — The name given the original iron formation in Minnesota (erroneously supposed to have been of Taconic or Cambrian age). This formation is a hard rock containing 20-30% iron in fine particles imbedded in the rock. One author describes Minnesota's iron formation as a loaf of raisin bread, the raisins representing pockets of high grade ore. The bread in the loaf would be the taconite. Minnesota's supply of taconite-bearing rock is so extensive that accurate estimates are difficult to make, but the State Division of Lands and Minerals calculates that we have 50 billion tons of taconite which can be concentrated by present methods.

SEMI-TACONITE — An intermediate quality iron ore which is processed in a manner similar to taconite.

Both of the above are legally defined in Minnesota Statutes 298.34-.39. The definitions, while quite technical, are sufficiently vague that some legal experts believe judicial review may be required to determine exactly what ore could be considered semi-taconite.

NATURAL ORE — An ore consisting of relatively large particles of iron imbedded in soft, earthy material. It can be upgraded by washing or crushing.

BENEFICIATION — Any process of treating ore to raise its iron content or or to make it usable.

HISTORY

Minnesota's first iron ore deposit of commercial quality was discovered in 1875 at the site of the present Soudan Mine on the Vermilion Range. The first ore was shipped out of that northern wilderness in 1884. Years of intensive mining on the Iron Range have depleted the basic ore formation by only 5%, but the cream of the ore is gone. The remaining basic iron formation, called taconite, is left.

For many years taconite was considered worthless. However, after lengthy experiment—primarily at the University of Minnesota under Dr. E. W. Davis —a commercial method to beneficiate the ore was developed. As natural

ores have been depleted, taconite has become increasingly important to the economic well-being of the Iron Range.

The hard black taconite pellets are the result of a multi-step process which begins in the open pit mine. A jet piercing machine using oxygen and kerosene to create a flame over 4000 degrees Farenheit bores a hole 40 feet deep in the flint hard rock. A charge of dynamite blasts loose the rock, which is hauled by truck or rail to mammoth crushing machines where the rock is crushed in four stages into pieces smaller than ¾ inch.

Water is added, and the rock is ground between tumbling steel rods and balls until it becomes a talcum powder-like sand. Particles containing iron are magnetically separated from the waste sand, a step which is repeated until the ore is sufficiently concentrated to be used in blast furnaces. Filters then remove most of the water from the concentrate, which has the consistence of a heavy, black mud, and the concentrate is rolled into small balls called green pellets. After baking in furnaces which generate temperatures up to 2400 degrees Fahrenheit, the hard pellets are suitable for shipping and for use in the blast furnaces.

This process begins with three tons of crude ore and results in two tons of waste sand and one ton of pellets. These pellets contain about 62.5% iron and 8% silica. The average content of natural Minnesota ore in 1959 was 51.5% iron and 8.9% silica. According to Fred Devaney, Head Metalurgist for Pickands Mather and Company, pelletizing increases the efficiency of blast furnaces about 50%.

TAXES

Natural Ore Policy

Through the years Minnesota developed a special formula for the taxation of natural ore. Years of controversy resulted in the passage in 1922 of the Iron Ore Occupation Tax Amendment which still governs taxation of ore.[1] The Occupation Tax is levied on the value of the ore at the mine after deductions have been made for the costs of mining. It therefore combines some of the features of an income tax with those of a production tax. Because mining companies pay this tax, they do not pay Minnesota Corporation Income Taxes, but taxes paid under the Occupation Tax are substantially higher than they would be if the companies paid state income taxes.

Besides the Occupation Tax, mining companies pay Royalty Taxes — a tax on the fees they pay for leasing mineral lands they do not own.

Mining companies also pay local property taxes. The determination of property taxes for mining operations presents special difficulties in terms of evaluation and assessment because the property includes both the mine buildings and equipment and the reserves of unmined ore. It is generally agreed that non-mining property is assessed by municipalities at a lower rate than iron operations.

Minnesota's iron ore tax policy was developed during the years when the state was the major source of iron ore. When iron ore customers had no place else to go for ore, the state could tax producers at a higher level than other industry. This led to the situation today where iron ore companies

[1] See Minnesota Taxes Established by Special Constitutional Provisions, League of Women Voters of Minnesota, 1963, for full explanation of Iron Ore Occupation Tax.

pay state Occupation and Royalty taxes about three times higher on natural ore operations than the state income taxes paid by other kinds of businesses in Minnesota.

In recent years Minnesota's position as an iron ore producer has changed radically. Because iron ore of superior quality and structure is available from dozens of different sources, Minnesota is no longer the major supplier of our nation's iron ore.

Taconite Tonnage Tax

In 1941 the legislature passed the Taconite Tax Law to encourage construction of large plants necessary to process the iron-bearing rock. This law provides that all plants, equipment and active taconite mines are subject to a tonnage tax rate IN LIEU of local and state property taxes. The tonnage tax rate is 5 cents per ton of taconite concentrate produced with an iron content of 55% or below. One-tenth of one cent is added for each one percent of iron content above 55%. Thus a ton of taconite containing 60 percent iron would pay a tax of 5.5 cents. A nominal state tax on reserve property not presently in use is also charged.

The Taconite Tonnage Tax is distributed to the various districts where the mining and concentration operations are conducted or the taconite lands are located, as follows:

22% to the city, village or town
50% to the school district
22% to the county
6% to the state

This provides a degree of compensation for the loss of local property taxes.

While the taconite tonnage tax is levied in lieu of state and local property taxes, special local taxes are paid by the taconite facilities now in operation under some 20 special acts of the legislature for such items as payment of bonds or Certificates of Indebtedness issued by the local school districts, and for certain village improvements, such as sewage and water facilities. In addition to the costs imposed by these special taxes, Reserve Mining Company and Erie Mining Company have paid voluntarily the full original costs of streets and alleys in Hoyt Lakes, Babbitt and Silver Bay.

Taconite Occupation Tax

An Occupation Tax is also paid on taconite, but the rate is 12% instead of the 14.25% on natural iron ore. Deductions from the Occupation Tax for mines with high labor costs are allowed in the form of labor credits. For natural ore the credit has not been large. In 1960 it amounted to 0.67%; leading to an effective tax rate of 13.58%. For taconite, the occupation tax can be reduced by labor credits to 3.75%, which is favorable for the industry.

A portion of the Taconite Occupation Tax (25% of the total, not to exceed 5 cents per ton) is returned to the various local governments as follows:

25% to the city, village or town
50% to the school districts
25% to the county

Taconite Royalty Tax

All royalties paid by mining companies to the owners of ore-bearing property are subject to a Royalty Tax. The Royalty Tax is computed on the amount of royalty paid by the mining company to the "fee-owner" for permission to mine the ore. In 1959 the Legislature granted that the same labor credits that apply to the Occupation Tax also apply to the Royalty Tax.

Generally, mining leases require that all taxes are to be paid by the mine operator. This makes the Royalty Tax a tax on the mining company and not the land owner.

Taconite Railroad Tax

Because the different operations (mines, crushing plants and pelletizing plants) are often far apart, taconite companies need inter-plant railroads of considerable length. Erie Mining Company has over 70 miles of such track; Reserve Mining Company has about 50 miles of track.

The Taconite Railroad Tax law made these railroads subject to the same tax as the common carrier railroads in the state. The Taconite Railroad Tax is distributed to the state and local communities in which the railroads are operated in lieu of property taxes. This tax is computed at 5% of an imaginary gross earnings, which is figured by multiplying the tons of taconite concentrate shipped times the regular shipping rate which would be paid to commercial carrier railroads. In other words, the taconite companies are taxed on their own railroad operations as though they were being hired to haul the ore.

Taconite Tax Summary

The taconite industry is subject to four state taxes:

1. Taconite Tonnage Tax (5 cents per ton base)
2. Taconite Occupation Tax (12% of the value of the ore minus labor credits)
3. Taconite Royalty Tax (12% of the royalty fee minus labor credits)
4. Taconite Railroad Tax (5% of gross earnings)

The 1962 revenues from these taxes were:[3]

1. Taconite Tonnage Tax	$ 842,289
2. Taconite Occupation Tax	1,107,916
3. Taconite Royalty Tax	323,683
4. Taconite Railroad Tax	1,027,019
Total State Revenue	$3,300,907

The 1962 tax per ton of taconite was:

1. Taconite Tonnage Tax	5.8¢
2. Taconite Occupation Tax	8.1¢
3. Taconite Royalty Tax	2.5¢
4. Taconite Railroad Tax	7.47¢
Total State Tax per ton	23.87¢

[3] Minnesota Department of Taxation figures.

In addition to these state taxes, the amount of local taxes paid by taconite companies under special acts of the legislature was $1,885,555 or 13.72¢ per ton in 1962. This would bring the 1962 total of both state and local taxes paid to $5,186,462 or 37.5¢ per ton. The average total of state and local taxes on a ton of *natural ore* was $1.33 in 1962.

POLITICAL BACKGROUND

Politically the taxing of taconite has been a controversial issue. Both political parties support continuing development of the industry, but have differed in methods of encouragement. The state Republican party has for some time approved giving constitutional guarantees. Traditionally, the Democratic-Farmer-Labor party has opposed constitutional amendment, although it did not oppose statutory concessions. This is not as simple a split along party lines as it would appear. Proponents and opponents crossed party lines depending on many factors, such as occupation, governmental philosophy or geographical location. In February of 1963 the United Steelworkers' Union, a powerful long-time foe, gave its approval to a self-limiting amendment, and the statute and proposed amendment were passed by the legislature in March with little debate. In May the DFL State Convention, after much discussion, passed a resolution to support the amendment, provided steel companies remain firm and unequivocal in their promises of plant construction. This action removed the most vocal opposition to the amendment. The state AFL-CIO and the Minnesota Bar Association have also endorsed the amendment.

THE STATUTE AND THE AMENDMENT

The statute—Chapter 81, Laws of Minnesota, 1963—states in brief:

1. The combined occupation, royalty, and excise taxes to be paid by taconite or semi-taconite corporations shall not exceed the greater of (a) the amount computed under present (1963) law or (b) the amount which would be payable under laws applicable to manufacturing corporations as such laws may be amended from time to time.
   In other words, the taconite industry may be taxed as it is presently or, in the event that the Legislature determines in the future that the corporate income tax would yield more money, it could require taconite companies to pay the higher of the two taxes.
2. In determing what an income tax would yield, three provisions permit a flexible application of certain parts of the corporate income tax laws to the taconite situation.
3. Taxes imposed in lieu of real or personal property, the Taconite Tonnage Tax and the Taconite Railroad Tax, shall not be considered to be within the meaning of this statute, nor is there any prohibition of special laws for local property tax levies on taconite companies.
4. Taconite and semi-taconite shall have the meaning as defined in Minnesota Statutes 298.34-.39.

The amendment prohibits the amendment, modification or repeal of Chapter 81 for 25 years. It also authorizes the legislature to impose limitations on the taxes to be applied to copper, copper-nickel or nickel for a period of 25 years.

THE ISSUES

Economic Considerations

Supporters of the amendment feel that its passage will open the way for new and additional investments in Minnesota taconite, adding to the $600 million already invested and to the more than 5,000 jobs which have already been provided in Minnesota's three existing taconite plants.

Two more taconite plants are being planned for Minnesota now. *Proponents* say the new year-round jobs they will create and the millions of dollars they will pump into our state's economic bloodstream hinge on passage of the amendment. The entire state, not just northeastern Minnesota, will benefit from passage of the taconite amendment, since the resulting new investment, payrolls and purchases will contribute to a healthy, stable state economy and declining relief rolls.

Opponents deny this. They believe that the industry has already examined the economic factors, such as market demands, transportation costs, market locations, labor costs, raw material reserves and current tax structure and publicly announced plans for construction of taconite plants. They believe that, in light of increased automation, the number of jobs will not be sufficient to justify putting faulty policy into the constitution.

Proponents of the amendment admit that the tax rate is very favorable today because of labor credit deductions, but they assert that as production costs are reduced, by automation and improved methods, the cost of labor will decrease, credits will become smaller, and the Occupation Tax rate may rise to the maximum 12%.

Opponents feel a major argument for the amendment and certainly a factor in the Steelworker's change of attitude, the "creation of jobs on the Iron Range," loses some of its salience if tax rates must not be increased because lower labor costs (or less jobs) will mean, in effect, a higher tax.

Advocates point out that Minnesota is attempting to compete in the iron ore market, and even its taconite plants are experiencing fierce competition today. Huge taconite plants have been and are being built in other states and nations. More *will* be built—somewhere. Minnesota wants those uncommitted projects to be located here and is competing for hundreds of millions of dollars of investment in new and expanded taconite facilities. But investors—insurance companies, steel companies, investment bankers—are reluctant to invest further in Minnesota taconite projects because there is no assurance that Minnesota will not shift the iron ore tax burden from natural iron ores over to taconite operations once the taconite plants have been built. The importance of the amendment as a symbol of a new and favorable tax climate for investors should not be underestimated.

Opponents of the amendment say that the tax revenue lost by continuing a low tax rate after the industry is established will have to come from nonmineral sources. If individual and corporation income taxes, statewide property taxes and excise taxes cannot bear this load, cutbacks in education and other state programs would be necessary. They feel it is unwise to extend to a mature industry, concessions provided in its infancy.

Regardless of taconite revenues, the state income from taxes on natural iron ores will decrease in the future because of substantial depletion of high grade ores during the next 5 to 7 years.

Tax Policy Consideration

Because of the complexity of the specific taxes, it may be wise to review the statute and amendment to show exactly how they will affect the state policy on taconite.

First, the Taconite Tonnage Tax would not be affected by the amendment because it is a tax *in lieu* of state and local property taxes. This protection afforded the industry from high local property taxes by the 1941 Taconite Law would continue to be statutory. Also unaffected by the amendment would be Taconite Railroad Tax which falls under the constitutional provision for a 5% railroad gross earnings tax *in lieu* of property taxes.

The Taconite Occupation Tax and Taconite Royalty Tax are both included in the provisions of the statute and amendment. The 12% base would be frozen for 25 years. The methods of computing labor credits would also remain unchanged, but since variable factors are involved in these formulas, the actual amount of labor credit could vary from year to year.

The proposed amendment will not lower present taxes on taconite. It provides that those taxes *can* be raised when and if taconite companies would pay higher taxes under the state corporate income tax laws than they do under the Occupation and Royalty tax.

Opponents of the amendment point out that mining companies have been assessed extra taxes since 1921, and this amendment would reverse a 42-year policy that these extra taxes have been justified under the natural heritage doctrine. That is, mining removes from the state an irreplaceable natural resource, and an industry which exhausts a resource should pay more taxes than one, e.g., a manufacturing plant, which does not.

Advocates of the amendment feel that taconite should not be considered under the natural heritage theory since it is actually a manufactured ore. Some tax experts feel that because the taconite industry is characterized by its processing facilities, it should be considered a manufacturing rather than a mining industry.

Constitutional Considerations

Although constitutional authorities are unanimous in stating that special tax laws do not belong in a constitution, most of the states have such provisions and many are continuing to add them. The Minnesota constitution already contains six special taxes:

1. Railroad Gross Earnings Tax
2. Iron Ore Occupation Tax
3. Gasoline Tax for Highway and Airplane Use
4. Tax on Timber Yield
5. Motor Vehicle Tax
6. Air Carriers Flight Property Tax

The six existing provisions all create a tax and most of them specify the funds which will receive the revenues. Only the Railroad Gross Earnings Tax specifies the amount of the tax (5%). The others leave the details of rates and qualifications to be determined by statute, giving them a degree of flexibility. Even the 5% Gross Earnings Tax rate has not prevented the railroads from receiving an additional statutory assessment.

The Taconite Amendment would differ chiefly from these provisions in two ways:

1. It imposes a restriction on statutory policy, limiting application of a tax (Iron Ore Occupation) rather than setting up a new tax.
2. It is self-limiting to 25 years.

Although it is always possible to delete or change a constitutional provision by amendment, League studies show that once these taxes become part of the constitution, they stay there.

Some workers for constitutional reform feel that, in the past, the chief opposition to comprehensive revision has come from groups who, because of these special taxes, have a vested interest in the constitution. They fear that adding the taconite industry to this list would be adding another foe to constitutional revision.

Advocates of the amendment point to the 25-year limit as a safeguard. They also feel that a constitutional cure should be sought to correct a constitutional inequity. Because the constitution was amended in 1922 to provide for the special state taxes on iron ore mining (which today includes the new taconite industry), it is now proper to amend it to assure that those taxes on taconite won't be unfairly increased in comparison with the state taxes on other industries.

Opponents feel that writing statutory tax law into the constitution is inconsistent with the principle that constitutions should contain only fundamentals. Minnesota's constitution contains a warning about the temptation to yield taxing power to obtain what looks like an economic advantage. "The power of taxation shall never be surrendered, suspended or contracted away." (Article IX, Section 1.) Opponents think the tax amendment does just that. They also believe it denies the prerogative of future legislatures to authorize taxation based on changing economic factors and technological advances.

League members, after careful study and free discussion, will attempt to come to consensus regarding this amendment on the same basis as they have evaluated others. The Taconite Amendment has been the subject of heated controversy for years and will require careful, objective study.

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AMENDMENT II

The second of the two amendments to be voted on at the November 1964 election would remove from the state constitution eight sections which are considered obsolete.

BACKGROUND

This amendment originated with the Minnesota State Bar Association which brought it to, and supported it through, the last legislative session. The bill proposing the amendment (S.F. 222) was the work of a Bar Association constitutional revision committee which tried to limit its proposal to noncontroversial obsolescences.

Although the Bar Association's bill called for eight separate amendments, the measure was changed by the legislature to a single amendment with eight sections.*Taconite-amendment supporters particularly were anxious that the election ballot not be cluttered with a number of proposals.

Organization support of the amendment, at this early date, is limited to the Bar Association. Thus far no group has taken action to oppose the amendment.

THE AMENDMENT

The eight provisions considered to be obsolete either because of the passage of time, the lack of use or the supersession of later or higher laws are listed below.

(1)

The first alteration affects Article IV, Section 2, dealing with the legislature and apportionment. It calls for removal of the words "exclusive of Indians not taxable under the provisions of law" used in reference to the minimum number of inhabitants which each legislator may represent (5,000 for Senate, 2,000 for House). This provision has been made obsolete by the facts that Indians as a class no longer are "not taxable" and that Indians are included in census figures determining the size of a legislator's district.

This deletion also was recommended by the 1947 Constitutional Commission of Minnesota (hereafter referred to as MCC) "upon the assumption that it serves no purpose and is no longer necessary." Other obsolete references to Indians, superseded by the fifteenth amendment to the U.S. Constitution, were removed from the constitution by a 1960 amendment.

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* There was some question during the session whether a single amendment would be consistent with the constitutional requirement "if two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately." Legislative choice of a single amendment was based on a Minnesota Supreme Court decision, in the case of Peter Fugina v. Joseph Donovan, relative to a 1960 amendment. The amendment, which the court approved but the voters later failed to pass, proposed 1) extension of the legislative session, 2) that legislators be allowed to seek other office and 3) new bills introduced after the 70th day of the session be authorized by the legislature. The court said then, in reference to a 1932 decision, "The . . . view adopted by this court in Winget v. Holm . . . is that propositions that might be submitted separately may be submitted in a single proposal if they are rationally related to a single purpose, plan, or subject." (259 Minn. 35)

The legislature construed the eight sections to be one subject, the subject being obsolete material.

(2)

The second alteration is proposed for Section 7 of Article IV which concerns legislative compensation. In the sentence "The compensation of senators and representatives shall (be three dollars per diem during the first session but may afterwards) be prescribed by law," the words which are enclosed in parentheses would be removed. Also recommended for deletion by the MCC, this phrase no longer is necessary since it refers only to the first legislative session.

(3)

The third change, again in Article IV, is to be made in Section 23 which refers to a state census. The legislature has not called for a state census since 1905, relying instead on federal census figures for apportionment of legislative and congressional districts. This amendment will make state census enumeration permissive rather than mandatory. The alteration is quoted below with new words in italics and deletions in parentheses.

(CENSUS ENUMERATION; APPORTIONMENT.) "Sec. 23. The legislature shall *have the power* to provide by law for an enumeration of the inhabitants of this State (in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made) *and* also *have the power* at their first session after each enumeration *of the inhabitants of this state* made by the authority of the United States, (the legislature shall have the power) to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article."

The MCC recommended a different treatment of this obsolescence, but the effect of this proposal and the MCC recommendation is the same; i.e., state census taking shall be permissive.

While this provision is more unenforced or ignored than obsolete, it must be pointed out that there never has been strong criticism of the legislature's over-looking the state census. Former University of Minnesota professor William Anderson, in his still invaluable 1927 *Minnesota Law Review* article "The Need for Constitutional Revision," wrote, "State censuses never were highly accurate because of a failure to provide adequate funds and also because of the selection of the enumerators primarily on a political basis.

(4)

The fourth part of this amendment would delete Section 26 of Article IV which calls for U.S. Senators to "be elected by the two houses of the legislature in joint convention . . ." This section was made obsolete by the 17th amendment to the U.S. Constitution which says, in part, "The Senate of the United States shall be composed of two Senators from each State elected by the people, thereof . . ." The MCC also recommended deletion of this section.

(5)

The fifth change, the last in Article IV, is in Section 32 (b) which deals with the Internal Improvement Land Fund. The Internal Improvement Land Fund was established by an 1872 constitutional amendment (Section 32 [b]) to receive the proceeds from the sale of 500,000 acres of land granted to the

State of Minnesota by the federal government for the purpose of internal improvement.

The proposed amendment would delete from Section 32(b) the following words:

> "The moneys* belonging to the Internal Improvement Land Fund shall not be appropriated for any purpose whatever until the enactment for that purpose shall have been approved by a majority of the electors of the State voting at the annual general election following the passage of the act."

Deletion of this paragraph would appear to free the legislature to appropriate the principal of the Internal Improvement Land Fund as it chooses. It should be pointed out, however, that remaining in Section 32(b) is this sentence: "All moneys derived from the sales of said lands shall be invested in the bonds of the United States, or of the State of Minnesota issued since 1860; and the moneys so invested shall constitute the Internal Improvement Land Fund of the State." This would seem to be adequate safeguard that the fund will remain until the voters approve a change.

It also should be noted that the interest from the Internal Improvement fund has been constitutionally dedicated to some sort of highway or road and bridge fund since 1898. At present Article XVI, Section 7, dedicates to the county state-aid highway fund "all moneys** accruing from the income derived from investments in the internal improvement land fund."

The words to be deleted are considered obsolete because they were inserted into the constitution for a specific purpose and that purpose has been achieved. This paragraph was included so that the internal improvement fund could not be used to pay off the Minnesota Railroad Bonds without an election of the people. That election was held in 1882.*** A brief history might be helpful to an understanding of this situation.

In 1866, a previously overlooked federal land grant was discovered. The discovery came at a time when state officials were looking for a way to redeem the 1858 railroad bonds which the state had issued to finance much-needed railroad development. Before the bonds were issued, voters had been unwisely assured by many leaders that the state could back the bonds with its "credit" and that such credit would never involve actual money.

When the railroads defaulted on payments, largely due to an economic downturn, many responsible leaders felt that the state was obligated to redeem the bonds and many also felt that the federal lands should be used for this purpose. But a majority of the voters did not agree.

Two attempts to get voter approval to sell the federally granted lands failed to pass because voters wanted to be certain that the proceeds would not be used to honor the bonds. The paragraph now to be deleted, which required voter approval before the internal improvement fund could be appropriated, was the key to passage of the present section 32(b) in 1872.

In 1881, the Minnesota Supreme Court indicated that it felt the bonds were state obligations and would have to be paid. Rather than be taxed,

* Moneys refers to principal

** Moneys refers to interest

*** The 1964 amendment refers to this election as being in 1884. Williams Watts Folwell in his *History of Minnesota* indicates it was held in 1882.

the voters ratified a bill providing for payment of the bonds from the Internal Improvement Fund. The railroad bonds reduced the fund by $2,628,000.

Today the fund amounts to about $419,000. It grows about $3,000 to $5,000 a year. The interest, dedicated by constitutional amendment to the county state-aid highway fund, amounts to about $12,000 per year.

The MCC recommended deletion of the entire Section 32(b) and consolidation of the internal improvement fund provision with the provisions on the other state trust funds. Its proposal provided that the net proceeds, i.e., the sum remaining after deduction of costs of administration, remain a "perpetual trust fund and that the interest on the fund be appropriated "as provided by law."

(6)

The sixth proposed change, this time in Article V, Section 4, would remove from a statement of gubernatorial appointive powers the office of state law librarian. The Judiciary Amendment adopted in November, 1956 gave the power of appointing the law librarian to the Supreme Court (see Section 2 of Article VI) as had been recommended by the MCC.

(7)

Change seven would remove from the constitution Section 8 of Article VII which limits women's suffrage to school and library elections. This provision was superseded by amendment 19 of the U.S. Constitution which says, in part, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." Section 8, which usually is omitted from printed text of the state constitution, now reads:

> "Sec. 8. Women may vote for school officers, and members of library boards, and shall be eligible to hold any office pertaining to the management of schools or libraries. Any woman of the age of twenty-one (21) years and upward, and possessing the qualifications requisite to a male vote, may vote at any election held for the purpose of choosing any officer of schools, or any members of library boards, or upon any measure relating to schools or libraries, and shall be eligible to hold any office pertaining to the management of schools and libraries."

The MCC also recommended this delection.

(8)

The eighth and last part of this amendment affects Article VII, Section 9, dealing with the official state year. The amendment proposes deletion of references to elections of 1884, 1886, and expiration of terms in 1887. A similar change was proposed by the MCC.

The section, showing deletions in parentheses and new words in italics, is quoted below.

[OFFICIAL YEAR OF THE STATE] "Sec. 9. The official year for the State of Minnesota shall commence on the first Monday in January in each year, and all terms of office shall terminate at that time; and the general election shall be held on the first Tuesday after the first Monday in November. (The first general election for State and county officers, except judicial officers, after the adoption of this amendment, shall be held in the year A.D.

one thousand eight hundred and eighty-four [1884], and thereafter). The general election shall be held biennially *in each numbered year*. (All state, county or other officers elected at any general election, whose terms of office would otherwise expire on the first Monday of January, A.D. one thousand eight hundred and eighty-six [1886], shall hold and continue in such offices, respectively, until the first Monday in January, one thousand eight hundred and eighty-seven [1887].

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Much Valuable information on both amendments was obtained through interviews with state executive officials, specialists in the state Department of Taxation and the Revisor of Statutes office, legislators, University of Minnesota faculty and knowledgeable private citizens.

LEAGUE OF WOMEN VOTERS OF MINNESOTA

State Organization Service

University of Minnesota
Minneapolis, Minnesota 55455

3500 12-63 10¢

AMENDMENT AWARENESS KIT

Remember the Amendments--

Vote "Two Amendments, Too!" in the General Election - November 5, 1968

This kit contains suggestions to assist your League in launching a "Two Amendments, Too!" campaign in your community.

--Inform your members
--Enlist aid from other organizations
--Inform your community

The League has no position on either Amendment No. 1 or Amendment No. 2. In some previous elections the majority who did vote on state constitutional amendments favored their adoption, but the amendments did not carry because this did not constitute a majority of those voting in the election (a majority of those voting in the election who vote in favor of amendments is required to pass the amendments). When a voter ignores the amendments--does not vote at all on them--his is in effect counted as a "no" vote. Encourage voters to inform themselves about these ballot issues. Remind them to vote "Two Amendments, Too!" on November 5, 1968.

Additional copies of this kit may be ordered from the state office at 25¢ each. Copies of the Amendment Broadside are 1¢ each, 1000 for $9.50.

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

A M E N D M E N T A W A R E N E S S K I T

CONTENTS

_____ Amendment Broadside
Answers basic questions about current constitutional provisions, proposed changes, and reasons for change.

_____ Additional Background Information on Proposed Amendments
Supplement to the "Amendment Broadside" contains actual wording of proposed changes.

_____ Voters Service and the Speakers Bureau
Bibliography for a variety of VS talks including information on the proposed amendments.

_____ Outline for VS Talk

_____ Background Information for VS Speeches on Proposed Amendments
Highlights some examples of problems encountered under current constitution provisions in these issues.

_____ Who Me? "Two Amendments, Too?"
Tips on promoting awareness of the amendments and the importance of casting an informed vote.

_____ "A Committee of One . . for 'Two . .' "
The role of the individual League member in promoting awareness of the amendments.

_____ The Year of the Button
Uses of the "Two Amendments, Too!" promotional button.

_____ Sample Ballot
Here's a sample copy of the state amendments ballot--you may use it in your posters and publicity. Note: This sample copy is blue because Minnesota election laws forbid printing of sample ballots on the same color as the actual ballot--which will be pink (like the Button!).

Additional copies of this kit may be ordered from the state office at 25¢ each. Copies of the Amendment Broadside are 1¢ each, 1000 for $9.50.

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

The Amendments and the Individual League Member

-or-

"A COMMITTEE OF ONE . . FOR 'TWO . .' "

Who Me? Yes, YOU!

Some of the most effective LWV promotion and testimony is continuing one-to-one illumination by the informed League member who can factually supply answers to her friends', relatives', and neighbors' questions about election information and ballot issues.

Fashion Forecast: What's pink and black, round and sharp? Your Two Amendments, Too! button, naturally--designed to go with everything in your fall wardrobe. Equally provocative on suit collar or sweater. The gay hue reminds voters that pink is the color of the state constitutional amendments ballot--and that no one may forget in '68! Remember that no costume is complete until you pin on your "Two Amendments, Too!" button . . . and be prepared to answer questions.

Amendment Broadside: Have copies at home to hand out to friends who stop by. And how about checking your greeting card list to send copies to those out of your town who may not have access to amendment information. To get an early start on Seasons Greetings, pen lines of news on the back!

Those Other Hats you wear as a member of other organizations may become "thinking caps" as you consider ways to help inform these voters, too . . . like . . take some flyers along to hand to your bowling teammates or church women's group (or couples group?). These luggage-look handbags are dandy for toting Amendment Broadsides.

Help Husband spread the word by supplying him with Broadsides to post at work. And if you are employed, too, do contact your own fellow-workers.

"2,Too!", "2, Too!" may become a statewide alert -- reminding voters to remember "2, Too!" and "stay on the track" as active, informed citizens!

Remember that YOU can be a majority of one for "Two Amendments, Too!"

"Shall the Constitution of the State of Minnesota be amended by . . . ?"

YOUR VOTE WILL DECIDE

Here are the Constitutional Amendments to be voted on November 5, 1968

Amendment 1 – Legislator May Resign and Accept Other Office

NOW

No legislator (State Representative or State Senator) may hold any U.S. or Minnesota Office except postmaster during an elected term.

No legislator may hold an office which was created or for which the compensation was increased while he was in the legislature until one year after his term has expired.

PROPOSED CHANGE

A legislator would be able to resign from the legislature if elected or appointed to another office.

The restriction on seeking office for which compensation was increased during his term would be removed.

REASONS FOR CHANGE

Those favoring this amendment feel it would allow the voters and the governor to choose the "best man" for the job. Now, when the legislature raises the salaries of the governor, lieutenant governor or other state, county, or municipal officials, legislators are ineligible to seek these positions until one year after their terms have expired. This also limits the governor in his choice of appointments.

Amendment 2 – Time for Presenting Bills and Approval by Governor

NOW

The constitution now allows the governor *three* days after adjournment of the legislature to approve and sign any act passed during the last three days of the session.

PROPOSED CHANGE

The governor would have *14* days to approve and sign any act passed during the last three days of the session.

The legislature would have three days following the end of the session to submit bills to the governor.

REASONS FOR CHANGE

The legislature now handles an increased volume of bills. A large number are passed during the final three days, making former time limits inadequate. With the proposed change the Reviser of Statutes would have additional time for the final copying of bills. The governor would have more time to study these bills.

IF YOU FAIL TO VOTE ON THE AMENDMENTS
YOU ARE VOTING *AGAINST* THE AMENDMENTS

It's *YOUR* Vote that Counts in '68

Presented as a public service by the

LEAGUE OF WOMEN VOTERS OF MINNESOTA
555 Wabasha, St. Paul, Minnesota 55101

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

ADDITIONAL BACKGROUND INFORMATION ON PROPOSED AMENDMENTS
(A Supplement to the Amendment Broadside)

This information will aid you in answering questions about the proposed amendments to the state constitution which will be on the ballot in the General Election on November 5, 1968.

Amendment No. 1 - Legislator May Resign and Accept Other Office

The legislature has proposed an amendment to Article IV, Sections 9 and 17 of the constitution of the State of Minnesota.

Article IV, Section 9, now reads:

"No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature."

If amended as proposed by the legislature, Article IV, Section 9 will read:

"No senator or representative shall hold any other office under the authority of the United States or the State of Minnesota, except that of postmaster or notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his resignation to the governor."

Article IV, Section 17, now reads:

"The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken."

If amended as proposed by the legislature, Article IV, Section 17 will read:

"The governor shall issue writs of election to fill such vacancies as may occur, by resignation or any other cause, in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken."

Article IV of the state constitution defines the legislative department of the state. Article IV has 35 sections whose contents range from the length of legislative session to prohibition against combinations or pools to affect markets in the state. The ninth sect on (as stated above) contains restrictions upon members of the state Senate and House of Representatives in holding office. Under these provisions a legislator may not hold any office other than postmaster during the time for which he is elected. A legislator is also not permitted to seek election to any office for which a raise in pay has been enacted by the legislature of which he has been a member -- until a year has

passed from the end of his elected term. Representatives' terms run two years beginning in January following the November election, and Senators' terms for four years. A practical effect of this provision (now that state constitutional offices are elected for four years instead of the original two years) might be to limit a legislator from seeking election to state office for four years following a pay increase granted during his session. The constitution (Article IV, Section 6) links the Lt. Governor's salary to the salaries of state Senators (Lt. Governor's salary is twice the state Senator's salary) so an increase in state Senators' salaries (such as enacted in 1965) makes all members of that legislature ineligible to seek that office during the 1966 election.

Section 17 (as stated above) prescribes the actions the governor shall take in filling vacancies occurring in the legislature. It does not describe how these vacancies may occur. There is actually now no means described in the constitution whereby a legislator once elected may resign before the end of his term.

PROPOSED CHANGES:

The proposed amendment would limit a legislator from holding another office (with the exception of postmaster as now granted and notary public as proposed) during the time in which he is serving in the legislature. As currently stated in the constitution he may not hold another office during the period for which he is elected, that is the full two or four years, not allowing a resignation from that office by reason of election to another office.

Also spelled out in the proposed amendment is the method by which a legislator may resign if appointed or elected to another state or federal office.

Under the proposed amendment no legislator would be disqualified from election to any elective office by the fact that he is currently serving as a legislator. He would be enabled to resign at any time before the end of his elected term by submitting his resignation to the governor.

The proposed amendment omits the existing provision: " . . no Senator or Representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member until one year after the expiration of his term of office in the legislature." Since this provision is not included in the amended version of Article IV, Section 9, it would be automatically repealed by the adoption of this amendment and would no longer be in force.

Amendment No. 2 - Time for Presenting Bills and Approval by Governor

The legislature has proposed an amendment to Article IV, Section 11, of the constitution of the State of Minnesota.

Article IV, Section 11 now reads in part:

"If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the

If amended as proposed by the legislature, this part of Article IV, Section 11 will read:

"If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall

same shall be law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return; in which case it shall not be a law. The governor may approve, sign within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law."

have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return. Bills may be presented to the governor during the three days following the day of final adjournment of the legislature and the legislature may prescribe the method of performing the acts necessary to present bills to the governor after adjournment. The governor may approve, sign and file in the office of the Secretary of State within 14 days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law. If any bill passed during the last three days of the session is not signed and filed within 14 days after the adjournment, it shall not become a law."

Section 11 provides for approval of bills by the governor and also for action on non-approval. Procedures involved in presenting bills include a process called "enrollment" which is performed by the Reviser of Statutes. When the bill is passed and ready to be sent to the governor it is carefully copied in its final form to be enrolled among the Minnesota laws. This process takes time. The increasing amount of business covered by the legislature especially toward the close of the session compounds the time deadline problem.

PROPOSED CHANGES:

The proposed amendment would give the legislature more time to prepare and the governor more time to study and sign the large number of bills passed during the last three days of the legislative session.

The legislature would be allowed three days after adjournment within which to present bills to the governor. The governor would have fourteen days after adjournment of the legislature to approve bills passed during the last three days of the session.

The amendment also would provide that a bill passed during the last three days of the session which is not signed and filed by the governor within 14 days after adjournment shall not become a law. Presently a bill does not become a law if not signed by the governor within three days after adjournment.

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

VOTERS SERVICE AND THE SPEAKERS BUREAU

You may receive many different requests for Voters Service speeches. Instead of providing full speech material, we are offering these bibliographies for the subjects most likely to be requested. Voters Service effort this fall should stress the importance of voting on the amendments--urging voters to make up their minds one way or the other and remember to vote on "Two Amendments, Too!". The voting records on state constitutional amendments in 1966 indicated that voters in paper ballot precincts vote more frequently on the amendments. In voting machine precincts there was a higher incidence of non-voting on amendments. This year each voting machine will carry a reminder to vote on the proposed amendments. Check your community's record in previous state amendments ballots (check with county auditor for vote totals) and publicize this record in your Amendment Awareness Campaign. Background information on the proposed amendments is included in this kit.

Amendments --

* Amendment Broadside
* Additional Background Information on Proposed Amendments
* Background Information for VS Speeches on Proposed Amendments

Elections --

* Your Vote Makes a Difference Flyer
* Digest of Minnesota Election Laws
  Complete Minnesota Election Laws - 1968
* Voters Rights Under Certain Minnesota Laws
* Minnesota's Welcome - New Resident Law
  Legislative Manual
  Legislative Manual for Young Readers
** Get Ready to Vote

Political Parties --

** Choosing the President
** Role of Political Parties, U. S. A.
* 1968 Precinct Caucus Kit

Government --

*You Are the Government
** Do You Know the ABC's of Your Town's Government?
* How a Bill Becomes a Minnesota Law
* Legislative and Congressional District Maps
* How to Write Your Legislator
** You and Your National Government
** Why Write Your Congressman and How
** Roll Call Votes - published by national after each congressional session

PLUS --

** Voters Service Manual
** Voting is People Power
  Report of President's Commission on Registration and Voting Participation
* Voters Service Sights the You in Youth

* Publication of the LWV of Minnesota
** Publication of the LWV of U.S.A.

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

OUTLINE FOR VOTERS SERVICE TALK

TITLE: Your Vote Makes a Difference

I. Election in Minnesota - 1968 - The Ballot Issues
(Distribute Amendment Broadsides. Draw your speech from "Background Information for Voters Service Speeches on the Proposed Amendments")

A. What does the constitution now provide? Article IV, Sections 9, 11, & 17
B. What will the amendments change?
C. Why is this proposed?

II. Election in Minnesota - 1968 - The Offices, Dates, Registration
(Try not to overwhelm them with details. Using the sample ballot for your district will make it easier. It might be more effective to demonstrate the importance of being informed by describing the duties of one office--such as Public Service Commissioner--than to list the duties of all offices. (See Legislative Manual.)

A. Residence requirements for voting in Minnesota plus the special ballot for new residents to vote for president and vice president of the U.S. only.
B. Registration information - October 15 last day to register
C. Election date and any local polling place information - November 5
D. Officials to be elected in 1968
   1. U.S. President and Vice President
   2. Eight U.S. Representatives
   3. Two Associate Justices of State Supreme Court
   4. District Judges
   5. Public Service Commissioner
   6. All State Representatives
   (Include any local and county officials to be on ballot in your community)

III. Conclude your talk with some examples of the importance of "your vote" selected from the Report of the President's Commission on Registration and Voting Participation. Point out that failure to vote on the amendments is a "no" vote. If you are discussing a local referendum for which requirements for passage differ from state amendments, point out the difference.

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

BACKGROUND INFORMATION FOR VS SPEECHES ON PROPOSED AMENDMENTS TO MINNESOTA STATE CONSTITUTION to be on the BALLOT in the NOVEMBER 5, 1968, GENERAL ELECTION

Both proposed amendments represent an attempt to bring some practices of the legislature into closer harmony with current necessities. Each deals in present day terms with provisions of a constitution approved before the advent of rapid communication and the proliferation of opportunities for public service. The amendments while both in the legislative Article of the state constitution propose a wider latitude for both Executive and Legislative branches of state government and complement each other in purpose and effect.

Amendment 1 - "Legislator May Resign and Accept Other Office"
Amendment 1 has been nicknamed the "Best Man Amendment" because it removes current constitutional restrictions which may limit choice of the public in electing legislators to another office or of the governor in his selection as he fills a vacancy in state office by appointment.

The proposed amendment would allow a legislator to hold an office which was created or for which the emoluments were increased by the legislature during his term. Presently a state legislator must wait one year after the end of his term in the legislature before he may hold such an office.

The practical effect of this provision can be illustrated by the circumstances of incumbent legislators in 1966.

Because the 1965 Legislature provided a mansion for the governor (an emolument of the office), no incumbent legislator was eligible to be a candidate for governor in 1966. Because the 1965 Legislature increased the salary of the lieutenant governor, no incumbent legislator could be a candidate for lieutenant governor in 1966.

Because the legislature in 1963, the first year of the four-year term of state senators, gave state officials a routine salary adjustment, senators were ineligible through 1967 to hold the offices of auditor, treasurer, secretary of state, attorney general, public service commissioner, district judge, or justice of the supreme court. Raises in state office salaries enacted by the 1967 Legislature similarly deny incumbent state senators the opportunity to run for state office until the state election in 1974.

In the 1963, 1965 and 1967 sessions the legislature raised salaries of various municipal and county officials therefore in a hit and miss pattern across the state, senators and representatives are ineligible for election to various county and municipal offices.

The proposed constitutional amendment would permit a legislator to serve as a notary public at the same time he serves in the legislature. It allows a legislator to seek election to another office while serving as a legislator. If he is elected to another office he may resign (under the proposed amendment). The provision relating to offices created or the emoluments of which have been increased is simply eliminated.

State legislators have often been candidates for higher office when constitutional prohibitions did not apply - seven of the eight Minnesota Congressmen

are former legislators. Six of the seven moved directly from the legislature to Congress. Both parties have regularly turned to former legislators as candidates for state office. For example, the GOP candidates for governor in 1956, 1958, 1960, and 1962 were former legislators. All had left the legislature prior to their gubernatorial candidacies.

If a legislator is deserving of higher office, should he continue legislative service while he awaits the call to statewide office -- or should he be required to leave the legislature to make himself eligible for such office?

In 1966, despite the wide legislative ineligibility for office, each party endorsed candidates with legislative experience for three of the seven statewide partisan races. In making these six endorsements, the parties had to skip incumbent state senators and relegate incumbent house members to offices other than governor and lieutenant governor.

An example of the effect of these prohibitions occurred when the late Archie Miller, as president pro tem of the Senate, succeeded Edward Thye as lieutenant governor in 1943. Mr. Miller sought election in 1944 to continue as lieutenant governor. He was held to be barred from the election, however, because the legislature during the term for which he was elected (1943-1947) had raised the lieutenant governor's pay and thus disqualified all its members from holding that office until one year after the legislative terms ended. The same constitution which gave Senator Miller the office of lieutenant governor took it away from him.

According to an opinion of the State Supreme Court in 1930, the intent of this provision of the constitution was "to protect the taxpayers from the working of selfish interest in the creation of public place and the fixing of compensation for public service."

Supporters of this amendment feel that sufficient protection of the public is afforded by the fact that both must be done openly by legislative act -- open to public examination and criticism.

Amendment 2 - Time for Presenting Bills and Approval by Governor

Amendment 2 has been nicknamed the "Time to Think Amendment" because it extends by three days the legislature's time to present bills to the governor and extends by fourteen days the time the governor has to consider approval of these bills.

If voters considering the pros and cons in voting on Amendment 2 do indeed themselves take "time to think" they may become aware of the sheer volume of bills now seeking final attention during those constitutional three days. Add to this the clerical problems in physically accurately copying this number of bills in this limited time, and a voter may understand how it happened that a clerical error in copying the 1955 Government Reorganization Bill invalidated it.

Amendment 2 seeks more time for the legislature (three days after the close of the session) to have bills accurately enrolled by the Reviser of Statutes. The amendment provides fourteen days for bills so passed to be studied and approved by the governor.

In 1967 session, 304 bills were passed and sent to the governor during the three last days of the session (as provided by the constitution), with three days allowed the governor to approve and sign these 304 bills.

League of Women Voters of Minnesota, 555 Wabasha Ave., St. Paul, Mn. 55101
September 1968

WHO ME? "TWO AMENDMENTS, TOO?"

Yes, YOU!

Make 1968 the year your League actively assists your community to remember the amendments--

. . . by informing voters about the issues involved in each amendment.
. . . by reminding them that "no vote is a NO vote."

This Amendment Awareness Kit is designed to help you answer questions, promote understanding, and stimulate interest in voting on the two proposed amendments to the Minnesota State Constitution to be voted on November 5, 1968, at the General Election.

Consider in your planning that--

. . League members are voters

* Distribute an Amendment Broadside and "Two Amendments, Too!" button to each member.
* Reminders at the unit meetings closest to November 5th.
* Use your Bulletin to give additional information on the amendments.

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* Secure statements from them about the importance of casting an informed vote on these issues.

. . Members of other organizations are voters

* Contact heads of organizations with information on the amendments and with promotional buttons.
* Offer a speaker -- for a 5-minute talk or a longer featured program.
* Suggest amendment information to be published in their bulletins.

. . Employers/Employees are voters

* Contact businesses to include copies of the Amendment Broadside in pay envelopes or billing envelopes.
* Post the Amendment Broadside on company bulletin boards.
* Suggest amendment information to be included in house organs and publications, advertisements.

. . All citizens are voters

* Make the Amendment Broadside available in public places such as supermarkets, waiting rooms.
* Distribute Amendment Broadsides at public meetings.
* Use posters to publicize the importance of voting on the amendments.

And speaking of "public meetings," nothing is more public than your CANDIDATES MEETING, so plan to have the moderator remind voters about the amendments, their contents, purposes, and effects. Be sure to have plenty of Amendment Broadsides to distribute to audience and candidates alike.

Consider also in your planning that --

. . Youth <u>will</u> be voters

* Enlist young people in distributing amendment information.
* Call on youth groups to assist in making and distributing posters reminding voters to remember the amendments.
* Check with schools and community centers to locate young people to assist your speakers bureau in presenting short talks on the amendments to community groups and organizations.

<u>News Release and Sample Editorial</u> will be sent at a later date in separate mailing. Watch for them.

Copies of "A Committee of One . . for 'Two . .' " are available from the state office (2¢ each) to include in your bulletin or you may reprint the page locally.

SAMPLE BALLOT

FOR

GENERAL ELECTION

November 5, 1968

Joseph L. Donovan

Secretary of State.

IF A VOTER FAILS TO VOTE ON A CONSTITUTIONAL AMENDMENT HE VOTES, IN EFFECT, IN THE NEGATIVE.

To vote for a proposed constitutional amendment, put an (X) in the square opposite the word "Yes" at the left of the proposition. To vote against a proposed amendment, put an (X) in the square opposite the word "No".

STATE BALLOT

Constitutional Amendments to be voted on by the people.
VOTE ON TWO

FIRST—
LEGISLATOR MAY RESIGN AND ACCEPT OTHER OFFICE

—YES ☐
—NO ☐

"Shall the Constitution of the State of Minnesota be amended to permit a legislator, if he is elected or appointed to another office, to assume the new office if he resigns from the legislature or if his legislative term is completed?"

SECOND—
TIME FOR PRESENTING BILLS AND APPROVAL BY GOVERNOR

—YES ☐
—NO ☐

"Shall the Constitution of the State of Minnesota be amended to give the legislature three days after adjournment to present bills to the governor and to give the governor 14 days in which to sign or veto bills passed during the last three days of a session?"

THE YEAR OF THE BUTTON

1968 has been buttoned into many campaigns by many promoters. With the inauguration of the "Two Amendments, Too!" campaign, the League of Women Voters of Minnesota joins the button generation.

The state budget for Voters Service is financing the sending of one button and one Amendment Broadside to each local League member. In addition to these, buttons and Amendment Broadsides have been sent to each candidate for the Minnesota legislature.

The pink color of the button matches the pink state amendments ballot. The slogan reminds voters to vote on the two proposed constitutional amendments, too, when voting the rest of the ballot in the November 5, 1968, General Election.

You may wish to "pin" several prominent citizens in your community (maybe before TV or news cameras?) as you launch your promotion locally. Additional buttons (5¢ each or 3 for 10¢) may be ordered from the state office.

We "pin our hopes" for successful vote the amendments reminders upon suggestions like these in this Amendments Awareness Kit--plus the ingenuity which has become standard practice among Voters Service committees through all these 49½ years of the League of Women Voters of Minnesota.

B ACKGROUND INFORMATION FOR VS SPEECHES ON PROPOSED AMENDMENTS TO MINNESOTA STATE CONSTITUTION to be on the BALLOT in the NOVEMBER 5, 1968, GENERAL ELECTION

Both proposed amendments represent an attempt to bring some practices of the legislature into closer harmony with current necessities. Each deals in present day terms with provisions of a constitution approved before the advent of rapid communication and the proliferation of opportunities for public service. The amendments while both in the Legislative Article of the state constitution propose a wider latitude for both Executive and Legislative branches of state government and complement each other in purpose and effect.

Amendment 1 - "Legislator May Resign and Accept Other Office"

Amendment 1 has been nicknamed the "Best Man Amendment" because it removes current constitutional restrictions which may limit choice of the public in electing legislators to another office or of the governor in his slection as he fills a vacancy in state office by appointment.

The proposed amendment would allow a legislator to hold an office which was created or for which the emoluments were increased by the legislature during his term. Presently a state legislator must wait one year after the end of his term in the legislature before he may hold such an office.

The practical effect of this provision can be illustrated by the circumstances of incumbent legislators in 1966.

Because the 1965 Legislature provided a mansion for the governor (an emolument of the office), no incumben legislator was eligible to be a candidate for governor in 1966. Because the 1965 Legislature increased the salary of the lieutenant governor, no incumbent legislator could be a candidate for lieutenant governor in 1966.

Because the legislature in 1963, the first year of the four-year term of present state senators, gave state officials a routine salary adjustment, senators were ineligible through 1967 to hold the offices of auditor, treasurer, secretary of state, attorney general, public service commissioner, district judge, or justice of the supreme court. Raises in state office salaries enacted by the 1967 legislature similarly deny incumbent state senators the opportunity to run for state office until the state election in 1974.

In the 1963, 1965 and 1967 sessions the legislature raised salaries of various municipal and county officials therefore in a hit and miss pattern across the state, senators and representatives are ineligible for election to various county and municipal offices.

The proposed constitutional amendment would permit a legislator to serve as a notary public at the same time he serves in the legislature. It allows a legislator to seek election to another office while serving as a legislator. If he is elected to another office he may resign (under the proposed amendemtn). The provision relating to offices created or the emoluments of which have been increased is simply eliminated.

The original purpose of these provisions of the constitution was to protect the public from selfish interest in the creation of public office and in fixing compensation for public service.

State legislators have often been candidates for higher office when constitutional prohibitions did not apply - seven of the eight Minnesota congressmen are former legislators. Six of the seven moved directly from the legislature to congress. Both parties have regularly turned to former legislators as candidates for state office. For example, the GOP candidates for governor in 1956, 1958, 1960, and 1962 were former legislators. All had left the legislature prior to their gubernatorial candidacies.

If a legislator is deserving of higher office, should he continue legislative service while he awaits the call to statewide ofice --or should he be required to leave the legislature to make himself eligible for such office?

In 1966, despite the wide legislative ineligibility foroffice, each party endorsed candidates with legislative experience for thee of the seven statewide partisan races. In making these six endoresements, the parties had to skip incumbent state senators and relegate incumbent house members to offices other than governor and lieutenant governor.

An example of the effect of these prohibitions occurred when the late Archie Miller, as president pro tem of the seante, succeeded Edward Thye as lieutenant governor in 1943. Mr. Miller sought election in 1944 to continue as lieutenant governor. He was held to be barred from the election, however, because the legislature during the term for which he was elected (1943-1947) had raised the lieutenant governor's pay and thus disqualified all its members from holding that office ~~for~~ until one year after the legislative terms eneded. The same constitution which gave Senator Miller the office of lieutenant governor took it away from him.

According to an opinion of the State Supreme Court in 1939, the intent of this provision of the Constitution was "to protect the taxpayers from the working of selfish interest in the creation of public place and the fixing of compensation for public service."

Supporters of this amendment feel that sufficient protection of the public is afforded by the fact that both must be done openly by legislative act--open to public examination and criticism.

Amendment 2 - Time for Presenting Bills and Approval by Governor

Amendment 2 has been nicknamed the "Time To Think Amendment" because it extends by three days the legislature's time to present bills to the governor and extends by fourteen days the time the governor has to consider ~~and si~~ approval of ~~the~~ these bills.

If voters considering the pros and cons in voting on ~~////////~~ is proposed Amendment 2 do indeed themselves take "time to think" they may become aware of the sheer volume of bills now seeking final attention during those constitutional three days. Add to this the clerical problems in physically accurately copying this number of bills in this limited time, and a voter may understand how it happened that a clerical error in oopying the 1955 Government Reorganization Bill invalidated it.

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OUTLINE FOR VOTERS SERVICE TALK

TITLE: Your Vote Makes a Difference

I. Election in Minnesota - 1968 - The Ballot Issues
(Distribute Amendment Broadsides. Draw your speech from "Background Information for Voters Service Speeches on the Proposed Amendments")

A. What does the constitution now provide? Article IV, Secs.9,11,& 17
B. What will the amendments change?
C. Why is this proposed?

II. Election in Minnesota - 1968 - The Offices, Dates, Registration
(Try not to overwhelm them with details. Using the sample ballot for your district will make it easier. It might be more effective to demonstrate the importance of being informed by describing the duties of one office--such as Public Service Commissioner -- than to list the duties ~~and~~ of all offices. See Legislative Manual.)

A. Residence requirements for voting in Minnesota plus the special ballot for new residents to vote for President and vice president of the U. S. only.
B. Registration information - October 15 last day to register
C. Election date and any local polling place information - November 5
D. Officials to be elected in 1968
   1. U. S. President and Vice President
   2. Eight U. S. Representatives
   3. Two Associate Justices of State Supreme Court
   4. District Judges
   5. Public Service Commissioner
   6. All State Representatives
   (Indlude any local and county offials to be on ballot in your community)

III. Conclude your talk with some examples of the importance of "your vote" selected from the Report of the President'sCommission on Registration and Voting Particip tion. Point out that failure to voteon the amendments is a "no" vote. If you are discussing a local referendum for which requirements for passage differ from state amendments, point out the difference.

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ADDITIONAL BACKGROUND INFORMATION ON PROPOSED AMENDMENTS
(A Supplement to the Amendment Broadside)

This information will aid you in answering questions about the proposed amendments to the state constitution which will be on the ballot in the General Election on November 5, 1968.

Amendment No. 1 - Legislator May Resign and Accept Other Office

~~Article IV, Se~~
The Legislature has proposed an amendment to Article IV, Sections 9 and 17 of the Constitution of the State of Minnesota.

Article IV, Section 9, now reads:

"No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiraton of his term of office in the legislature."

If amended as proposed by the legislature, Article IV, Section 9 ~~would~~ will read:

"No senator or representative shall hold any other office under the authority of the United States or the State of Minnesota, except that of postmaster or notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his resignation to the governor."

Article IV, Section 17, now reads:

"The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken."

If amended as proposed by the legislature, Article IV, Section 17 will read:

"The governor shall issue writs of election to fill such vacancies as may occur, by resignation or any other cause, in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken."

Article IV of the state constitution defines the legislative department of the state. Article IV has ~~sem~~ 35 sections whose contents range from the length of legislative session to prohibition against combinations or pools to affect markets in the state. The ninth section (as stated above) contains restrictions upon members of the state senate and state house of representatives in holding office. Under these provisions a legislator may not hold any office other than postmaster during the time for which he is elected. A legislator is also not permitted to seek election to any office for which a raise in pay has been enacted by the legislature of which has has been a member -- until a year has passee from the end of his elected term. Representatives' terms run two years beginning in January following the November election, and Senators' terms for four years. A practical effect of this provision (now that state constitutional offices are elected for four years (X instead of the original two years) might be to limit a legislator from seeking election to state office for four years following a pay increase granted during his session. The constitution (Article IV, Section 6) links the Lt. Governor's salary to the salaries of state Senators (Lt. Governor's salary is twice the state Senator's salary) so an increass in state Senators' salaries (such as enacted in 1965) makes all members of that

legislature ineligible to seek that office during the 1966 election.

Section 17 (as stated above) prescribes the actions the governor shall take in filling vacancies ~~in the~~ occurring in the legislature. It does not describe how these vacancies may occur. There is actually now no means described in the constitution whereby a legislator once elected may resign before the end of his term.

PROPOSED CHANGES:

The proposed amendment would limit a legislator from holding another office (with the exception of postmaster as now granted and notary public as proposed) during the time in which he is serving in the legislature. As currently stated in the constitution he may not hold other office during the perioud for which he is elected, that is the full two or four years, not allowing a resignation from that office by reason of election to another office.

Also spelled out in the proposed amendment is the method by which a legislator may resign if appointed or elected to another state or federal office.

Under the proposed amendment no legislator would be disqualified from election to any elective office by the fact that heis currently serving as a legislator. He would be enabled to resign at any time before the end of his elected term by sbmitting his resignation to the governor.

The proposed amendment omits the existing provision: " . . no Senator or Representative shall hold an office under the state whch has been created or the emoluments of which have been increased during the session of the legislature of which he was a member until one year after the expiratin of his term of office in the legislature." Since this provision is not included in the amended version of Article IV, Section 9, it would be automatically repealed by the adoption of this amendment and would no longer be in force.

Amendment No. 2 - Time for Presenting Bills and Approval by Governor

The Legislature has proposed an amendment to Article IV, Section 11, of the Constitution f the Stateof Minnesota.

Article IV, Section 11 now reads in part:

"* * *If any bill shall not be returned by the governor within three days (Sundasy excepted) after it shall have been presented to him, the same shall be law in like manner as if he had signed it, unless the legislature, by adjournment whithin that time, prevents its return; in which case it shall not be a law. The governor may ~~sign~~ approve, sign within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law."

If amended as proposed by the legislature, this part of Article IV, Section 11 will read:

"*** If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return. Bills may be presented to the governor during the three days following the day of final adjournment of the legislature and the legislature may prescribe the method of performing the acts necessary to present bills to the governor after adjournment. The gove nor may approve, sign and file in the office

of the secretary of state within 14 days after the adjourment of the legislature, any act passed during the last three days of the session, and the same shall beoome a law. If any bill passed during the last three days of the session is not signed and filed within 14 days after the adjournment, it shall not become a law."

Section 11 provvides for approval of bills by the governor and also for action on non-approval. Procedures involved in presenting bills include a process called"enrollment" which is performed by the Reviser of Statutes. When the bill is passed and ready to be sent to the governor it is carefully copied in its final form to be enrolled among the Minnesota laws. This process takes time. The increasing amount of business covered by the legislature especially toward the close of the session compounds the time deadline problem.

PROPOSED CHANGES

The proposed amendment would give the legislature more time to prepare and the governor more time to study and sign the large number of bills passed during the last three days of the legislative ses sion.

The legislature would be allowed three days after adjournment within which to present bills to the governor. The governor would have fourteen days after adjournment of the legislature to approve bills passed during the last three days of the session.

The amendment also would provite that a bill passed during the last three days of the session which is not signed and filed by the governor within 14 days after adjournment shall not become a law. Presently a bill does not become a law if not signed by the governor within three days after adjournment.

VOTERS SERVICE AND THE SPEAKERS BUREAU

You may receive many different requests for Voters Service speeches. Instead of providing full speech material, we are offering these bibliographies for the subjects most likely to be requested. Voters Service effort this fall should stress the importance of voting on the amendments--urging voters to make up their minds one way or the other and remember to vote on "Two Amendments, Too!". The voting records on state constitutional amendments in 1966 indicated that voters in paper ballot precincts vote more frequently on the amendments. In voting machine precincts there was a higher incidence of non-voting on amendments. This year each voting machine will carry a reminder to vote on the proposed amendments. Check your community's record in previous state amendments ballots (check with county auditor for vote totals) and publicize this record in your Amendment Awareness Campaign. Background information on the proposed amendments is included in this kit.

Amendments --

*Amendment Broadside
*Additional Background Information on Proposed Amendments
*Background Information for VS Speeches on Proposed Amendments

Elections --

*Your Vote Makes a Difference Flyer
*Digest of Minnesota Election Laws
Complete Minnesota Election Laws - 1968
*Voters Rights Under Certain Minnesota Laws
*Minnesota's Welcome - New Resident Law
Legislative Manual
Legislative Manual for Young Readers
**Get Ready to Vote

Political Parties --

**Choosing the President
**Role of Political Parties, U. S. A.
*1968 Precinct Caucus Kit

Government --

*You Are The Government
**Do You Know the ABC's of Your Town's Government?
*How a Bill Becomes a Minnesota Law
*Legislative and Congressional District Maps
*How to Write your Legislator
**You and Your National Government
**Why Write Your Congressman and How
**Roll Call Votes - published by national after each congressional session

PLUS --

**Voters Service Manual
**Voting is People Power
Report of President's Commission on Registration and Voting Participation
*Voters Service Sights the You in Youth

*Publication of the LWV of Minnesota
**Publication of the LWV of U.S.A.

The Amendments and the Individual League Member

- or -

"A COMMITTEE OF ONE . . FOR 'TWO. .' "

Who Me? Yes, YOU!

Some of the most effective LWV promotion and testimony is continuing one-to-one illumination by the informed League member who can factually supply answers to her friends', relatives', and neighbors' questions about election information and ballot issues.

Fashion Forecast: What's pink and black, round and sharp? Your Two Amendments, Too! button, naturally--designed to go with everything in your fall wardrobe. Equally provocative on suit collar or sweater. The gay hue reminds voters that pink is the color of the state constitutional amendments ballot--and that not one may forget in '68! Remember that no costume is complete until you pin on your "Two Amendments, Too!" button. . .and be prepared to answer questions.

Amendment Broadside: Have copies at home to hand out to friends who stop by. And how about checking your greeting card list to send copies to those out of your town who may not have access to amendment information. To get an early start on Seasons Greetings, ~~jot~~ pen lines of news on the back!

Those Other Hats you wear as a member of other organizations may become "thinking caps" as you consider ways to help inform these voters, too. . .like . .take some flyers along to hand to your bowling teammates or church women's group (or couples group?). These luggage-look handbags are dandy for toting Amendment Broadsides.

Help Husbands spread the word by supplying ~~them~~ him with Broadsides to post at work. And if you are employed, too, do contact your own fellow-workers.

"2, Too!", "2, Too!" may become a statewide alert --reminding voters to remember "2, Too!" and "stay on the track" as active, informed citizens!

Remember that YOU can be a majority of one for "Two Amendments, Too!"

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - May 1974
A - T

PROPOSED CONSTITUTIONAL AMENDMENTS
1974 General Election

At the General Election on November 5, 1974, three proposed amendments to the Minnesota State Constitution will be presented to the voters for their approval or rejection. The proposed amendments will appear on the ballot as follows:

FIRST: Form and Structure Amendment

"Shall the Minnesota Constitution be amended in all its articles to improve its clarity by removing obsolete and inconsequential provisions, by improving its organization and by correcting grammar and style of language, but without making any consequential changes in its legal effect?"

SECOND: Gateway Amendment

"Shall the Minnesota Constitution be amended so future constitutional amendments will pass if approved by 55% of the voters voting on the issue or a majority of those voting in the election?

THIRD: Taxing of Railroads

"Shall the Constitution of the State of Minnesota be amended to permit the legislature to establish the rate and method of taxing railroads?"

The League of Women Voters of Minnesota supports two of the above amendments: First: Form and Structure and Second: Gateway. No position has been taken on the Third: Taxing of Railroads.

* *

League of Women Voters of _____

Name of Amendments Campaign Chairman _____

Address _____ (zip) _____

Phone _____ (include area code if other than 612)

Interested in serving on State Amendment Promotion Committee _____ Yes

_____ No

Return to state office (555 Wabasha, St. Paul 55102) by JUNE 15, 1974.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - May 1974
A - T

Amendment Campaign Timetable

May 28, 29 - Leadership Workshops - explanation of amendments campaign

June 15 - Deadline for sending name of Local League Amendment Chairman to State LWV office (555 Wabasha, St. Paul, 55102)

June - July - August - No active campaigning. Local Amendment Chairmen "gear up" - organize committees, plan publicity strategy, contact other groups (civic, business, professional) in your community for support and possible joint effort or to let them know you will be available to speak on the amendments or will make promotional materials available to them, etc.

August (with Board mailing) - Campaign materials and promotion kit (sample speeches, background information, sample press releases and spot announcements) available to local Chairmen.

September 15 - Post-primary Kick-off for Amendment Promotion

October - Amendment Promotion Month - "Vote Yes" Campaign in full swing with local Leagues focusing publicity and community activity on support for Amendments One and Two.

November 5 - Minnesota General Election. VOTE!

Agenda -

Amendment Action Promotion

Intro - Shirley Westmoreland

Board decision dates:

1. Promo kit to Leagues with August Board mailing —
   - flyer ready by Aug 13 -

2. Sept 15 - Amendment Kick-off
   — ATTN: after the 9/10 Primary —

3. Text ready for Sept-Oct Voter lead article - Vote Yes. (who)

League will support a Vote Yes campaign
" Amend. #1 — form + structure and
" #2 - Easing the Amending Process
There will be NO VOTERS SERVICE/Pro-Con
on #3 - Remv. railroad prof. tax. from the
Const.

clarification on Sept-Oct Voter
or do we have an article - in
summer Voter

What do we NEED — ??

1. coalitions — What are they doing.
   a). Chamber of Commerce
   b). Labor -
   c). Citizens League.
   d). MACI - MN. Assoc. of Commerce
   others — 2 + Industry.

Will any support a VOTE YES
campaign. > what is their
status to funding.

2. FUNDING ?? —
   $1000 - budgeted - however
   about $750 is on the income side
   for publ. - Action + V.S. -

3. publ. — how many will leagues buy?
   e.g. at 2¢ a piece
   50,000 copies in '72 at
   $9 per 1000 —

The State We're In

Minneapolis Star

Amendment seeks constitutional update

By STEPHEN ALNES
The Star's Associate Editorial Editor

What lies north of Minnesota? Well, according to the state Constitution, Minnesota is bounded on that side by "British possessions."

wordiness. For example, a sentence saying the Supreme Court shall appoint employees "as it may deem necessary" is changed to say the court shall appoint "necessary employees."

Another sentence reads, "Every bill which shall have passed the Senate and

Partially Scanned Material

Version 3
March 18, 2019

MEMO

TO: McCoy, Ebbott, Knutson, Rockenbach, ✓Borg, Kahlenberg (WBL), Evarold (BP), Anderson (Fairmont), Boehike (W. Dak. Cty)

FROM: Shirley Westmoreland

LEAGUE OF WOMEN VOTERS OF MINNESOTA
555 WABASHA
ST. PAUL, MINNESOTA 55102
PHONE: 224-5445

SUBJECT: Amendment Promotion

DATE: 7-2-74

There will be a meeting on Wednesday, July 10, at 9:30 a.m. in the state office to discuss our amendment campaign. Items to be covered:

1. Our role in coalition
2. How we will handle our own action on 1 & 2
3. Whether or not to do our own broadside or to use the coalition's and do a sheet in the Lively Issues VOTER. I will have some examples of what we can do along those lines.
4. What we will do now that Action Workshops are being held so late in the campaign.

CONSTITUTIONAL AMENDMENTS

Three proposed Constitutional amendments will appear on the ballot at the General Election on November 5, 1974. The League of Women Voters, in accordance with their Program for Action, urges a "*yes*" vote on Amendments 1 and 2.

AMENDMENT 1

Structure & Form

"Shall the Minnesota Consitution be amended in all its articles to improve its clarity by removing obsolete and inconsequential provisions, by improving its organization and by correcting grammar and style of language, but without making any consequential changes in its legal effect?"

YES ☒
NO ☐

WHAT DOES IT MEAN?

Amendment 1 would delete obsolete and repetitive provisions, reduce the length of the Constitution from about 15,000 words to about 10,000, reduce the number of articles from 21 to 14, and reorganize the present Constitutional provisions into a more readable and coherent document.

It would simply shorten, clarify, and update the Constitution without changing the intent or legal effect.

WHY DOES LWVMN SUPPORT AMENDMENT 1?

Our state Constitution, as originally written and amended, is inflexible and wordy. Several of its articles are obsolete, being either outdated or impractical provisions.

It is not logically organized and is difficult for citizens to read and understand.

This amendment would make it possible for future amendments to be properly phrased and placed in an orderly, well-structured and clearly written Constitutional framework.

AMENDMENT 2

Gateway Amendment

"Shall the Minnesota Constitution be amended so future constitutional amendments will pass if approved by 55% of the voters voting on the issue or a majority of those voting in the election?"

YES ☒
NO ☐

WHAT DOES IT MEAN?

Amendment 2 would ease the process of amending the Minnesota Constitution so that 55% of those voting on the amendment or a majority of those voting in the election, whichever is most favorable to ratification, would prevail.

It would open up pathways to badly needed changes in our Constitution by reducing the requirement of an extraordinary popular vote.

WHY DOES LWVMN SUPPORT AMENDMENT 2?

Our present amending process, requiring a majority of all those voting in the election, gives undue weight to the nonparticipating voter. A non-vote is the same as a "no" vote. The Gateway amendment would allow the voters to decide the issue – not the non-voters. Many people fail to vote on the amendments because they don't understand them or can't find them on voting machines, thus defeating non-controversial amendments.

The Minnesota Constitution originally provided for an easy amending process, calling for a simple majority of those voting on the question. This was changed by an amendment in 1898 to require a majority of those voting in the election. The amendment received a simple majority of those voting on the question, but received only 28% of the total vote in the election. It would have been defeated by its own terms.

REMEMBER: A NON-VOTE IS A "NO" VOTE! VOTE "YES" ON 1 AND 2!

LEAGUE OF WOMEN VOTERS OF MINNESOTA
555 WABASHA
ST. PAUL, MINNESOTA 55102

555 WABASHA, ST. PAUL, MINNESOTA 55102 TEL (612) 224-5445

The League of Women Voters of Minnesota

1974
AMENDMENT PROMOTION
KIT*

August 1974
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Memo to: Amendment Promotion Chairmen
From: Shirley Westmoreland, Amendment Promotion Chairman

Enclosures: PR Tip Sheet
History of League Position and of the Minnesota Constitution
Background on Amendments 1, 2 and 3
Sample Speech for Amendments 1 and 2
Copy of Press Release
Order Form for Amendment Promotion Literature

Now that summer is about over, it's time to start moving on our amendment campaign. October has been designated as "Amendment Promotion Month," with activity beginning right after the Primary Election on September 10.

This Amendment Promotion Kit is intended to inform you about activities up to this time of the LWVMN Amendment Promotion Committee and to give you background on the amendments and suggestions for your local activities. Please read through this kit now! Let us know if you have unanswered questions or need further information. Keep us informed of your activities - we would like to hear how your League is promoting the amendments and what reaction you are getting locally!

Minnesota Committee on 1974 Constitutional Amendments (MCCA)

The LWVMN Amendment Promotion Committee is working with the Minnesota Committee on the 1974 Constitutional Amendments (MCCA) to broaden our capabilities. Because of its tax-deductible status, the MCCA campaign is restricted to informational, educational activities. Since half the battle of passing amendments is informing people of what the amendments are all about and urging them to vote, this committee will be a great supplement to our own "vote yes" campaign.

MCCA brochures are available free in mass quantities. Local Leagues will be providing one of the major channels for distributing these brochures with information on the amendments.

The MCCA brochure contains information about all three amendments and may be used at candidates' meetings and at other locations such as doctors' and dentists' offices, banks, grocery stores, or passed out door-to-door by Girl Scouts and Boy Scouts - everywhere! Each League will be sent 10 per member under separate cover. Additional copies are available free from the state League office. Please estimate your needs and place your order as soon as possible.

League "Vote Yes on Amendments 1 & 2" Campaign

Reprints of the article in the July-August VOTER on "Vote Yes on Amendments 1 & 2" may be ordered from the state office before September 15 for 2¢ each. This VOTER goes to every League member in the state. You will want to order additional copies for your local "Vote Yes" campaign. These should be passed out at community meetings, libraries, shopping centers, door-to-door, wherever your imagination and action instincts guide you!

Order right away! -- These reprints will be hand-delivered at the October 2 & 3 National Action Workshop at Camp Courage.

* Additional copies of this kit available from the state office - 30¢ each.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - August 1974
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PR TIP SHEET

You know your League and your community and should make use of those ideas and suggestions which will work best in your area. Please share your ideas and experiences with us!

(1) Use the Newspapers -

Keep them informed about your activities; use pictures of your League distributing flyers at a local shopping center or fair, speaking at civic and church group meetings about the amendments, etc. If you are doing something newsworthy, capitalize on the PR for your League and promote the amendments at the same time!

A copy is enclosed of a release which will be given to the Minnesota Newspaper Association on September 25 and will go out to papers throughout the state. Watch for it in your local papers. If it does not appear soon after that date, call your local newspaper editor. Offer to send him a copy of the release if he did not receive one and to answer any questions he might have.

Write letters to the editor; try to persuade your editor to write an editorial on Amendments 1 and 2. If your budget allows, buy an ad.

(2) Radio and TV Stations -

Many are looking for appropriate material to present for public service programming - let them know you are available! Maybe you can persuade them to do a series of spot announcements. A brief explanation of what the amendments are and a reminder to vote on them is likely to turn some nonvotes into "yes" votes.

(3) Speak Out! -

Contact other organizations - such as PTA, AAUW, JAYCEES, churches, Rotary, Lions, Newcomers - ask to speak at a meeting and distribute your brochures.

Talk to high school government and social studies classes; distribute brochures.

If an organization is unable to allow time for a promotional speech, perhaps they would allow time for you to simply state what the amendments are and that failure to vote on the amendments is a "no" vote. Pass out brochures.

(4) Schedule some time at unit meetings at the end of September or first of October to kick off "Amendment Promotion Month." Discuss the amendments. Pass out brochures and flyers to every member -- urge them to give them to friends and neighbors. Use your local bulletin to inform your members about the amendments.

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HISTORY OF LEAGUE POSITION ON CONSTITUTIONAL REVISION

In the period following World War II, the need for revision of state constitutions became obvious. State governments could not meet the challenges of the 20th Century operating under rigid and restrictive constitutions written in the 19th Century.

At that time the LWVMN adopted constitutional revision as a study item. Over the past 25 years, we have studied the Constitution as a whole, given sustained attention to individual sections and looked at methods of changing the Constitution. In the 1950s the League worked for a constitutional convention. At that time we thought that a convention was the best way to secure needed revision of the whole document. However, in 1967 the League dropped revision by convention, both because conventions in other states have produced less than perfect documents and because a constitutional convention in Minnesota did not seem to have the broad support it needed, but continued to support change by amendments. Amendment 1, proposed by the 1972 Minnesota Constitutional Study Commission, provides an alternative method of revising the Constitution which League can endorse.

In the 1947 state constitutional study, League members also realized the need for an easier amending process. The League position has been that the present requirement of a majority of all those voting in the election is an extraordinary obstacle to constructive constitutional change and that the requirement for ratification should be eased.

CONSTITUTIONAL CHANGE IN MINNESOTA

Minnesota is one of only 20 states to operate with its original constitution and one of only eight which has never held a constitutional convention.

Our Constitution was the result of a compromise between the Democrats and the Republicans at the Minnesota Constitutional Convention in 1857. Bitterness between the parties resulted in separate documents hastily prepared because stubborn partisans refused to sign the same paper as members of the other party. The result was two documents containing more than 300 differences of spelling, punctuation and even wording. Since the courts have never decided which is the definitive Constitution, Minnesota also has the distinction of being the only state with <u>two</u> official Constitutions, both on file at the State Archives.

Given the circumstances of its birth, the wonder is that the Minnesota Constitution is as good as it is. The Minnesota Constitutional Study Commission, in its Final Report of February 1973, described the Minnesota Constitution as follows:

> "Minnesota's Constitution can best be described as 'average.' In length its 15,864 words place it between Vermont's 5,000 and Louisiana's 236,000. It is not one of the most detailed, but is nevertheless full of statutory directives. It is not one of the most restrictive, but could scarcely be called fundamental. It is not as rigid as many, but is a far cry from the 'self-revising' federal model. It has not needed as much change as the average, but its amendments are still far from sufficient."

The Republicans, committed to Negro suffrage and prohibition, conceded many points in the Constitution to the Democrats, but had insisted upon an easy amending process, hoping to realize their goals through amendments. This original amending process required a proposal by a simple majority of both houses at one session and ratification by a simple majority of the voters at the next election. By 1894 more than 60 amendments had been adopted. Concerned about the constant need for change, the Legislature tried to slow down the rate of amendments -- first by an unsuccessful call for a constitutional convention and then, in 1898, by an amendment to require a majority of all those voting in the election to approve future amendments.

Known as the "brewers' amendment," this restrictive amending process has been said to have grown out of the liquor interests' attempt to prevent the adoption of an amendment prohibiting the liquor traffic. Ironically, it passed by only 28% of those voting in the election, and would have been defeated by its own terms.

From 1898 to 1947, the rate of successful amendments dropped sharply. In 1947, recognizing the unmet needs for change, the Minnesota Legislature created the Minnesota Constitutional Commission (MCC) to study the Constitution and recommend "amendments, if any." The MCC recommended extensive changes, and advised a constitutional convention. A convention was not called, but far-reaching constitutional reform through amendments was stimulated.

However, despite the successes of the 50s and 60s, achieved through concerted efforts at public education, Minnesota still lagged far behind the rest of the states in improving its Constitution. In 1971, Governor Anderson sent a special message to the Legislature entitled "A Constitutional Convention: To Meet the Challenge of a New Day." The 1971 Legislature did not submit a call for convention to the people, but authorized the Constitutional Study Commission of 1972 to recommend changes to be made either by amendment or by a subsequent convention.

Former Governor Elmer L. Andersen chaired the commission which recommended phased comprehensive revision by a series of separate but coordinated amendments submitted over several elections. The first step in this process would be a revised constitutional framework, as provided for in proposed Amendment 1, so future amendments can be properly phrased and placed in an orderly, well-structured Constitution, and an easier amending process as provided for in proposed Amendment 2. A third recommendation, passed by the Legislature and on the ballot this year, repeals the gross earnings tax paid by railroads in lieu of other taxes. Other recommendations not passed this session were amendments regarding reapportionment and allowing for a "piggyback income tax" system.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - August 1974
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BACKGROUND ON AMENDMENTS 1 and 2

Amendment 1 - Revise Organization and Language of Constitution.

> "Shall the Minnesota Constitution be amended in all its articles to improve its clarity by removing obsolete and inconsequential provisions, by improving its organization and by correcting grammar and style of language, but without making any consequential changes in its legal effect?"

What does Amendment 1 do?

Amendment 1 repeals obsolete provisions of the Constitution, moves amendments adopted in past years from the end of the Constitution into appropriate places in the body of the document, shortens and clarifies it, without changing the intent or legal effect.

What are some of these "obsolete and inconsequential" provisions?

A paragraph in Section 1, Article II describing the northern boundary of Minnesota as "British possessions" would be removed, since Canada does not really neet that description anymore. Other provisions removed are four sections on banking which were cancelled in 1913 by the Federal Reserve Law. A requirement that every item of state income expenditure be published annually in a St. Paul newspaper is removed, being that it is a provision that would be prohibitively expensive and has never been done. A requirement that the territorial prison continue as the state prison is removed because the territorial prison no longer exists. A provision allowing a state Senate with one member for every 5,000 inhabitants and a House with one member for every 2,000 inhabitants, which could have resulted in an extremely large Legislature if it had ever been applied, also is eliminated.

Unnecessary provisions authorizing the Legislature to establish a state census, a corporation law and a reforestation program are eliminated because those powers are said to be inherent in every legislature. Several provisions are modified to meet actual practice. For example, the requirement that bills be "read" in the Legislature is changed to "reported,"as, in fact, bills are printed and no longer "read" aloud.

What changes will be made to "improve organization" and correct "grammar and style of language"?

Amendments adopted in past years are moved from the end of the Constitution to appropriate places in the body. Tax provisions are all grouped into one article and all spending and borrowing limitations are grouped into another.

Most of the changes simply eliminated wordiness and replace trite phrases with more readable language. For example, a sentence stating that the Supreme Court shall appoint employees "As it may deem necessary" is changed to say the court shall appoint "necessary employees."

Amendment 2 - Ease the Vote Requirement for Amending the Constitution.

> "Shall the Minnesota Constitution be amended so future constitutional amendments will pass if approved by 55% of the voters voting on the issue or a majority of those voting in the election"?

What does this amendment do?

Amendment 2 provides that 55% of those voting on the amendment or a majority of those voting in the election, whichever is most favorable to ratification, would prevail in a

vote on constitutional amendments. It allows the voters to make the decision, not the non-voters.

How is the Constitution currently amended?

The present amending process calls for a majority of both houses of the Legislature to approve an amendment during one session and for a majority of all those voting in the next election to ratify it. This means that a nonvote on the amendments is the same as a "no" vote. Voters not understanding the issue can defeat noncontroversial amendments simply by not voting at all on the questions.

But isn't this more difficult amending process needed?

Not really. The provision calling for a majority of both houses of the Legislature to approve an amendment during one session would still be retained.

When an amendment is placed before the voters, it has already gone through several tests -- legislative committee hearings, votes by both houses of the Legislature, approval by the governor. There are sufficient safeguards in the amending process so that extraordinary popular votes for ratification are not necessary. Informed voters should be able to case the deciding votes.

But is the present amending process really so difficult to overcome for passage of an amendment?

Yes. The present system gives undue weight to the nonparticipating voter who is a nonparticipant because of ignorance of the proposed amendment or inability to find the question on the ballot itself. The fact that more people vote on state constitutional amendments in paper ballot communities lends support to the idea that failure to vote is frequently unintentional. Massive public education campaigns are needed to inform citizens about the issues involved in a "no" or "yes" choice. As much energy is needed to explain the amending process as to explain the issues.

The present system allows those who don't vote to decide the issues. This is not reasonable. The nonvote should not carry the same weight as the vote.

WARNING! - What about Amendment 3?

The League does not have a position for action on Amendment 3, regarding railroad taxes. If you are asked why the League is not supporting it, make it clear that we are not opposed. Explain that the League studies issues, arrives at agreement and then acts. We do not act upon those issues on which we do not have a position. We have not studied the question of removing the gross earnings tax on railroads from the Constitution. Therefore, we can only offer information about the amendment itself and let the voter make his own decision, remembering that a nonvote is a "no" vote.

For Your Information on Amendment 3.

Amendment 3 - Allow Legislature to Determine Railroad Taxes.

> "Shall the Constitution of the State of Minnesota be amended to permit the legislature to establish the rate and method of taxing railroads"?

Amendment 3 deletes from the Constitution the special taxing method applied to railroads in this state. The application of a 5% gross earnings tax is in lieu of all other taxes, property and income taxes, which other industries pay. According to the Constitutional Study Commission, it is the one Minnesota tax which can be changed only by a constitutional amendment. If passed, the Legislature assumes the responsibility of determing the taxes paid by the railroads.

An explanation of the amendment is also included in the MCCA brochure.

For additional background on this issue, check the references listed below.

(1) Report to the Governor and the Legislature, #17, June 1974. Department of Revenue, p. 74-76.

(2) PROGRAM FOR ACTION. "Financing State Government," LWVMN.

(3) Report of the Governor's Minnesota Tax Study Commission - 1956, Chapter XIV, p. 417-428. Detailed reference.

(4) Minnesota Constitutional Study Commission - 1972. Report of Finance Committee, p. 23-24.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - August 1974
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SAMPLE SPPECH FOR AMENDMENTS 1 and 2

What lies north of Minnesota? According to the state Constitution, Minnesota is bounded on the northern side by "British possessions."

That is one of the obsolete sections of the Constitution which will be deleted if voters approve Amendment 1 on November 5. On that date, Minnesota voters will be asked to vote on ratification of three constitutional amendments, recommended by the Constitutional Study Commission of 1971-73 and submitted for approval by the 1974 Legislature. A majority of all persons who go to the polls must vote "yes" for an amendment to be adopted.

Two of these amendments concern the Constitution itself and the method for amending that document. Amendment Number 1, referred to as the Structure and Form Amendment, would revise the language and reorganize our present Constitution, and Amendment Number 2, the Gateway Amendment, would make the amending process easier and let the voters decide the issue, not the nonvoters.

Minnesota has the distinction of being the only state with two Constitutions on file in the State Archives. Born in 1857 as a compromise between efforts by the Democrats and Republicans, meeting separately, and in the end refusing to sign the same paper, the two documents contain numerous differences of spelling, punctuation and even wording.

Given the circumstances of this partisan effort, the wonder is that our Constitution is as good as it is. With 15,864 words, it is average in length, falling between Vermont's 5,000 and Louisiana's 236,000. It is not as restrictive as many, but is scarcely as fundamental and self-revising as the federal model.

However, our Constitution, as originally written and amended some 100 times, is not logically organized and is difficult for citizens to read and understand.

Amendment Number 1 reads: "Shall the Minnesota Constitution be amended in all its articles to improve its clarity by removing obsolete and inconsequential provisions, by improving its organization and by correcting grammar and style of language, but without making any consequential changes in its legal effect"?

It would delete obsolete and repetitive provisions, reduce the length of the Constitution from about 15,000 words to about 10,000, reduce the number of articles from 21 to 14, and reorganize the present constitutional provisions into a more readable and coherent document. It would simply shorten, clarify and update the Constitution without changing the intent or legal effect.

The Gateway Amendment would provide for an alternative method of amending the Constitution, making it easier to update it. Our present method, requiring a majority of all votes cast in the election, would be retained with an alternative added, allowing for passage if 55% of the votes cast on the amendments are "yes" votes. In an election, that method would prevail which would be most favorable to ratification.

Presently, failure to vote on an amendment is a vote against it. Amendment 2 would allow the voters on the question to decide the issue, not the nonvoter.

Many voters fail to find the question on the ballot itself. The fact that more people vote on state constitutional amendments in paper ballot communities also supports the idea that failure to vote is frequently unintentional. Others do not understand the amendment or its consequences and fail to vote, thereby casting a "no" vote under the present method. Massive public education campaigns must be launched to call the amendments to the attention of voters already confused by the heaps of campaign literature generated during election years, especially during presidential election years.

A state constitution is the people's document, the fundamental instrument of government, and Minnesota's Constitution provides for them to change it in Article I, Section 1:

> "Object of Government: Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify, or reform such government, whenever the public good may require it."

The greatest obstacle to change by amendment in Minnesota has been the amending process itself. Passage of Amendments 1 and 2 would give us a clearer, more organized document and allow the voters to decide the issues, not the nonvoters.

The LWVMN urges you to exercise your "inherent political power" and VOTE YES on Amendments 1 and 2 on November 5.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul,,Minnesota 55102 - August 1974
VOTE "YES" ON P - T
AMENDMENTS 1 and 2

Typed August 15, 1974; LWVMN will release via MNA early October
October 2, 1974

RELEASE NOW

CONTACT PERSON = ROSEMARY ROCKENBACH
O - 224-5445 H - 488-1810

Minnesota voters will have the opportunity, on November 5, to vote on the ratification of constitutional amendments submitted for approval by the 1974 Legislature.

The League of Women Voters of Minnesota urges a "yes" vote on Amendment 1, revising the organization and language of the Constitution and Amendment 2, easing the vote requirement for amending the Constitution.

Passage of Amendment 1, sometimes called the "form and structure amendment," would clarify the meaning of the Constitution by removing obsolete and inconsequential provisions, such as the present requirement that every item of state income and expenditure be published annually in a St. Paul newspaper. This has never been done and today would be too expensive.

It would also reorganize the articles, including the 100 amendments passed since the Constitution was ratified, by putting like items in one article. All provisions for taxes, for example, would be under one article covering taxation. Subsequent amendments would be incorporated into the proper articles.

Grammar and style of language would also be changed, but not the substance of the Constitution. Eliminating the outdated language would make the document more coherent and readable. It would put the Constitution in language that the average citizen can understand.

Amendment 2, called the "gateway amendment," would provide two methods for voters to ratify proposed amendments. Presently, Minnesota is one of only four states that requires a majority of all votes cast in the election for passage. This method would be retained. However, an alternative method would be added which would allow passage

(MORE)

if 55 percent of the votes cast on the amendments are "yes" votes. Whichever method would be most favorable for ratification would be used.

Voters who actually voted on the amendment would decide the issue, not the voters who voted in the election but not on the amendment. Some voters fail to vote on the amendment because they do not understand the proposed amendment or they are unable to find the question on the ballot itself. The ability to amend is important if the Constitution is to be kept current.

The League urges all voters to give serious consideration to these amendments and vote "yes." Further information may be obtained by contacting the nearest League of Women Voters or the state League office at 555 Wabasha, St. Paul, MN 55102.

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League of Women Voters of Minnesota, 555 Wabasha, st. Paul, Minnesota 55102 - August 1974

ORDER FORM

AMENDMENT PROMOTION CAMPAIGN

Title	Cost	# Copies
MN Committee on Constitutional Amendments brochures	Free	_____
League "Vote Yes" flyers	3¢ + postage & handling	_____

REMEMBER: Order the Voter Information pamphlet, prepared by the Secretary of State, from that office -
180 State Office Building
St. Paul, MN 55155
or from your county auditor.

- -

Date _____

LWV of _____ Ordered by _____

Send to _____ Bill to _____
(name of LWV, person or business)

_____ _____

_____ _____

_____

Date Shipped _____
(for office use)

MEMO

TO: Shirley W. and Shirley A. (copies: Borg, Andersen)

FROM: McCoy

SUBJECT Vote YES flyer from page 4 of VOTER

DATE August 27, 1974

LEAGUE OF WOMEN VOTERS OF MINNESOTA
555 WABASHA
ST. PAUL, MINNESOTA 55102
PHONE: 224-5445

Form for the flyer: Would prefer having our name, address and phone as an extra line running across the bottom, and delete the MN VOTER and date line at top of page; also the VOTER editor and address place at bottom . . . and while this is being reset, I know they can catch the additional "M" to go in Amendment 1 in its headline!

I think this is a very attractive flyer - do you plan to do it in color - either paper or ink? Our bright blue action color would be easily read on white - or printing it black on light blue? Ann Andersen will be back this week to double check on quantities and pricing - please confer with her about colors, too.

1974

1	X
2	X
3	X

State Constitutional Amendments

Minnesota citizens will be presented with three important constitutional amendments at the general election November 5th. Do NOT leave the ballot blank! BE INFORMED! LEARN HOW AMENDMENTS 1, 2, & 3 ARE SIGNIFICANT TO YOU.

Here are some facts to consider about 1974 constitutional amendments 1, 2, 3.

- The Constitutional Study Commission (consisting of six members of the House of Representatives, six members of the Senate, one member of the Supreme Court and eight interested citizens, all chosen on a bipartisan basis) was asked to study the Minnesota Constitution, other revised state constitutions, and studies and documents relating to constitutional revision. The Commission was asked to propose such constitutional revisions as appeared necessary in the light of "political, economic, and social changes;" to decide whether these changes would require the calling of a constitutional convention or could be made by separate amendments; and to propose a "revised format" for the Minnesota Constitution. It is on this Commission's recommendation that the 1974 constitutional amendments are based.
- After careful examination of Minnesota's 115-year-old Constitution, the Constitutional Study Commission concluded that the original document as amended is an adequate statement of the relationship between the people of Minnesota and their government. They drew up the revised constitutional format requested by the Legislature. They suggested improvements in almost all articles. They proposed the three amendments herein discussed as priority items for submission in the 1974 election.
- Of all the states, Wyoming is the only one besides Minnesota to require that all amendments be approved by a majority of everyone going to the polls. In the words of the Constitutional Study Commission's report: "The difficult ratifying vote wastes time and money. Since 1920 alone, 10 amendments which were rejected when first submitted were finally adopted, being resubmitted from one to five times. Minnesotans had to vote 30 times to finally adopt these 10 amendments, which were generally quite non-controversial."
- One-third of the voters at the general election fail to vote on constitutional amendments. These are in effect votes against the amendments. It is important that we be informed on the 1974 amendments and that we cast our **vote.**

Be informed on the 1974 CONSTITUTIONAL AMENDMENTS...a blank ballot is a "no" vote!

CONTRIBUTIONS MAY BE MAILED TO:

MINNESOTA COMMITTEE ON 1974 CONSTITUTIONAL AMENDMENTS
9445 Minnetonka Boulevard • Minneapolis, Minnesota 55426 • Telephone (612) 933-2229

AMENDMENT #1 X

Structure and Form

"Shall the Minnesota Constitution be amended in all its articles to improve its clarity by removing obsolete and inconsequential provisions, by improving its organization and by correcting grammar and style of language, but without making any consequential changes in its legal effect?"

AMENDMENT #2 X

Gateway Amendment

"Shall the Minnesota Constitution be amended so future constitutional amendments will pass if approved by 55% of the voters voting on the issue or a majority of those voting in the election?"

AMENDMENT #3 X

Railroad Taxation

"Shall the Constitution of the State of Minnesota be amended to permit the Legislature to establish the rate and method of taxing railroads?"

Here are some facts...

AMENDMENT 1 would delete obsolete and repetitive constitutional provisions, reduce the length of the Constitution by over one-third, reduce the number of articles from 21 to 14, reorganize present provisions into a more coherent document, and make our Constitution easier for the citizen to read and understand.

No change would be made in the intent or the legal effect of the present Constitution by the reorganization, clarification, and modernization provided by Amendment 1.

Amendment 1 would make it possible for future amendments to be placed in an orderly, well-structured, clearly written constitutional framework.

AMENDMENT 2, the Gateway Amendment, would allow Minnesotans to change their Constitution by providing that an amendment be approved by **either** 55% of those voting on the issue or by a majority of those voting in the election.

Under our present amending process (a majority of all those voting in the election), a voter who leaves the ballot blank is in reality voting "no." Many people fail to vote on amendments because they are uninformed on the issues, thus casting an unintentional "no" vote. Many essential noncontroversial amendments have been defeated and have had to be re-submitted time and time again.

Amendment 2 would make every vote count on important amendment issues. It would let the voters decide; NOT the non-voters.

AMENDMENT 3 would remove from the Constitution the special taxing method applied to railroads in this state. It is the one Minnesota tax which can be changed only by a constitutional amendment.

The adoption of this amendment would allow the Legislature to set the form and rate of taxation for railroads as it does for other industries.

Your Vote Counts! X

Elmer L. Andersen
Former Minnesota Governor

Minnesota voters should be well informed on the three constitutional amendments on November 5. As chairman of the Minnesota Constitutional Study Commission, I know these provisions were given careful study. A blank ballot on the amendments counts the same as a "no" vote. I urge Minnesotans to study these issues and cast their vote on all three amendments.

Former U.S. Ambassador to Denmark, Red Wing

I am delighted to serve on the 1974 Constitutional Amendments Committee to inform my fellow voters about the three constitutional amendments passed by the 1973-74 State Legislature, after recommendation of the Constitutional Study Commission. I hope you will learn about these amendments and then cast your vote. They are important to the progress of Minnesota.

Eugenie Anderson
Co-chairman

Val Bjornson
State Treasurer

I have had a long-standing interest in the history of Minnesota and in the Constitution of our State. That basic document needs some modernization to bring it up to date. There are provisions so obsolete they simply aren't being observed. Some wise changes are very much in order.

I have been a long-time advocate of constitutional reform. We are confident that the recommendations of the Constitutional Study Commission, which included 12 experienced legislators among its 21 members, is testimony to the need for the improvements respectfully submitted to the citizens of Minnesota in the form of Amendments 1, 2 and 3. Be sure to vote on the amendments.

Senator Jack Davies
Minneapolis

Orville J. Evenson
Cement Masons Local No. 557
Minn. State AFL-CIO, Mpls.

I served on the Minnesota Constitutional Study Commission and am in favor of Amendments 1, 2, & 3. I urge Minnesotans to be informed when they go to the polls and vote on all three amendments. They will up-date our governmental machinery.

All three constitutional amendments are the outcome of careful, in-depth study by the Constitutional Study Commission. In addition, they have been studied, refined and recommended by many legislative committees and passed by overwhelming votes of both houses of the 1974 Legislature. Amendments 1, 2 & 3 are sound and sensible reforms.

Aubrey Diriam
Rep. Redwood Falls

#1 X #2 X #3 X 1974 State Constitutional Amendments

MINNESOTA COMMITTEE ON 1974 CONSTITUTIONAL AMENDMENTS

Dear Friend:

In addition to your financial contribution to this important civic effort, we would very much appreciate your agreeing to serve as a Member at Large of the Minnesota Committee.

MINNESOTA COMMITTEE ON 1974 CONSTITUTIONAL AMENDMENTS
9445 Minnetonka Boulevard, Minneapolis, Minnesota 55426 - Tel. 933-2229

October 16, 1974

IMPORTANT NOTICE TO LEAGUE OF WOMEN VOTERS PRESIDENTS AND MEMBERS

Congratulations on the superb job you are doing to inform the public about 1974 Constitutional Amendments 1, 2 & 3! Minnesota voters are most indebted for the fine civic work of the Minnesota League of Women Voters!

To assist you in your final efforts before election day we have:

1. An Official Proclamation by the Governor designating the week of October 20 as

   1974 STATE CONSTITUTIONAL AMENDMENTS STUDY WEEK (See enclosed)

2. Written to Social Studies teachers, principals in every single Elementary, Junior and Senior High School in Minnesota; all presidents and student leaders of the Junior, State, Private Colleges, Universities and Vocational Schools. (See enclosed letter).

3. Notified all media about the Constitutional Study Week -- every newspaper, radio, television station in Minnesota.

WON'T YOU PLEASE. . .

. . .Have your League contact all these places in your community whom we have notified (schools, radio, newspapers, universities, state colleges, etc.) and ask them if they need help with speakers, brochures, or any services or information which your League can provide. URGE them to work on the educational effort for Amendments 1, 2 & 3! Remind them that much state money has already gone into this effort (the Constitutional Study Commission was organized in 1971 by the Governor, as you know; these studies have been going on through the 1974 Legislature where they received unanimous bipartisan approval).

. . .Call your newspaper editor; ask him to do a feature on Amendments 1, 2 & 3. Call your radio or TV station; ask for an interview about the amendments.

. . .Start a 'Tell Ten People Campaign' in your community. Send your neighbors a card telling them to be sure to vote on Amendments 1, 2 & 3. Be sure to send a Letter to the Editor (see suggested letter) urging readers to vote on the 1974 Amendments; a blank ballot counts as a no vote.

. . .Promote a "Good Citizenship in Action -- Study the 1974 Constitutional Amendments" motto.

With warm affection and deep gratitude,

Rita F. Shemesh

Mrs. Rita F. Shemesh, Executive Secretary

1974 CONSTITUTIONAL AMENDMENTS	
1	x
2	x
3	x
YOUR VOTE COUNTS!	

Minnesota Committee on 1974 Constitutional Amendments

9445 Minnetonka Boulevard
Minneapolis, Minnesota 55426
Phone (612) 933-2229

THE WEEK OF OCTOBER 20 HAS BEEN OFFICIALLY PROCLAIMED BY GOVERNOR WENDELL L. ANDERSON AS 1974 CONSTITUTIONAL AMENDMENTS STUDY WEEK

Suggested Ways of Participation for Teachers, Student Organizations on every campus, Civic Clubs, League of Women Voters, citizens statewide

1. Become well informed on Amendments 1, 2 & 3. STUDENTS: Bring home a brochure; tell your parents, colleagues, neighbors about the amendments. Tell them to be sure to vote; a blank ballot counts as a 'no' vote!

2. Send a letter to the editor of your local newspaper along these lines:

   "Minnesota voters will vote Nov. 5 on ratification of three constitutional amendments unanimously approved by both houses of the Legislature during the last session. They are:

   Amendment #1: Revise Organization & Language of Constitution
   Amendment #2: Ease Vote Requirement for Amending Constitution
   Amendment #3: Allow Legislature to Determine Railroad Taxes

   All three amendments have been unanimously approved by the Minn. DFL, Minn. GOP, and many others. We urge voters to familiarize themselves with these amendments and be sure to VOTE on them on November 5. A blank ballot is the same as a 'no' vote. Let's be good citizens and VOTE on Amendments 1, 2, & 3." (Your signature)

3. Become an "Ambassador of Good Will for Amendments 1, 2, & 3: order more brochures and hand them out at the next civic meeting, church service, football game. Girl & Boy Scouts: earn a merit badge by passing them out.

4. Give a speech on the amendments (see suggested article) - OR - make a poster & display it at your local dept. store, bank, library - a good spot.

5. TEACHERS: Plan a mock radio program or ques. & ans. session in your classroom. Ask your local radio station to feature your students.

6. Find an ingenious way to publicize amendments at a football game or as a part of a homecoming float. Send a news story to your newspaper.

7. Most importantly, if you are 18 or above, be sure to VOTE on Amendments 1, 2 & 3 on November 5. DO NOT LEAVE THE BALLOT BLANK; IT COUNTS AS A 'NO' VOTE! Surely you will want your views reflected on these three vital constitutional reforms.

VOTE! 1974 CONSTITUTIONAL AMENDMENTS 1, 2, 3. VOTE!

Rita F. Shemesh

Mrs. Rita F. Shemesh
Executive Secretary

Established as a non-profit, educational corporation to inform Minnesota voters about the three state constitutional amendments which will be on the ballot at the general election, November 5, 1974

State of Minnesota

Proclamation

WHEREAS: approval of the 1974 State Constitutional Amendments will update and modernize the Constitution of the State of Minnesota:

Amendment No. 1, revise organization and language of constitution, would delete obsolete and redundant provisions; it would simply shorten, clarify and update constitution without changing the intent or legal effect.

Amendment No. 2, Gateway Amendment, would ease the process of amending the Minnesota Constitution so that 55% of those voting on the amendment or a majority of those voting in the election, whichever is most favorable to ratification, would prevail. Presently, a non-vote on amendments is the same as a "no" vote.

Amendment No. 3, allow legislature to determine railroad taxes, would remove from the Constitution a provision which prohibits legislative changes in the gross earning taxes paid by railroads. This would give the legislature the same power to impose taxes on railroads as it has to tax other businesses; and

WHEREAS: Amendments 1, 2 and 3 were recommended to the legislature by the 1971-1973 Constitutional Study Commission, all three received bipartisan approval in both houses during the last legislative session; and

WHEREAS: the people of Minnesota have a first and rare opportunity and serious obligation to become informed on these three amendments and cast their vote at the general election November 5;

NOW, THEREFORE, I, Wendell R. Anderson, Governor of the State of Minnesota, do hereby proclaim the week of October 20 as

1974 STATE CONSTITUTIONAL AMENDMENTS STUDY WEEK

and urge Minnesotans everywhere to become well informed on State Constitutional Amendments 1, 2 and 3 and help build a better future for our State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this seventh day of October in the year of our Lord one thousand nine hundred and seventy-four and of the State the one hundred and sixteenth.

Wendell R. Anderson

GOVERNOR

Arlen I. Erdahl

SECRETARY OF STATE

SUGGESTED ARTICLE ON 1974 STATE CONSTITUTIONAL AMENDMENTS 1, 2, 3

Minnesota voters will consider three proposed constitutional amendments in the November 7 General Election. The amendments would:

*Delete obsolete and inconsequential provisions. This amendment would remove a number of outdated provisions in the state constitution which no longer have practical effect because of obsolescence, superceding federal laws or constitutional amendments, or judicial interpretation. No consequential change is intended.

*Provide an alternative means for amending the constitution. Currently, all constitutional amendments must be approved by a majority of those voting in the election. The proposal would allow amendments to be approved by a 55% majority of those voting on the issue.

*Repeal constitutional restraints on changes in railroad taxation. Since 1871, changes in the method of taxing railroads have required a referendum of voters of the state. This amendment would authorize the legislature to set tax policy for railroads as it currently does for all other taxpayers.

The three amendments were placed on the 1974 ballot by overwhelming votes of both houses of the 1973-74 Legislature. The amendments had been recommended as highest priority for change by the 1971-73 Constitutional Study Commission.

Information on the amendments is being provided by a broadly based organization chaired by former Governor Elmer L. Andersen and Eugenie Anderson, former U.S. Ambassador to Denmark.

Supporters of the first two amendments are hoping that a new constitutional framework and an alternative method for amending the constitution will provide for a fairer and more rational process for making needed constitutional changes in the future.

In the past, some constitutional amendments have been supported by a majority of those voting on the amendment but have not been approved because they were not supported by a majority of those voting in the election. In effect, the amendments have been defeated by those who didn't vote, rather than by those who voted "no".

Amendment #1 would more logically organize the state constitution by grouping similar provisions and eliminating others which no longer have any significant effect.

The amendment would reduce the number of articles in the constitution from 21 to 14 and, by reducing unnecessary and outdated verbage, shorten the constitution by roughly one-third.

- - - ORDER BLANK FOR STATE CONSTITUTIONAL AMENDMENTS 1, 2, & 3 - - - -

PLEASE RETURN TO:

Mrs. Rita F. Shemesh, Executive Secretary
Minnesota Committee on 1974 Constitutional Amendments
9445 Minnetonka Boulevard
Minneapolis, Minnesota 55426

PRINTED MATERIALS

Quantity	Item
_____	State Constitutional Amendments 1, 2, & 3 Brochure
_____	Short Article on Amendments for your newsletter
_____	Senator Jack Davies Article on Amendments 1, 2, & 3
_____	Constitutional Study Commission Final Report Synopsis

STATE CONSTITUTIONAL AMENDMENTS 1, 2, & 3 SCHEDULING FOR SPEAKER

/___/ We would like to schedule a speaker on the State Constitutional Amendments 1, 2, & 3 for our membership

_____ (date of meeting)

_____ (organization)

_____ (place of meeting)

_____ (address)

PLEASE MAIL THE ABOVE MATERIALS AND INFORMATION TO:

NAME_____ ADDRESS_____

TOWN_____ STATE_____ ZIP_____

/___/ You may use my name as a Member at Large of the Minnesota Committee on 1974 Constitutional Amendments _____
(print name as you wish it listed)

$_____contribution. Make checks payable to:

Minnesota Committee on 1974 Constitutional Amendments

1974 STATE CONSTITUTIONAL AMENDMENTS 1, 2, 3

(COMPILED FROM THE MINNESOTA CONSTITUTIONAL STUDY COMMISSION FINAL REPORT)

Distributed by . . . .

MINNESOTA COMMITTEE ON 1974
CONSTITUTIONAL AMENDMENTS
9445 Minnetonka Boulevard
Minneapolis, Minnesota 55426

Telephone: (612) 933-2229

The 1974 constitutional amendments may well be the most important ever presented to Minnesota voters. Amendments 1 and 2 are building-blocks of Minnesota's constitutional future. They have been selected and shaped to serve as the foundation for a careful, thoughtful, speeded-up process of improving this state's basic charter.

MINNESOTA FOLLOWS A NATIONAL TREND

Reform of state constitutions received a great impetus in the middle 50's from the report of President Eisenhower's Commission on Intergovernmental Relations. In assessing the imbalance between federal and state activity, the Commission laid less blame on federal encroachment than on defaulting state governments:

> *Many state constitutions restrict the scope, effectiveness, and adaptability of state and local action. These self-imposed constitutional limitations make it difficult for many states to perform all the services the citizens require. . .The Commission finds a real and pressing need for states to improve their constitutions.*

States began responding--quickly, effectively, and in increasing numbers--to the Commission's challenge "to provide for vigorous and responsible government, not forbid it."

Between 1950 and 1970, 45 of our 50 states took official action to modernize their constitutions. The nation became a huge experimental laboratory in constitution-making. Several held constitutional conventions in which citizens met to frame new charters. Others did the job by submitting to the voters, in planned sequence, thorough-going revisions of major articles. In two states the legislature was empowered to act as a revising convention.

In 1971, Minnesota and two of its neighbors, North Dakota and Montana, joined the nationwide reform effort. In North Dakota and Montana the Commission advocated a constitutional convention to rewrite the whole document (approved by the voters in Montana, and rejected in North Dakota).

In all these states a Constitutional Study Commission (almost uniformly composed of legislators and citizens selected on a bipartisan basis) has been

a moving force in constitutional improvement. These commissions do research, identify problems, suggest new articles or even new documents, and help educate the public on needed changes.

Minnesota's Constitutional Study Commission was composed of 21 members, representing both parties and all portions of the state. Six members were state senators, six were state representatives, one was a Supreme Court justice; the eight citizen members were chosen by Governor Wendell Anderson, who designated former Governor Elmer L. Andersen to act as chairman.

DECISIONS OF THE CONSTITUTIONAL STUDY COMMISSION

After more than a year's work, in twelve study committees and as a deliberative body, the Commission came to these conclusions:

1. Minnesota's constitutional problems are not grave enough to warrant the calling of a constitutional convention to rewrite the entire document. The Commission realized that a convention is a great experience in citizen education in the processes of government. On the other hand, the calling and holding of a convention in Minnesota is very difficult under the terms of our Constitution. Only a deep, widespread conviction among citizens that they want and need a convention would augur success; this interest is not evident anywhere in the state. Finally, the success of other states has not been encouraging. In the ten states which held conventions in the last eight years, new documents were accepted by the voters in only four.

2. Although Minnesota's Constitution is basically a very serviceable document, it needs <u>much modernization to serve future generations well</u>. Of all the areas investigated by the study committees, only the Education Committee found no need for constitutional change. The committees on Bill of Rights, Local Government and Natural Resources recommended only minor updating. But the Committees on the Legislative Branch, the Executive Branch, the Judicial Branch, the Elective Franchise, Finance, the Amending Process, and Transportation recommended far-reaching changes or a need for much further study of difficult problems.

3. If these changes are to be made by amendment, it is absolutely vital that Minnesota improve its amending process. This is among the most difficult in the nation. The recommended change is discussed below, as Amendment 2.

4. A long-term plan for orderly phased submission of amendments must be followed out. For too long amendments have been arrived at in a hit-and-miss fashion, issuing from the Rules Committees of the two houses at the last moment, with practically no floor discussion. By using a process of phased comprehensive revision, submitting to the voters over several elections, a series of separate but coordinated amendments, many states have refashioned faulty old constitutions into clear, modern, workable documents.

5. Two amendments are vital to the success of thorough-going revision of our constitution by amendments. Amendment 1 will provide us with a well-organized, well-written document into which we can fit further changes. Amendment 2 will make needed changes possible within the next decade or so.

6. Timing was considered a factor in three other amendments suggested to the Legislature of 1973-74. One of these was repeal of the special tax for railroads which will be discussed as Amendment 3.*

NEED FOR A STEPPED-UP EDUCATIONAL CAMPAIGN

In previous elections, Minnesotans have known about the upcoming amendments a year and a half before voting on them. The flexible session, with its annual meeting, changed that leisurely opportunity for exposure and education. As always, the amendments came out of the Rules Committees of both houses at the last possible moment. This short period puts an extra burden on editors, teachers and the public interest groups which have always taken the responsibility of informing the voters.

If Amendment 2 is passed in 1974, the educational process will be simplified in years to come. It will no longer be necessary to reach

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*Two amendments suggested for priority action were not passed by the Legislature. One of these was for a piggyback system of computing state income taxes on the basis of the federal taxes, should the Tax Committees of the Legislature consider this often-suggested change feasible. Early in the session the committees abandoned this approach. The other priority recommendation was for a change in our reapportioning authority, now residing solely in the Legislature. Since the Legislature has not, since 1913, been able to complete this responsibility without long, expensive, bitter special sessions and court intervention, the Commission unanimously agreed that the power to reapportion should be given to a bipartisan Reapportioning Commission which could complete the task with both fairness and speed. The longer before a census that the Legislature is asked to give up this power, the less reluctant will it be to do so. The Commission's recommendation passed every substantive subcommittee and committee of both houses with gratifying ease, and was blocked in the closing days of the session by the Senate Judicial Committee. Hopefully, the matter will receive early attention in the 1975 session.

everyone with the message that an unmarked ballot counts as no, and that it is essential for everyone to cast a vote. The responsibility for ratifying or denying those changes thought needed by the Legislature will rest with the alert and interested citizen who seeks information.

AMENDMENT 1 -- FORM AND STRUCTURE

The statute authorizing the creation of the Minnesota Constitutional Study Commission specifically mandated that body to propose "a revised format" for the Constitution.

Among the letters and testimony submitted to the Commission suggesting revision of the present Minnesota Constitution, the recommendation most often made was "clean it up. . .get rid of the outdated language. . .put the Constitution in language that the average citizen can understand."

With these two considerations in mind, the Commission made one of its first orders of business the creation of a Committee on Structure and Form. This committee's members spent hundreds of hours in drafting and redrafting their report, which was submitted to Commission members, the Revisor of Statutes and several other authorities on Minnesota constitutional law for their consideration. The report was given final approval by the full Commission at its final meeting.

The Legislature scrutinized the new constitutional format in great detail. In the Judiciary Committees of both houses, subcommittees examined every word in the course of several meetings. The full committees then examined the product before the language of Amendment 1 was finally approved.

It should be emphasized that no committee of the Constitutional Study Commission brought more expertise to its job. The members included one member of the House of Representatives; a Senator who is now head of the Judiciary Committee; and a justice of the Supreme Court. Nor did any committee spend more hours at its job or turn out so finished a product.

Improvements which will be made by Amendment 1 fall into the following categories:

1. The language of the Constitution is clarified, modernized. Grammar and stylistic defects are corrected. The new constitutional form is a readable document.

2. Obsolete provisions are removed.

3. The document is shortened by over one-third--from 15,864 words to 10,297.

4. Constitutional provisions are reorganized so that material relating to one subject is put in one article. For instance, the new Finance Article adds to the provisions of the main Finance Article IX of the present Constitution sections from Article IV (Sec. 32a); Article VIII, Secs. 4 through 7; Article XVI, Sec. 12; Article XVII; and Article XIX, Sec. 2.

This reorganization reduces the number of articles from 21 to 14.

If Amendment 1 is adopted, new amendments to the Constitution can be phrased in the clear, more modern language of the revised format. Even more important, future amendments can be placed in an orderly, well-structured framework that will stand the test of time.

The following question may be raised by some: What if the revised document inadvertently changes the intent of the original wording? Answer: Since the purpose of the revised language was only to reorganize and modernize, not to reinterpret and change, the courts would revert to the meaning of the original document.

AMENDMENT 2 -- THE GATEWAY AMENDMENT

Every constitution makes some arrangement for its own improvement. Some states make change so easy that voters are presented with scores of confusing amendments at each election. A few states have made it so difficult to get an amendment through the Legislature, then passed by the voters that they have been described as having "horse-and-buggy" constitutions.

A leading authority on constitutional reform, W. Brooke Graves, says:

> *"If a state constitution is to serve its proper purposes the door must be open to change by reasonable procedures. Where the amending process is too difficult, such as the requirement of an extraordinary popular vote, the document tends to get out of date . . .Ideally, the amending process should be more difficult than the ordinary legislative process, but not impossibly difficult."*

Many states, facing up to the need for thorough-going revision of old constitutions, have encountered their first oppostion in the revising sections of these very documents. As the first step to reform, they have had to amend the revising article.

Illinois, the first to adopt such a facilitating amendment, had tried five times since 1870 to ease its extraordinarily difficult amending process and failed. In 1950, legislators and interested citizens joined in a successful effort to pass what they dubbed the "Gateway Amendment," since it would

open up pathway to badly needed change. Since then, state after state has eased the way to constitutional reform by the kind of amendment needed to solve its particular amending difficulties.

Minnesota's special problem is the "extraordinary popular vote" referred to in the quotation from Professor Graves.

Twenty years ago, eight states required, as does Minnesota, that an amendment be approved by a majority of everyone voting in the election. All unmarked ballots are counted as "no" votes.

Since then, four states have eased this difficult amending majority in the cause of constitutional improvement. In addition to Minnesota, only Wyoming, Oklahoma and Tennessee retain this method, and only in Wyoming is it as stringent as in our state. In Oklahoma amendments may now be submitted at a special election; and in Tennessee the required majority is of votes cast for governor, not all votes.

The testimony to the Commission was unanimous in recommending an easing of Minnesota's amending majority. The following reasons were stressed:

1. An enormous amount of effort is expended by ad hoc committees set up to pass amendments and by such organizations as the League of Women Voters, which speaks of the great amount of time and energy and money needed to capture the attention of *every* voter with amendment information. The League says it is necessary to spend as much time explaining the process, and the necessity for voting, as in explaining the amendment.

2. The present provision gives undue weight to the non-participating voter. To count all non-votes as no votes is unrealistic. Many who fail to vote would favor the amendment if they understood it. Comparison of precincts with voting machines and precincts voting by paper ballot proves that many voters simply fail to find the amendments on voting machines.

3. The difficult majority makes legislators wary of putting on the ballot as many amendments as they know the Constitution needs. They fear jeopardizing a favored amendment by submitting more controversial ones at the same election.

4. The difficult ratifying vote wastes time and state money. Since 1920 alone, 10 amendments which were rejected when first submitted were finally adopted, being resubmitted from one to five times. Minnesota had to vote 30 times to finally adopt these 10 amendments, which were generally quite non-controversial.

5. The present majority is undemocratic. A minority can thwart the will of the majority. A citizen's vote is diluted in the same way as it is under an unfair reapportionment. Amendments which have received three times as many yes as no votes have been defeated in Minnesota.

A few members of the Constitutional Study Commission and of legislative committees wished to return to the easy amending majority of the original

Constitution, pertaining until 1890.* They felt that it is unfair that a majority of those who bother to cast a vote on an issue should not prevail. However, most Commission members and legislators agreed that an amending process should not be too facile. Some restriction on the amending process is a safeguard against constitutional instability. A wide-open amending process might well invite the addition of non-basic, statutory-like material which seems necessary only at the moment of adoption.

Four-fifths of the 50 states require more than a simple majority at either the submission or the ratification stage of a constitutional amendment. The Commission preferred to remain in their company.

In the 1950's Illinois adopted an interesting ratification alternative: either a majority of all electors or two-thirds of those voting on the question. Their experience has shown that the two-thirds is not much easier to attain than a majority of all electors. The Commission decided that an alternative of 55% would strike a good balance between flexibility and stability in our amending process.

Possible Objection: Minnesota's Constitution would be too easy to amend if we passed Amendment 2. The answer is no, for two reasons. (1) Every amendment which gets a place on the ballot has passed the scrutiny of two, and usually three legislative committees (the committee dealing with the substance of the amendment, the Judiciary Committee, the Rules Committee). Both houses have to agree on the amendment. Every amendment which makes it to the ballot stage has had to vie with several other matters of great importance, each with powerful authors. The amendments which survive this process are likely to be badly needed. (2) It will not be easy for an amendment to get 55% of the votes if it is controversial, because opponents will be well alerted.

Possible Question: Why should we have two alternatives for amendment approval--the present majority (of those voting in the election) or 55% of

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*See the section on History of Constitutional Revision, which follows this explanation of amendments 1, 2, and 3.

votes cast on the question? Occasionally, when an amendment arouses widespread popular interest and almost everyone votes on it, the majority of electors is a good criterion of approval. In such cases this majority is often easier to attain than the 55% of votes on the issue. This was true of the 19-year-old vote, which passed by the present criterion, but would have failed by the 55% of votes cast, having received 54.9%.

AMENDMENT 3 -- RAILROAD TAXATION

Amendment 3 would repeal the gross earnings tax paid by railroads in lieu of other taxes; and would allow the Legislature to set the form and rate of taxation on railroads, as it does for other businesses in Minnesota.

Unlike Amendments 1 and 2, Amendment 3 is not crucial to the phased, comprehensive revision of our constitution recommended by the Constitutional Study Commission.

However, the time seems ripe for deletion of a matter so grossly out of place in a constitution.

This special provision for railroads was approved in 1871 when Minnesota's economy depended on the extension of railroad lines to all corners of the developing state. It has long ceased to have any justification. The percentage rate of the railroad's gross earnings tax cannot be changed, as can that for other businesses, when the Legislature finds it desirable, but must be submitted to the voters as a constitutional amendment. At Commission hearings, the railroad companies generally signified their willingness to contribute to Minnesota's revenues in the same way as other industries.

HISTORY OF CONSTITUTIONAL REVISION IN MINNESOTA

(Some Background for Feature Stories, Editorial Comment, Speeches, etc.)

THE DOCUMENT -- Minnesota's constitutional convention of 1857 was hastily called for a single purpose -- to take advantage of a railroad land grant act just passed by Congress and available only to states.

Bitterness between the 59 Republican and 55 Democratic delegates was so deep that they met in a single convention for about two minutes at noon on July 13, 1857. Thereafter, for over a month, two rump conventions met in two adjoining rooms of the same building, drafting two completely different documents for the same state.

Pressed by national party leaders to stop acting like "border ruffians," the conventions interrupted their acrimonious denunciations long enough to each appoint five members to a conference committee. A week later, on August 28, the conferees had somehow fashioned from two partially finished constitutions, at wide variance with each other, a compromise constitution for the new state. This was accepted the next day, almost without discussion, totally without inspection.

A few stubborn delegates refused to affix their names to a document signed by members of the other party. Therefore, 16 copyists worked the night, hastily and by lamplight, to produce two copies, one for Republican, one for Democratic signature. These two documents contain more than 300 differences of spelling, punctuation, and even wording. Since the courts have never decided which is the definitive document, Minnesota has the distinction of being the only state with two official constitutions, both on file at the State Archives.

The miracle is that Minnesota's Constitution is as good as it is, considering both the circumstances of its birth and the ninteenth-century fashion for detailed,restrictive provisions.

Minnesota's Constitution can best be described as "average." In length its 15,864 words place it between Vermont's 5,000 and Louisiana's 236,000. It is not one of the most detailed, but is nevertheless full of statutory directives. It is not one of the most restrictive but could scarcely be

called fundamental. It is not as rigid as many but is a far cry from the "self-revising" federal model. It has not needed as much change as the average, but its amendments are still far from sufficient.

CONSTITUTIONAL CHANGE, 1857 to 1947 -- Just how Minnesota's Constitution was to be changed formed the "Great Compromise" of the 1857 conventions. In Minnesota the issue of slavery, which pervaded every aspect of American life in these pre-Civil War days, took the specific form of Negro suffrage. The Republican delegates, described as more idealistic and more radical than their Democratic counterparts, were devoted to two great moral causes -- prohibition and abolition.

To gain these ends in the near future, the Republicans accepted almost every article of the Democratic document in exchange for one concession: *The new Constitution would be easy to amend.*

> When the Republican members of the Compromise Committee were forced to accept one article after another in substantially the form proposed by the Democrats, they were thrown back on their confidence that the Republican Party would soon carry the state and if at that time there should be a simple method of amending the constitution they would be able to get popular consent to a series of amendments which would make this Democratic constitution over into one which conformed more nearly to the Republican views. They insisted that the Democrats give them. . .a section which embodied the simplest and easiest way of amending a constitution which had yet been put into effect in any state. (Anderson and Lobb, History of Minnesota's Constitution, 1921)

This easy amendment method was: (1) proposal by a simple majority of both houses at one session and (2) ratification by a simple majority of voters at the next election.

This process proved very easy indeed. Even before the new Constitution had been accepted by Congress, two amendments had been proposed by the Legislature and accepted by the people -- all quite illegally, of course, but never contested. By 1894 more than 60 amendments had been adopted.

In 1896, concerned about the constant need for amendment, the Legislature asked the voters to approve the calling of a constitutional convention. This question required the difficult majority of all those going to the polls. Many more voters said yes than no, but so many failed to mark their ballots that the convention call was defeated.

Stymied in this attempt to slow down amendments, legislators went to the other extreme of remedy. They proposed to the voters of 1898 that future

amendments require the approval of a majority of those voting in the election, not just of those voting on the question.

According to Anderson and Lobb's definitive history of our Constitution, the motivation for the change in the amending process was not a disinterested attempt to improve Minnesota's constitutional machinery. "It has been said that the liquor interests promoted this change to prevent the adoption of an amendment prohibiting the liquor trafic." Indeed, this amendment to change the amending process became known as the "brewers' amendment." Ironically, it passed by only 28% of those voting in the election, so by its own terms the amendment would have been disastrously defeated.

The effect of this restrictive amending process was dramatic. From 1857 to 1898 voters had accepted almost three-fourths of submitted changes (72.9%). In the next half century the acceptance rate plummeted to less than one-third (32.5%).

CONSTITUTIONAL CHANGE FROM 1947 TO THE PRESENT -- By 1947 the unmet need for change was giving great impetus to the movement for a second constitutional convention. In that year the Minnesota Legislature created the Minnesota Constitutional Commission composed of eight senators, eight representatives, a member of the Supreme Court and of the administrative branch, and three citizens. They were charged to study the constitution "in relation to political, economic and social changes which have occurred and which may occur" and to recommend to the next Legislature "amendments, if any" needed to "meet present and probable governmental requirements."

The 1948 report of the MCC considerably exceeded its rather modest instructions to recommend needed changes, "if any." The Commission unanimously recommended major changes in 34 sections, minor changes in another 78, and six new sections. Because the recommended changes were so extensive, the MCC advised that they be made by a constitutional convention.

For several sessions, the calling of a constitutional convention was a hard-fought issue. The movement failed because of the following factors: the difficulty of obtaining the two-thirds vote of both houses necessary to submit the question to the voters; the fact that two of the senators

to sign the MCC report became adamant foes of the convention idea; and fear of rural legislators that the convention would do something about the long-neglected reapportionment question.

AN ERA OF AMENDING SUCCESS -- Spurred by the pressure for a convention, legislative leaders turned their serious attention to constitutional reform. They began framing far-reaching amendments, some of them reshaping entire articles or major portions thereof. By 1959, Professor G. Theodore Mitau, in a ten years' perspective view of the effect of the MCC report, found "significant substantive achievement . . . Entire sentences in subsequent amendments can be traced back to the language of the MCC report; the amendments themselves often serve as substantive implementation of the Commission's prescription."

Aroused citizen interest resulted in the passage of half of all amendments submitted in the next decade -- a marked improvement over the one-third rate of the previous half-century. Interests which had favored improvement by convention -- the League of Women Voters, both political parties, bipartisan citizen groups, prominent Minnesotans -- all devoted much time, money, and public relations skills in the battle to overcome Minnesota's difficult amending majority.

The new record of success continued throughout the 60's. Of 14 amendments submitted during the next five elections, 11 passed (78%). This record was, however, below the national average for constitutional improvement. During this decade, as we have seen, states were concentrating on their constitutions. Minnesota has been submitting only 25% as many amendments as the average for other states. Moreover, the scope of amendments submitted elsewhere has been wider. Entire articles, packages of articles, even whole constitutions have been proposed and accepted.

Minnesota's efforts toward constitutional reform obviously needed to become both speedier and more significant in scope. With this objective in mind, Governor Wendell Anderson sent a special message on constitutional revision to the Legislature on March 3, 1971.

The Legislature responded with the creation of the Constitutional Study Commission described in this material. This Commission recommended to the Legislature the changes incorporated in Amendments 1, 2, and 3, to be voted on at the general election on November 5, 1974.

Same Letter to Minneapolis STAR - "...your position of October 15..."
Copies to MM, EE, JJ, HB, EW

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

October 25, 1974

St. Paul DISPATCH
55 East 4th Street
St. Paul, Minnesota 55101

Letter To The Editor

The League of Women Voters of Minnesota supports your editorial position of October 2 on Amendment 2, the Gateway Amendment.

Amendment 2, allowing for ratification of an amendment by 55% of those voting on the issue, would let the voters decide the issue, not the non-voters.

The present requirement of a majority of those voting in the election to ratify an amendment is undemocratic, allowing much-needed amendments to be defeated by inaction. Thirteen amendments which have received from 75% to 85% of the votes cast on the amendment itself were not adopted because a large portion of the voters left the ballot blank and were counted as "no" votes.

In answer to the fear that Amendment 2, if passed, would make it too easy to amend the Constitution, the voters should be aware that:

(1) Every amendment which gets a place on the ballot has passed the scrutiny of two, and usually three, legislative committees in each house. They then must be approved by a majority of both houses of the Legislature. The amendments which survive this process are likely to be badly needed changes to update the framework of the Constitution.

(2) It will not be easy for an amendment to get 55% of the votes if it is controversial because opponents will be well alerted. From 1857 to 1972, thirteen of the 97 amendments ratified by the voters have received more than 50% of the "yes" votes but less than the 55% required by Amendment 2.

Minnesota remains as only one of two states with such a stringent requirement for ratification of an amendment. (Wyoming is the other.)

We agree that the Constitution should not be changed impulsively or at the will of a small group of people. We believe that Amendment 2 provides adequate safeguards while allowing for needed changes.

Sincerely,

Mary Ann McCoy, President
League of Women Voters of Minnesota

Copies to: MM, EE, JJ, HB, EW

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

October 25, 1974

Minneapolis TRIBUNE
425 Portland Avenue
Minneapolis, Minnesota 55415

Letter To The Editor

In a July 19, 1974, editorial, the Tribune expressed its support for all three of the proposed Constitutional amendments. The LWVMN hopes that your position on Amendment 2 has not changed. This amendment, providing an alternative method of ratifying an amendment by 55% of those voting on the question, would let the voters decide the issue, not the non-voters.

The present requirement of a majority of those voting in the election to ratify an amendment is undemocratic, allowing much-needed amendments to be defeated by inaction. Thirteen amendments which have received from 75% to 85% of the votes cast on the amendment itself were not adopted because a large portion of the voters left the ballot blank and were counted as "no" votes.

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Sincerely,

Mary Ann McCoy, President
League of Women Voters of Minnesota

Same letter to: Post, Ramsey County Review, White Bear Press, White Bear Advisor
Copies to: MM, EE, JJ, HB, EW New Brighton Bulletin

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55102

October 25, 1974

Sun Newspapers, Inc.
6601 West 78th Street
Minneapolis, Minnesota 55435

Letter To The Editor

The League of Women Voters of Minnesota urges all the voters on November 5 to vote "yes" on Amendment 2. Failure to vote is counted as a "no" vote.

Amendment 2 would allow an amendment to be ratified by 55% of those voting on the issues as an alternative to the present provision requiring a majority of all votes cast in an election. It would let the voters decide the issue, not the non-voters.

The present requirement of a majority of those voting in the election to ratify an amendment is undemocratic, allowing much-needed amendments to be defeated by inaction. Thirteen amendments which have received from 75% to 85% of the votes cast on the amendment itself were not adopted because a large portion of the voters left the ballot blank and were counted as "no" votes.

In answer to the fear that Amendment 2, if passed, would make it too easy to amend the Constitution, the voters should be aware that:

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Minnesota remains as only one of two states with such a stringent requirement for ratification of an amendment. (Wyoming is the other.)

We agree that the Constitution should not be changed impulsively or at the will of a small group of people. We believe that Amendment 2 provides adequate safeguards while allowing for needed changes.

Sincerely,

Mary Ann McCoy, President
League of Women Voters of Minnesota

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, Minnesota 55102 - October 1974
P - T

Report Form

Report Form - Amendment Promotion

Return to LWVMN by November 15, 1974

League:

Person making the report:

Date:

1. Was the general tone of your local campaign

"Vote Yes"? _____ Educational? _____ Both? _____
Explain:

2. a. Did you have any community reaction to your campaign?

b. Did you identify any opposition to Amendments 1 and 2 in your area?
Explain:

3. What method of promoting the amendments were you able to use in reaching other community groups?

__ Speaker's Bureau
__ Provided informational material
__ Got material into bulletins
__ Material posted on bulletin board
__ Other _____

4. Which methods did you use for reaching the general public?

__ radio spots
__ TV spot
__ press release
__ mass mailing
__ door-to-door drop
__ letters-to-the-editor
__ newspaper ads
__ handouts at local businesses
__ other _____

5. What method did you use to explain the issues to your League members?

6. a. Did the schools in your area participate in "Constitutional Amendment Study Week" and make use of the materials sent by MCCA?

b. Did your League assist in this educational activity? How?

7. Which of your League's promotional activities did you feel had the most impact?

   Explain.

8. a. Did your local papers carry any of the press releases sent by the state League or Minnesota Committee on 1974 Constitutional Amendments (MCCA)?

   b. Did they take an editorial position on the amendments?

      For? Against?

9. a. Which of the materials sent to you were most helpful in your campaign?

   b. What other types of material would have been of value to your League in promoting the amendments?

   c. How could the state League amendments committee have been more effective in this campaign?

Please return to state League office
555 Wabasha, St. Paul 55102

by November 15, 1974

Sent on LWVMN Letterhead

To the Editor
Murray County Herald
Slayton, MN 56172

FOR MORE INFORMATION
CONTACT:
Mary Ann McCoy
2312 Lake Place
Minneapolis, MN 55405
(612) 377-4793 or
(612) 224-5445

Voters are well advised to head your recent editorial advice, "study those amendments", before voting November 5th on the proposed state constitutional amendments.

In the interest of such study, the League of Women Voters of Minnesota seeks this opportunity to reach your readers with information from the "other side" of the viewpoint you expressed about Amendment Two.

Amendment Two would allow Minnesotans to change their constitution by providing that an amendment be approved by either a majority of those in the election or 55% of those voting on the issue. Passage of Amendment Two would enable every vote to count on important amendment issues. It would let the voters decide, not the non-voters, as is presently the case.

How do non-voters decide? Now, a blank ballot is counted as a no vote, since a majority of the total voters is required to win amendment approval.

How are amendments proposed? Every proposed amendment which gets a place on the ballot has passed the scrutiny of two and usually three legislative committees--in each house (the committee dealing with the substance of the amendment, the Judiciary Committee, the Rules Committee.) Both houses have to agree on the amendment. The governor has to sign the bill. Every amendment, furthermore, has to vie with other matters of great importance, each with thoughtful advocates both within and outside the legislature. Amendments which survive this process are likely

more

to be greatly needed. The people's interest is protected: if an amendment is controversial, it will not be easy to win 55% of the votes on election day because opponents will be well alerted.

The League of Women Voters of Minnesota agrees with the Murray County Herald's stand that Amendment One deserves passage. We hope that by ratifying Amendment Two, also, voters will help ensure that in the future such a needed amendment as Amendment One will have a fairer chance for approval by voters who do vote "yes". Under the present method, other equally qualified amendments have failed and had to be submitted as many as five times--even though approved by 53 to 70% of those voting on the issue.

We urge a yes vote on both Amendments One and Two. Perhaps the most important ever presented to Minnesota voters, Amendments One and Two are building blocks for Minnesota's constitutional future. Together, they can serve as the foundation for a careful, thoughtful process to improve this state's basic charter.

(signed) MARY ANN MCCOY
President, League of
Women Voters of Minnesota
October 22, 1974

Copies to:
Rita Shemesh, Exec. Sec., MN Comm.
on 1974 Constitutional Amendments
Shirley Westmoreland, Election Laws/
Voting Rights
Rosemary Rockenbach, Public Relations
Liz Ebbott, 1st Vice President; Program/Action, Lobbying Congress
✓ Helene Borg, Action

LEAGUE OF WOMEN VOTERS OF ROSEVILLE

INCLUDING MAPLEWOOD AND LITTLE CANADA UNITS — ROSEVILLE, MINNESOTA 55113

TO: Board of Directors, LWV of Minnesota
Local League Presidents

FROM: Board of Directors, Roseville LWV
Joyce Blomquist, President
1980 W. Skillman, Roseville, Mn. 55113

RE: Proposed State Study of "The amending process of the Mn. Constitution

Have you thought about the vital significance of the Minnesota Constitution in your life? Upon your civil and religious liberty? On the taxing policies of the state? Our constitution is a basic set of laws designed to allow the majority to rule and give protection to the minority.

An amending process to our state Constitution should give protection to minorities, yet be flexible to make needed changes. The Roseville LWV is proposing a state study of the amending process of the Mn. Constitution. We encourage all Local Leagues to discuss this issue with their members at Lively Issues meetings.

Why should your League be interested in this issue? It's been 15 years since we did the consensus, and the last update was done in 1967. Don't you agree it's time we re-examined our position?

Are all your members familiar with the present process - and the change which League supports? (For many years the LWV has supported the change of the amending process from a majority voting in the election as now required, to a majority of those voting on the question.) If not, don't you agree your members need updating?

Is it difficult to ratify amendments under our present amending process? NO, an informed public, educated about a limited number of amendments has ratified 25 out of 31 amendments from 1956 through 1976. For the past 18 years we have had 83% passage of amendments.

Why should we change our amending process? In the 1940's, the LWV and many others considered the state Constitution outdated and its amending process as not workable. The state legislature refused to have a constitutional convention, which League supported, and began a series of updating amendments to change the constitution. Due to excellent promotional work of the LWV and the Constitutional Study Commission, our constitution has been almost COMPLETELY UPDATED AND REVISED BY USING THE PRESENT AMENDING PROCESS.

To change the way our state Constitution is amended is a very fundamental and far-reaching change. If we require only a majority of those voting on the question - a minority could amend our Constitution.

If your League expresses an interest in the amending process as a proposed study, please contact me, so we organize support at Convention.

Constitutional Amendment By Convention: An Untried Alternative

CURRENT FOCUS

As a basic document granting powers to the national government and protecting the rights of its citizens, the U.S. Constitution has stood the test of time. It has served the nation well as the framework for a governmental system that has had to deal with many varied events and crises in our history.

Still, the framers of the Constitution understood that even the best-crafted document in the world would need to be modified occasionally to meet changing societal needs. They therefore provided amending procedures that offer two routes for *proposing* amendments and two routes for *ratifying* them, as Article V describes:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that . . . no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

So sound was the work of the framers that the Constitution has in fact been amended only twenty-six times.* Congress, as Article V directs, has chosen the method of ratification for each amendment. *All* 26 amendments adopted and the pending 27th one were acted upon under the first alternative in Article V—they were proposed by Congress after approval by two-thirds of each house.

All amendments except the 21st were ratified by the legislatures of three-fourths of the states after Congress submitted the amendments for approval. The 21st, repealing Prohibition which had been established by the 18th, was approved by ratifying conventions in three-fourths of the states.

The alternative procedure for proposing amendments—a constitutional convention called by Congress on application of two-thirds of the states—has *never* been used. However, periodically a move for an amending convention gains momentum, usually fueled by groups motivated by a single issue. The groups may be opting for this amending route because they are unable to get "their" amendment approved by the needed two-thirds of each house of Congress or may for other reasons prefer to work through state legislatures rather than Congress.

A current move for an amending convention once again is focusing public attention on this untried alternative. The impetus has come from groups dissatisfied with a 1973 Supreme Court decision guaranteeing women freedom of choice in deciding about abortions.

The prospect of a convention called to propose amendments to the U.S. Constitution raises very grave questions, the answers to which are clouded in legal debate and political uncertainty. A brief look at the experience the nation has had in dealing with petitions for an amending convention—limited though it is—may be useful before considering some of these unanswered questions. (Readers should distinguish between an amending convention for the U.S. Constitution and state constitutional conventions for changes in state governmental structure. The latter are common in state political history.)

Background

Although the convention method for proposing amendments has never been used, since the nation's beginning more than 300 applications on varying subjects have gone to Congress from state legislatures asking for amending conventions. But applications on any one subject have never reached the requisite number. Sometimes pressure for an amending convention has been used as a tactic to try to get Congress to approve an amendment; such seems to have been the case with direct election of U.S. senators. Sometimes support on an issue has been so spotty that only a few legislatures have applied to Congress for a convention on that issue. In other instances, the timeliness of an issue has faded and it has dropped from the national political scene.

Among the issues that have prompted convention applications, besides those already mentioned, are world government, school prayers, revenue sharing, school busing, taxes (various aspects), presidential tenure and treaty procedures. Not every application has been tied to a single subject. Some twenty have called for a general constitutional convention.

The most widely supported effort to use the alternative amending method came in the 1960s over the issue of equitable apportionment of state legislatures. In 1964 the Supreme Court ruled that both houses of state legislatures had to be apportioned on the basis of population. In opposition to this ruling, thirty-two states (just two short of the required two-thirds) applied to Congress for an amending convention to allow state legislatures to have the seats in one house apportioned on a basis other than population, for instance, along county lines.

Because it is the closest the U.S. has ever come to using this method, the prospect generated wide public debate and discussion of this amending method. As legal scholars, members of Congress and concerned citizens made state legislators aware of the

*Five other amendments were approved by Congress but not ratified by the states. The 27th amendment—the Equal Rights Amendment—is still pending.

League of Women Voters
Education Fund
1730 M Street, N.W.
Washington, D.C. 20036

Order from League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036
Pub. No. 125, 20¢, 20/$1.

serious uncertainties surrounding this untried alternative, the drive for an amending convention ran out of steam (although one more state applied, another one withdrew its original application).

Once again, the prospect of an amending convention looms, as groups in some states press their legislatures to ask Congress to call a convention for amending the Constitution to overturn the Supreme Court abortion-rights decision. By April 1978, at least ten states had sent to Congress applications for such an amending convention. Further, resolutions calling for such a convention have been introduced in over twenty other state legislatures. Now, as in the sixties, concerned citizens and legislators are discussing basic questions about this alternative amending process, quite aside from the particular issue involved. Materials published during the sixties controversy are therefore relevant once again.

Unanswered questions

"The convention route to proposing constitutional amendments is uncharted," as law professor Arthur Bonfield tersely stated *(Michigan Law Review,* 1968). The record of the framers of the Constitution on this amending method is fragmentary. The wording of this alternative in the Constitution is vague. Historical guidelines are virtually nonexistent. It is little wonder that the periodic emergence of the possible use of this method stirs such doubts in experts' minds. The questions that emerge provoke differing answers by legal commentators.

What constitutes a valid application to Congress by a state legislature for an amending convention? Scholars don't agree. Some maintain that applications from the state legislatures merely have to be on the same subject or same "grievance." Other experts, however, think that all applications from state legislatures on a subject have to have substantially the same wording in order to be counted by Congress as a call for an amendment on that subject. Nor is there agreement on the specific form of the application, although most experts think this matter should be left up to individual legislatures.

If the required two-thirds of the state legislatures do adopt a resolution calling for a constitutional convention, is Congress obliged to call one? Again, experts disagree. Most point to the language of Article V, which says Congress "shall call a convention for proposing amendments" on application of the requisite number of legislatures. However, as one authority noted, if Congress were to fail to call such a convention, redress might not be available in the federal courts, if the courts ruled this a "political" question not suitable for judicial settlement. If that is true, then the only redress for those citizens or legislatures that felt aggrieved would be at the polls when members of Congress are elected.

Must all applications for a convention on a given issue be submitted to the same Congress (to the 95th, for example)? This issue of the timeliness of the petitions from the states is also unsettled. Some experts think that the seven-year period sometimes allotted for ratification of an amendment is a suitable outside limit for receipt of the applications by Congress. Others point out that, if Congress itself wants to propose an amendment, it must do so within the two-year life span of a Congress. They feel that proposals from states for a convention should have the same strictures. Still others suggest up to three years, since this is the possible time period required to get a convention application passed by each state legislature, inasmuch as some meet only every other year. The shorter time period places on those seeking a convention the burden of demonstrating the strength of their support.

If an amending convention were called, could it be limited to a single issue or might it deal with any matter it chose? In the minds of those concerned that a convention to amend the U.S. Constitution would open up a "pandora's box," this question is perhaps the most critical. As with the other questions, the answer is unclear because the procedure is unused, uncharted and thus, to many, uninviting. Many authorities think that a convention could and should indeed be limited to the subject on which it was called. They reason that it would not be legitimate to open up a constitutional convention to any other topics, because support for those subjects would not have been demonstrated in two-thirds of the states, as required in Article V.

Others think that, once convened, a constitutional convention could not be limited in its scope. Some, such as Yale law professor Charles Black, could imagine no other cause for using this alternative process than the desire for a general convention, since the option of having Congress propose and approve all the "piecemeal" amendments has always proved satisfactory to the needs of the country (*Yale Law Journal,* 1972).

How would delegates be selected and how would votes in the convention be allocated? These questions, too, defy easy answers. Most experts agree that delegates to an amending convention would be elected, but by what specific means is not clear. Neither is it clear how the votes in a convention would be allocated. For example, the American Bar Association stated in 1974 that the only equitable apportionment of convention votes would be on the basis of population. They suggested that the standard applied to the allocation of seats in the U.S. House of Representatives would be a useful guide. Others have proposed that each state should have one vote, a method unattractive to those in large population centers. Still others have suggested using the electoral college model, whereby the votes for each state would equal the sum of its senators and representatives. This allocation, of course, would repeat the distortions that exist in the electoral college vote.

What would be Congress' role in this amending method? Most scholars would agree that Congress is responsible for weighing the timeliness of various applications and ruling on whether the required number have been received. Many, but not all, experts feel Congress has further supervisory responsibilities in the process as well—to set some procedures for calling and conducting a convention and to specify how and when delegates would be selected, where and when they would meet, how they would submit any agreed-upon amendment to Congress for transmittal to the states for ratification, etc. But the experts do not agree on the specifics of these procedures, nor do they agree on what kind of convention majority should be required to adopt a proposed amendment—a simple majority or two-thirds. They do not even agree about whether Congress or the convention should establish these procedures.

Professor Black wrote in 1972 that no Congress should seek to bind a future Congress by passing a law to establish any of these procedures. He argued that existing political issues at the time should determine how a convention would be set up and what its procedures would be and that only an affected Congress should enact them. Further, he said that to enact procedures for a convention in the abstract would be to invite their use.

The debate over Congress's role vis-a-vis a constitutional convention is not academic. In the 90th and 91st Congresses and again in the 95th, bills have been introduced to establish procedures about a convention. The earlier bills did not muster sufficient support to pass Congress, even during the apportionment controversy.

Would disputes over calling a convention and over its procedures be reviewable by federal courts? Again, no agreement exists. Whether the federal courts could rule might depend on the nature of the dispute, who would be bringing a suit, and against whom.

A final thought provides additional perspective on the matter of constitutional change: "The Constitution we now have is much more than the few hundred words of the Philadelphia draftsmen. It is the entire fabric of usage, understanding, political behavior, and statutory implementation, erected on that base and compounded with the glosses of many judicial decisions" (R.M. Carson, *Michigan Law Review,* March 1968). That being the case, it is easy to understand why the possibility of using an amending method never tried in our 200-year history produces a climate of uncertainty and uneasiness. □

APR 20 1978

League of Women Voters of the United States 1730 M Street, N.W., Washington, D. C. 20036 Tel. (202) 296-1770

memorandum

TO: State and Local League Presidents

This is going on DPM

FROM: Judith B. Heimann, Government Director

DATE: April 1978

RE: CURRENT FOCUS Constitutional Amendment by Convention: An Untried Alternative

The enclosed CURRENT FOCUS deals with questions raised by the prospect of amending the U.S. Constitution through convention called on application of 2/3 of the state legislatures.

Many Leagues have expressed concern about efforts in their states to pressure the state legislatures to apply to Congress for a constitutional convention. The supporters of this method of amending the Constitution are usually motivated by a single issue, such as the federal government's deficit spending or the Supreme Court's decision on freedom of choice for women in deciding about abortions. Leagues that have expressed concern about the prospect of a single-issue amending convention -- whatever the issue -- have asked us whether there is any national League position that they can use to oppose calls for such a convention. The answer is no. There is no national position on calling for a convention -- either in support or in opposition.

However, there is something that Leagues can do (as some already have) and that is to raise questions in their communities and states about the seriousness of the prospect of using this amending method and the many unanswered questions that constitutional experts have raised. Asking basic questions is a citizen education function that the League is ideally suited for.

We recognize that not every state faces this issue. However, you may want to know that as of April 1, at least ten states have applied to Congress for an amending convention on the abortion issue: Arkansas, Indiana, Kentucky, Louisiana, Massachusetts, Missouri, New Jersey, Rhode Island, South Dakota, and Utah. Pennsylvania may soon be added to the list. This CURRENT FOCUS will be a useful guide for discussion of the issue, either publicly or for individual reference for interested citizens.

Please let us hear from you if you have any further questions.

Testimony
Committee on General Legislation and Veterans Affairs
House of Representatives
by Joyce Lake, Lobbyist
League of Women Voters of Minnesota

May 11, 1979

The League of Women Voters of Minnesota urges you to vote in favor of House File 38, the proposed amendment to the Minnesota Constitution providing for a bipartisan reapportionment commission.

Regular and equitable reapportionment of the Minnesota Legislature has been a continuing concern of our members for several decades. We have supported both legislative and constitutional methods to achieve this goal. Historically, reapportionment attempts by the Legislature have resulted in lengthy delays, confusion and great expense to Minnesota citizens.

We believe that the reapportionment commission proposed by H.F. 38 is the best way to provide for equitable, efficient and economical reapportionment because of the following:

(1) it provides strict standards to ensure districts based on equal population;

(2) it provides for accountability and openness of the commission to the public;

(3) it provides for multi-partisan membership, important in recognizing the political nature of apportionment;

(4) it provides for safeguards against gerrymandering.

The League of Women Voters of Minnesota urges you to react favorably to this particular proposal to ensure prompt, orderly and fair reapportionment of congressional and legislative districts.