

RESEARCH RESPONSE

PATRICK D. O'GRADY, EXECUTIVE DIRECTOR

COSTS OF HOLDING A 2010 CONSTITUTIONAL CONVENTION

Overview

Under various scenarios for a constitutional convention in 2010, the convention itself might cost \$14 million to \$23 million or more. These minimum projections for out-of-pocket costs exclude other expenditures necessitated by a convention, such as local costs of primary and general elections for delegates and voting on any amendments proposed by a convention.

This report projects possible costs of a future constitutional convention based on the costs of the 1970 convention, adjusted using the Price Index for Government Consumption and Expenditures and Gross Investment for state and local governments from 1970 to 2007¹ and a projected annual inflation rate of 5% (the average annual increase in that index from 1970 and 2007) for the years 2007 to 2010. Information on costs of the 1970 convention came from state appropriations from 1965 to 1971.² Other projections are based on more recent information, such as current legislative salaries and costs of computer equipment.

Constitutional and Elections Schedule

If the voters at the November 2008 election approve the ballot question required by the Illinois Constitution³ on calling a constitutional convention, the General Assembly will be constitutionally required in the spring of 2009 to provide by law for electing delegates and scheduling the time for a convention to convene.⁴ But the only election now scheduled for 2009 at which it *might* be feasible to nominate delegates is the consolidated election on April 7.⁵ Using even that date would require shortening the statutory minimum interval from the deadline for filing nominating petitions for offices above the county level until the primary election for those offices (92 days⁶)—and the General Assembly and Governor would have to act almost immediately after the 96th General Assembly convenes on January 14 to provide by law for a primary election for delegates on April 7, even with a shortened time for preparing voting materials. This extremely tight timetable makes the April 7, 2009 date appear infeasible for holding a primary election for delegates. (Even if it were so used, a special election would need to be scheduled sometime later in 2009 to select the delegates from among the persons nominated on April 7.)

That leaves three possibilities if a convention is to be held:

1. Schedule *two* special elections in 2009.
2. Nominate delegates at a special primary election in 2009, then elect them at the general primary election on February 2, 2010.
3. Hold both delegate elections in 2010, with delegate nomination on February 2 and election at a special election in the spring or early summer.

Under Option 2, a convention would have only a short time to propose any constitutional amendments if they were to be sent to the voters at the November 2010 election, because the Constitution says that proposals by a constitutional convention are to be voted on at an election held between 2 and 6 months after the convention adjourns.⁷ Under Option 3, a special election would likely need to be held in 2011 to vote on any amendments proposed.

Timetables for Elections and Convention

The costs of holding a constitutional convention would depend not only on how long it lasted, but also on when it was held. The Illinois Constitution puts the following constraints on convention scheduling: If voters in November 2008 approved the proposition to hold a constitutional convention, the General Assembly would be required in the spring 2009 session to enact a law setting a time and place for a convention and providing for election of two delegates from each legislative (Senate) district. The 118 delegates would meet within 3 months after such an election.⁸ Any amendments proposed by the convention would go to the voters at a general or special election between 2 and 6 months after convention adjournment.

This report assumes that a 2010 convention would merely propose amendments to the 1970 Constitution, rather than proposing to replace the entire document. Thus it presumably would not require as much time as was needed by the 1970 convention. Another consideration is that if any sitting legislators are delegates, the convention would need to hold its substantive sessions while the General Assembly is out of session. The scenarios below suggest timetables for a convention.

Option 1 The following schedule seems feasible if two special elections are held in 2009:

<i>Year</i>	<i>Time</i>	<i>Action</i>
2009	Summer	Governor signs bill enacting convention law.
	Fall	Delegates are nominated at a special primary election.
	Winter	Delegates are elected at a special general election.
2010	April	Convention convenes for preliminary matters, including any public hearings.
	Summer	Delegates deliberate from early July to early September.
	November	Voters consider proposed amendments at November 2 general election.

- Option 2** The following schedule could be used if delegates are nominated at a special election held in 2009, and elected at the February 2, 2010 general primary election:

<i>Year</i>	<i>Time</i>	<i>Action</i>
2009	Summer	Governor signs bill enacting convention law.
	Fall	Delegates are nominated at a special primary election.
2010	February	Delegates are elected at February 2 primary election.
	April	Convention convenes for preliminary matters.
	Summer	Delegates deliberate from early July to early September.
	November	Voters consider proposed amendments at November 2 general election.

- Option 3** The following schedule could be used if delegates are nominated at the February 2, 2010 general primary election and elected at a special election that spring.

<i>Year</i>	<i>Time</i>	<i>Action</i>
2009	Summer	Governor signs bill enacting convention law.
2010	February	Delegates are nominated at February 2 primary election.
	Spring	Delegates are elected at special election.
	June	Convention convenes for preliminary matters.
	Summer	Delegates deliberate from mid-July to mid-December.
2011	Spring	Voters consider proposed amendments at a special election.

Options 1 and 2 would leave little time for a convention to meet. But holding a convention near the end of a 2-year General Assembly would allow legislative support agencies to help at the convention, cutting costs. Under these scenarios, regular legislative employees could provide much of the staffing for the convention, and only the additional staff and services absolutely necessary for a convention would be employed. Options 1 and 3 would require two special elections; Option 2 would require only one. Option 3 would also require more money to be spent on staff and services if the convention lasted more than 2½ months.

- Costs** Some rough cost projections can be made for each option described above. These are *minimum* amounts for a low-cost convention. Depending on the details of the law providing for the convention and decisions made by the convention (such as whether to submit any proposed amendments at a general or special election), costs could be much higher.

Elections A State Board of Elections spokeswoman says the total costs of holding an election cannot be accurately estimated, because most expenses are incurred locally and are not calculated statewide. She estimates the cost, to the state government alone, of paying election judges for one election at about \$2.6 million.⁹ Option 2 would require only one special election. Options 1 and 3 would each require two special elections, so the expense to the state government would be about \$5.2 million in addition to costs to local governments.

Salary and personal expenses Under Options 1 and 2, the convention could last no more than 2½ months—from adjournment of the 2010 legislative session to the September 2, 2010 effective deadline for convention adjournment so any proposed amendments could be voted on at the November 2, 2010 general election.¹⁰ Under Option 3, the convention would open in the middle of July and could continue until the middle of December, totaling 5 months.

Delegates Under the 1970 Constitution, each legislative (Senate) district would elect two delegates, for a total of 118. If each delegate were paid \$5,000 per month (an amount similar to current legislative salaries¹¹), delegate salaries under Options 1 and 2 would cost almost \$1.5 million. A \$125 per diem (the same amount for which legislators are eligible) for lodging and meals 7 days a week during the 2½ months (or \$125 per diem 5 days per week, plus round-trip travel on most weekends) would cost about \$1.1 million. Total salary and per diems for delegates under Option 1 or 2 would be about \$2.6 million.

Using the same daily and monthly rates for a 5-month convention (Option 3), delegate salaries would cost almost \$3 million, and living and traveling expenses about \$2.2 million. Thus the total under Option 3 would be about \$5.2 million.

Staff Part of the convention's staff could be existing legislative staffs detailed from their duties at legislative agencies including the Legislative Reference Bureau, Legislative Research Unit, Legislative Information System, Legislative Printing Unit, and perhaps others. During the 1970 constitutional convention, the Legislative Reference Bureau received about \$50,000 and the Illinois Legislative Council (predecessor of the Legislative Research Unit and Legislative Printing Unit) received about \$45,000 for assistance from some of their employees. Using actual expenditures of the 1970 constitutional convention (adjusted using the government price index as described above), but considering that it lasted for 9 months, corresponding interagency transfers for services of legislative staffs at a convention would be about \$180,000 under Option 1 or 2, or \$370,000 under Option 3.

Other staff, such as administrators, consultants, and lawyers, would also be needed. Total spending on all staff for the 1970 constitutional convention was about \$500,000; most of the staff worked for 6½ months. Using that amount adjusted as described above, total costs for extra staff would be about \$1.3 million under Option 1 or 2, or \$2.7 million under Option 3.

Three study commissions were asked to meet in the 4 years before the 1970 constitutional convention, costing almost \$160,000. It seems likely that if voters approve a 2008 referendum for a convention, some such commission could assist by doing background research and arranging for staff hiring and equipment and facility rental. Since a study commission would meet for only a short time between the November 2008 election and the beginning of the convention, its cost might be about \$550,000.

**Equipment, rent,
and supplies**

The convention could use public facilities as much as possible to avoid paying rent for meeting rooms in private facilities. This might include meeting in the Michael J. Howlett Building auditorium to organize the convention while the General Assembly was in session, and meeting in legislative hearing rooms and in the House Chamber after the General Assembly's adjournment.

It seems likely that delegates would need laptop computers enabled for Wi-Fi communications and possibly other electronic devices to follow the convention process. A \$2,000 allowance for each delegate to buy a laptop computer, plus an additional amount for other necessary technological devices necessary for delegates and staff, would cost about \$500,000. Expenditures for other supplies, copying, printing, and communications probably could be kept to between \$1 and \$2 million based on 1970 expenditures. Thus total expenses for equipment, rent, and supplies could be about \$1.5 to \$2.5 million.

**Sending pamphlets
to voters**

In 1970 the Secretary of State spent almost \$875,000 to print explanatory booklets, send them to county clerks, pay for mailing them to voters, publish them in newspapers, and pay miscellaneous related expenses. Based on that figure, the cost of sending pamphlets to voters would be about \$6 million. If a 2010 convention merely proposed amendments to the 1970 Constitution rather than proposing an entirely new document, the resulting material would cost less (after adjusting for inflation) than in 1970.

Totals The approximate sums of the amounts projected above are as follows:

<i>Option</i>	<i>Projected cost</i>
1	\$17 million
2	14 million
3	23 million

These projections are well below the \$78 million recently projected in some published sources¹² because that projection assumes that a 2010 constitutional convention would last as long as the 1970 convention, would have equally detailed preparations, and would require special elections for both nomination and election of delegates.

Notes

1. U.S. Department of Commerce, Bureau of Economic Analysis, "Table 3.9.4. Price Indexes for Government Consumption Expenditures and Gross Investment," *National Income and Product Accounts Tables* (rev. March 27, 2008, downloaded from BEA Internet site).
2. National Municipal League, *Revision Success: The Sixth Illinois Constitutional Convention* (1974), pp. 158-160.
3. Ill. Const., Art. 14, subsec. 1(b).
4. Ill. Const., Art. 14, subsec. 1(d).
5. 10 ILCS 5/2A-1.1(b).
6. See 10 ILCS 5/7-12(1), first paragraph.
7. Ill. Const., Art. 14, subsec. 1(f).
8. Ill. Const., Art. 14, subsec. 1(d).

9. Telephone conversation with Cris Cray, Legislative Liaison, State Board of Elections, April 4, 2008.
10. See Ill. Const., Art. 14, subsec. 1(f).
11. Report of the Compensation Review Board, March 31, 2006, p. 19.
12. Nowlan, Lousin, and Gove, "An Illinois Constitutional Convention in 2008?" (May 17, 2007, downloaded from League of Women Voters of Illinois Internet site); Jaeger, "Wayne Whalen on Con-Con," *Illinois Issues Online*, Dec. 2007 (downloaded from *Illinois Issues* Internet site).