
HOUSE FISCAL ADVISORY STAFF

TO: Joseph F. Rodgers, III, General Counsel, Joint Committee on Legislative Services
FROM: Sharon Reynolds Ferland, House Fiscal Advisor *Sharon Reynolds Ferland*
RE: Constitutional Convention Expense Estimates
DATE: August 21, 2024

Summary

If the voters were to approve a constitutional convention this November, the state would likely incur expenses over at least the next two years executing that mandate. This includes the election of delegates in a special off-year election in 2025, as well as the conduct of the convention itself in the year that follows culminating with the presentation of proposed amendments to the voters on the 2026 ballot. Expenses for the last convention held in 1986 have been reported to be roughly \$0.9 million. Simply adjusting this figure for inflation suggests a \$2.6 million expense. Pricing the potential elements of a convention by component, with no specific guidance on the actual conduct of it, suggests a range of \$2.6 million to \$4.8 million, with a midpoint of \$3.7 million. These values now contain the \$1.3 million estimate for a 2025 special election provided by the Secretary of State to the Commission. They remain subject to significant revision depending on decisions as to both the conduct of the election of convention delegates and how the delegates will be supported once selected including direct payments, staff, contracted expertise and other operations.

Background and Explanation

1986 Convention. Authorized by the voters in 1984, a constitutional convention was held in 1986 with the first meeting on Monday January 6, 1986. Dozens of meetings and public hearings were conducted through June 1986 to determine items to present to the voters. Voters were presented with the referenda as part of the normal 1986 statewide elections. All available sources pegged total costs at \$0.9 million with the majority of that on staff support. There were expenses for basic operations and expert assistance. Existing state office space was used to accommodate the staff and delegates. It cannot be confirmed what was included in those costs though they are often cited as being the costs incurred from 1984 to 1986 so it is assumed the special delegate election costs are included in that total.

2004 Estimate. Twenty years ago, the bi-partisan commission noted a likely \$2.0 million cost based on the 1986 data updated for inflation and an increased number of issues identified for review in 2004.

A review of some internal documents cited a base inflation adjusted figure of \$1.5 million doubled to \$3.0 million based on the identification of twice as many issues. While not expressly stated, the arrival at the final \$2.0 million estimate likely recognized some accommodation for fixed costs that would not increase regardless of the number of issues debated.

2014 Estimate. Internal staff estimates reviewed ten years ago revisited the methodologies used in 2004. Simply adjusting the 1986 Convention costs for inflation produced a \$2.0 million value. Adjusting the 2004 estimate for inflation produced a \$2.5 million cost. A breakdown of likely expenses in broad categories such as delegate elections, staff support, delegate expenses (supplies, mileage, technology), experts and referenda expenses for any items identified for voter action suggested a range of potential costs with a mid-range estimate of \$2.5 million.

Election and referenda expenses should be in line with recent experience but most of the other areas can be highly variable based on how the convention is executed. If the delegates divide up into committees, it is likely that support staff as well as subject matter experts would be needed for each. This is also similar to the value produced by simply updating the 2004 estimate for inflation.

The final report from the Bi-Partisan Preparatory Commission contained this reference to the potential expenses.

Identifying a likely total cost for a Constitutional Convention in 2016 this early in the process is fraught with uncertainty. There are substantial unknowns that will affect costs, e.g., the location and total number of meetings to be held, the expense of the experts, and the size of staff necessary to assist delegates in carrying out their duties. The Constitutional Convention in 1973 was held at a total cost to taxpayers of approximately \$20,000. The Constitutional Convention in 1986 was held at a total cost to taxpayers of \$891,000. After adjusting 1986 costs for inflation and in consideration of the factors listed above, a similarly conducted convention in 2016 would be approximately Two and One-half Million Dollars, (\$2.5M). However, as many of the parameters of a Constitutional Convention would be decided by the General Assembly and the elected delegates to the Convention, the cost could be considerably higher.

2024 Estimate. Little has changed in terms of the extremely variable nature of potential expenses that would be incurred if the voters approved the measure before them in November 2024 to have a constitutional convention.

The most highly variable elements involve how the delegates will be supported once selected.

- *Will they be paid?* Previous delegates were uncompensated.
- *Where will they be headquartered?* Office rental costs can likely be avoided by finding state-owned space to accommodate delegates and their staff.
 - There will be related office expenses including technology in either case.
- *What does support staff look like?* The convention would require its own paid staff, who would presumably be full or part-time state employees, as well as contractors/consultants.

All of these expenses would in turn be variable depending how long the convention lasts. All prior estimates use a six-month timeframe though there is no time limit imposed.

The Secretary of State provided an estimate for the state and local expenses of conducting a non-partisan special election in 2025 that totals \$1.3 million. One that requires primaries would cost more. Not noted in that estimate is any potential additional expenses associated with placing proposed referenda on the 2026 ballot.

The table below attempts to price these expense areas and the likely range given the variable nature of them. Not included in the range is an estimate if delegates were compensated similar to legislators or a time frame that is significantly longer or shorter than the prior convention.

Expense Areas	Low	High
Delegate Expenses	\$ 225,000	\$ 750,000
Staff Support (Legal/Clerical/Policy/Technical)	750,000	1,375,000
Experts/Consultants	125,000	625,000
2026 Referenda Costs - Proposed Amendments	100,000	200,000
Miscellaneous	100,000	500,000
Subtotal	\$ 1,300,000	\$ 3,450,000
<i>Special Election (2025)*</i>	<i>\$ 1,320,000</i>	<i>\$ 1,320,000</i>
Total - Including Special Election	\$ 2,620,000	\$ 4,770,000

**Secretary of State provided detailed estimate of state and local expenses to Commission*