

OT 1961

No 6

BAKER v. Carr

MEMO RELATIVE TO 1953 and 1959
Constitutional Conventions

The Tenn legis. in 1951 and again in 1957 decided to put the question of calling limited const'l conventions on the ballot. The people voted in favor of such conventions and they were held in 1953 and 1959 (Const'l limit of six years between conventions.)

The convention proposed for 1953 was limited by the legis to consideration of const'l provisions relating to amendment of the constitution, compensation of legislators, Governor's term of office, suffrage, and municipal affairs. Public Acts of Tenn, 1951, p. 525.

The convention proposed for 1959 was limited by the legis to consideration of const'l provisions relating to age of voters, term of sheriffs, and terms of Trustees. Public Acts of Tenn, 1957, p. 1171

Apparently the House bill # 469 which proposed that the question of calling a const'l convention be put on the ballot in 1953 originally

contemplated that the convention was to consider amending the const'l provisions relative to apportionment of legislators but this was stricken by amendment # 1. House Journal (Tenn), 1951, p. 784.

In the case of the 1959 convention, it appears that the original bill (House Bill # 2) made no provision for the convention to consider apportionment and the urban group made no attempt to amend the bill. However I can not say with all certainty that there was no attempt to get this issue before the convention by separate bill for in the same session which proposed the 1959 convention, a bill was introduced in both the House and the Senate. The bill which was introduced in the House -- Bill # 2 passed both the House and the Senate. The Senate bill--# 132-- was referred to the judiciary committee and was never seen again. With the research material available, I have no way to ascertain whether the Senate bill made any reference to apportionment. Reference to the Senate bill # 132 is found in Senate Journal (Tenn), 1957, p 206 and p 218.

Other attempts to amend the Constitution--- there are two ways to amend the constitution. The 1953 and 1959 conventions were an attempt by one way. In 1951 (the same year the 1953 convention was proposed) a Senate Joint Resolution # 34 was introduced proposing an amendment to the constitutional provisions relating to apportionment be adopted by the legis (this is the 2nd method of amending the const'n) This resolution was tabled by a vote of 19-10 with 2 abstaining. Senate Journal, 1951, p. 1091

In 1957 (same year the 1959 convention was proposed) a Senate Joint Resolution # 64 was introduced proposing that Art II of the constitution be amended. Art II contains the apportionment sections but it also contains numerous other sections wholly unrelated to the problem at hand. Reference is found in Senate Journal, 1957, p. 990. With the material at hand I can not tell the content of this resolution.

Note ---Its interesting to note that the constitutional conventions were set up by the legis so each county and floterial district would be entitled to one delegate for each representative

it had in the House of Representatives of the General Assembly.

Note-- while examining the Journals for 1959 and 1953, I found no attempt to amend the const relative to apportionment unless House Joint Resolution # 21, House Journal, 1953 p. 682 has something to do with apportionment. It purports to deal with amending Art II which could mean almost anything. This resolution was not passed.

Constitutional provisions for amending the constitution. Art 11 § 3

Method #1-proposed in either house approved by majority of both.
-Next General Assembly must approve by 2/3 of both houses
-Submit to voters at next general election at which a governor is to be elected (elect a governor every 4 years)

Method # 2--legis submits to the people for approval of majority the question whether a convention should be called.
-delegates are to be chosen at the next general election
(it appears that this provision is not literally followed for in practise the delegates are chosen at the same time the people vote to have a convention.

--constitutional changes
adopted by convention must
be ratified by majority
of the people at a special
election

NO CONVENTION IS TO BE HELD OFTENER
THAN EVERY SIX YEARS.

THE CONVENTION IS LIMITED TO PROPOSALS
INCLUDED IN THE CALL.

10/11/61

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