

Citizens Research Council of Michigan

Robert E. Pickup,
Executive Director

Detroit-Lansing

810 Farwell Building
Detroit 26, Michigan
Woodward 1-5377

Memorandum on the Junior Chamber of Commerce - League of Women Voters Proposal for a Constitutional Convention

The Jaycees and League of Women Voters have announced their intention of circulating initiatory petitions for an amendment to Article XVII, Sec. 4, of the state constitution. The purpose of their amendment, which is to be voted upon at the November, 1960, general election, is to facilitate the calling of a constitutional convention. As an amendment to the constitution, the proposal will require for approval a simple majority of those voting on the question.

A summary comparison of the major provisions for calling a constitutional convention under the present method and the Jaycees-League of Women Voter proposal is shown in Exhibit A on the following page. The following is an analysis of these major provisions.

1. Question is to be submitted to electors.

The Jaycee amendment, if approved in the November election, will require that the question of calling a constitutional convention be submitted to the voters at the April, 1961, election (and each 16th year thereafter). Placing this question on the April ballot, as opposed to the November ballot, might enhance the possibility of the proposal being approved. Past experience shows that constitutional amendments submitted at the April election have a two to one chance of adoption, while those submitted in November have less than a 50-50 chance.

2. Vote required.

The amendment proposed by the Jaycees and League will change the vote requirement for approving the calling of a convention from the present majority of those voting at the election to a majority of those voting on the question. The calling of a convention was approved by a majority of those voting on the question at the 1948 and 1958 elections. However, the Supreme Court ruled following the 1948 election that a majority of those voting at the election was required.* Again, in 1958, the proposal received a majority of those voting on the question, 821,282

for, to 608,365 against, but 1,171,000 votes were needed to meet the requirement of a majority voting at the election. The Supreme Court has been asked to over-turn its earlier ruling and hold the majority received at the November, 1958, election sufficient. This case is still pending. *In 1948 the proposal received a vote of 855,451 for, to 799,198 against, but 1,057,000 votes were required.

The change proposed by the Jaycees and League to a simple majority voting at the election would greatly facilitate the calling of a constitutional convention.

EXHIBIT A

Summary Comparison of Present Article XVII, Sec. 4
and
Amendment Proposed by the Junior Chamber of Commerce and
League of Women Voters

<u>Provision</u>	<u>Existing</u>	<u>Proposed</u>
1. When question submitted to electorate	1926 and each 16th year thereafter at the November election	1961 and each 16th year thereafter at the biennial spring election
2. Vote required	Majority voting at the <u>election</u>	Majority voting on the <u>question</u>
3. Method of selecting delegates	3 from each senatorial district	1 for each senator and 1 for each representative
4. Date of election of delegates	Biennial spring election following favorable vote on the question at November general election	Special election to be held not later than 120 days after the proposal is certified as having been approved.

3. Method of selecting delegates

The Jaycees-League proposal will change the basis of representation of con-con delegates from the present three from each state senatorial district to one for each senator and one for each representative. This proposal is of considerable political significance.

Under the present provision for three delegates from each senatorial district, control of a constitutional convention by Republicans is assured. At the present time, 22 of the 34 Senate Seats are held by Republicans, and 12 by Democrats. Assuming constitutional convention delegates would be of the same political party as the senator from the district, this would give the Republicans 66 delegates and the Democrats 36.

Using the figure of 55 percent or more of the vote for senator in the previous election, as a rule of thumb for determining "safe" districts, the Republicans presently hold 19 safe districts and 3 marginal districts. The Democrats hold 9 "safe" districts and 3 marginal districts. This would appear to assure Republican control of a constitutional convention with the delegates elected from senatorial districts.

Under the Jaycee-League proposal, one con-con delegate would be elected for each senator and each representative. This would provide a 144 delegate convention compared to the present provision for 102 delegates. Based on the present political representation in the Senate and House, there would be 77 Republicans and 67 Democrats. About 67 of the Republican seats are "safe" and 10 marginal. Sixty of the Democratic seats are 11safe11 and 7 marginal. Thus, under the Jaycee-League proposal, the question of which party would be in control of the convention is open to question.

4. Election of Delegates

The present provision provides that delegates to the convention be elected at the biennial spring (April) election following approval of the convention call. The Jaycee-League proposal will require a special election to elect delegates to the convention.

Neither the present nor the proposed provision prescribes how the delegates are to be nominated and whether the election is to be partisan or non-partisan. Determination of these questions is left to legislative enactment. There is no existing statutory provision for this. The legislature adopted such a bill in 1958, but it was vetoed by the Governor.

The bill provided the same procedure for nominating and electing delegates as is used for members of the legislature. This bill provided that delegates be nominated at the regular spring primary in February.

Candidates names were to be placed on the primary ballot by petition, and three nominees were to be selected in the primary for each political party. The delegates were to be elected on a partisan ballot at the April election.

It seems likely that, if and when the legislature again enacts such a bill, it would contain essentially the same provisions. However, the Jaycee-League proposal presents a problem in that it necessitates a special election for delegates. A special primary and election would cost approximately \$500,000-\$600,000 (about \$200,000 in Wayne County alone). The special primary could be dispensed with by having delegates nominated by convention.

ALTERNATE PROPOSAL

The Jaycee-League proposal is unnecessarily cumbersome. Their proposal requires a vote in November to determine whether to submit to the voters in April the question of calling a constitutional convention. If this is approved, a special election (and probably a special primary) will be necessary to elect delegates.

A much less complex procedure is believed to be available if it is desired to call a constitutional convention. A constitutional amendment could be placed on the November 1960 ballot by initiative petition (or by legislative action) which would require the holding of a constitutional convention in 1961, the delegates to be elected at the regular April 1961 election. This could be done by a simple constitutional amendment which would require for approval only a simple majority of those voting on the question. This would achieve in one election what the Jaycee-League proposal would require two elections to achieve, and would eliminate the necessity for a special primary and general election to elect convention delegates. The basis of representation of delegates could either be as at present or as proposed by the Jaycees and League (or some other basis).

It is probable that such an amendment would be adopted inasmuch as it would require for approval only a majority of those voting at the election and the voters have already twice given a majority vote on the question of calling a convention.

See Appendices Attached.

Appendix A – Present Provision for Calling a
Constitutional Convention

Appendix B – The Jaycee-League of Women Voters
Proposed Constitutional Amendment

Appendix C – Jaycee-League of Women Voters Timetable

December 21, 1959

APPENDIX A

Present Provision for Calling a Constitutional Convention

Article XVII, Sec. 4

At the general election to be held in the year 1926, in each sixteenth year thereafter and at such other times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the legislature. In case a majority of such electors voting at such election shall decide in favor of a convention for such purpose, at the next biennial spring election the electors of each senatorial district of the state as then organized shall elect 3 delegates. The delegates so elected shall convene at the state capitol on the first Tuesday in September next succeeding such election, and shall continue their sessions until the business of the convention shall be completed. A majority of the delegates elected shall constitute a quorum for the transaction of business. The convention shall choose its own officers, determine the rules of its proceedings and judge of the qualifications, elections and returns of its members. In case of a vacancy by death, resignation or otherwise, of any delegate, such vacancy shall be filled by appointment by the governor of a qualified resident of the same district. The convention shall have power to appoint such officers, employes and assistants as it may deem necessary and to fix their compensation, and to provide for the printing and distribution of its documents, journals and proceedings. Each delegate shall receive for his services the sum of 1,000 dollars and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law. No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner provided by such convention on the first Monday in April following the final adjournment of the convention; but, in case an interval of at least 90 days shall not intervene between such final adjournment and the date of such election, then it shall be submitted at the next general election. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon such constitution or amendments shall take effect on the first day of January following the approval thereof.

APPENDIX B

Junior Chamber of Commerce - League of Women Voters

Proposed Amendment to Article XVII, Sec. 4

"AT THE BIENNIAL SPRING ELECTION TO BE HELD IN THE YEAR 1961, IN EACH 16TH YEAR THEREAFTER AND AT SUCH TIMES AS MAY BE PROVIDED BY LAW, THE QUESTION OF A GENERAL REVISION OF THE CONSTITUTION SHALL BE SUBMITTED TO THE ELECTORS QUALIFIED TO VOTE FOR MEMBERS OF THE LEGISLATURE. IN CASE A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION SHALL DECIDE IN FAVOR OF A CONVENTION FOR SUCH PURPOSE, AT AN ELECTION TO BE HELD NOT LATER THAN THREE MONTHS AFTER THE PROPOSAL SHALL HAVE BEEN CERTIFIED AS APPROVED, THE ELECTORS OF EACH HOUSE OF REPRESENTATIVES DISTRICT AS THEN ORGANIZED SHALL ELECT ONE DELEGATE FOR EACH STATE REPRESENTATIVE TO WHICH THE DISTRICT IS ENTITLED, AND THE ELECTORS OF EACH SENATORIAL DISTRICT AS THEN ORGANIZED SHALL ELECT ONE DELEGATE FOR EACH STATE SENATOR TO WHICH THE DISTRICT IS ENTITLED."

APPENDIX C

Junior Chamber of Commerce - League of Women Voters Timetable*

January 1960 to June 1960	- Circulate petitions.
June 30, 1960	- File petitions.
November 6, 1960	- Amendment on ballot
April 6, 1961	- Call to convention on ballot (if amendment passes, of course).
May 1, 1961	- Certification by Board of Canvassers should be completed for rest of schedule to follow.
August 1, 1961	- Deadline for election of delegates (3 months after certification as it is stated in the Amendment).
August 15, 1961	- Certification by Board of Canvassers and notice to delegates.
September 7, 1961	Date set out in present Constitution (Sec. 4) for convening of the Constitutional Convention.

* Original timetable. Plans now call for changing the date of the convening of the convention to the first Tuesday in October. Also, four months (instead of three) is to be allowed as the maximum time between the certification of the election in April and the deadline for the special election for delegates.

CITIZENS RESEARCH COUNCIL OF MICHIGAN

ANALYSIS OF SUPPORT AND OPPOSITION TO A
CONSTITUTIONAL CONVENTION IN 1958

A survey of articles and editorials from newspapers in the state during 1958 shows the stand which organizations, individuals and newspapers took as concerning the constitutional convention issue. (These listings should not necessarily be considered all inclusive.)

Organizations

PRO

League of Women Voters
Junior Chamber of Commerce
American Association of University Women
Michigan Municipal League
Michigan Education Association
Michigan Congress of Parent-Teachers Associations
Ionia Economic Development Commission
Oakland County Special Study Committee
Kalamazoo Bureau of Municipal Research
University of Michigan - Bureau of Gov't - Institute of Public Ad.
Detroit Citizens League
Blair Moody Chapter of Young Democrats of Calhoun County
Michigan Council of United Church Women
Grand Rapids City Commission
Troy City Commission
Ferndale City Commission
Jackson City Commission
Northville City Commission

CON

Michigan Farm Bureau
Michigan Townships Association
Democratic State Central Committee
Michigan State Grange
Michigan AFL-CIO

Individuals

PRO

Philip Hart
Lawrence B. Lindemer
Arthur Bromage (U of M)
Paul Bagwell
Frank Seidman (Chairman, Citizens Advisory Committee of the Michigan Tax Study)
Prentiss Brown

Individuals

PRO (cont t)

Edward Cushman
Frederick Alger, Jr" John Swainson
John Witherspoon Ira Jayne •
Murray D. Van Waggoner George E. Bushnell
Robert Pealy (Institute of Public Admin. U of M)

Newspapers

PRO

Escabana Daily Press
Romeo Observer Press
Grand Rapids Herald
Detroit News
Bay City Times
Menominee Herald Leader
Detroit Free Press
Sault Sainte Marie Evening News
Iron Mountain News
Muskegon Chronicle
St. Johns, Clinton County Republican News
St. Clair Shores Herald
Sturgis Daily Journal
Hillsdale Daily News
Ann Arbor News
Whitehall Forum
Blissfield Advance
Lansing State Journal
Redford Observer
Detroit
Ludington Daily News
Grand Haven Tribune
Benton Harbor News - Paladium
Houghton Daily Mining Gazette
Niles Daily Star
Royal Oak Daily Tribune
Albion Evening Recorder
Adrian Telegram
Marshall Evening Chronicle
Grand Rapids Press

Newspapers

CON

Monroe Evening News

Mason-Ingham County News

Ithaca, Gratiot County Herald

Grand Rapids Times

Mount Pleasant Daily News - Times

Midland Daily News

Eaton Rapids Journal

Petoskey News-Review

Lapeer County Press