



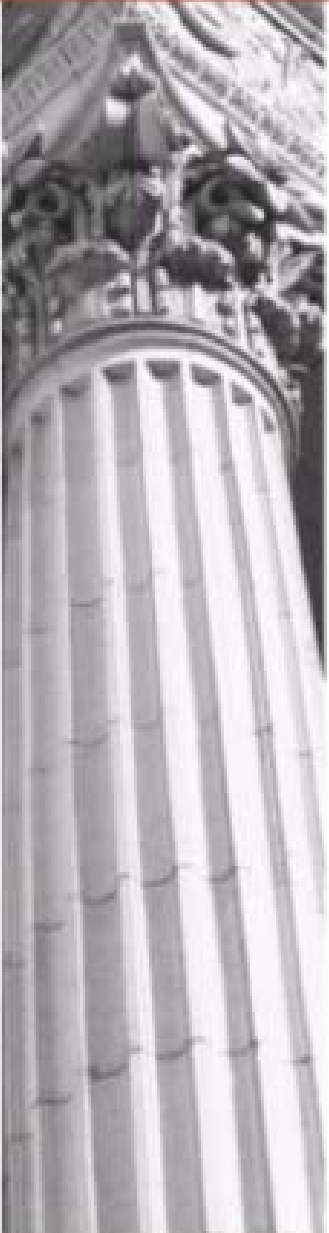
Michigan's 2010 Ballot Issues

Proposal 2010-01 – Constitutional Convention
Proposal 2010-02 – Eligibility for Public Office

CRC Webinar
October 26, 2010

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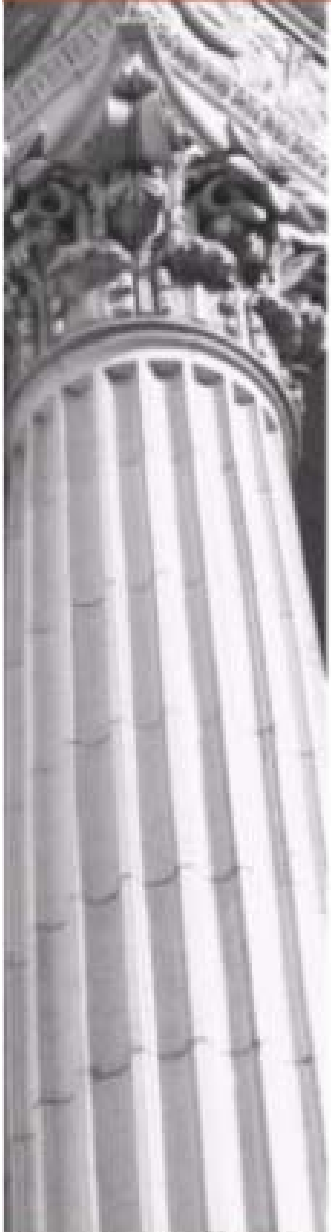
Citizens Research Council of Michigan

- **Founded in 1916**
- **Statewide**
- **Nonpartisan**
- **Private not-for-profit**
- **Promotes sound policy for state and local governments through factual research**
- **Relies on charitable contributions from Michigan foundations, businesses, organizations, and individuals**



Proposal 2 – Agenda

- What would constitutional amendment change?
- Process of implementation
- Issues to consider





The Proposal

- Legislative proposal to amend Michigan Constitution
- Would prohibit certain felons from holding elective or appointive office and some forms of public employment
 - Felonies involving dishonesty, deceit, fraud, or a breach of the public trust
 - Convictions related to the person's official capacity while holding public office
 - All state and local governments
 - Positions of public employment that entail policy-making or discretionary authority over public assets



Implementation Process

- Legislature prescribes for implementation
 - Defines ambiguous language
 - Creates process for vetting candidates
 - Outlines procedure for resolving disputes



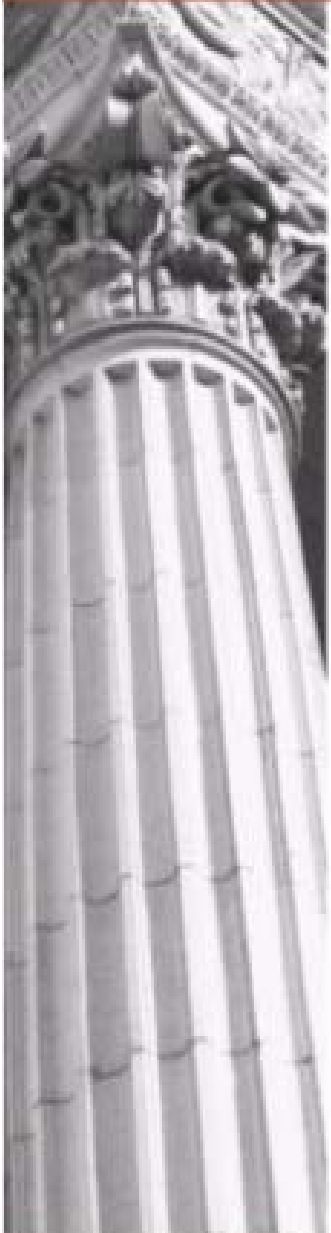
Current Michigan Elective Office Qualifications

- Proposal 2 would supplement existing laws, which vary by office
- Common requirements
 - Age
 - Voter registration
 - Licensure
 - Residency
 - Citizenship
- Some statutes already specify convictions that prohibit felons from certain offices



Issues to Consider: Qualities of Public Servants

- Creates a minimum standard of character
 - Support for this argument - Protects Michigan from perverse individuals and preserves public trust
 - Dissent from this argument – Election, appointment and employment of such felons is rare





Issues to Consider: Other States' Laws

- Many do not limit employment
- Including Michigan, 40 restrict at least some state and/or local elective offices
- Not including Michigan, in 15 felons recover elective office privileges upon completing their sentences
- Not including Michigan, in 12 felons recover elective office privileges through expungement
- Many have specific "breach of trust" laws



Issues to Consider: Public Trust

- No evidence Proposal 2 would preserve public trust, the stated goal
- Likely would prevent few scandals or crimes
- Would preclude those convicted from some future roles in state and local government





Proposal 1 – Agenda

1. Why is question on the ballot?
2. Describe the process that will be followed
3. Examine Michigan's constitutional history
4. What are the constitutional issues?
 - Why might voters want to keep/replace the current constitution?



The question...

- Automatically on ballot every 16 years
- Ballot Language

“Shall a convention of elected delegates be convened in 2011 to draft a general revision of the State Constitution for presentation to the state’s voters for their approval or rejection?”
- Rejection of the question means we would continue to use 1963 Constitution and question would appear again in 2026



If Proposal 1 is Approved...

- Select convention delegates
 - One delegate for each house (110) and each senate (38) seat
 - Special primary (February)
 - Special election (May)
 - Both must be held within six months
- Convention would convene in Lansing on October 4, 2011
- Commence to draft new constitution
- Must be voted on by voters



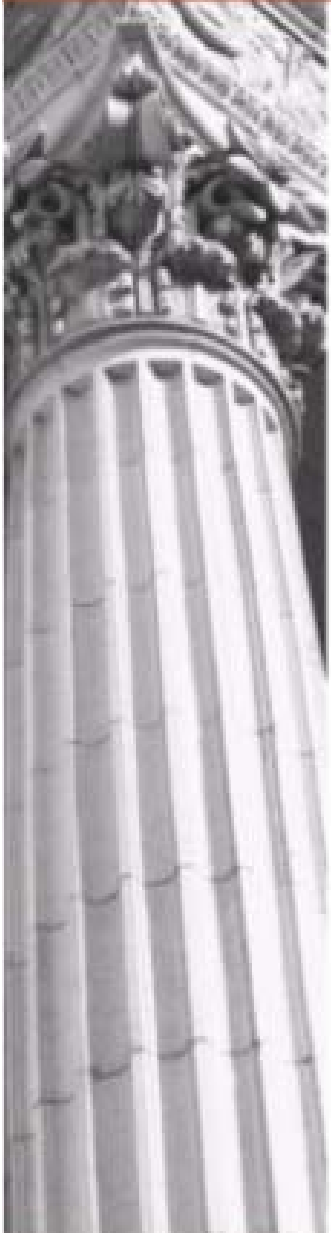
1963 Constitution

- Fourth state constitution
 - 1835
 - 1850
 - 1908
 - 1963
- Earlier questions to revise 1963 Constitution defeated
 - 1978 (640,286 Yes to 2,112,549 No)
 - 1994 (777,779 Yes to 2,008,070 No)



The Atmosphere in 1961

- Legislature not proportional to population
- Executive officers elected every 2 years
- Too many departments and commissions
- Fractured judicial system
- Fragmented control of universities



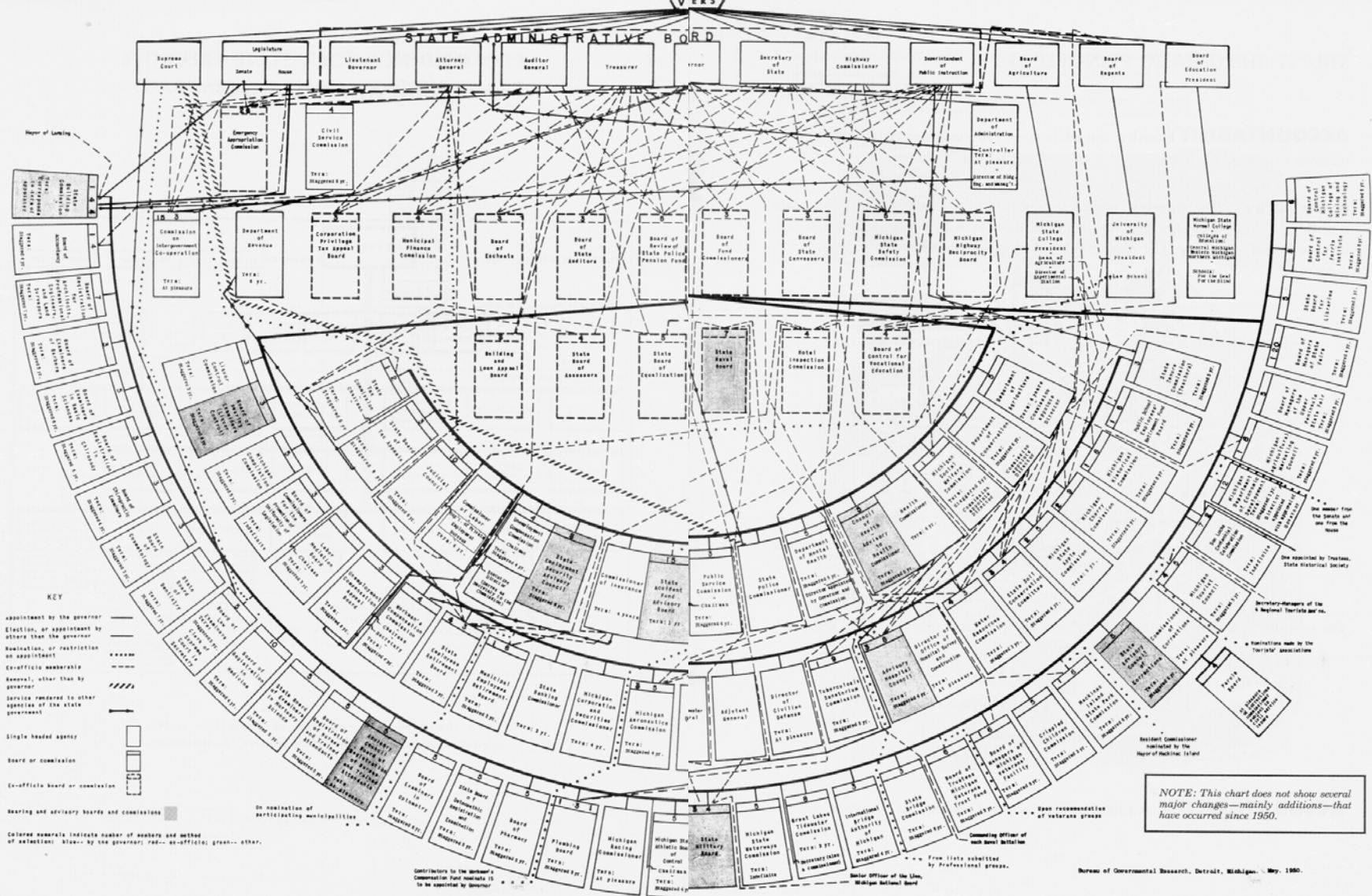


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MICHIGAN STATE ADMINISTRATIVE ORGANIZATION

MICHIGAN

JOINT LEGISLATIVE COMMITTEE ON REORGANIZATION OF STATE GOVERNMENT





The Atmosphere in 1961

- Attempts to reform local government to eliminate duplication, waste, and inefficiency, while retaining democratic and responsible government
- 1958 recession strained state budget makers ability to balance budget
- Graduated income tax
- Excessive earmarking of revenues
- Property tax limitations



Amendments to 1963 Constitution

- Adopted 31 of 80 proposals
- Articles most frequently proposed for amendment
 - IV – Legislative Branch
 - IX – Finance and Taxation

 - I – Declaration of Rights
 - V – Executive Branch
 - VIII – Education



Amendments to 1963 Constitution

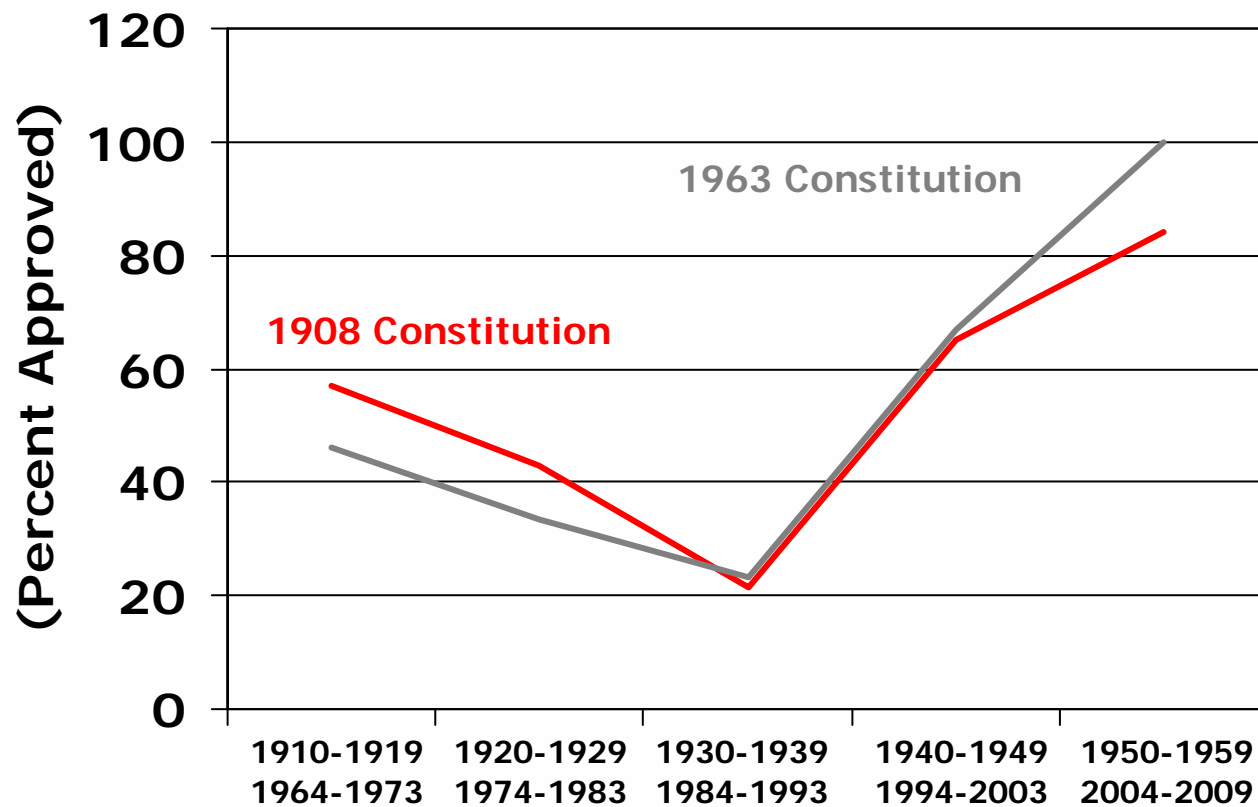
Three eras of amendment proposals

1. Powers and structure of government
 - Judicial selection & tenure
 - State Officer Compensation Commission
2. "Tax Revolt"
 - Headlee Amendment
 - Proposal A of 1994
3. Social Agendas
 - Same sex marriage
 - Affirmative action



Amendments to 1963 Constitution

Approval Rate by Decade (1910-2009)





What are Constitutional Issues?

- What is included in current constitution?
- Why might voters decide a new constitution is necessary?
- Or that the current constitution is satisfactory?



Article I – Declaration of Rights

- Overlap of rights with federal constitution
- Early amendments – criminal procedure
 - Trial by jury of less than 12 peers
 - Permit courts to deny bail under certain circumstances
 - Victims rights
 - Limiting criminal appeals
- Later amendments
 - same sex marriage
 - banning certain affirmative action programs
 - authorizing human embryo and embryonic stem cell research
- Other issues
 - Death penalty
 - Abortion



Article II – Elections

- Obsolete Provisions
 - Qualification of electors
 - Property ownership for voting on local bond/millage questions
 - Federal term limitations
- Direct Democracy
 - Board of canvassers
 - Recall
 - Initiative
 - Referendum



Article III – General Government

- Little controversy
 - designation of a state capital
 - separation of powers into three branches
 - authorization for the governor and legislature to ask the opinion of the state supreme court on important questions of law
- Michigan militia
- Intergovernmental agreements
- Internal improvements



Article IV – Legislative Branch

- Obsolete provisions
 - Legislative redistricting
- Legislative structure
- Legislative term limits
- Setting compensation of elected officials
- Legislative immunity from civil arrest
- Appropriation bills not subject to referendum



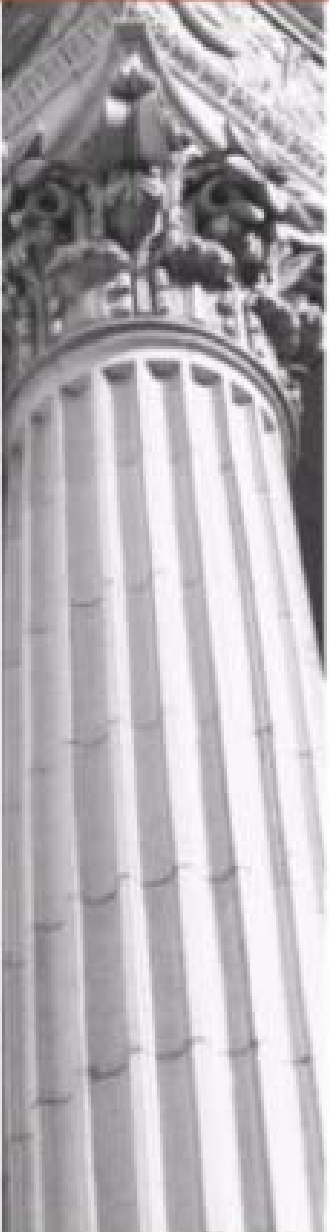
Article V – Executive Branch

- Executive Reorganization Powers
- Single vs. Plural Executive
- Legislative Vacancies
- Gubernatorial Succession
- State Budget and Executive Orders



Article VI – Judicial Branch

- Court organization
- Selection of Justices and judges
- Court rulemaking
- Funding of lower courts
- Judicial Tenure Commission





Article VII – Local Government

- Types of Local Governments
- County officers
- Home rule
- Control of Rights-of-Way
- Metropolitan Authorities
- Removal of elected officers



Article VIII – Education

- Role of State Board of Education
- Education as a “right”
- Role and Selection of Superintendent of Public Instruction
- Autonomous universities
- Libraries



Article IX – Finance and Taxation

- Property taxation
 - Meaningful limitations
 - Taxable value vs. state equalized value
- Tax and Revenue Limitations
 - Graduate income tax
 - Sales tax rate limit
 - Local sales tax prohibition
- Earmarking
- Headlee limitations
 - Vote requirements
 - Revenue/expenditure limitations
 - Local Government mandates/revenue sharing minimum



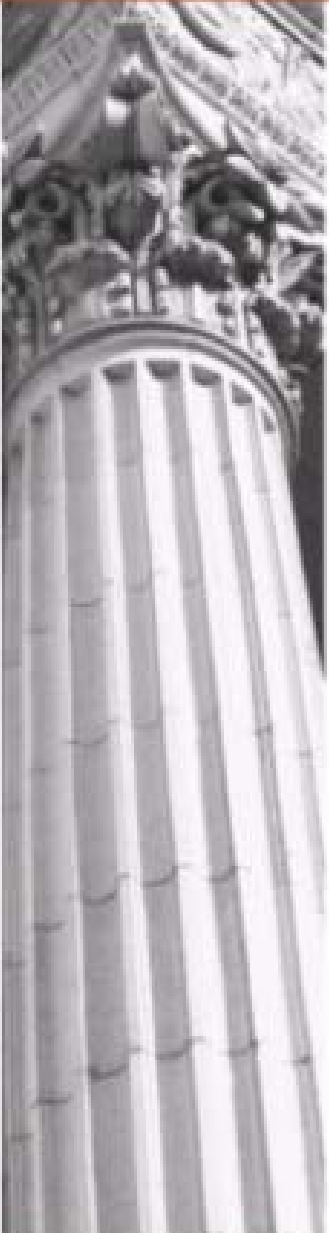
Finance and Taxation (cont.)

- Funding private schools
- Funding pension/OPEB trust funds
- Constitutionally protected trust funds
 - Natural Resources Trust Fund (1984)
 - State Parks Endowment Fund (1994)
 - Veterans' Trust Fund (1996)
 - Recreation Land Acquisition Fund (2002)
 - Conservation and Recreation Legacy Fund;
Non-Game Fish and Wildlife Trust Fund;
Game and Fish Protection Trust Fund
(2006)



Article X – Property

- Eminent Domain





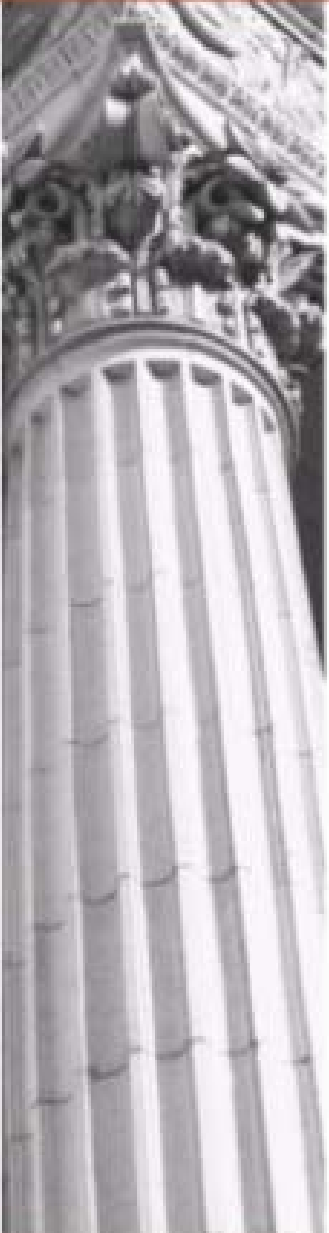
Article XI – Public Officers and Employment

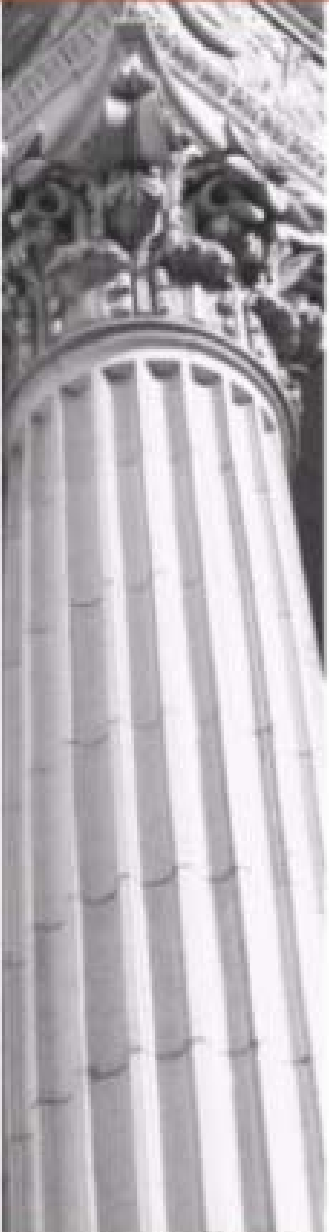
- Terms of office (state and county)
- Classified state civil service
- Merit systems for local governments
- Impeachment of civil officers
- Introduce Ethics Provisions
 - Revolving door policies (lobbying/contracting)
 - Campaign finance laws
 - Personal finance disclosure



Article XII – Amendment and Revision

- Ease of placing amendments to state constitution on ballot
- Ease of adopting constitution amendments
- Specificity of constitutional revision process





Other Issues

- Prolonged Budgeting Processes
- Two-year budgets



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