



Should Michigan Voters Call a Constitutional Convention in 2010?

Proposal 2010-01

Michigan Association of
County Treasurers

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Agenda

1. Describe the process that will be followed
2. Examine Michigan's constitutional history
3. What are the constitutional issues?
 - Why would voters want to replace the current constitution?



The question...

- Automatically on ballot every 16 years
- 1994 Language

“Shall a convention of elected delegates be called for the purpose of a general revision of the Michigan Constitution, any such revision to be submitted to the voters for ratification?”
- Rejection of the question means we would continue to use 1963 Constitution and another question would appear 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 adopted by voters



1963 Constitution

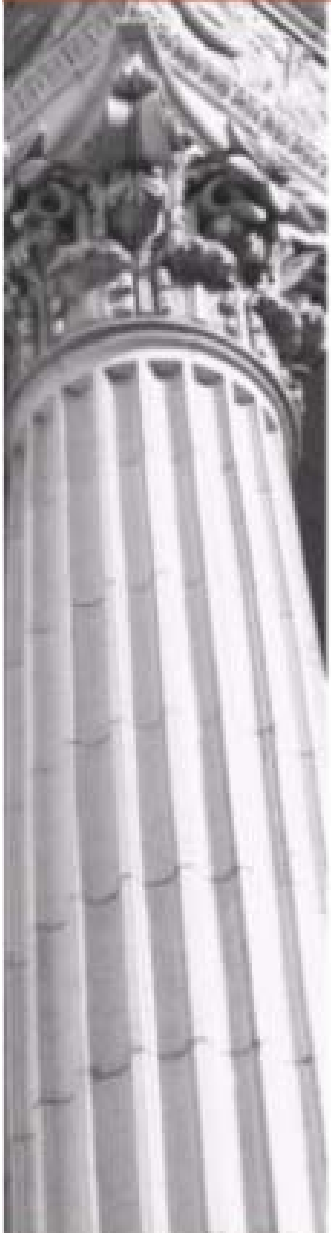
- Fourth state constitution
 - 1835
 - 1850
 - 1908
 - 1963
- Earlier questions to revise 1963 Constitution defeated
 - 1978 (640,286 Yes to 2,112,549 No)
 - 1994 (777,779 Yes to 2,008,070 No)





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



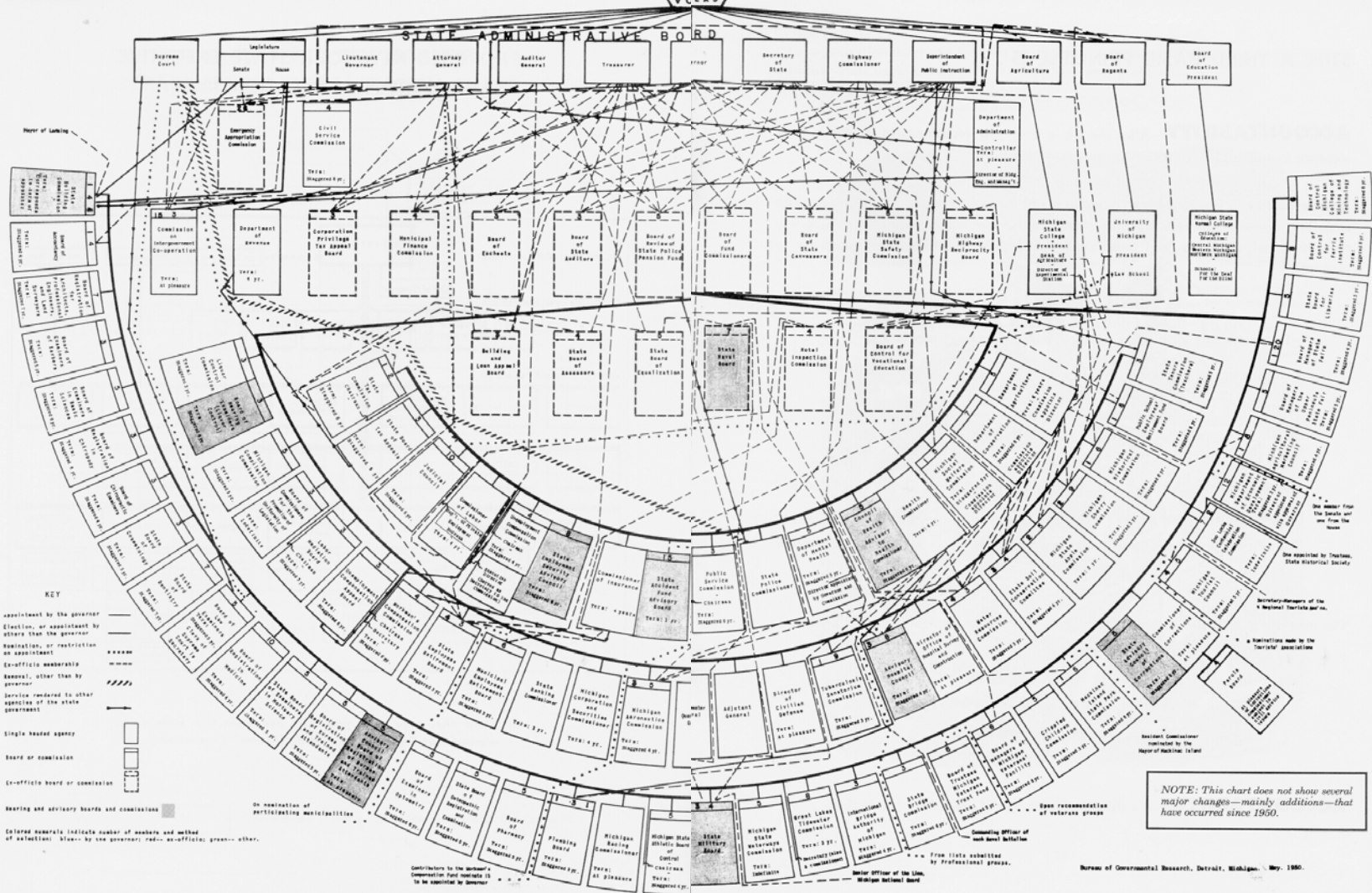


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The Atmosphere in 1961

- 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 35 of 80 proposals
- Articles most frequently proposed for amendment
 - IV – Legislative Branch
 - IX – Finance and Taxation
- Followed by
 - I – Declaration of Rights
 - V – Executive Branch
 - VIII – Education



Amendments to 1963 Constitution

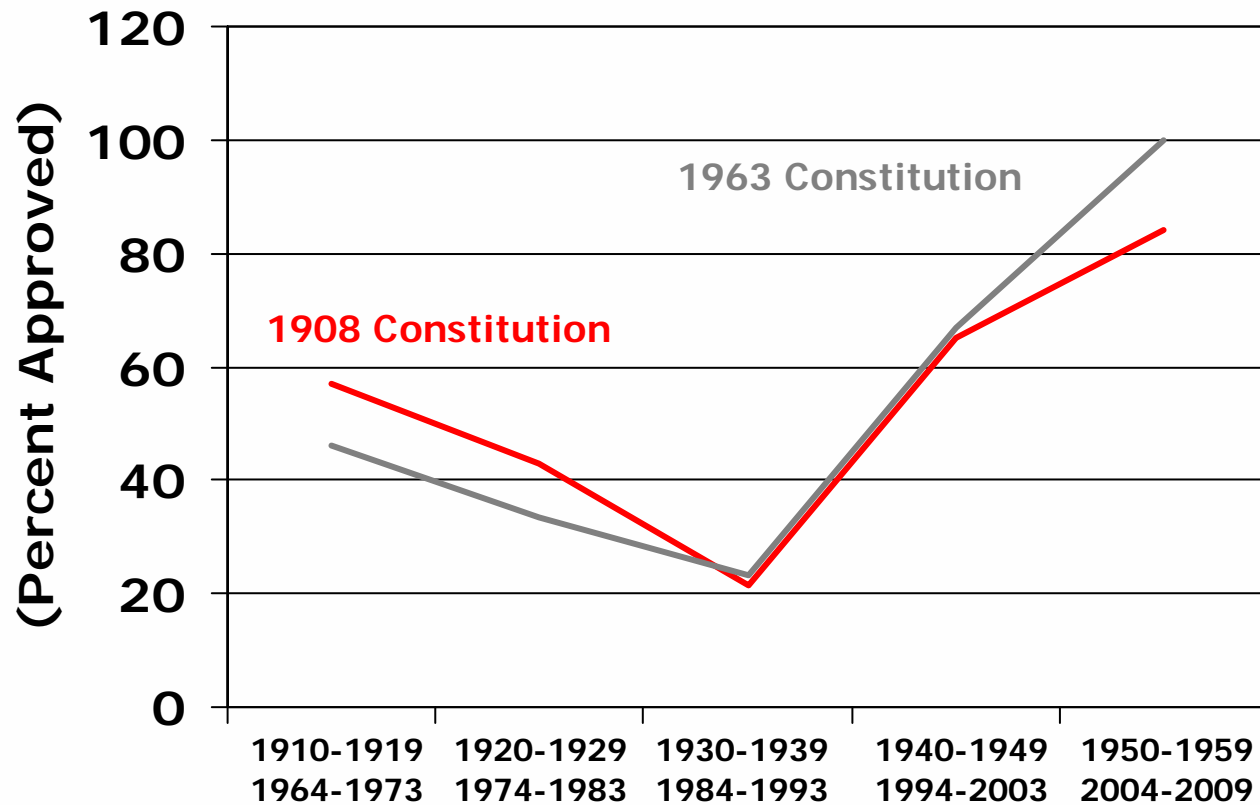
Three eras of amendment proposals

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?

Why might voters decide a new constitution is necessary?



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



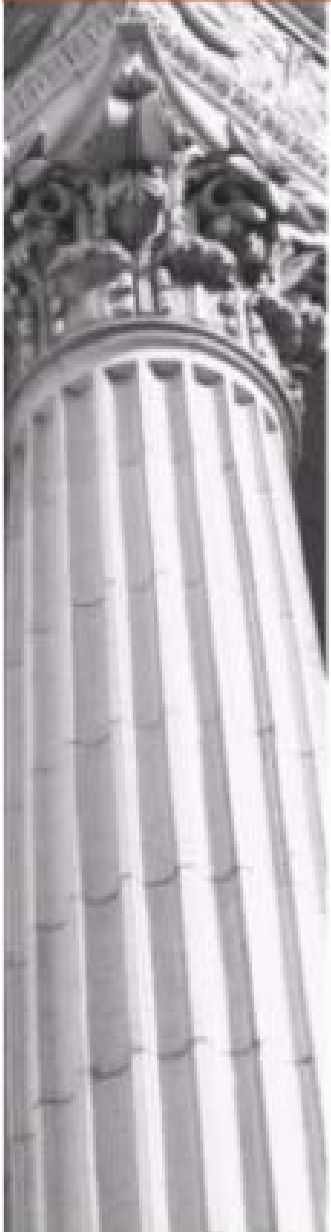
Article IV – Legislative Branch

- 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

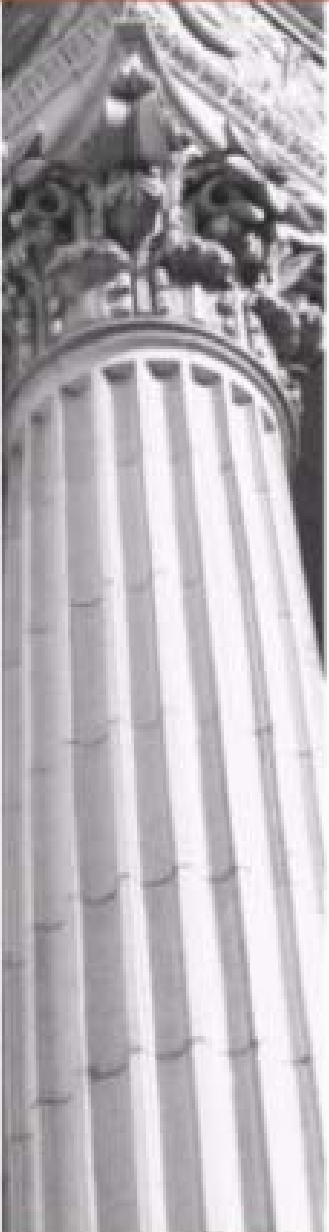
- Executive Reorganization Powers
- Single vs. Plural Executive
- Legislative Vacancies
- Gubernatorial Succession
- State Budget and Executive Orders





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



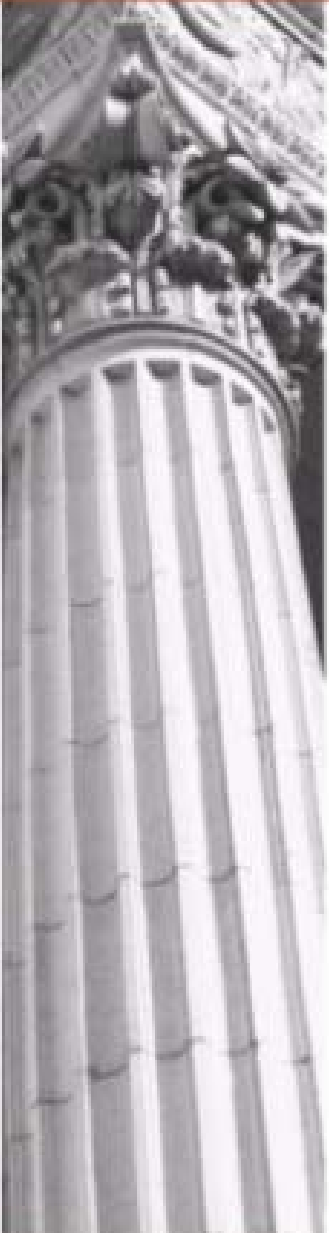
Finance and Taxation (cont.)

- 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

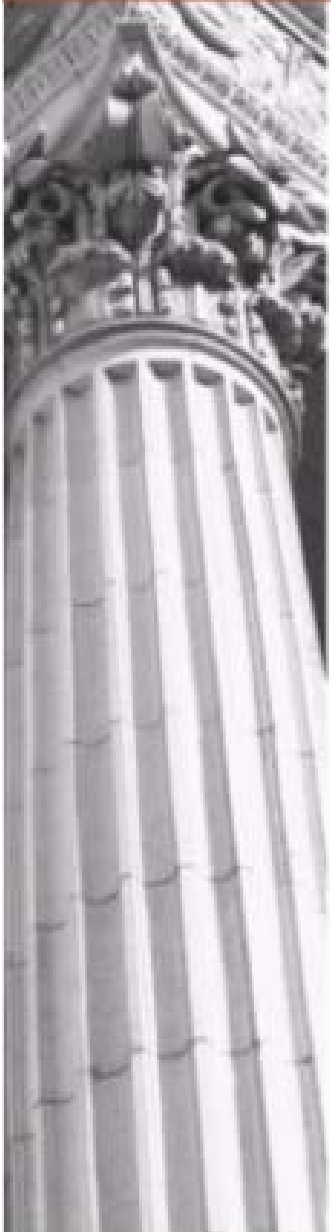
- Eminent Domain





Article XI – Public Officers and Employment

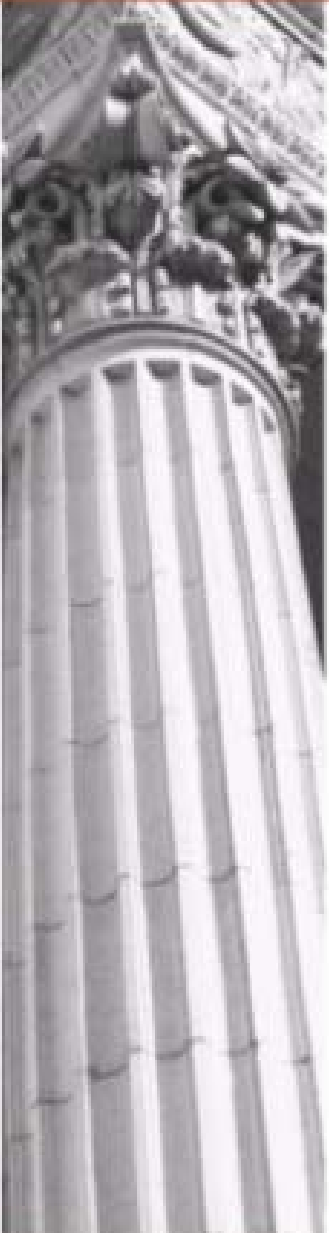
- Terms of office (state and county)
- Classified state civil service
- Merit systems for local governments
- Impeachment of civil officers





Article XII – Amendment and Revision

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





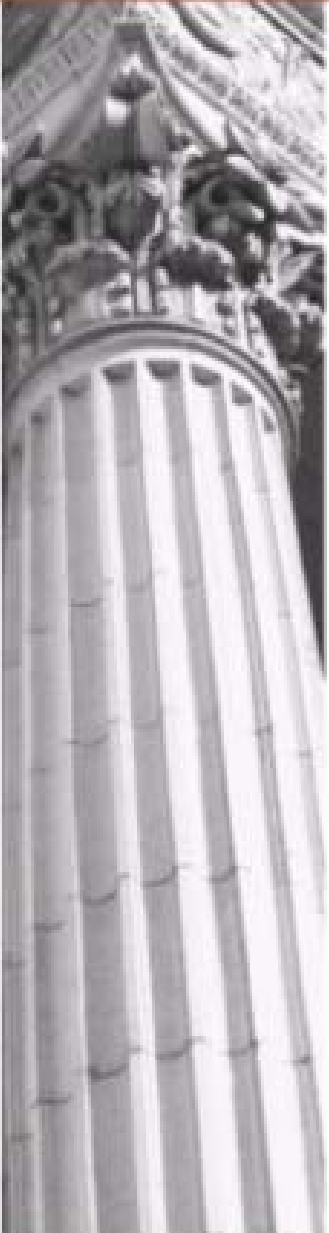
Other Issues

- Ethics
 - Revolving door policies (lobbying/contracting)
 - Campaign finance laws
 - Personal finance disclosure



Other Issues

- Prolonged Budgeting Processes
- Two-year budgets





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