



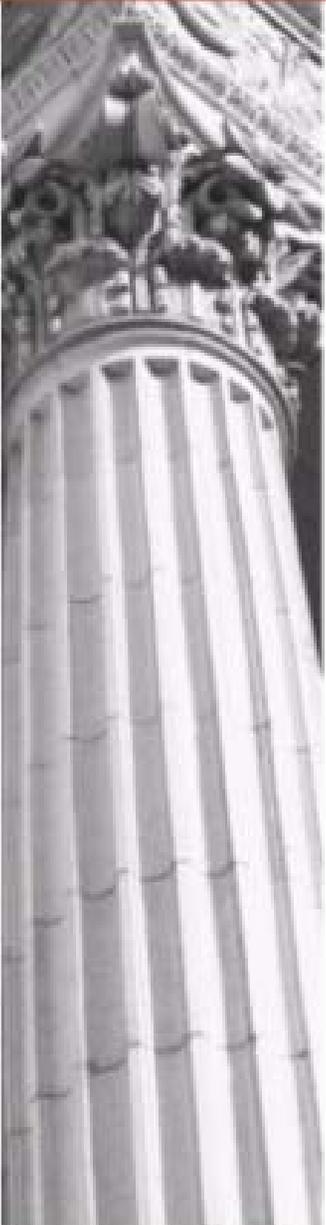
# Michigan's 2010 Ballot Issues

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

CRC Webinar  
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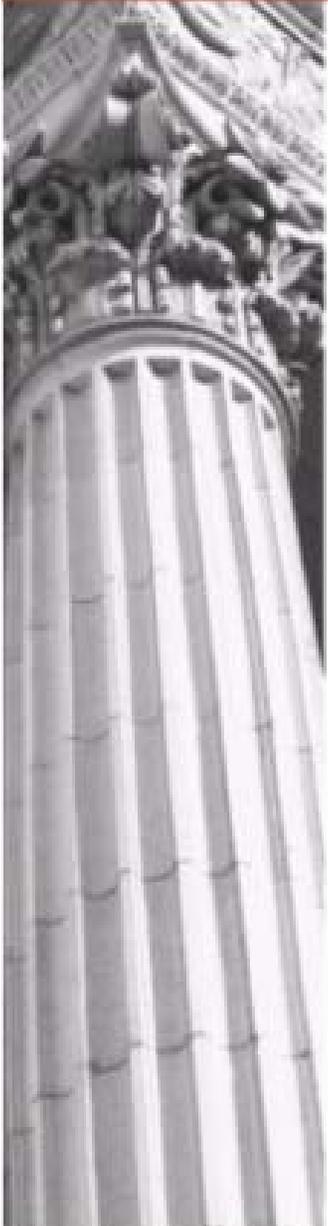
## Citizens Research Council of Michigan

- **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



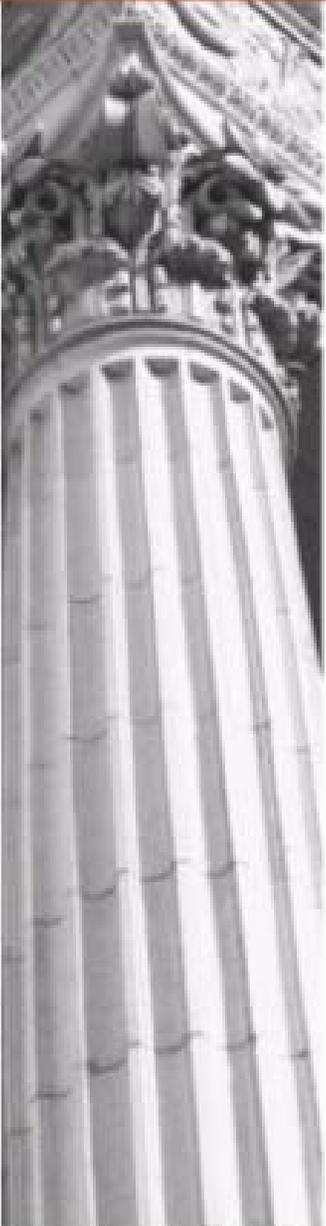
## Current Michigan Elective Office Qualifications

- 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





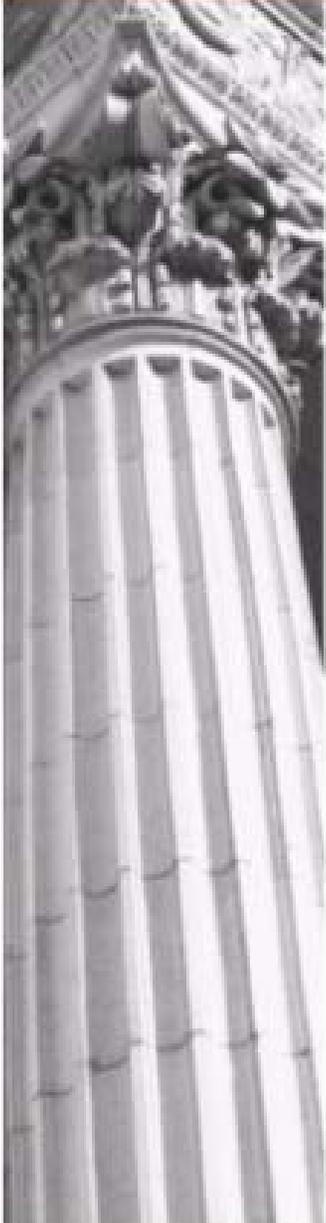
## Issues to Consider: Other States' Laws

- 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



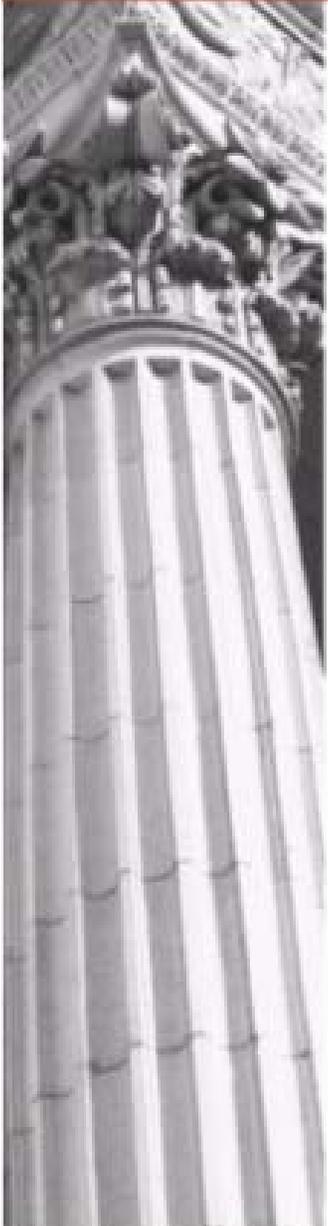
## 1963 Constitution

- 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)

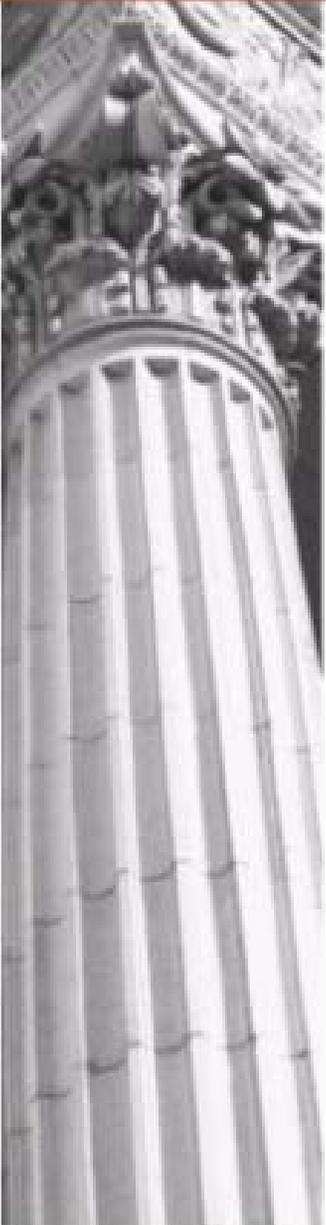


## The Atmosphere in 1961

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







## 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

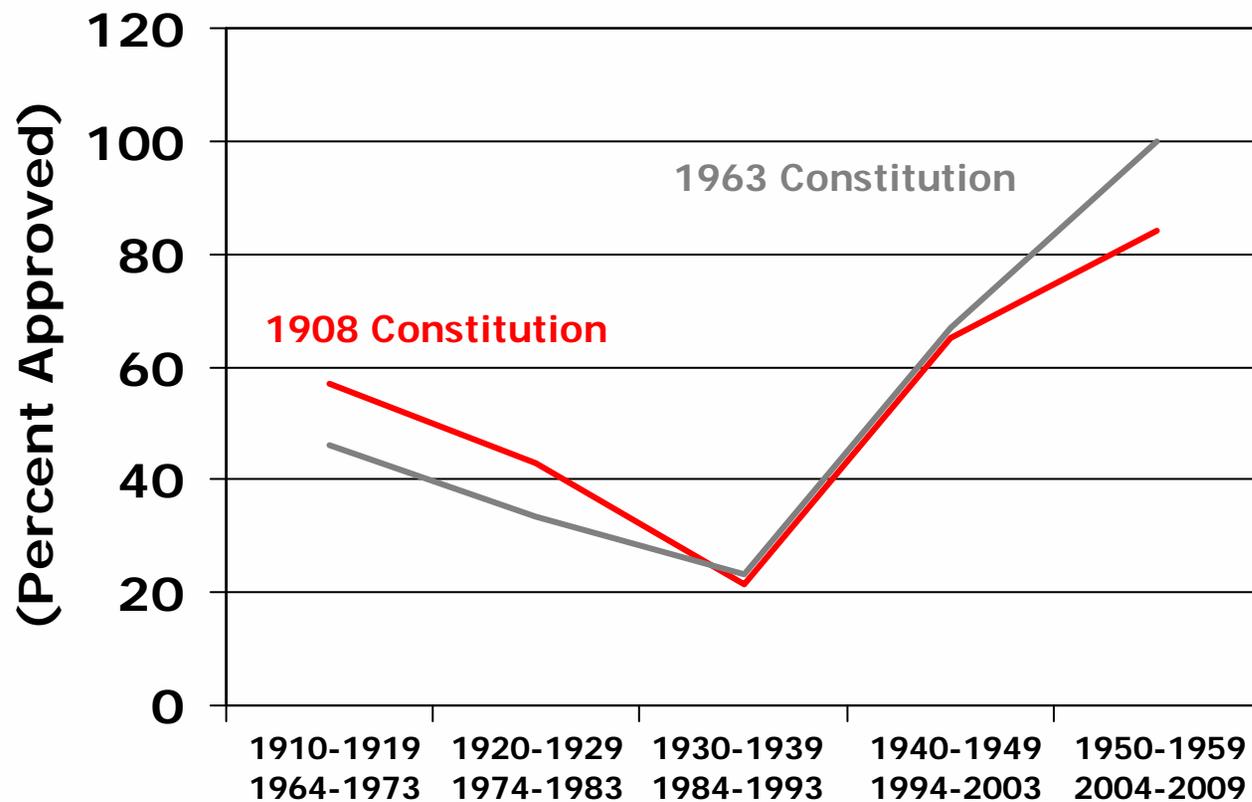
### Three eras of amendment proposals

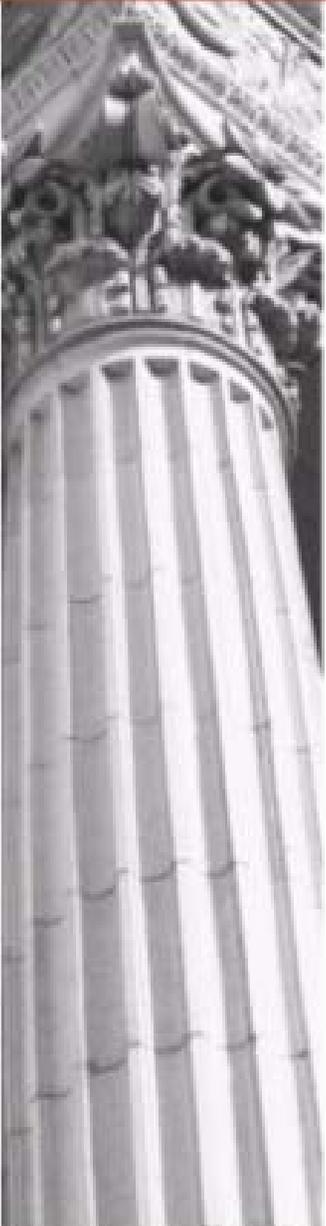
1. Powers and structure of government
  - Judicial selection & tenure
  - State Officer Compensation Commission
2. "Tax Revolt"
  - Headlee Amendment
  - Proposal A of 1994
3. Social Agendas
  - Same sex marriage
  - Affirmative action



## 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



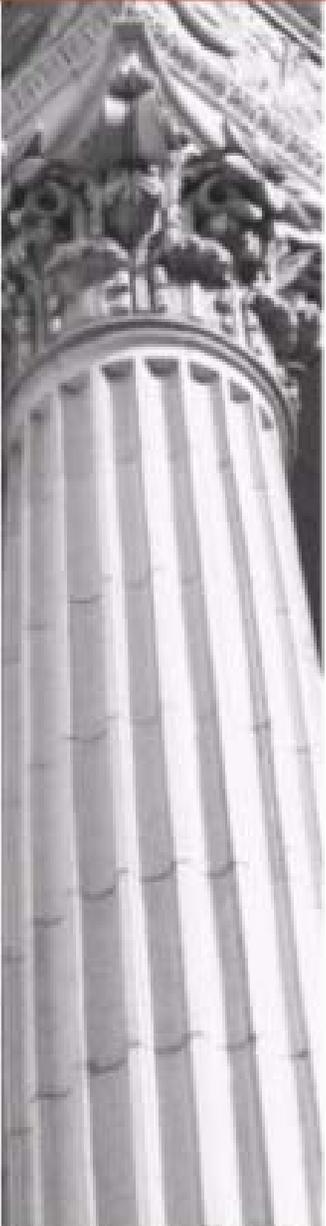
## Article V – Executive Branch

- 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





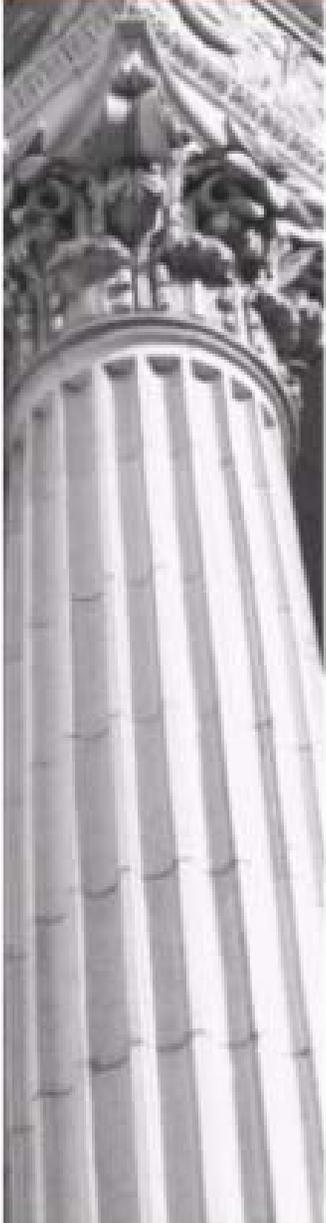
## Article VII – Local Government

- 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



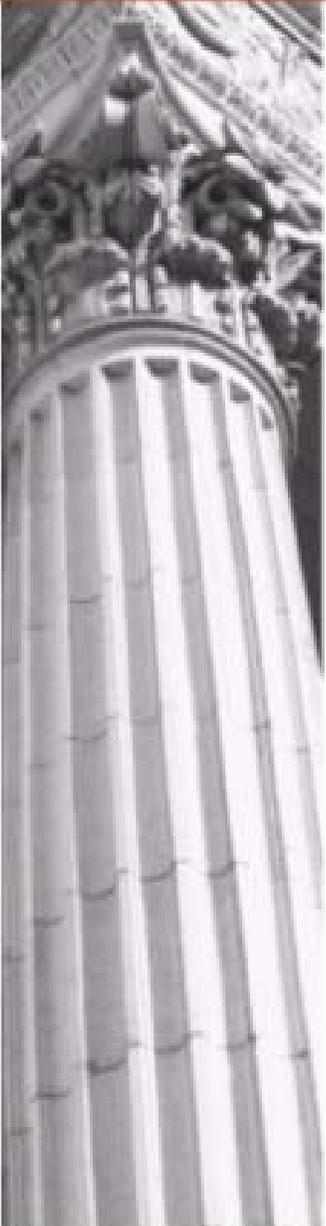
## Finance and Taxation (cont.)

- 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





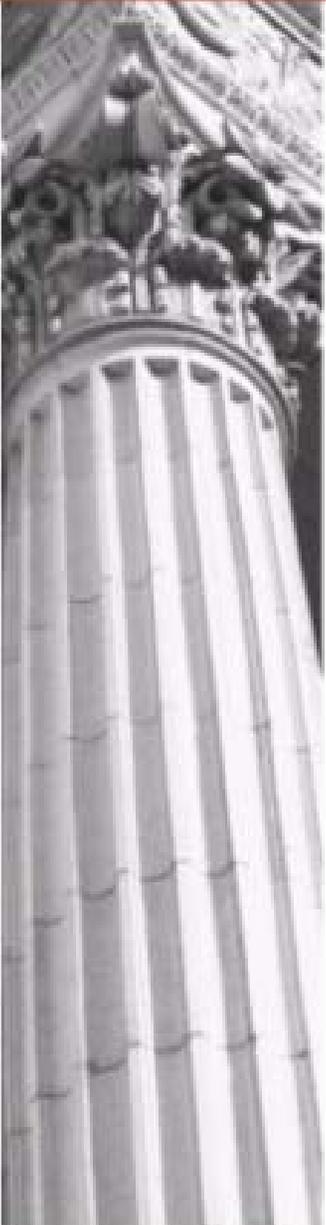
## Article XI – Public Officers and Employment

- 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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