



# Should Michigan Voters Call a Constitutional Convention in 2010?

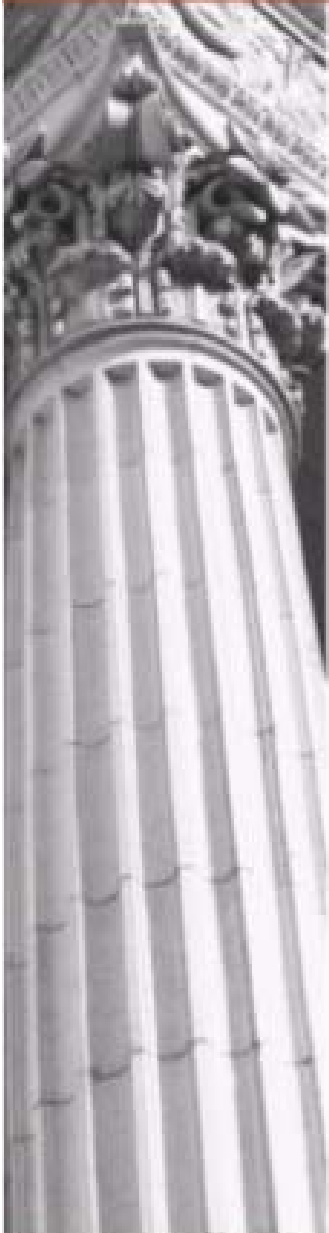
Proposal 2010-01

Michigan Association of County  
Administrative Officers

May 26, 2010

Eric Lupher  
Director of Local Affairs

[www.crcmich.org](http://www.crcmich.org) / [elupher@crcmich.org](mailto:elupher@crcmich.org)





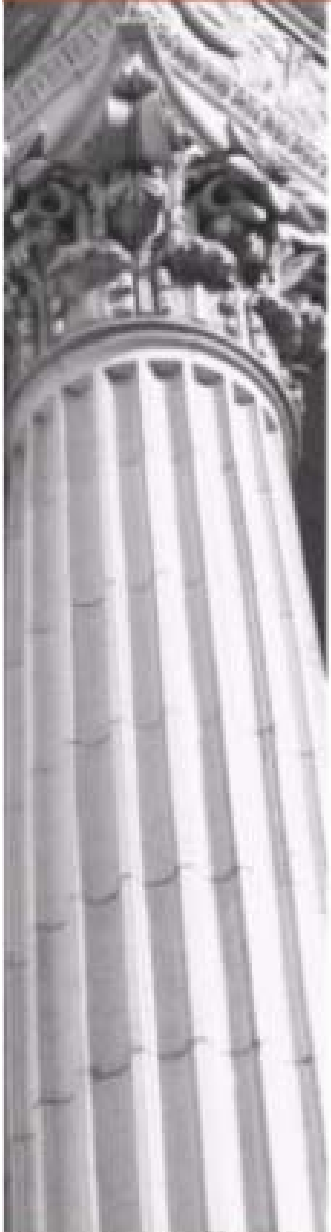
## Citizens Research Council of Michigan

- **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**



## 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



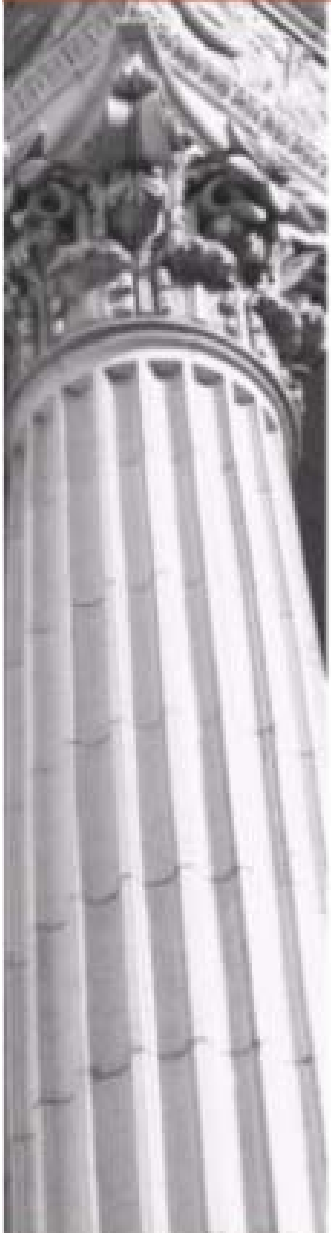
## 1963 Constitution

- Fourth state constitution
  - 1835
  - 1850
  - 1908
- 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



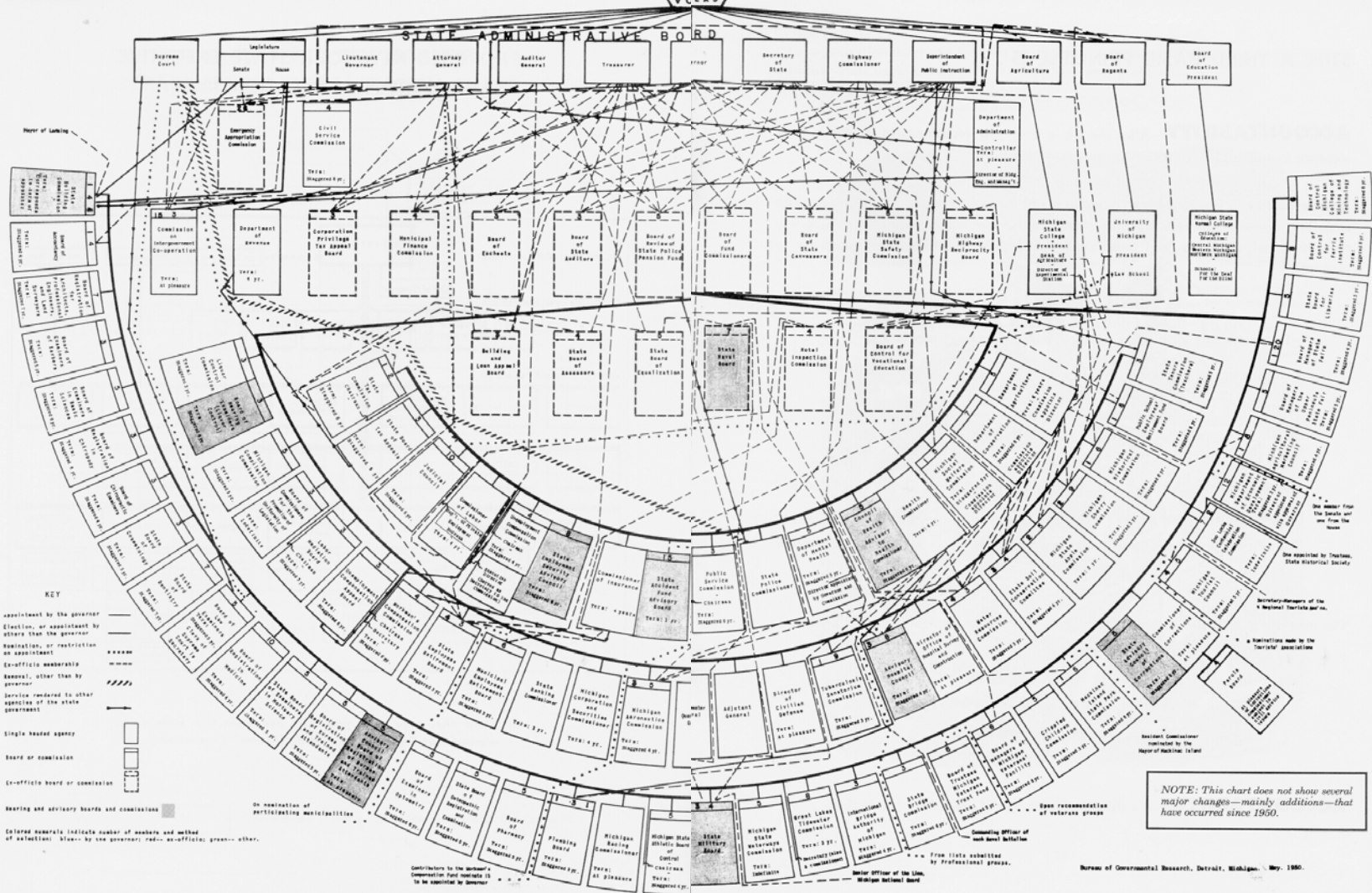


# CITIZENS RESEARCH COUNCIL OF MICHIGAN

## 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 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

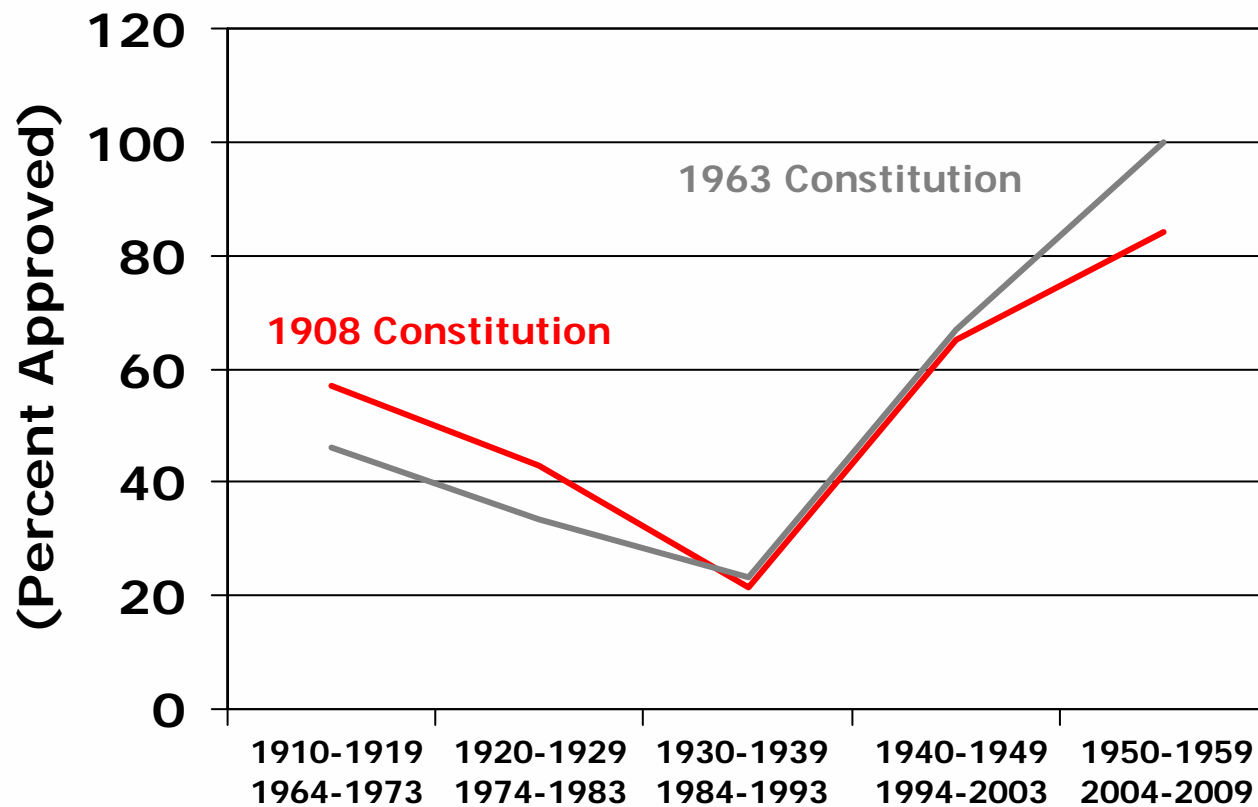
### Three eras of amendment proposals

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





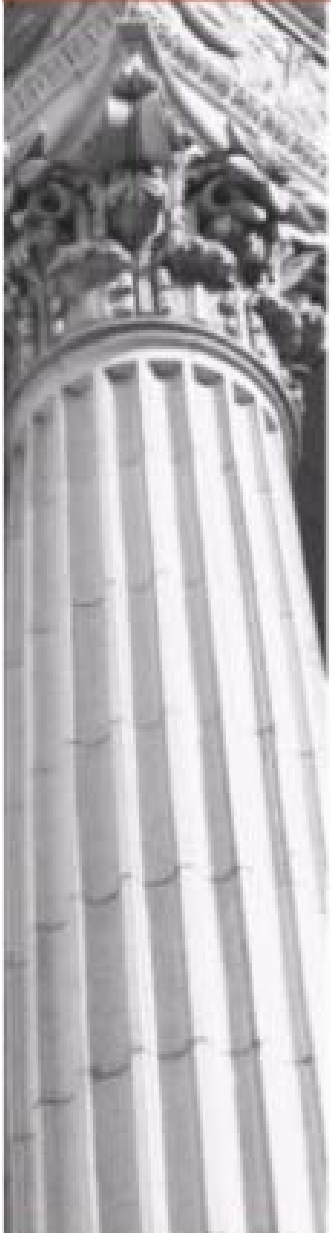
## Article IV – Legislative Branch

- 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
- Township officers
- Home rule
- Removal of elected officers



## Article VIII – Education

- Education as a “right”
- Role of State Board of Education
- Appointed/Elected Superintendent of Public Instruction
- Autonomous universities





## Article IX – Finance and Taxation

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



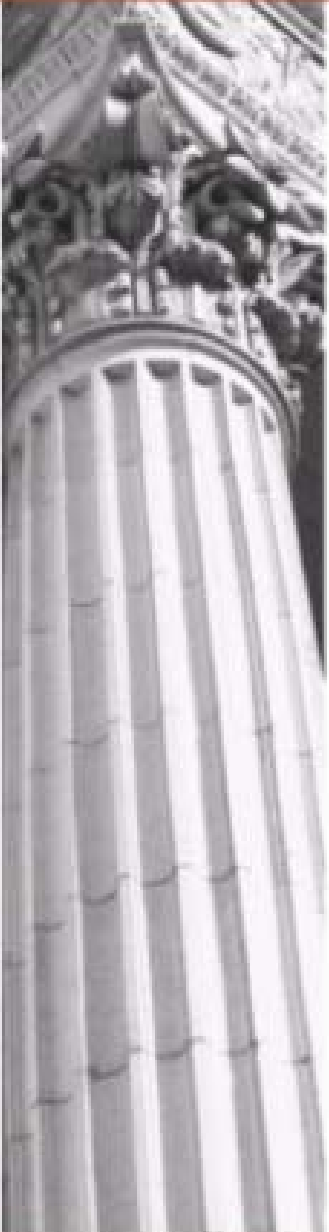
## Finance and Taxation (cont.)

- 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

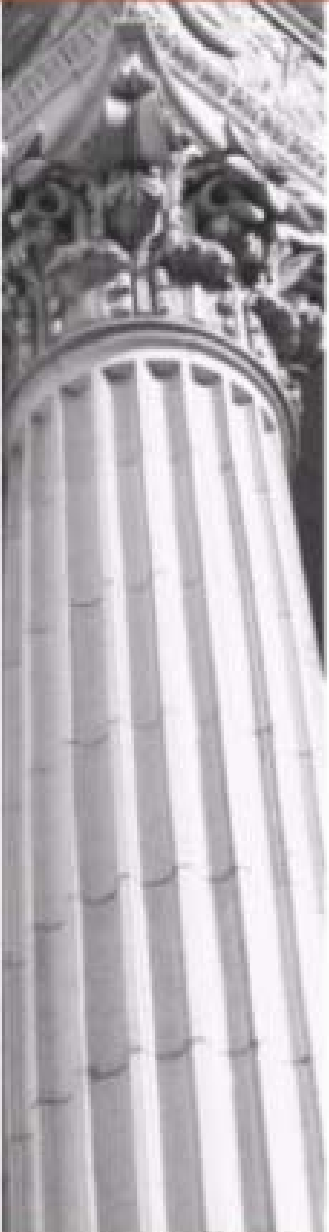






## Article XI – Public Officers and Employment

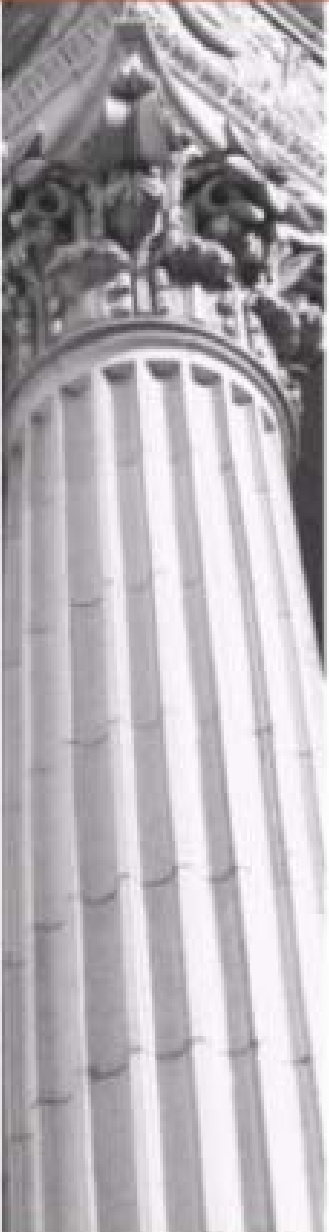
- Terms of office (state and county)
- Classified state civil service
- Merit systems for local governments
- Impeachment of civil officers





## Article XII – Amendment and Revision

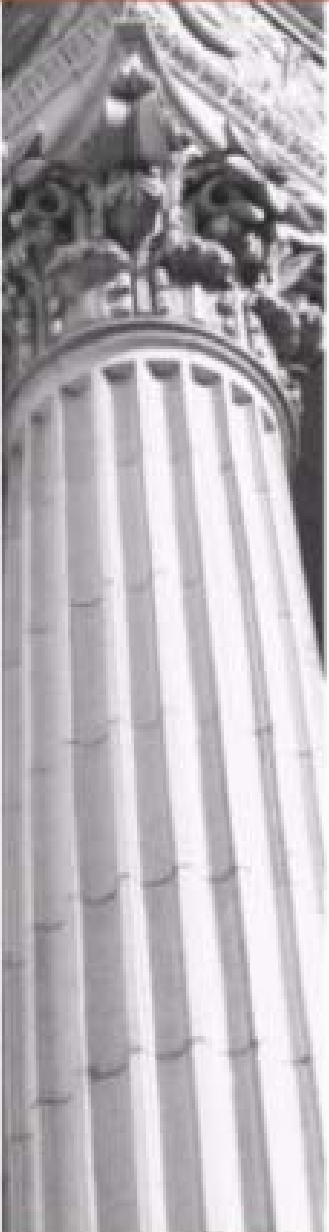
- Ease of placing amendments to state constitution on ballot
- Ease of adopting constitution amendments
- Specificity of constitutional revision process





## Other Issues

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





## Other Issues

- Prolonged Budgeting Processes
- Two-year budgets



## CITIZENS RESEARCH COUNCIL OF MICHIGAN

The Citizens Research Council of Michigan is supported by gifts and grants of all sizes coming from many different donors including:

- Foundations
- Businesses
- Organizations
- Individual Citizens like you

*We hope you will consider supporting CRC. For more information or to donate, contact us at:*

**Citizens Research Council of Michigan  
38777 Six Mile Road  
Livonia, MI 48152**

**(734) 542-8001**

**[www.crcmich.org](http://www.crcmich.org)**



CRC Publications are available at:

[www.crcmich.org](http://www.crcmich.org)

**Providing Independent, Nonpartisan  
Public Policy Research Since 1916**