

Second in a series of papers about state constitutional issues

At the November 3, 2026, general election, Proposal 2026-01 will ask voters whether a constitutional convention should be convened for the purpose of a general revision of the 1963 Michigan Constitution. Article XII, Section 3 provides that in 1978 and every 16 years thereafter the question of a general revision of the constitution shall be submitted to voters. If the question is approved, the convention would convene in Lansing on October 5, 2027. If rejected, it will automatically appear on the ballot again in 2042.

Proposal 2026-01 will ask voters:

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?

The Citizens Research Council is publishing a series of papers to provide information which voters may use to decide whether the convening of a constitutional convention is in the best interest of Michigan at this time. The Citizens Research Council takes no position on the question of calling a constitutional convention. It is hoped that examination of the matters identified in the papers in this series will promote discussion of vital constitutional issues and assist citizens in deliberations on the question of calling a constitutional convention.

## A BRIEF MICHIGAN CONSTITUTIONAL HISTORY

The people of Michigan have adopted four constitutions (1835, 1850, 1908 and 1963) and have rejected two (1867 and 1873). Further, voters have failed to approve the calling of a constitutional convention on 12 occasions, including the last three occasions when the question appeared on the statewide ballot (most recently in 2010). The current 1963 Constitution is Michigan's fourth adopted constitution. Only seven states have revised and adopted a greater number of state constitutions. Michigan was one of 11 states to revise their state constitution between 1948 and 1975. Only two states (Georgia in 1983 and Rhode Island in 1986) have gone through the revision exercise in the years since.

### Early Constitutions

#### The 1835 Constitution

In 1835, the territorial council provided for an election of delegates to a constitutional convention. Ninety-one delegates assembled in Detroit in May and concluded their deliberations in June. The proposed constitution was submitted to the voters of the territory in October 1835, 15 months before Michigan was admitted into the Union. It was overwhelmingly approved (6,299 in favor, 1,359 opposed).

The 1835 Constitution has been praised by many political scientists who claim it to be the best among the four Michigan constitutions because of its brevity and simplicity. It provided for election of only members of the Michigan Legislature, Governor, and Lieutenant Governor, with other state offices filled

by appointment. It was the first state constitution to provide for the appointment of a state superintendent of public instruction.

## The 1850 Constitution

In 1849, the Michigan Legislature submitted to the voters the question of calling a constitutional convention to revise the 1835 Constitution. The voters approved the question and 100 delegates were elected in 1850. The delegates convened in June and adjourned in August. The proposed constitution was twice the length of the 1835 Constitution and its detailed provisions reflected the prevalent tendency of that period to incorporate into basic law provisions more properly left to statutes. In November 1850, the voters overwhelmingly approved the proposed constitution (36,169 in favor, 9,433 opposed). The 1850 Constitution included the provision that every 16 years, and at other times as provided by law, the question of calling a constitutional convention automatically be submitted to the voters. However, calling a convention required approval of a majority of those voting at the election and not just a majority of those voting on the question.

## Revision Attempts, 1867 to 1904

General dissatisfaction with the 1850 document led voters to approve by a three to one margin the calling of a constitutional convention in 1866, pursuant to the 16-year requirement. The 100 delegates were elected in April 1867; convened in Lansing in May; and adjourned in August 1867. The proposed constitution was rejected by the voters in 1868 (71,733 in favor, 110,582 opposed).

In 1873, the Legislature authorized the Governor to appoint an 18-member commission to study the 1850 Constitution and propose amendments and revisions. The commission submitted its formal report for a revised constitution to the Governor and the Legislature placed it on the ballot. In November 1874, the voters rejected the proposed constitution by a three to one margin (39,285 in favor, 124,034 opposed).

Following the 1874 attempt to revise the 1850 document, the question of calling a constitutional convention was rejected by the voters five more times. Legislative action placed the question on the ballot in 1890, 1892, and 1904, and the 16-year constitutional provision submitted the question to the voters in 1882 and 1898. In each instance, the majority of those voting in the election failed to approve the proposal, although in 1892, 1898 and 1904 the majority of those voting on the question gave their approval.

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## The 1908 Constitution

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In April 1906, the voters approved the question of a general constitutional revision that had been placed on the ballot by legislative action. Ninety-six delegates were elected. The convention convened in Lansing in October 1907 and adjourned in March 1908. The proposed constitution reflected characteristics of the progressive reform movement including home rule for cities. It was approved by the voters in November 1908 (244,705 in favor, 130,783 opposed).

Over the ensuing 53 years, the 1908 Constitution was subject to constant revision. Michigan voters were asked to amend the 1908 Constitution 122 times; of which 66 proposed amendments were adopted and 56 were rejected. By 1960, the Michigan Constitution had grown to 15,323 words. Despite the continuous attention and amendment, a general dissatisfaction with the document created a growing desire to revise the constitution.

### Attempts to Revise the 1908 Constitution

Between 1926 and 1961, there were five referenda on the question of revising the 1908 Constitution. The first effort, pursuant to the 16-year requirement, was rejected by the voters in November 1926 (119,491 in favor, 285,252 opposed). The next vote on calling a convention in November 1942, again pursuant to the 16-year constitutional requirement, was rejected by the voters. It received approval by a majority of those voting on the question (468,506 in favor, 408,188 opposed), but not a majority of those voting in the election.

In November 1948, the Michigan Legislature submitted the question of general constitutional revision to the voters. Although the majority of the votes on the question favored the proposal as they had in 1942, it failed due to the constitutional provision requiring a majority of votes cast in the election.

In 1958, the 16-year requirement again placed a ballot proposal for a general constitutional revision before the voters. This effort also failed. Once again, it lacked the necessary majority of votes cast in the election, although the proposal received the majority of votes on the issue (821,282 in favor, 608,365 opposed). In 1958, 2,341,829 votes were cast in the election, but only 1,429,647 (or 61 percent) voted on the question of calling a convention.

In effect, failure to vote on the ballot question was counted as a vote against the calling of a convention under this provision.

It is significant that the vote favoring constitutional conventions increased with each successive revision attempt between 1926 and 1958, with substantial favorable majorities of those voting on the issue achieved in 1948 and 1958. The next step in the effort to call a constitutional convention was to change the requirement for calling a convention from a majority of electors voting in the election to a majority of those voting on the question.

### Gateway Amendment and the April 1961 Referendum

In 1960, leading Michigan civic organizations developed an initiative proposal to amend the 1908 Constitution to simplify the calling of a constitutional convention. It provided for approval of a convention call by a simple majority of those voting on the issue, and altered the basis of representation by authorizing one convention delegate from each state House and Senate district. The proposal called for submission of the question of general constitutional revision at the 1961 spring election, specified time limits for electing delegates and specified when and where the convention should convene. The gateway amendment was approved by the voters in November 1960 (1,312,215 in favor, 959,527 opposed).

Pursuant to the new amendment, the question of a general constitutional revision was submitted to the voters in April 1961. The proposal was approved by a margin of only 23,421 votes (596,433 in favor, 573,012 opposed). It is noteworthy that if the former constitutional requirement of a majority of those participating in the election had applied, the proposal would have failed.

### Constitutional Convention of 1961

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Delegates to the 1961 Constitutional Convention were nominated in July 1961 and the 144 delegates were elected in September on a partisan ballot from single-member districts, one each from the 110 House and 34 Senate districts. The convention was convened in October 1961 and after seven months of work, recessed. On August 1, 1962, the final document of 19,203 words was approved by the convention for submission to the voters on April 1, 1963.

### Constitutional Issues in 1960

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Prior to the 1961 Constitutional Convention, Michiganders were dealing with several notable challenges. The state had been hit hard by a national recession in the late 1950s. Residents had a growing sense that state government was dysfunctional: unable to manage available resources and efficiently deliver services.

There were several issues that citizens considered before deciding whether to convene a constitutional convention.

#### Declaration of Rights Issues

Most of the civil rights and liberties established in the 1963 Constitution were similar to those that existed in the 1908 constitution, with some changes made to refine existing sections. The most notable exception to this was the adoption of an equal protection clause which prohibited discrimination based on religion, race, color or national origin and the associated creation of the Michigan Civil Rights Commission.

In the years since the 1963 Constitution was adopted, particularly in the last 30 years, the focus has shifted to debates around “social issues,” with same-sex marriage, affirmative action, stem-cell research, and abortion being the subject of amendments. These amendments would likely be revisited and the scope of Article I would be a major topic of debate at a convention.

### Legislative Branch Issues

Political control of the legislature was a primary issue. Under the 1908 Constitution, Southeast Michigan had a growing sense of underrepresentation. The three southeastern Michigan counties of Wayne, Oakland, and Macomb had about 48 percent of the state’s population, but only 26 percent of the senate seats and 43 percent of the house seats.

Southeast Michigan does not suffer the same sense of underrepresentation under the 1963 Michigan Constitution. Since the voters approved Proposal 2018-02, responsibility for redrawing the boundaries for the districts of legislative and congressional representatives is vested in the Citizens Independent Redistricting Commission. Since adopting the current constitution, voters have amended the document twice (1992 and 2022) to add/modify term limitations for state lawmakers, suggesting that this issue may be ripe for convention consideration.

### Executive Branch Issues

In 1961, a common belief existed that the executive branch was ineffectual and needed changes. Executive officers were elected every two years. The direct election of eight officers limited the administrative control of the governor. The executive branch was divided and subdivided into 120 administrative agencies. The 1940 amendment that gave the civil service system constitutional status left the governor and the legislature with little direct control over compensation decisions of the state’s workforce. Recent political controversies related to appropriation work projects, the governor’s duty to call for a new election to replace departing lawmakers, and the governor’s power to transfer legislatively-approved appropriations are constitutional issues that could generate discussion at a new convention.

### Judicial Branch Issues

The method of selecting judges to the state Supreme Court and lower court levels was a primary issue awaiting the 1961 Constitutional Convention. Additionally, the fractured judicial system, with justices of the peace and municipal courts for example, created uncertainty in the minds of many forced to enter the court system.

The 1963 Constitution unified the state judiciary into “one court of justice” but did not change the method of selecting Supreme Court justices. The method of selecting Supreme Court justices would likely again be an issue if a constitutional convention is convened in 2027. Also, some may desire to

establish a single court funding source to be consistent with the state's role in administering the lower courts under the "one court of justice" concept.

### Educational Issues

In addition to deciding whether to appoint or elect the state board of education and the state superintendent of public instruction, attention was directed at the state's higher education governance system. Fragmented control of the several state universities and the special powers and privileges accorded to the University of Michigan, Michigan State University, and Wayne State University were the primary educational issues.

Selection of the state board of education and state superintendent of public instruction and the autonomous university system remain contentious issues. The current fragmentation in public education governance from pre-K to higher education across the executive and legislative branches would likely be a topic of consideration for a constitutional convention. In addition, some may argue that language should be included to define a minimum level of funding for education in addition to the current provisions requiring the legislature to "maintain and support a system of free public elementary and secondary schools..."

### Local Government Issues

In 1961, the issue of whether the existing governmental units provided an adequate structure for meeting areawide or metropolitan problems that extended over existing political boundaries was discussed. Delegates disagreed about whether increased urbanization, transportation improvements, and advancements in communication required redefining the roles of existing local governmental units. Because of uncertainty about whether reform could eliminate duplication, waste, and inefficiency, while retaining democratic and responsible government, the 1963 Constitution did not introduce any major reforms to Michigan's structure of local government.

Many of these same issues remain relevant today. Transportation systems, energy and water infrastructure, parks, and other similar public services do not often match political boundaries. The proliferation of special districts during the past decade and efforts to coordinate more public services on a regional basis confirm this development.

The state government's authority to preempt local decisions has become an issue that convention delegates may wish to address. This issue has touched local environmental protection, zoning, energy generation, extraction of natural resources, and economic development. The growing tension between the state's tradition of local governance and state-imposed policies that override local preferences and zoning authority for the perceived statewide benefits is straining the understanding of state and local government powers.

## Finance and Taxation Issues

Because Michigan had just come through a severe recession and had struggled to maintain balanced state budgets, several finance and taxation issues were at the forefront for voters deciding to call a constitutional convention. Electors were considering whether a graduated income tax should be authorized; how to free the legislature from restrictions on taxing and spending powers created by high levels of revenue dedications or earmarking; whether the state's limitations on borrowing should be altered; if there was a need to remove or raise property tax limitations to increase local taxing power; and whether to continue existing provisions requiring a uniform rule of taxation.

Although state and local taxation has evolved substantially since the early 1960s, state residents remain confronted with the constitutional issues of graduated income taxes, excessive tax earmarking, state and local tax limitations, and the uniform rule of taxation. Since the 2010 question on a convention, the impact of unintended interactions between tax limitations has been more pronounced and could be of broad interest, especially to local governments with declining property values. Also, due to continued overreliance on property taxes to fund local government services, providing clear authority for local governments to levy new types of local taxes, such as a local sales tax, could be accomplished at a 2027 constitutional convention.

A convention would likely include discussions related to the use of the state's School Aid Fund, which over the last 20 years has been increasingly tapped to finance public universities and community colleges rather than being used exclusively for the traditional purposes of aid to public K-12 schools and teacher retirement contributions.

## The 1963 Constitution

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The constitution drafted by the 1961 constitutional convention was approved by the voters on April 1, 1963, in a very close vote (810,860 in favor, 803,436 opposed) and took effect January 1, 1964. Since adoption, 82 constitutional amendments have been proposed; 39 of which have gained approval from the voters. Michigan voters decided against calling a convention to review and revise the 1963 Constitution on three occasions, in 1978 (640,286 in favor, 2,112,549 opposed), 1994 (777,779 in favor, 2,008,070 opposed), and 2010 (983,019 in favor, 1,960,573 opposed). If voters don't approve of calling a convention in November 2026, the question will automatically appear on the statewide ballot in 2042.

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Part of our mission is to help educate Michigan citizens about important policy issues, especially those for which citizens will be asked to voice their opinion.

Publication of the series of constitutional convention papers will conclude with a webinar reviewing the con con process and the major issues identified. If you would like us to share this information with your business, civic group, association, or another gathering, please contact Maureen McNulty-Saxton ([msaxton@crcmich.org](mailto:msaxton@crcmich.org) or 517-485-9444) to make arrangements.