

Fifteenth 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.

ARTICLE XII – AMENDMENT AND REVISION

Article XII provides for the process of altering the Michigan Constitution, either through amendment, which can occur as the result of legislatively referred or voter-initiated proposals, or revision, which can occur by means of a constitutional convention. Like Article I, it does not relate to the structure or powers of government but rather addresses the ability and the rights of citizens to frame the constitution that defines the structure and powers.

Through the provisions of Article XII, the people retain to themselves and delegate to the legislature the ability to alter the fundamental organic document that creates, empowers, and limits Michigan's state and local governments. Regardless of how carefully drafted a state constitution may be when it is adopted, it will be necessary or appropriate to change it from time to time. Evolving social, economic, or political conditions necessitate addition, deletion, or alteration of provisions to ensure that the constitution provides for the kind of governmental structure and authority required to remain relevant to the environment within which it exists.

The principal focus of a constitutional convention's attention in considering constitutional amendment and revision would be that of finding the appropriate degree of accessibility and difficulty in adopting constitutional changes. Balance is desired in order to maintain a proper balance between the roles of the constitution as a governing document of the state with enduring principles and one with provisions relevant to changing economic, social, and political environments.

Alteration of individual provisions or provisions related to each other is called *amendment*. More extensive change, altering several unrelated provisions, is

called *revision*.^a

Amending the Constitution

Amending a state constitution should present obstacles, but not insurmountable ones. Ideally, amendments should negotiate the fine line between maintaining the fundamental, enduring nature of a constitution and the necessity of keeping it vital and relevant.

All states have provisions for amending their constitutions. They all provide methods for the legislature to initiate amendments to the constitution. All states, except Delaware, require voter approval of proposed constitutional amendments. The differences, then, in amendment procedures among the states are largely defined by: 1) whether the voter initiative is available, and 2) the kinds of obstacles that must be overcome in order to amend the constitution.

Michigan has had a functioning initiative provision in its constitution since 1913. Through the initiative, the people have reserved to themselves the power to propose additions, changes, and deletions to the constitution. Throughout Michigan’s history with the constitutional initiative, there have been 85 initiated proposals to amend the constitution (41 under the 1908 Constitution; 44 under the current constitution). Of these, 29 were approved (10 under the 1908 Constitution; 19 under the current constitution), a success rate of 34 percent.

Legislatively referred proposals over that period had a success rate of 62 percent (90 approvals in 146 attempts).

The basic question concerning the process of altering the Michigan Constitution is whether it is, by some standard, too easy to do so. The 1963 Constitution has been amended 44 times since its adoption and, while this frequency does not appear to be out of line with other states,^b it may be argued that the Michigan Constitution is nevertheless accumulating a disproportionate number of provisions that should have been left to statute if, in fact, they should have been adopted at all. In addition, the Michigan Constitution has become a target of national groups wishing to establish their favored policies in the constitutions of those states that have the initiative.

a There is also a Section 4 in Article XII. It does not relate to the process of altering the Michigan Constitution. It was placed in the constitution by Proposal B of 1992 and provides that, if any substantive part of the term limits amendment is declared invalid or unconstitutional, the remaining parts will remain in force.)

b For example, the Florida Constitution, adopted in 1968, has been amended 115 times. Other states: Missouri (1945) 146 times; Montana (1972) 38 times; North Carolina (1971) 37 times. (Source: www.ballotpedia.org, accessed August 17, 2026)

Citizens Research Council of Michigan Board of Directors

THOMAS G. KYROS - Chair
VACANT - Vice Chair
STEPHAN CURRIE - Treasurer
LAURA BASSETT
NATHAN BENEDICT
LAWRENCE BLUTH
JENNIFER BOWMAN

MARK BURTON
GEORGE COOK
DANIEL DOMENICUCCI
ZENNA ELHASAN
RICHARD FAVOR, JR.
MONIQUE FIELD-FOSTER
MARTY FITTANTE

MARY LYNN FOSTER
MATT GILLARD
JASON GRIFFIN
MARITA HATTEM-SCHIFFMAN
MICHAEL HORRIGAN
EARLE "WIN" IRWIN
JADE JAMES-GIST

ANDREW JOHNSTON
NICK KHOURI
LAUREN LAPINE
JAMIE LARSON
CARRIE LINDEROTH
PATRICK MCGOW
DAVID PALSROK

JESSICA ROBINSON
KELLI SAUNDERS
TONY STAMAS
KEN ZENDEL
ERIC LUPHER - President

Of the provisions used by states to make amendment of their constitutions more difficult, the only one used by Michigan that is relatively stringent is the two-thirds vote requirement in each chamber for legislatively referred amendments, a requirement also found in 13 other states. The signature threshold requirement for initiated amendments to the Michigan Constitution is not out of line with the threshold in other states. Notably, relative to the common mechanisms found in other states' constitutions, Michigan's does not have: 1) multi-session approval requirements for legislatively proposed amendments, 2) geographical signature distribution requirements for initiated petitions, or 3) requirements for supermajority votes of the electors to approve proposed amendments.

In a sense, the fact that so much material of statutory nature has been inserted into the current Michigan Constitution may act both as a deterrent and an incentive to making amendments more difficult. So much detailed policy, especially in Article IX (Finance and Taxation), is contained in the document that when many aspects of taxation and intergovernmental finance, for example, require change, it cannot occur without constitutional amendment. On the one hand, a constitutional convention may aim to preclude a revised constitution from again gaining so much statutory detail. On the other hand, once that detail is inserted into a constitution, by making amendments more difficult, drafters, then, would risk making permanent policies that should be subject to change.

Amendment by Legislative Proposal

Section 1 provides for the legislative route to amending the Michigan Constitution. Under this path, if a proposed constitutional amendment (originating via joint legislative resolution) is approved by two-thirds of the members elected to and serving in each chamber of the legislature, it is to be submitted to the electors in no less than 60 days for consideration at the next general election or at a special election as determined by the legislature. If approved by a majority of the electors, the amendment will become part of the constitution 45 days following the election.

A constitutional convention may look at this process in light of the question of whether the legislative proposal process should be changed to make it easier or harder to place proposed constitutional amendments before the voters.

Amendment by Petition

A product of the Progressive Era (late-19th and early-20th Centuries), the voter initiative was first adopted in South Dakota in 1898. Four years later, Oregon adopted the initiative and, over the following decade, 13 more states, including Michigan, almost all in the Midwest and Far West, followed suit. Presently, 18 states have the voter initiative, although three states – Illinois, Massachusetts, and Mississippi – have provisions, either substantive or procedural, that greatly constrain its use. Because it adds a whole new avenue for proposing amendments, the presence or absence of the initiative is a significant factor in determining the ease with which a state constitution can be amended.

In Michigan, Section 2 provides that petitions containing signatures of registered electors may be used to propose constitutional amendments. A petition must include the full text of the proposed amendment; be signed by registered electors in number equal to at least ten percent of the total vote cast for governor at the last general election at which a governor was elected; be filed with the person authorized by law [currently the Board of State Canvassers in the Department of State] to receive the petitions at least 120 days before the date of the election at which the proposed amendment is to be voted on; the validity and sufficiency of the signatures must be determined and announced at least 60 days before the election.

Subsequent to approval by the Board of State Canvassers, the proposed amendment, existing provisions of the constitution that would be altered or abrogated by the amendment, and the ballot language is to be published as provided by law and a "true and impartial" statement of the purpose of the proposed amendment in not more than 100 words is to be prepared for the ballot question. (Statute requires that this be prepared by the Board of State Canvassers.)

If the proposed amendment is approved by the voters, it becomes part of the constitution 45 days following the election. If two or more amendments approved by the voters at the same election conflict, the amendment receiving the greatest number of yes votes is to prevail.

The relative ease/difficulty of initiating a proposed constitutional amendment in Michigan is an issue for several reasons. Notwithstanding any efforts to head off future efforts to embed what should naturally be statutory material into the constitution, Michigan appears to have become a target of national organizations promoting pet issues by initiating constitutional amendments in select states as part of a process to build perception of a groundswell of support.

Term limits is a good example of this. Term limits, promoted by an organization called U.S. Term Limits, are in effect in 15 states. In 13 of those states, including Michigan, the policy was placed in the constitution via initiative petition.^c Only Louisiana and Maine have term limits that were not proposed by the initiative.

Other proposals that had roots outside of Michigan included Proposal 2 of 2004 (defining what can be recognized as marriage or similar union) and Proposal 2 of 2006 (banning affirmative action programs).

Again, a constitutional convention may want to consider whether and how the current structure of the initiative proposal process should be changed, with an eye towards the difficulty of placing proposed constitutional amendments before the voters.

The Research Council found that only Colorado and Oregon have requirements that make it markedly less restrictive than Michigan's process for

c Term limits were introduced to the Michigan Constitution by Proposal B of 1992. U.S. Term Limits was the group primarily behind the efforts to have that proposal enacted. Michigan's legislative term limits were amended by Proposal 22-1. This legislatively proposed amendment was opposed by U.S. Term Limits.

voters to initiate constitutional amendments. Arizona, California, Missouri, and South Dakota have requirements roughly on par with Michigan's requirements.

Modes of State Constitutional Amendment

Once proposals qualify for the ballot, some states make the process a little more difficult by requiring a supermajority popular vote. Most states require a simple majority of those voting on the issue in one election to approve a proposed constitutional amendment. Three states, however, pose an additional requirement that the number of "yes" votes on a proposed amendment equal at least a certain percentage of the total votes cast at the election. Because drop off occurs as some voters weigh in on the high-profile offices at the top of the ballot but skip lower profile and ballot measures lower down the ballot, pegging the vote requirement to the total votes cast at the election sets a higher threshold. New Hampshire requires two-thirds voter approval of a proposed amendment. Florida requires two-thirds voter approval of an amendment creating a "new state tax or fee" and, in 2006, Florida adopted a constitutional amendment requiring 60 percent voter approval of any proposed constitutional amendment.^d Finally, Nevada requires majority voter approval in two successive elections.

Constitutional Revision

Michigan's Constitution also contains a provision to provide voters with the opportunity to regularly assess how well the state's fundamental law is working. Section 3 provides that every 16 years, beginning in 1978, or at other times as may be provided by law, the question of a general revision of the constitution is to be submitted to the voters. If the question is approved, delegates are to be elected on a partisan basis within six months and a constitutional convention convened on the first Tuesday in October following the election of delegates. A provision for automatically referring the question of constitutional revision to the voters every 16 years originated in the 1850 Michigan Constitution. It is this provision that has triggered Proposal 1 on the November 2026 ballot.

The frequency of constitutional revision varies widely across the nation. Fourteen states have automatic revision referral provisions in their constitutions that submit regularly scheduled questions to the voters asking whether a constitutional convention should be convened. They range from every 10 years in Alaska, Hawaii, Illinois, Iowa, Maryland, New Hampshire, Oklahoma, and Rhode Island to every 20 years in Connecticut, Missouri, Montana, New York, and Ohio.¹

Michigan is working on its fourth constitution since 1835. Massachusetts still uses its first, adopted in 1780 and seven years older than the U.S. Constitution. Eighteen other states still use their first constitution. At the other ex-

^d Ironically, the 2006 Florida amendment requiring 60 percent voter approval of constitutional amendments was, itself, adopted only by a margin of 58-42.

treme, Louisiana is on its eleventh constitution (current one adopted in 1974) and Georgia is on its tenth. The other states fall between these. The significance of constitutional revision, then, varies from state to state.

Constitutional Convention Issues

It is more likely than not that a constitutional convention would retain a process for the legislature to propose constitutional amendments, but some delegates may desire to make the process more difficult.

While Michigan has a long history with the electorate's right to initiate constitutional amendments, a constitutional convention may consider its continuation. Michigan is in the minority of states allowing electors to initiate constitutional amendments.

Requirements for Legislative Proposals

State constitutions may require several provisions to ensure that only measures with widespread support are placed before the voters. They may require approval by extraordinary majorities (in Michigan, two-thirds of each chamber) for submittal to the voters. They may require that an amendment be approved in more than one session of the legislature (Indiana goes further and requires an election to intervene between approvals) before it can be submitted to the voters. These requirements often appear to be alternatives in that states with multi-session requirements tend to require only simple majority votes of the legislature, while those with extraordinary majority requirements tend to require only one vote. In some states, the alternative is made explicit; if the legislature can muster the required extraordinary majority, it needs only one vote; if it can achieve only a simple majority, it will need an additional vote. Some states also have placed limitations on the subject or number of ballot questions that can appear on a single ballot.

In regards to these hurdles, the Research Council found that Michigan and 15 other states have processes slightly easier to place proposed constitutional amendments before the voters in their states. Another 15 states have stricter requirements for greater supermajority votes and/or necessitate action in two successive legislative sessions in some or all cases. The remaining states have relatively easy processes.²

Requirements for Initiated Proposals

If it is concluded that the initiative should be retained for constitutional amendments, a constitutional convention may wish to consider adopting more demanding obstacles to placing issues before the voters.

States vary in the kinds of obstacles that must be overcome in order to amend their constitutions.

High signature requirements

Every state with the initiative requires that the number of valid signatures on the petition equal or exceeds a percentage of some verifiable measure. Typically, this is a percentage of the vote in the previous election for some political office, usually governor (some others use the U.S. presidency or the secretary of state). North Dakota petition circulators must gather signatures equal to at least four percent of the state population. Michigan's requirement is fairly common with the signature threshold set to equal at least 10 percent of the votes cast for governor in the last gubernatorial election.³

Signature distribution requirements

Half of the states with the initiative require some degree of geographic distribution of the signatures. These provisions typically require that a minimum percentage of the signatures come from a certain proportion of counties or congressional districts.⁴ Requirements for geographic diversity ensure that the matters being addressed and the proposed reforms are of broad interest in all corners of a state.

Direct or Indirect Initiatives

Massachusetts and Mississippi have indirect initiatives for constitutional amendments, meaning that once a sufficient number of signatures have been collected, a proposed amendment is submitted to the legislature to decide if it should be placed on the ballot.⁵

Wider Differential Between Statutory and Constitutional Initiatives

Perhaps as significant as number of signatures required as a percent of the votes cast in the last gubernatorial election, is the differential between the signature requirement for constitutional amendments (10 percent of total votes cast for governor) versus statutory initiatives (8 percent of total votes cast for governor). Electors have proposed 14 statutory initiatives to the 1963 Constitution, compared to 98 proposed constitutional amendments. One reason for the lack of use of the initiative for statutes is that with a little extra signature-gathering effort, those who seek to initiate measures can write them directly into the state constitution through amendment to secure the measures from future legislative efforts to weaken or repeal them. All amendments to the state constitution, as noted above, require a new public vote to modify further, whereas initiated laws can be changed down the road with a supermajority vote of the legislature and do not require a popular vote.

Constitutional convention delegates may aim to create greater differential between the statutory initiative and initiated constitutional amendment signature thresholds. This can be done by lessening the threshold for statutory initiatives, strengthening the threshold for initiated constitutional amendments, or both. Relative to other states, there appears to be some wiggle room for both.

Scrutiny and Refinement

Beyond attention constitutional convention delegates may devote to the process of offering amendments to the constitution, they might also imagine methods for introducing scrutiny and refinement to proposals before they are

submitted to the voters.

Legislatively proposed constitutional amendments offered through joint resolutions are drafted by lawyers in the Legislative Service Bureau, made subject of public hearings, debated in both chambers of the legislature, and scrutinized by other interested parties before they are submitted to the voters. Conversely, initiated proposals vary widely in the degree to which they are subject to professional review and, while many are carefully drafted, it is clear that others have not been drafted with adequate care. Since there is presently no real way of keeping issues off the ballot simply because of poor drafting, the opportunity of placing inappropriate language in the constitution is greatly increased.

The current constitution does not provide for substantive review of initiated proposals, providing only that “any such petition be in the form, and shall be signed and circulated in such manner, as prescribed by law.” Initiated proposals have made it to the ballot with obvious drafting problems and, while most have been defeated, the possibility exists for a seriously inappropriate measure to be adopted.

Review of the substance of amendments proposed by initiative before they are placed on the ballot has been proposed. In 1995, the Citizens Research Council reviewed three such proposals⁶:

- *Law Revision Commission*, whose purpose is to aid the Legislative Council in its charge (Article IV, Section 15) “to periodically examine and recommend to the legislature revision of the various laws of the state.” The commission consists of two members each from the Senate and the House of Representatives, plus four non-legislators. While the legislation creating the commission (Public Act 268 of 1986) does not include review of proposed constitutional amendments, such a role might be added.
- *Joint Legislative Commission or Legislatively-Established Commission*, whose purpose would be to review proposed amendments and to recommend changes to the constitution.
- *Gubernatorial Commission*. Similar in purpose to the legislative commission, but appointed by the governor.

Florida has a constitution Revision Commission, consisting of 37 members appointed by the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice of the Florida Supreme Court. It meets periodically to determine whether the Florida Constitution should be amended or revised. Such a commission could be employed in reviewing proposed amendments.

Clearly, controversy would arise if such a commission were to find that a proposed amendment were flawed in some way. Such “flaws” could cover a wide range, including, for example:

- Conflict with existing provisions of the Michigan Constitution

- Conflict with the U.S. Constitution
- Amendment of an excessive number of provisions, which should require a constitutional convention
- Inappropriate reference to another section of the constitution or to a non-existent section
- Excessive detail
- Spelling, punctuation, and grammar
- Vague or misleading language

It would be difficult to reconcile a full-blown initiative process with a commission powerful enough to prevent initiated proposals from reaching the ballot. Probably the only tool available to such a commission would be the ability to publicize its findings so that the electorate or the courts would take them into account. Such a process may allow advocates of an initiated constitutional amendment to carefully examine the criticisms to refine their proposals before submitting them to the electorate in the petition circulating stage or in a ballot measure.

General Revision of the Constitution

In Michigan, constitutional revision is to be accomplished by a constitutional convention as provided for in Section 3. A constitutional convention may wish to consider a few issues regarding revision.

Should the definition of revision be refined? At present there is no bright line distinguishing amendment from revision. Some amendments (for example, Proposal A of 1994) have been extensive, amending several sections, but the provisions were all related. The unsuccessful Reform Michigan Government Now! proposal of 2008 aimed to amend many unrelated sections of the constitution, which led to criticism that it was an attempt to revise the constitution without a process, namely a convention, that would permit due consideration of such extensive change.

Should election of delegates to the constitutional convention occur in a partisan election or on a nonpartisan basis? The constitution requires that delegates to a constitutional convention be chosen from each House of Representative and Senate district in a partisan election. Consideration might be given to removing the requirement for partisan elections.

Should provision be made for a constitutional revision commission? Florida has a multi-branch, bipartisan Constitutional Revision Commission, which met first in 1997-98 and which is scheduled to meet every 20 years to propose changes to the Florida Constitution. Such a commission could bring greater authority to proposed changes, either amendment or revision, than anybody outside of a constitutional convention

Conclusion

The state constitution, as the basic governing document of the state, should be durable, flexible, and understandable to the average citizen. Excessive amendment can rob the constitution of these attributes. A constitutional convention would be faced with the problem of providing for an amendment process that would keep the constitution relevant while retaining its role as the fundamental determinant of the structure and power of Michigan government.

Endnotes

- 1 Ballotpedia.org, [Automatic Ballot Referral](#), accessed August 18, 2026.
- 2 Citizens Research Council of Michigan, [Reform of Michigan's Ballot Question Process](#), Report 386, January 2014.
- 3 Citizens Research Council of Michigan, [Reform of Michigan's Ballot Question Process](#), Report 386, January 2014.
- 4 Citizens Research Council of Michigan, [Reform of Michigan's Ballot Question Process](#), Report 386, January 2014.
- 5 Citizens Research Council of Michigan, [Reform of Michigan's Ballot Question Process](#), Report 386, January 2014.
- 6 Citizens Research Council of Michigan [Unfinished Business: Revising the Michigan Constitution](#), Council Comments No. 1035, February 1995.