

Should Michigan Voters Call a Constitutional Convention in 2026?

Proposal 2026-01

Eric Lupher, President

www.crcmich.org / elupher@crcmich.org

Citizens Research Council

- Founded in 1916
- Statewide
- Non-partisan
- Private not-for-profit
- Promotes sound policy for state and local governments through factual research – accurate, independent and objective
- Relies on charitable contributions from Michigan foundations, businesses, and individuals
- *www.crcmich.org*

Proposal 26-1

Shall Michigan convene a constitutional convention?

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
- Ballot 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?"

- Yes vote would trigger a subsequent votes to elect delegates and convening in 2027
- Rejection of the question means we would continue to use 1963 Constitution, and the question would appear again in 2042

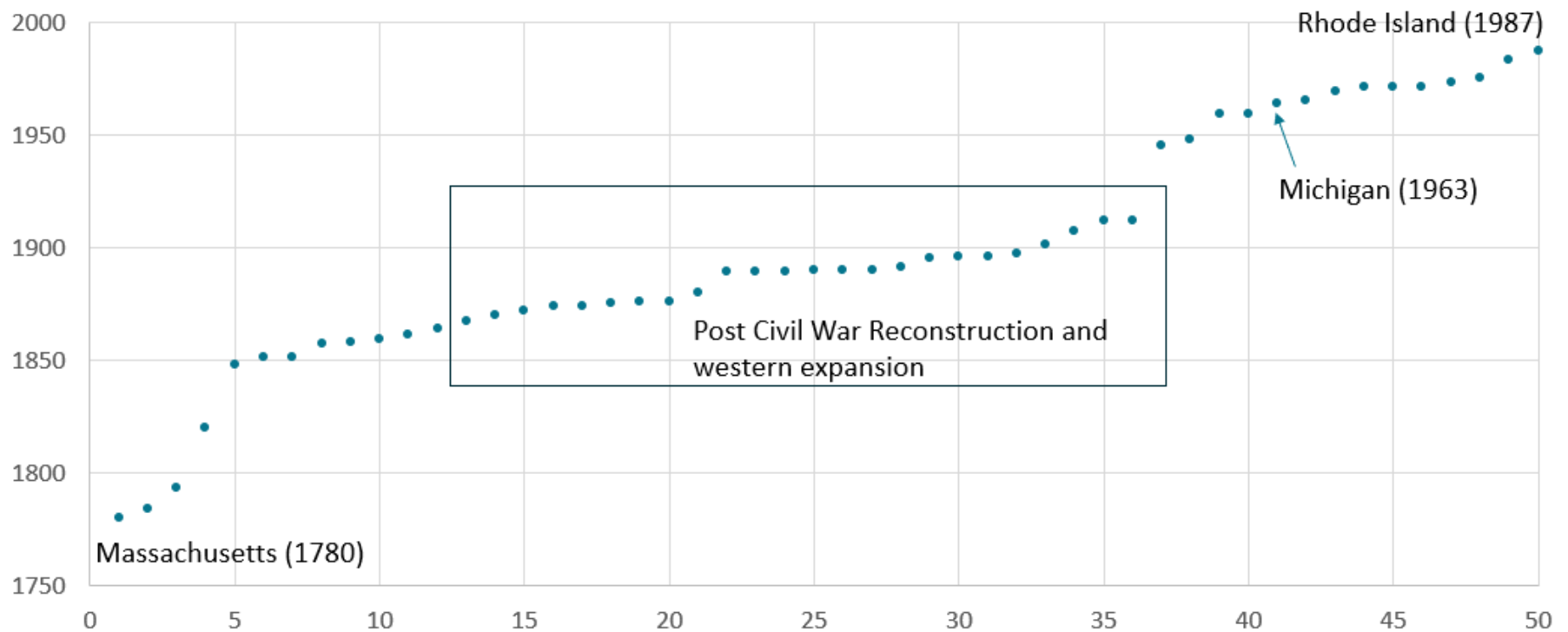
If Proposal 1 is Approved...

- 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 6, 2027
- Commence to draft new constitution
- Proposed constitution drafted by the con con will be submitted to voters for adoption

1963 Constitution

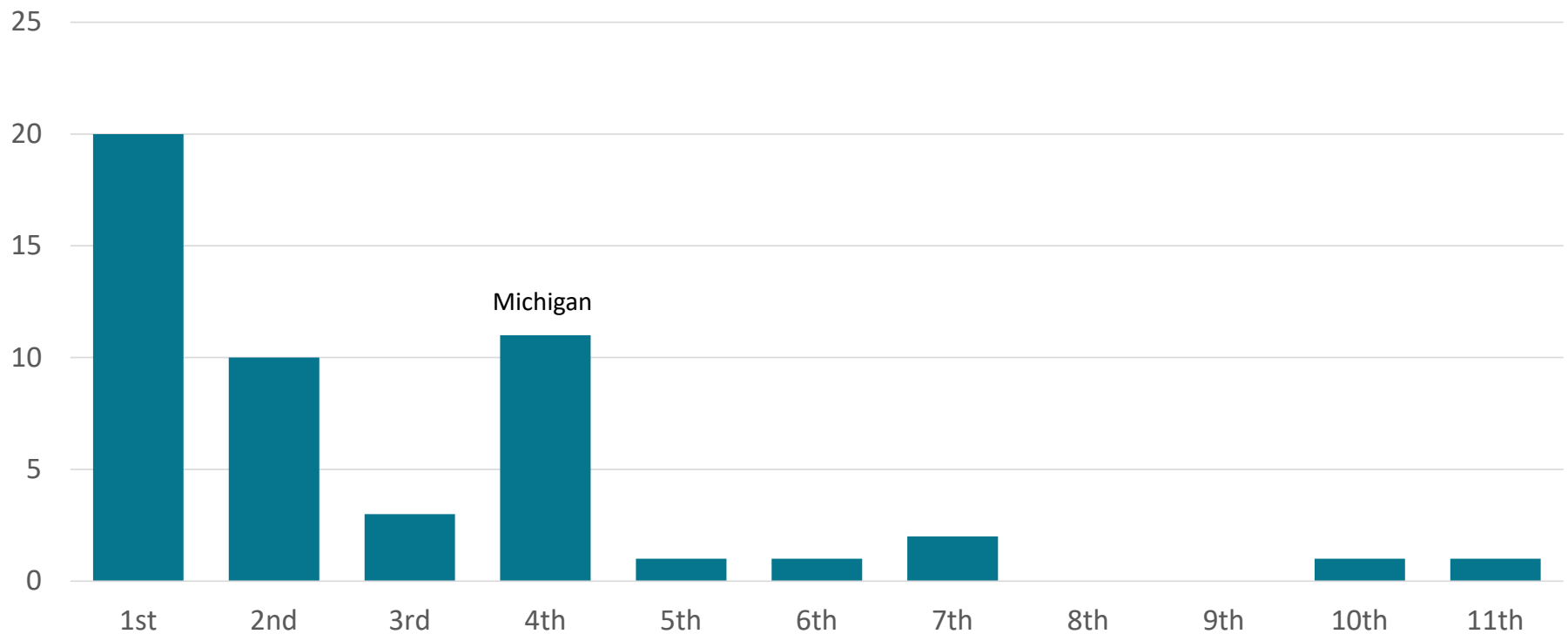
- Fourth Michigan Constitution
 - 1835
 - 1850
 - 1908
 - 1963
- Earlier questions to revise 1963 Constitution defeated
 - 1978 - 640,286 (23.3%) Yes to 2,112,549 (76.7%) No
 - 1994 - 777,779 (27.9%) Yes to 2,008,070 (72.1%) No
 - 2010 - 983,019 (33.4%) Yes to 1,960,573 (66.6%) No

Effective Date of State Constitutions



https://en.wikipedia.org/wiki/State_constitutions_in_the_United_States

Number of State Constitutions

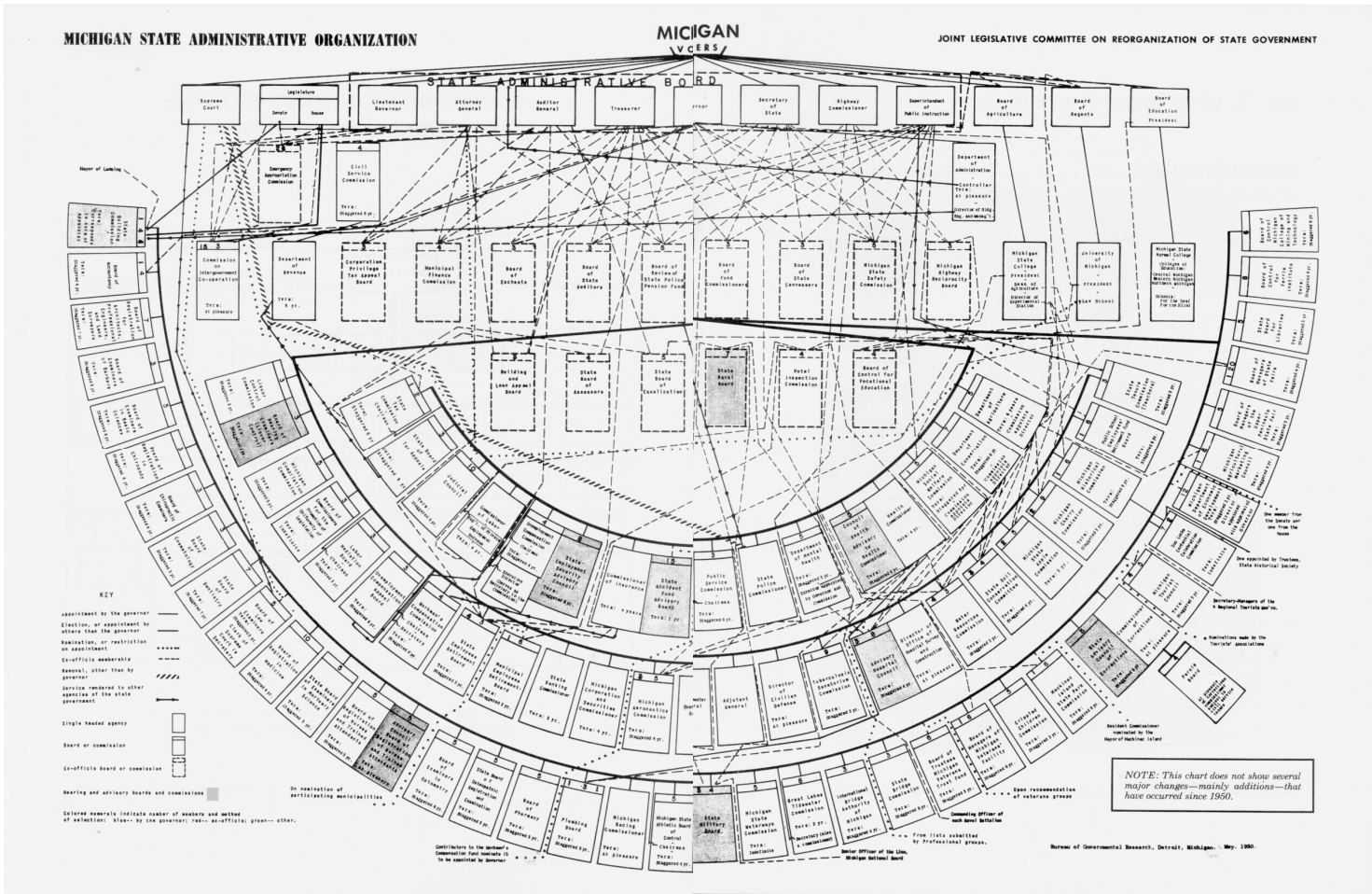


https://en.wikipedia.org/wiki/State_constitutions_in_the_United_States

The Atmosphere in 1961

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

State Administrative Organization



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
 - Excessive earmarking of revenues
 - Desire among some for a graduated income tax
- Property tax limitations

Amendments to 1963 Constitution

- Voters have adopted 44 (46%) of 98 proposed constitutional amendments
- Articles most frequently proposed for amendment
 - IX – Finance and Taxation
 - IV – Legislative Branch
- Followed by
 - I – Declaration of Rights
 - V – Executive Branch
 - VIII – Education
 - II – Elections
 - XI – Public Officers and Employment

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

The Tension of Drafting a State Constitution in Today's Environment

- Constitutions should not be elaborate documents
 - Relatively compact and economical in general arrangement and draftsmanship
 - Details should be avoided and matters appropriate for legislation should not be incorporated into the organic document
- Recent constitutional amendments
 - Statute lifted whole cloth and added to the constitution (see Art. IX, Sec. 35, 40, 42)
 - Amendments drafted with legislative-type content (see Art. I, Sec. 26, 27; Art. VI, Sec. 6)

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
 - reproductive rights
- Contested Issues
 - Equal Protection
 - Right to bear arms
 - Affirmative action
 - Reproductive freedom
 - Death penalty
 - Privacy

Article II – Elections

- Recent Amendments
 - Voting rights – early voting, “no reason” absentee, secure drop boxes, election audits
- Contested Issues
 - Proof of citizenship
 - Vote by mail
 - Board of canvassers
 - Recall
 - Initiative
 - Referendum

Article III – General Government

- Little controversy
 - designation of a state capital
 - separation of powers into three branches
 - Intergovernmental agreements
 - authorization for the governor and legislature to ask the opinion of the state supreme court on important questions of law
- ~~Contested Issues~~ Issues a Convention might Address
 - Michigan militia
 - Internal improvements

Article IV – Legislative Branch

- Recent Amendments
 - Legislative redistricting
- Issues a Convention might Address
 - Legislative structure – bicameral, number of legislators, part- or full-time
 - Legislative term limits – maintain? lifetime? how long?
 - Setting compensation of elected officials
 - Appropriation bills not subject to referendum

Article V – Executive Branch

- Issues a Convention might Address
 - Executive Reorganization Powers
 - Single vs. Plural Executive
 - Legislative Vacancies
 - Gubernatorial Succession
 - State Budget and Executive Orders

Article VI – Judicial Branch

- Issues a Convention might Address
 - Court organization
 - Selection of Justices and judges
 - Court rulemaking
 - Funding of lower courts
 - Judicial Tenure Commission

Article VII – Local Government

- Issues a Convention might Address
 - How many and what types of local governments
 - Independent election of county officers
 - Strengthen or eliminate home rule
 - Control of rights-of-way
 - Metropolitan authorities
 - Removal of elected officers

Article VIII – Education

- Issues a Convention might Address
 - Education as a “right”
 - Role of State Board of Education
 - 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.)

- Debt/Borrowing Provisions
 - State Limitations
 - School Bond Qualification and Loan Program
- 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

- Issues a Convention might Address
 - Eminent Domain
 - Disabilities of Coverture
 - Property Rights of Aliens

Article XI – Public Officers and Employment

- Issues a Convention might Address
 - Terms of office (state and county)
 - Collective bargaining and classified state civil service
 - Merit systems for local governments
 - Impeachment of civil officers
 - Ethics

Article XII – Amendment and Revision

- Issues a Convention might Address
 - Ease of placing amendments to state constitution on ballot
 - Ease of adopting constitution amendments
 - Specificity of constitutional revision process

Michigan Voters' Conundrum

- Michigan's malaise largely corresponds to our tenure under the 1963 Constitution
 - Is it causation or coincidence?
- The Michigan Constitution's biggest fault is the level of detail embedded into many sections
 - Details make it hard to adjust to changing economic, demographic, cultural conditions
- Returning the constitutional brevity
 - Would con-con delegates refrain from legislating?
 - Will voters be interested in a document with less specifics?
- Can constitutional reforms occur with so little trust in government?
- How do you rebuild trust in government when the constitution restricts legislative latitude?

Learn more and decide how you will vote

<https://crcmich.org/publications/2026con-con-2>

Citizens Research Council of Michigan

Publications are available at: www.crcmich.org

LinkedIn: www.linkedin.com/company/citizens-research-council-of-michigan

Facebook: www.facebook.com/crcmich

Substack: <https://crcmich.substack.com/>

X (Twitter): @crcmich

BlueSky: <https://bsky.app/profile/crcmich.bsky.social>



Providing Independent, Nonpartisan Public Policy Research Since 1916