



A New Michigan Constitution?

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2010 Con-Con Proposal

Will be Proposal 1 on the
November 2, 2010 statewide ballot

-Every 16 years the voters of Michigan are asked the question whether or not to hold a new Constitutional Convention

-It is a provision built into our State Constitution since the 1850

If defeated in 2010 the question will
automatically reappear

- 2026
- 2042
- 2058
- 2074
- 2090



**People of Michigan Have Adopted
Four Constitutions**

- 1835
- 1850
- 1908
- 1963



**Only one U.S. Constitution
during the past
222 years**



**1850 Constitution was the first to
provide that in 1866
and every 16 years thereafter the
question of calling a
Constitutional Convention be
submitted automatically to the electors**

14 States have an automatic question on calling a new Constitutional Convention in their State Constitution

5 states, including Michigan, will have the Con-Con question on the 2010 ballot

1963

Voters narrowly approved New Constitution


810,860 - Yes 50.2%

to

803,436 - No 49.8%

Statewide Recount Held

7,424 Vote Margin



1963 Constitution retained automatic question every 16 years on calling a new Constitutional Convention beginning in 1978

1978 Con-Con Proposal Question

Rejected by the voters

640,286 - Yes 23%

to

2,112,549 - No 77%



1994 Con-Con Proposal

Rejected by the voters

777,779 - Yes 28%

to

2,008,070 - No 72%



Since 1963:

- **31 Amendments have been adopted**
- **37 Proposed amendments rejected**



**If voters approve Proposal 1
Partisan election of 148 delegates to a
Constitutional Convention must be held
within six months**

- **One delegate from each State House District**
- **One delegate from each State Senate District**

**Partisan Primaries likely to be held
on February 22, 2011**

**Partisan General Election likely to
be held on May 3, 2011**

**Who would run as delegates to
the State Constitutional
Convention?**

-Timeline; just completed a Nov. 2010
general election

--Losing state house and senate
candidates?
--Term-limited legislators?
--Those who want to run for a
position in the Legislature in the
future?

The Michigan House of Representatives



Will any PACs or Political Parties have any money left over from the 2010 Election?

New Governor/Lt. Governor

New Secretary of State

New Attorney General

State Senate – 29 Term limited seats open

State House – 34 Term limited seats open

Two seats on the Supreme Court

Would delegate elections become nationalized?

Would out-of-state groups parachute into Michigan to help elect delegates favorable to their single



Would one or more billionaires fund

2011 Con-Con Delegate Elections?

Jon Stryker




Constitutional conventions in Michigan are unlimited in scope

Any proposed constitution or amendment approved by a majority of the delegates (elected and serving) shall be submitted to the voters not less than 90 days following adjournment of the convention at a time set by the convention

Length of Constitutional Conventions

| | Approximately |
|------|----------------------|
| 1835 | 1 ½ months |
| 1850 | 2 ½ months |
| 1867 | 3 months |
| 1873 | 2 months |
| 1907 | 4 ½ months |
| 1961 | 7 months |
| 2011 | 7 - 11 months? |



Cost of holding a Constitutional Convention was estimated in 1978 to be \$10 million

**Adjusted to 2011 CPI
\$45,000,000**

Con-Con 2011

**What could be the major issues?
Look at past Constitutional Issues
over the years**

- **State legislative and congressional district reapportionment – how to do it**
- **Direct gubernatorial appointment of all department directors eliminating commission or board appointment of directors of DNR, Agriculture, Education, Civil Rights and Civil Service**
- **An elected or an appointed judiciary**
- **Election or appointment of University of Michigan, Michigan State University and Wayne State University Governing Boards**


- **Expand or restrict abortion rights**
- **Term limits/part time Legislature**
- **Repeal of the State Officers Compensation Commission**
- **Removal of the prohibition on the death penalty**
- **Revisit the cap on the sales tax and the prohibition of a graduated income tax**
- **Revisit the Headlee tax limits and prohibition on new state mandates without state funding**

- **Eliminate the elected posts of Secretary of State and Attorney General and provide for direct gubernatorial appointment**
- **Restore affirmative action programs by state government and public universities**
- **Remove ban on same sex marriage**
- **Permit a physician-assisted suicide**

- **Provide for drug legalization**
- **Remove the prohibition on public aid to non-public education**
- **School funding and equity**
- **Gambling**
- **Right of Privacy**
- **Parental notification rights**
- **Recall**

**Restructuring of Local Government
and School Districts**

- **Public school district consolidation**
- **Elimination of township government**



**Biggest threat is not that a
Constitutional Convention
will become a three ring circus
controlled by the lunatic fringe
of the Left or Right, but rather. . .**



**That a Constitutional Convention
will be dominated by a
partisan agenda
cloaked with populist
selling points**

2008
Reform Michigan Government Now!
Stealth Petition Drive

Almost Made the Ballot

- **Had sufficient signatures**
- **Likely would have passed**

Heavy Dose of Populism

- **Cut legislative and executive pay by 25%**
- **End lifetime medical benefits for termed out lawmakers**
- **Cut judicial pay by 15%**
- **Would have ended revolving door of legislator to lobbyist – two year waiting period**



Amended 24 sections
Added 4 new sections
19,000 word proposal
Highway map-sized Petition

Mackinac Center
discovered a
Power point presentation on
UAW Region 1C Website

**GOVERNMENT REFORM
PROPOSAL**

*Changing the rules of politics in
Michigan to help Democrats*



Cut the size of the Supreme Court
from 7 to 5
Cut the size of the Court of Appeals
from 28 to 21

- **Cut the size of the State House from 110 to 82**
- **Cut the size of the State Senate from 38 to 28**
- **Change the rules of redistricting**
- **Provided for two redistrictings of the State Legislature: once in 2009 and again in 2011**





Citizens Protecting Michigan's Constitution

Coalition Consisting of:

Michigan Chamber, Michigan Health and Hospital Association, Michigan Association of Realtors, Michigan Restaurant Association, Meijer, Taubman Company, Michigan Bankers Association, Michigan Association of Home Builders, Detroit Regional Chamber, Michigan Farm Bureau, Grand Rapids Area Chamber, Michigan Oil & Gas Association, Holland Area Chamber

**Filed lawsuit at the
Court of Appeals asking
the Court to rule the
Proposal ballot ineligible**

**Principal Argument:
Proposal was not an
amendment, but rather a
general revision of the Constitution,
which can only be done by the calling
of a Constitutional Convention**

 **Court of Appeals** 
ruled the proposal ballot ineligible (3-0)
**State Supreme Court on
appeal sustained the decision
ruling it ballot ineligible (6 - 1)**

Polling on the 2010 Con-Con Question

Shall a convention of elected delegates be convened to draft a general revision of the State Constitution for presentation to the state's voters for their approval or rejection

Yes 41%

No 39%

State officials estimate that holding a Constitutional Convention would cost \$45 million

Knowing this, if the election were being held today how would you vote?

Yes 18%

No 75%

Michigan Townships Association opposes the concept of holding a new Constitutional Convention

We can be supportive of Constitutional Reform and Governmental Modernization without agreeing to the Free-for-all of a Convention



In Michigan, our Constitution can be changed one Amendment at a time through right-of-referendum
Legislative Action - 2/3 Vote
Initiative Petition - 10%

- 1) No compelling need**
- 2) Little public support**
- 3) Cost too high**
- 4) Emotional issues could likely dominate**
- 5) Legislature's power to place proposed constitutional amendments on the ballot should be used more often**
- 6) Constitution should not be cluttered with legislative detail**

Current Constitution is not perfect
Some Amendments are in order
but, it contains no fatal flaw requiring
calling a New Convention

**Groups in support of calling
a Con-Con:**

**Energize Michigan
Citizens for Michigan
Detroit Free Press Editorial Page
Oakland Press Editorial Page**

**Groups in opposition to calling
a Con-Con:**

**-Michigan Townships Association
-Michigan Chamber of Commerce
-Detroit Regional Chamber or
Commerce
-Michigan Farm Bureau
-Michigan Education Association
-Detroit News Editorial Page**
