

# Should Michigan Voters Call a Constitutional Convention in 2026?

Proposal 2026-01

Eric Lupher, President

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

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# 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

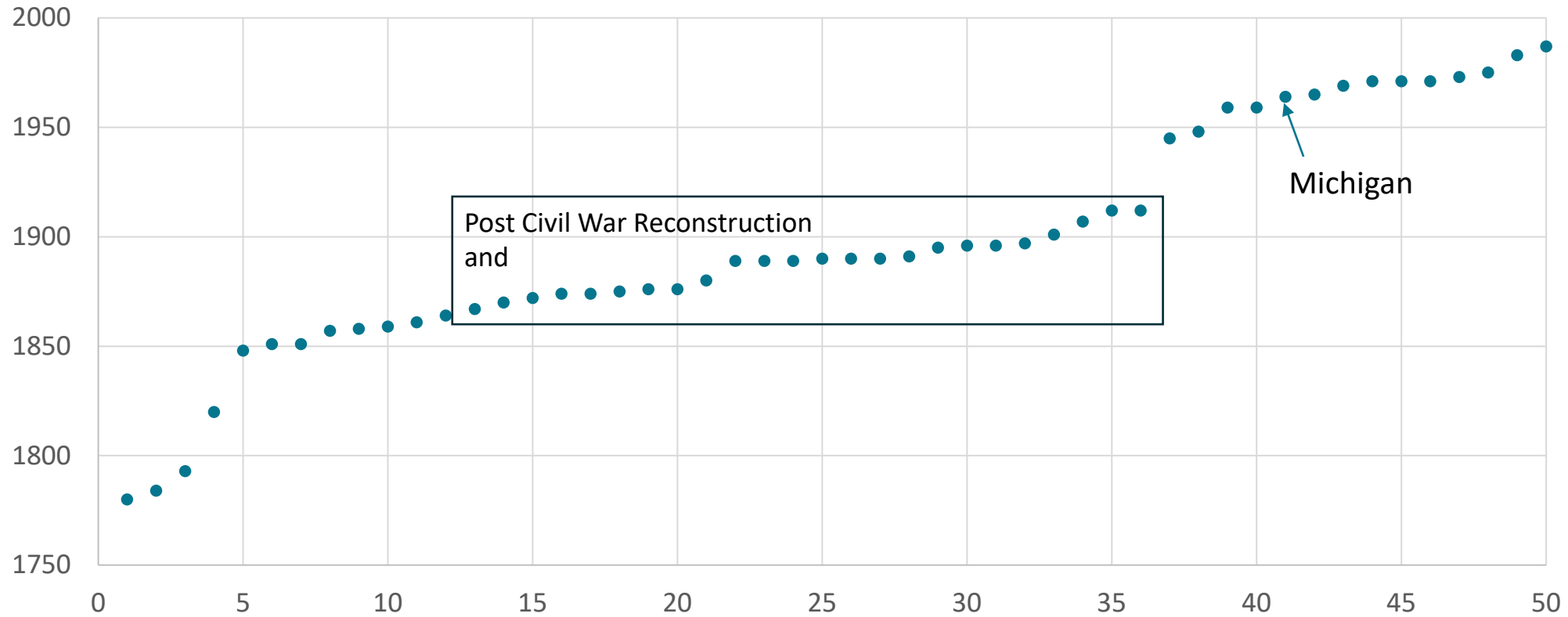
# If Proposal 1 is Approved...

- 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

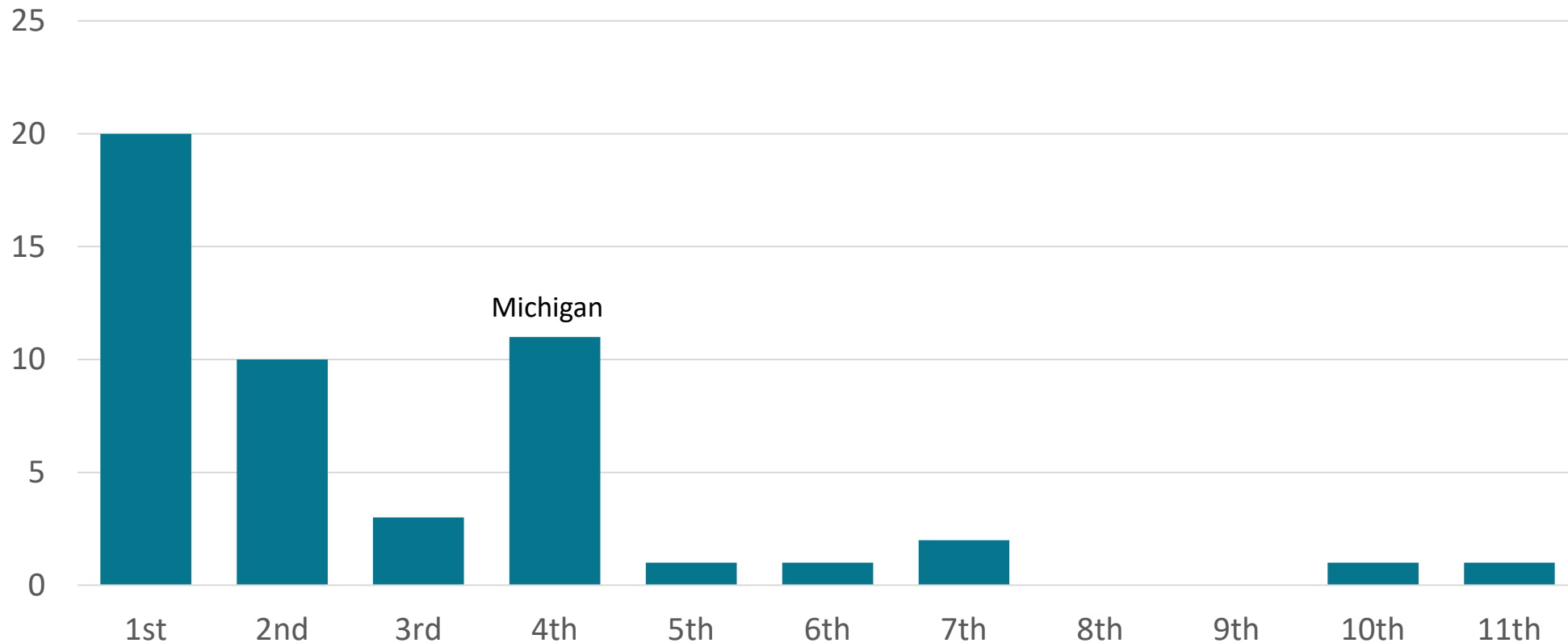
- Fourth Michigan Constitution
  - 1835
  - 1850
  - 1908
  - 1963
- Earlier questions to revise 1963 Constitution defeated
  - 1978 - 640,286 (23.3%) Yes to 2,112,549 (76.7%) No
  - 1994 - 777,779 (27.9%) Yes to 2,008,070 (72.1%) No
  - 2010 - 983,019 (33.4%) Yes to 1,960,573 (66.6%) No

# Effective Date of State Constitutions



[https://en.wikipedia.org/wiki/State\\_constitutions\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/State_constitutions_in_the_United_States)

# Number of State Constitutions

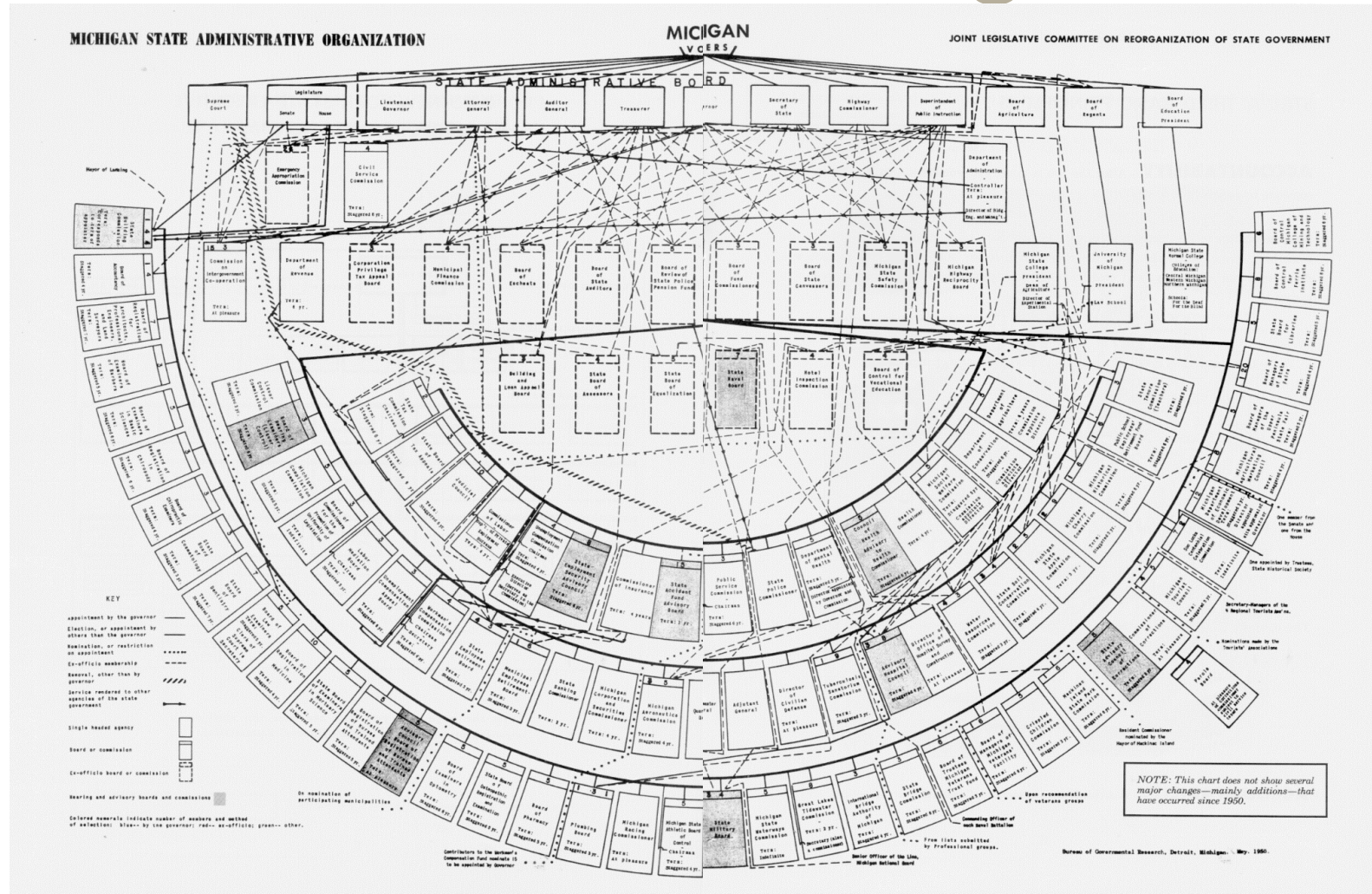


[https://en.wikipedia.org/wiki/State\\_constitutions\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/State_constitutions_in_the_United_States)

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

# Amendments to 1963 Constitution

- Adopted 45 (46%) of 98 proposals
- 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"

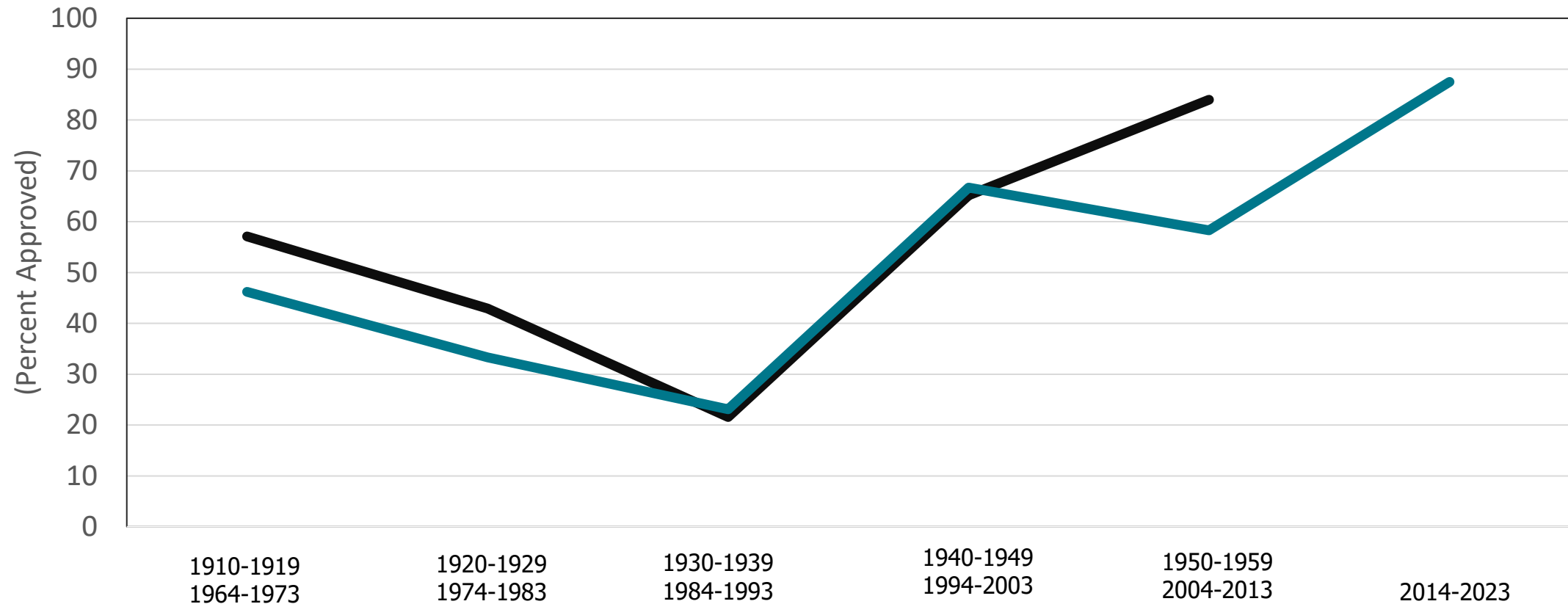
- Headlee Amendment
- Proposal A of 1994

### 3. Social Agendas

- Same sex marriage
- Affirmative action

# Amendments to 1963 Constitution

*Approval Rate by Decade (1910-2023)*



# 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
  - Role of State Board of Education
  - Role and Selection of Superintendent of Public Instruction
  - Education as a “right”
  - 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 Loan Fund
- 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

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

# 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

# Other Issues

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

# Other Issues

- Prolonged Budgeting Processes
- Two-year budgets

# Learn more and decide how you will vote

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

# Citizens Research Council of Michigan

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