



# 1963 Michigan State Constitution

## I. History

The Michigan State Constitution is Michigan's fourth constitution. It was drafted during the 1961-1962 Constitutional Convention, and approved by voters in 1963. According to the 1963 Constitution, Michiganders hold a Constitutional referendum every 16 years, the next scheduled for November 2010.

The document which resulted from the 1963 convention was narrowly ratified by the Michigan electorate, winning by a margin of less than 7,500 votes and surviving a statewide recount.<sup>1</sup> The quality of the 1963 constitution has since been legitimized by two overwhelming "No" votes calling for new Conventions in 1978 and again in 1994 (defeated by 70% and 72% margins respectively).

## II. Summary

Michiganders seem relatively satisfied with the constitution which resulted from 1963 Constitutional Convention. Con Con referendums were soundly defeated in 1978 and 1994 and, with the only united front belonging to those opposed, will probably be defeated again in 2010. Criticisms of the political system are vague and single-issue oriented, leading many observers to comment that the best way to reform the system is from within the system via the amendment process.

## III. Popularity

As was the case in 1978 and 1994, the Michigan Chamber of Commerce has pledged to lead the fight to defend the product of the 1963 Constitutional Convention. In an opinion piece published online, MCOC President & CEO Richard K. Studley wrote "Our current state constitution has served Michigan citizens well. Although not perfect, it contains no fatal flaw and should be retained."<sup>2</sup>

Defenders of the 1963 Constitution appear to be united by this language. A June 2, 2009 Op-Ed in the *Times Herald* argued "While the Michigan Constitution is not perfect, there is no fatal flaw that would necessitate an open-ended convention to rewrite the entire document."<sup>3</sup>

A common talking point among those in favor of keeping the 1963 Constitution (a broad coalition made up by the MCOC, the Michigan Education Association, and both right and left wing bloggers) is to describe how "constitutional conventions in Michigan are unlimited in scope" and are liable to unleash controversial reforms like (according both to Studley's essay and the MCOC's official website):

- Abortion rights.

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<sup>1</sup> "A Ballot Question on Whether to Convene a Constitutional Convention." Mlchchamber.com. 2007. Michigan Chamber of Commerce. 23 June 2009  
<<http://www.michamber.com/mx/hm.asp?id=concon>>.

<sup>2</sup> Studley, Richard K. "Not so Fast on a CON-CON." 20 Mar. 2009. The Center for Michigan. 23 June 2009  
<<http://www.thecenterformichigan.net/blog/guest-column-no-so-fast-on-a-con-con/>>.

<sup>3</sup> Dionne, Rick. "Last thing State Needs is Constitutional Convention." Letter. *Times Herald* 2 June 2009 [Port Huron, Michigan] . 23 June 2009  
<<http://www.thetimesherald.com/apps/pbcs.dll/article?AID=/20090602/OPINION03/906020317>>.

- Elimination of township government.
- Permit physician-assisted suicide.
- Provide for drug legalization.
- Remove ban on same sex marriage.
- Remove the prohibition on public aid to non public education.
- Removal of the prohibition on the death penalty.

That COC article makes two other points against holding a CON CON to rewrite the 1963 Constitution. First is cost. Since the state would be responsible for providing for the election of delegates, it could cost the recession battered State of Michigan \$45-\$50 million. Second, curiously, is the ease with which the current constitution can be amended:

*“Since 1963, there have been 31 amendments adopted and 37 proposed amendments rejected. These statistics demonstrate that citizens of Michigan are extremely active and have the opportunity to amend the constitution when needed. We believe that at this time, the single issue discussion is still appropriate and an open ended debate about rewriting the entire document would not be beneficial.”*

#### **IV. Key Features**

The 1963 Michigan Constitutional Convention was called to carry out several fundamental political reforms. Among these there were lengthening the term for governor and state senator from two to four years, establishing an automatic referendum on future Con Cons every 16 years, and for providing a means to amend the constitution via ballot initiative. Article XII, Section 2 of the Michigan Constitution states:

*“Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected”.*

Another important political reform dealt with reapportionment--the process by which every ten years, after each census, boundaries to the state's political districts are redrawn to reflect population shifts which occurred over the past decade. As discussed by delegate Dr. John Hannah, the Chairman of the Legislative Organization Committee,

*“...It is totally unrealistic to expect the legislature could reapportion itself. The Michigan legislature has failed, the legislature of other states have pretty generally failed. And you've seen recently in this state the anguishing throes of the legislature has been going through just trying to come up with just one new congressional district. So our committee decided that...there should be a reapportionment commission provided for in the constitution with the responsibility [to] actually reapportion the seats in the senate and in the House of Representatives.”<sup>4</sup>*

#### **V. Criticisms**

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<sup>4</sup> Michigan Can Lead the Way. Wayne State University, MSU, 1963.  
<http://www.vimeo.com/groups/10240/videos/2563977>

A quip buried in a March 2009 essay appearing on the Center for Michigan website was very much representative of the level of enthusiasm and intellectual depth in favor for rewriting the 1963 Constitution when it said: "Like a 1963 car, the Michigan Constitution needs a tune-up."<sup>5</sup>

Unlike the 1970 Illinois Constitution, the Michigan Constitution is not generally regarded as a model. A common criticism appears to be Michigan's disunited plural executive branch which, like California, promotes political infighting among the state's top leaders. However, criticisms of the Michigan state government--as well as the rationale behind the Con Con--are relatively muted and vague. This gives the immediate impression that the push to rewrite the 1963 Constitution is more of a reactionary response to Michigan's troubled economic fortunes rather than a rational response to its political system.

That said, serious criticisms have been levied towards the amendment process, which critics decry as far too easy and has resulted in, among other things, a legislature of perpetual novices (a result of strict term limits amendment) in charge of a state government increasingly incapable of decision making (a result of budgetary straight-jacketing by interest group driven amendments).

According to one Michigan legal expert:

*"Even worse, term limits have largely destroyed the power and effectiveness of the legislature. Last week the Democrats chose a Speaker of the House. The candidate who won has been in the legislature for only two years, and has to be gone in four more. He defeated a man who has been there four years and will be gone forever in two more. There is no institutional memory and little experiential knowledge. The people who run the place are bureaucrats and lobbyists. Face it: When we need a statewide vote on whether to spend park funds on the parks, the system isn't working."*<sup>6</sup>

## VI. Key Lessons

- Emphasize the value of representative-yet-cost-effective non-elected delegations.
- Stress the relative quality of the product produced by other citizen-run conventions.
- Establish clear legal limitations to California Con Con, communicate them effectively.
- Reexamine the plural executive.
- Reexamine term limits

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<sup>5</sup> Bebow, John. "Time for a Con-Con??" 4 Mar. 2009. The Center for Michigan. 23 June 2009.  
<http://www.thecenterformichigan.net/blog/time-for-a-con-con/>

<sup>6</sup> Fino, Susan. Interview. Jack Lessenberry Essays and Interviews. NPR. 11 Nov. 2006. 25 June 2009  
<[http://jackshow.blogs.com/jack/2006/11/interview\\_susan.html](http://jackshow.blogs.com/jack/2006/11/interview_susan.html)>.