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BALLOT PROPOSAL 10-1

An Overview

Prepared by  
Julie Cassidy,  
Legislative Analyst  
and  
Joe Carrasco,  
Fiscal Analyst

Gary S. Olson, Director

Phone (517) 373-2768  
TDD (517) 373-0543

<http://www.senate.michigan.gov/sfa>





Article XII, Section 3 of the State Constitution requires the question of a general revision of the Constitution to be submitted to the voters every 16 years, or at times as provided by law. The question was last on the ballot in 1994, and it will once again be before the voters on November 2, 2010. The proposal will appear on the ballot as follows:

**Proposal 10-1**

**A PROPOSAL TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF DRAFTING A GENERAL REVISION OF THE STATE CONSTITUTION**

*Shall a convention of elected delegates be convened in 2011 to draft a general revision of the State Constitution for presentation to the state's voters for their approval or rejection?*

**Constitutional Convention**

If the electors in November vote in favor of calling a convention, within six months after the proposal is certified as approved, a partisan election must be held to choose a delegate from each senatorial district and each representative district (148 total); and the delegates will have to convene in Lansing on the first Tuesday in October 2011, or earlier if provided by law.

The convention may change the existing Constitution in any way it sees fit; it could completely revise the document, submit specific amendments, or do nothing. The convention also may alter or delete any ballot proposal to amend the Constitution that the voters approve in the November 2010 election.

Any proposed constitution or amendments adopted by the convention must be submitted to the voters in a manner and at a time provided by the convention, but at least 90 days after final adjournment of the convention. If approved, the constitution or amendments will take effect as provided by the convention.

If voters on November 2, 2010, reject the calling of a convention, the question will appear on the ballot again in 2026.

**Fiscal Impact**

If the voters were to approve Proposal 10-1, the combined costs of holding a convention, and related election expenses, could exceed \$45.0 million. Costs for holding the 1961-62 convention, which lasted seven and one-half months, totaled \$2.0 million (\$1,080,000 for delegate salaries; \$920,000 for rent, printing, employees, etc.). Based on the level of inflation from 1962 through 2008 (685.7%), the cost of holding a convention today would be approximately \$13.7 million. In addition, the process could involve three statewide elections: one for a primary to select delegates to the convention; one for a general election to elect delegates; and an election to ratify any document the convention produced. (For the current Constitution, primary and general elections were held to select delegates in 1961 and a ratification election was held in 1963.) According to the Bureau of Elections at the Department of State, a statewide election costs approximately \$2,000 per voting precinct and there are 5,200 precincts in Michigan. The estimated cost per election is \$10.4 million. Thus, if the process required three elections (that is, if none were held concurrently with other scheduled elections), election expenditures could exceed \$31.2 million.

## **Background**

The constitutional convention requirement has a long history in Michigan, having first appeared in the 1850 Constitution. The 1850 document remained in effect until a convention was called in 1907, resulting in adoption of the 1908 Constitution. Ballot proposals to call a constitutional convention failed in 1926, 1942, 1948, and 1958, even though the latter two elections resulted in more "yes" votes than "no" votes. Though the 1948 and 1958 ballot questions showed that a majority of those voting on the question favored a new convention, a convention was not called because the 1908 Constitution contained a requirement that, to call a convention, a majority of those voting *at the election* vote "yes". (That is, many people who voted at the election apparently did not vote on the convention question.)

In 1960, a citizen initiative placed on the ballot a proposed constitutional amendment to require a convention if a majority of those voting *on the question* voted in favor. The amendment was passed in November 1960 and, as required in the amendment, the question of calling a convention was placed before the voters the following April. The question was approved and a constitutional convention was convened on October 3, 1961. That convention produced Michigan's present Constitution, which was approved by the voters on April 1, 1963. Voters defeated the constitutional convention question on the 1978 and 1994 ballots.