



## 2010 Constitutional Convention Ballot Question

**RECOMMENDATION:** The Grand Rapids Area Chamber of Commerce urges a NO vote on the question of convening a constitutional convention that will appear on the November 2, 2010 ballot.

**RECOMMENDED BY:** The State Legislative Council

*Meg Goebel*– Chair, State Legislative Council, Paul Goebel Group; *Tom Bylenga*– Star Truck Rentals; *Troy Cumings*– Warner Norcross & Judd; *Jeanne Englehart*– Grand Rapids Area Chamber of Commerce; *Donna Ewigleben*– Ferris State University; *Bryan Harrison*– Amway; *Hugh Hufnagel*– Next Hill Consulting; *Karen McCarthy* – Consumers Energy; *Matt McLogan* – Grand Valley State University; *Wayne Robert* – Dykema Gossett; *Bob Roth*– RoMan Manufacturing; *John Weiss*– Design Plus; *Larry Williamson*– Comcast

**BACKGROUND:** On the November 2, 2010 ballot, Michigan voters will be asked to decide whether to call a new constitutional convention (Con-Con) for the State of Michigan. The ballot proposal will automatically appear due to the constitutional requirement that this question be placed before voters every 16 years. The Con-Con question will be Proposal 10-1.

There have been two calls for a constitutional convention under the current Michigan constitution. In 1978, the question went before voters for the first time since the adoption of the 1963 constitution. Michigan voters defeated the call by a 70% to 30% margin and again in 1994 by a 72% to 28% margin.

If a majority of voters approve the question in 2010, one-hundred-forty-eight partisan delegates would be elected, one from every State House and Senate district, within six months. A primary election would be held February 22, 2011 and general elections would be held May 3, 2011. Both election dates have historically low voter turnouts. These 148 delegates would then convene in Lansing by October 4, 2011. The convention could be expected to last until July 2012.

A proposed new constitution that is approved by a majority of the delegates may not be placed on the ballot earlier than 90 days following the adjournment of the convention. Voters then have the opportunity to pass or reject the new constitution. If rejected, the current constitution remains in effect.

Constitutional conventions in Michigan are unlimited in scope. Delegates can propose a completely new constitution or offer specific amendments.

Any issue may be debated, but a convention could be expected to deliberate on issues such as:

- An elected or an appointed judiciary
- Abortion rights
- Term limits
- Unicameral Legislature
- Prohibition on the death penalty
- Cap on the sales tax
- Prohibition of a graduated income tax
- Headlee tax limits
- Public school district consolidation
- Local government structure
- Same sex marriage
- Physician-assisted suicide
- Drug legalization
- Prohibition on public aid to non-public education
- School funding and equity
- The elected posts of Secretary of State and Attorney General and provide for direct gubernatorial appointment

Over the years, the people of Michigan have adopted four state constitutions, in 1835, 1850, 1908 and most recently in 1963. Voters rejected two (1867 and 1873) and failed to approve the calling of a convention eleven times.

Only 10 states have revised and adopted a greater number of state constitutions. Michigan was one of 13 states to revise their state constitution between 1948 and 1975. Only two states have gone through the revision exercise in the years since.

Since 1963, the Michigan constitution has been amended 31 times, while 37 proposed amendments have been rejected by voters. Only nine of the 31 amendments were a result of petition drives. Twenty-one of the 37 proposed amendments rejected by the voters were placed on the ballot by petition.

The cost of conducting a constitutional convention and the special election of delegates is estimated at \$45 million by the Senate Fiscal Agency. These appropriations would be enacted by the state legislature and there is no way of knowing what the level of compensation for delegates may be.

**POSITION AND RATIONALE:** The Grand Rapids Area Chamber of Commerce urges a NO vote on the question of convening a constitutional convention that will appear on the November 2, 2010 election ballot.

The Chamber opposes the Con-Con ballot question for the following reasons:

- The current constitution is not the problem with Michigan government. The majority of the problems in Lansing reflect the failures of political leadership, not the constitution. The risk of unintended consequences in a rewriting of the constitution certainly exists. It is our belief that the Michigan constitution is a sound document and that a convention may do more harm than good.

Further, the state's constitution should not be used to legislate. A long-standing position of the Chamber has been that policy matters should be weighed by the legislature and that the legislative process should not be circumvented. Frustration with our elected officials is not reason enough to support the call for a convention.

- Adequate mechanisms exist to amend the constitutions. Amendments, where deemed appropriate by the electors, can best be achieved on an issue-by-issue basis rather than through a complete revision.

Constitutional amendments should be used with sound cause. Study of these amendments on their merits is necessary to avoid disastrous unintended consequences. For passage of a new constitution, without proper study and in a short timeframe, may lead to unintended consequences.

- There are number of strong provisions in the current document. Provisions such as the Headlee tax limits and prohibition on new state mandates without state funding.
- Cost of holding a convention. Given the ongoing billion dollar deficits facing the state each year, the estimated \$45 million cost of a convention will have an impact on the services state government provides.

**OPPONENTS' POSITION AND RATIONALE:** Proponents of the ballot question argue that after years of discussion regarding the problems facing Michigan, the only means by which to force action is to do away with the current constitution. Given the shift toward a service-based economy and in order to raise the funds to provide government services, a restructuring is necessary. Further, they assert knowledgeable, thoughtful, active and responsible Michiganders from around the state would come forward to serve as delegates.

In 2006, the organization Citizens for Michigan completed a four-year review of the current constitution and made 62 specific recommendations to change the constitution. The group urges approval for a Con-Con believing there are too many changes to be done one at a time and that the cost of holding a convention is a worthwhile investment to make.

**RESPONSE:** The Grand Rapids Area Chamber of Commerce does not believe the constitution is a perfect document. However, in general there is no overriding fault in the constitution that warrants a complete rewrite. The Chamber strongly believes the status quo in Michigan must change. It shares the frustration of members and the public with the inaction by the State of Michigan to enact meaningful reform to eliminate the structural deficit and create an environment that promotes economic success.

Still, no compelling argument has been made to justify the uncertainty caused by having a legislature and a convention meeting at the same time during a continued fiscal crisis, the cost and the opportunity for single-issue special interest groups to use the convention as a vehicle to advance their agenda.

Certainty is a vitally important ingredient for business success. It creates a foundation for growth and encourages long-term investment in our state. A convention will create more uncertainty in Michigan for another two to three years at a time when we cannot afford it.

As an alternative to a constitutional convention the Chamber is supportive of constitutional reform. Constitutional change can come about amendment by amendment through existing mechanisms. The Chamber does believe there are needed amendments to the constitution, such as term limit reform and move the state budget deadline to July 30.

**ADVOCACY:** The Grand Rapids Area Chamber of Commerce will communicate its position to members, the community-at-large, the West Michigan Chamber Coalition and the statewide business community. Furthermore, the Chamber will participate in a coalition of organizations opposed to the 2010 constitutional convention ballot question.