

**MICHIGAN TOWNSHIPS  
ASSOCIATION  
SUMMER CONFERENCE**

Robert S. LaBrant  
Senior Vice President & General Counsel  
Michigan Chamber of Commerce

If defeated in 2010  
the question will  
automatically reappear

2026  
2042  
2058  
2074  
2090

2010 Con-Con Proposal

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

People of Michigan  
Have Adopted  
Four Constitutions

1835  
1850  
1908  
1963

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

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**

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

**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**

**1978 Con-Con Proposal Question**

**Rejected by the voters**  
**640,286 - Yes 23%**  
**to**  
**2,112,549 - No 77%**

**1963**  
**Voters narrowly approved**  
**New Constitution**  
**810,860 - Yes 50.2%**  
**to**  
**803,436 - No 49.8%**  
**Statewide Recount Held**  
**7,424 Vote Margin**

**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

Would delegate elections become nationalized?

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

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

Would one or more billionaires fund  
2011 Con-Con Delegate Elections?

Jon Stryker

George Soros

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

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

### Con-Con 2011

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

### 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?

- 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

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

Adjusted to 2011 CPI  
\$45,000,000

- 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**

**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 . . .

- **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**

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

**Restructuring of Local Government  
and School Districts**

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

**2008**

**Reform Michigan Government Now!**  
**Stealth Petition Drive**

**Almost Made the Ballot**

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

**Mackinac Center**

**discovered a  
Power point presentation on  
UAW Region 1C Website**

**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**

**GOVERNMENT  
REFORM PROPOSAL**

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

**Amended 24 sections**

**Added 4 new sections**

**19,000 word proposal**

**Highway map-sized Petition**

**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**

**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

**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

**Court of Appeals**

ruled the proposal ballot ineligible (3-0)

**State Supreme Court on**

appeal sustained the decision

ruling it ballot ineligible (6 - 1)

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

**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%

- 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

Michigan Chamber Board Policy  
on the 2010 Con-Con Vote:

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

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

Constitution can be changed one Amendment at a time  
Legislative Action - 2/3 Vote  
Initiative Petition - 10%

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 Township Association  
Michigan Chamber of Commerce  
Michigan Education Association  
Detroit News Editorial Page**