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PROTECTING MICHIGAN'S CONSTITUTION: NO ON PROPOSAL 1

The financial impact of a constitutional convention on the state budget... only presents additional threats to, and concerns for, the state's social safety net.

Michigan Catholic Conference Board of Directors
September, 2009

Every sixteen years voters in Michigan are asked on the November general election ballot if the state should conduct a constitutional convention the following year. The question is mandated by the Michigan Constitution of 1963, which represents the last time voters approved a new state constitution. On two previous occasions—in 1978 and 1994—the question was overwhelmingly defeated.

The purpose of a constitutional convention ballot question is to determine whether or not voters believe the current state constitution provides a sufficient framework for the operation of state government—or if it is antiquated and requires revision. Voters will answer that question this November as Proposal 1 asks if Michigan should convene a constitutional convention in 2011.

There are two possible outcomes for Proposal 1: if it is rejected, nothing will change and Michigan will continue to function according to the 1963 document. If the proposal passes, residents of the state will witness a monumental constitutional exercise that will cost the state approximately \$50 million and require some 18 to 30 months to complete. Primary and general elections must be held

within six months to elect partisan delegates from each of the 110 state House districts and 38 Senate districts. These 148 individuals would then convene in Lansing beginning October 2011 and would be responsible for drafting a revised state constitution that, once complete, would be presented to voters for approval or rejection. The convention, according to the current state constitution, would meet for as long as deemed necessary; delegates would be reimbursed for their time and travel, and would also be allowed to hire officers, employees and assistants to aid in the work that accompanies a “con-con.”

After evaluating the pros and cons of a constitutional convention, the Michigan Catholic Conference Board of Directors determined that the near \$50 million cost of the convention would only present additional hardships for a state budget that is already in dire straits. State programs that provide necessary aid to the most vulnerable and destitute among us have experienced painful budget cuts in recent years, and any additional funding cuts would only further harm the health and safety of the state’s poor population that has suffered greatly throughout this decade’s recession.

QUESTIONS AND ANSWERS



How did Proposal 1 make it to the ballot?

According to Article XII, Section 3 of the Michigan Constitution of 1963, voters must be asked every sixteen years whether or not the state should conduct a constitutional convention the following year. The question was last asked of voters in 1994, when the question was defeated with 72 percent opposition. Prior to 1994, the question was asked of voters in 1978, when it was defeated with 77 percent opposition. Proposal 1 of 2010 will be on November's general election ballot.



Is the current state constitution flawed?

The Michigan Constitution is not a perfect document. The Catholic bishops of Michigan have specifically cited its arcane and arguably discriminatory language pertaining to non-public education. Constitutional change pertaining to this topic is important and necessary. However, the current state constitution already allows a mechanism for amending the document. In fact, the Michigan Constitution of 1963 has been amended 31 times. Amending the constitution issue-by-issue is a far more direct and transparent way of instituting change than making wholesale changes and having voters accept or reject the entire constitution in an up or down vote.



How would the cost of a constitutional convention impact policy?

It is anticipated that electing partisan delegates and convening a constitutional convention would cost Michigan taxpayers \$45–\$50 million. Those funds would come from the state's general fund, which is responsible for the operation of state government as well as funding higher education, roads and public safety. As Michigan faces another year of tremendous budgetary shortfalls, the state needs every dollar available to fund necessary programs and services. Transferring up to \$50 million for the purpose of a constitutional convention would drain funds from other state programs such as those that provide assistance to the poor and vulnerable population of Michigan. These programs have already experienced significant budget cuts throughout the current recession and can ill-afford additional cuts.



Why not just start all over with a new constitution?

Starting all over would be potentially disastrous for Michigan at a time when the state is among the national leaders in unemployment, mortgage foreclosure, and loss of jobs. The state needs effective solutions and competent leadership sooner rather than later if people are to return to work and stabilize their lives. A constitutional convention could take anywhere from 18–30 months to finish its work, and there is no assurance that voters would approve the delegates' draft constitution. If a draft constitution were to be rejected, the state will have lost considerable time that could have been utilized more effectively by allowing the Legislature to perform its constitutional duties. This is not a time to wait. Michigan needs help now.



Would amendments be more difficult under a new constitution?

They very well may be. A new constitution could increase current requirements and make the process of amending the constitution, or initiating legislation or referenda, more difficult in the future. By way of history, the Catholic Church in Michigan has a strong record of participating in the referendum process: Michigan's ban on Medicaid funding of abortion; the state's prohibition on taxing food and prescription drugs; defining marriage as between one man and one woman; overturning Governor Granholm's veto of legislation that sought to outlaw partial-birth abortion; and requiring parental consent for abortions performed on minors were all enacted with the Church's assistance through the referendum process.



What issues would the constitutional convention address?

Delegates elected to participate in the constitutional convention would be responsible for rewriting the current state constitution in its entirety. That means everything from elections to social issues, taxation and the composition of state and local government, would be debated by convention delegates. Many of the divisive and contentious issues that have already been settled by voters would undoubtedly resurface and extend the life of the convention. While the state is suffering as it is, this is no time for partisan delegates to debate issues that voters have only recently settled.

S REGARDING PROPOSAL 1

“Michigan’s current constitution is not a perfect document. Amendments are in order, especially in the area of state aid to non-public schools. The financial impact of a constitutional convention on the state budget, however, only presents additional threats to, and concerns for, the state’s social safety net. Michigan Catholic Conference does not support the call for a constitutional convention in 2010.”

**MCC Board of Directors Statement
of Opposition to Proposal 1**



How would a constitutional convention affect the legislature?

It is highly unlikely major policy decisions will be made by the Legislature knowing the constitutional convention could later debate and alter the same policy it had just settled. The abysmal state of Michigan’s economy is well known to all. Placing the Legislature on hold for a period of two or more years while the convention completes its work does nothing to address the problems Michigan is facing today. The new governor and new legislators elected this November deserve the opportunity to govern and try to turn Michigan around. They should be allowed to perform the duties of their office without having to worry about a constitutional convention meeting just blocks from the State Capitol.



Who supports a constitutional convention?

At the time of this publication, there has been little public support for a constitutional convention. However, those who support the passage of Proposal 1 have argued that matters of taxation could be addressed by delegates, despite the fact that such issues could be placed on a statewide ballot by the Legislature—as it did with Proposal A of 1994 (which reconstructed how Michigan funds public education through the state sales tax.) Some proponents of a “con-con” also want to use the convention as an opportunity to eliminate Michigan’s marriage protection amendment that defines marriage as between one man and one woman.



Who Opposes Proposal 1?

Citizens Protecting Michigan’s Constitution, which is the official ballot question committee opposed to Proposal 1, includes numerous statewide business, education, health care, labor, and local government organizations, including:

- Associated Builders and Contractors of Michigan
- Business Leaders for Michigan
- Detroit Regional Chamber of Commerce
- Grand Rapids Area Chamber of Commerce
- Michigan Association of Realtors
- Michigan Association of Retired School Personnel
- Michigan Business and Professional Organization
- Michigan Catholic Conference
- Michigan Chamber of Commerce
- Michigan Education Association
- Michigan Farm Bureau
- Michigan Health and Hospital Association
- Michigan Nurses Association
- Michigan Retailers Association
- Michigan State AFL-CIO
- Michigan State Medical Society
- Michigan Townships Association
- National Federation of Independent Businesses
- Presidents Council, State Universities of Michigan
- Small Business Association of Michigan

THE OFFICIAL BALLOT WORDING FOR PROPOSAL 1 READS:

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?

Yes No

A majority "yes" vote will convene a constitutional convention in Michigan beginning 2011 that will be responsible for drafting a revised State Constitution that later must be ratified by voters at a statewide general election.

A majority "no" vote will defeat this proposal and the current 1963 Michigan Constitution will continue to guide the state.

VOTE NO ON PROPOSAL 1!

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