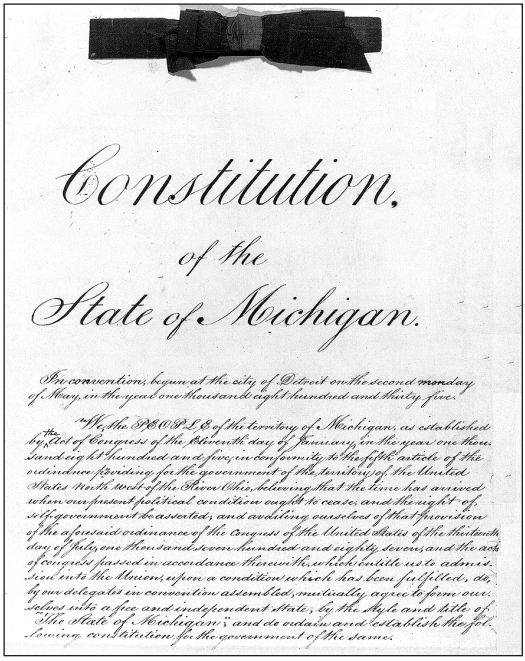
MICHIGAN'S CONSTITUTIONS

Introduction

The people of Michigan have adopted four constitutions, those of 1835, 1850, 1908, and 1963. Each document was the product of a convention composed of delegates elected to draft a proposed constitution for submission to the voters.

The 1835 Constitution

During the period 1824 to 1835, the legislative power of the Territory of Michigan was vested in a unicameral territorial council; it was by an act of this council, approved January 26, 1835, that the first constitutional convention was called. Ninety-one delegates convened on the second Monday of May 1835 at the Territorial Capitol in Detroit to draft a constitution, a key step in the process for achieving **statehood** established by the Ordinance of 1787. Convention sessions lasted until June 24, when the various provisions were adopted by the delegates. The question of adopting the constitution was submitted to the people at an election held on the first Monday in October 1835. The electorate voted to adopt the new constitution by a 5-1 margin, 15 months before Michigan was admitted to the Union.



Constitution.

of the

State of Michigan.

In convention, begun at the city of Detroit on the second monday of May, in the year one thousand eight hundred and thirty five.

"We, the PEOPLE of the territory of Michigan, as established by Act of Congress of the eleventh day of January, in the year one thousand eight hundred and five; in conformity to the fifth article of the ordinance providing for the government of the territory of the United States North west of the River Ohio, believing that the time has arrived when our present political condition ought to cease, and the right of self government be asserted; and availing ourselves of that provision of the aforesaid ordinance of the Congress of the United States of the thirteenth day of July, one thousand seven hundred and eighty seven; and the act of congress passed in accordance therewith, which entitle us to admission into the Union, upon a condition which has been fulfilled, do, by our delegates in convention assembled, mutually agree to form ourselves into a free and independent State, by the style and title of "The State of Michigan;" and do ordain and establish the following constitution for the government of the same.

The Constitution of Michigan of 1835.

Several characteristics of this first constitution are notable. It included a **bill of rights**, though voting privileges were restricted to white males over the age of 21 years, and it divided the powers of government into three distinct departments: legislative, executive, and judicial. The governor, lieutenant governor, and legislators were to be elected, while the attorney general, secretary of state, auditor general, and supreme court judges were to be appointed by the governor with the advice and consent of the senate. To promote settlement and commerce, it authorized the government to encourage a program of **internal improvements** in relation to roads, canals, and navigable waters. Perhaps most significant, however, was the education article, which provided for a superintendent of public instruction and established a perpetual fund, consisting of federal land grants, for the support of schools.

Although the 1835 document is generally regarded as Michigan's best constitution, it proved unsatisfactory. Financial difficulties associated with the state's new internal improvements program and changing political attitudes favoring **elected rather than appointed officials** soon led to a demand for constitutional revision.

The 1850 Constitution

On June 3, 1850, a constitutional convention met at Lansing and completed its revision on August 15 of that year. The proposed Constitution of 1850 was presented to the voters at the election of November 5, 1850, and was adopted by a vote of 36,169 to 9,433. More than twice as long as its predecessor, the 1850 document restricted the legislative power regarding state fiscal matters, including involvement in internal improvements. It circumscribed the gubernatorial appointment power by making elective the offices of secretary of state, attorney general, auditor general, and judge of the supreme court, as well as various local offices. It directed the legislature to establish an agricultural school, and added articles on county and township government, finance and taxation, and corporations. The 1850 constitution also provided that the question of a general revision of the constitution be submitted to the electors in 1866 and every sixteenth year thereafter.

Convention of 1867

At the general election in 1866, voters approved the calling of a constitutional convention, and, on the first Monday in April 1867, the people elected 100 delegates. The delegation met in Lansing on the third Wednesday in May 1867 and adjourned on August 22. Their proposed revision was rejected by the people at the election of April 1868, by a vote of 71,733 for and 110,582 against. It is believed the principal barriers to voter approval were the proposed salary increases for state officers and circuit judges and the establishment of equal suffrage for white and black. The latter feature was subsequently adopted as an amendment both to the Federal and Michigan constitutions.

Constitutional Commission of 1873

By a joint resolution approved April 24, 1873, the legislature provided for the appointment by the governor of a commission to report to the legislature at its next session "such amendments, or such revision to the Constitution, as in their judgment may be necessary for the best interests of the State and the people." The commission convened in the senate chamber at Lansing, on Wednesday, August 27, 1873, and remained in session until October 16; on December 1, 1873, it submitted its formal report for a revised constitution to the governor. In the spring of 1874, the revised constitution was submitted by the legislature to the voters and rejected by a vote of 39,285 for and 124,034 against.

The 1908 Constitution

It was not until October 22, 1907, that a new constitutional convention assembled at Lansing. Ninety-six delegates met at the Capitol until they completed a revision of the constitution on March 3, 1908. The Constitution of 1908, much like its predecessor in tone, length, and extent of detail, was adopted on November 3, 1908, by a vote of 244,705 to 130,783.

The 1963 Constitution

Four attempts were made to call a constitutional convention to revise the Constitution of 1908 before April 3, 1961. A primary election for the purpose of electing delegates was held on July 25, 1961, and, on September 12, 1961, 144 delegates were elected. The delegates met at Convention Hall in the Civic Center, Lansing, on October 3, 1961, and adopted the proposed constitution on August 1, 1962. This constitution was submitted at the election of April 1, 1963, and adopted. A recount established the vote as 810,860 to 803,436.

In 1978, 1994, and 2010, the voters of Michigan rejected opportunities to approve a convention for revision of the Constitution of 1963.

Since it became effective on January 1, 1964, the 1963 document has been amended 32 times.