

## PROPOSAL A

### BALLOT WORDING: A PROPOSAL TO CONVOKE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF DRAFTING A GENERAL REVISION OF THE STATE CONSTITUTION

Should a convention of elected delegates be convened in 1996 to draft a general revision of the state constitution for presentation to the state's voters for their approval or rejection?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Background:** According to the 1963 state constitution (Article XII, Sec.3), the voters are to be asked every 16 years (start-

ing in 1978) whether a constitutional convention should be called for the purpose of a general revision of the constitution.

If voters call for a constitutional convention, a special primary election would be held by May 1996 to select candidates to run for the 148 delegate slots (one from each house and senate district). Following would be a special general election to select delegates. Once the delegates agree on any changes (which could include a wholesale revision or selected changes), a final election by voters would be held to accept or reject the recommendations of the convention (this could coincide with the November, 1996 general election).

#### Proponents of Proposal A say:

1. We need a new constitution to reflect

the many changes in Michigan in the last 30 years and to look forward to the needs of the 21st century.

2. Provisions of the current constitution that may not reflect majority opinion or issues which have not been resolved by the legislature could be addressed (including capital punishment, assisted suicide, abortion rights, and campaign reform).
3. A new constitution could make some currently elected offices into appointed ones, such as state judicial positions, board of education, and university governing boards.
4. The costs of a convention could be more than offset by increases in the efficiency of state government.

#### Opponents of Proposal A say:

1. Our current constitution is relatively new; there is no need at this time for a wholesale revision. The amendment process, currently in use, is an effective way to alter the constitution.
2. The costs for calling a constitutional convention could exceed \$24 million according to the Senate Fiscal Agency.
3. It is likely that special interest groups would dominate a constitutional convention and thus wield a disproportionate amount of influence in convention deliberations.
4. Successful amendments that have been made to the constitution in the past could be jeopardized such as term limitations, spending limits, ban on public money for private schools.

## PROPOSAL B

### BALLOT WORDING: A PROPOSAL TO LIMIT CRIMINAL APPEALS

The proposed constitutional amendment would restrict a criminal defendant who pleads guilty or nolo contendere (no contest) from appealing his or her conviction without the permission of the court. Currently, someone who pleads guilty or no contest to a crime has the automatic right to appeal.

Should this proposal be adopted?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Background:** The right to appeal a criminal conviction is guaranteed by the Michigan Constitution (Article I Section 20). In 1977 a legal controversy involving the rights of defendants who had pled

guilty in the lower courts was settled in the Supreme Court. The Supreme Court decision upheld the right of a defendant to appeal after having pled guilty or nolo contendere (no contest) (People v. Smith, 402 Mich 72). This constitutional amendment would limit appeals from guilty or no contest pleas without the permission of the court.

#### Proponents of Proposal B say:

1. If defendants plead guilty or no contest, they should not be entitled to an appeal as a matter of right unless sentencing guidelines have been violated.
2. Criminals have abused the right to appeal process. In 1991, of the 12,000 cases filed, 31.7% were cases in which the defendant had pled guilty.

3. Reversals of guilty plea-based convictions are less than 0.15%. The amount of time and energy lost on such appeals creates a huge backlog of cases in the court of appeals.

4. The amendment would result in significant monetary savings to the general resources of the court of appeals, including providing assigned counsel and transcripts. It has been estimated that over \$2 million would be saved per year.

#### Opponents of Proposal B say:

1. With fewer appellate corrections of errors made in the lower courts, the additional cost of incarcerations could be estimated at between \$25 and \$30 million per year.

2. The right of defendants to appeal convictions even after pleading guilty or no contest assists the purpose of correcting errors that may have occurred in the trial court.

3. The amendment would not save significant money for the court of appeals and would increase the cost of the criminal justice system because more defendants would choose to go to trial instead of choosing to plead guilty or no contest.

4. The prosecutors have been given the right to appeal as a matter of right as long as no violation of the constitutional double jeopardy protections takes place (Public Act 66 of 1988). This amendment would give prosecutors and their resources an unfair advantage over the defendant.

## PROPOSAL C

### BALLOT WORDING: A REFERENDUM ON PUBLIC ACT 143 OF 1993 — AN AMENDMENT TO MICHIGAN'S AUTO INSURANCE LAWS

Public Act 143 of 1993 would:

1. Reduce auto insurance rates by 10% (average) for 6 months for policyholders reducing personal injury (medical) insurance to \$1 million. Extra coverage made available at added cost.
2. Permit Insurance Commissioner to waive company's obligation to reduce rates if statutory formula would be in excess of 1988-1992 state average.
3. Place limits on personal injury (medical) benefits.
4. Limit fees paid to health care providers.

5. Limit the right to sue by setting higher standards for the recovery of damages for "pain and suffering" and prevent uninsured drivers and drivers over 50% at fault from collecting damages.

6. Allow rate reductions for accident-free driving with the same insurer.

Should this proposal be adopted?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Background:** This referendum on Public Act 143 of 1993 was placed on the ballot by citizen petition. The issues involved in PA 143 are similar to those in Proposal D that appeared on the November, 1992 ballot. The legislature passed PA 143 in July, 1993. Opponents to Proposal D then led a successful petition drive to allow the state's citizens to vote once again on these issues.

#### Proponents of Proposal C say:

1. Permits motorists to buy only the medical and liability coverage they want, thus lowering rates.
2. Allows auto insurance companies to offer discounts to motorists having a claim-free period.
3. Insurance Commissioner would be required to publish a semi-annual Consumer's Buying Guide with insurance rate comparisons.
4. Insurance companies would not be able to arbitrarily raise rates in one area.
5. Limits the right of reckless drivers to sue.

#### Opponents of Proposal C say:

1. Applies "average rate reduction" only to consumers choosing the new minimum medical coverage limit; insurance compa-

nies may apply for waiver of rate reduction if reduction would cause them to lose money.

2. Shifts costs from insurance companies to consumer; families with minimum coverage could risk financial ruin if involved in serious injury accident.

3. Insurance companies would be allowed to deny payment for anything not considered medically appropriate (could be a stricter standard than current "reasonable and necessary standard").

4. Insurance companies could raise their rates after the six months are over.

5. Right to sue would be limited due to a higher standard for recovery of damages for "pain and suffering."