



SUMMARY OF THE NOVEMBER 2018 STATEWIDE BALLOT PROPOSALS

This paper summarizes the three proposals that will appear on Michigan's statewide ballot at the November 6, 2018, general election. As they become available, an in-depth analysis of each proposal and corresponding webinars will be posted on the Citizens Research Council's website: www.crcmich.org/ballot-issues/. Webinars will be held October 16, 17, and 18. As usual, reports and webinars are available at no cost. The Citizens Research Council does not endorse candidates for office or take positions on ballot issues. In analyzing these ballot issues, we hope to provide useful information so that voters can make better informed decisions before casting their vote.

The proposals include a citizens-initiated statutory initiative (marijuana legalization). If it is adopted by the voters, it will not be subject to a gubernatorial veto and cannot be amended or repealed except by a vote of the people or by an affirmative vote of three-fourths of each house of the legislature. If passed, this law will take effect 10 days after the official declaration of the vote.

The other proposals are two citizens-initiated constitutional amendments (redistricting reform and voting rights). Constitutional amendments are not subject to legislative or gubernatorial action and can only be amended or repealed by a vote of the people at a subsequent election. If each proposal is adopted, they will take effect 45 days after the election.

Ballot Headings

Marijuana Legalization: Proposal 18-1: A proposed initiated law to authorize and legalize possession, use and cultivation of marijuana products by individuals who are at least 21 years of age and older, and commercial sales of marijuana through state-licensed retailers.

Redistricting: Proposal 18-2: A proposed constitutional amendment to establish a commission of citizens with exclusive authority to adopt district boundaries for the Michigan Senate, Michigan House of Representatives and U.S. Congress, every 10 years.

Voting Rights: Proposal 18-3: A proposal to authorize automatic and Election Day voter registration, no-reason absentee voting, and straight ticket voting; and add current legal requirements for military and overseas voting and postelection audits to the Michigan Constitution.

For more than 100 years, the objective of the Citizens Research Council of Michigan has been to provide factual, unbiased independent information on significant issues concerning state and local government organization and finance. The Research Council believes that the use of this information by policymakers will lead to sound, rational public policy in Michigan.

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Proposal 1—Marijuana Legalization

Early arguments for the criminalization of marijuana invoked anti-immigrant sentiments and exaggerated potential harms from the drug, linking it to violent crime, insanity, and widespread social chaos. Under current laws, the number of annual arrests for marijuana possession has exceeded arrests for all violent crimes combined, and arrest data reveal stark racial and socioeconomic disparities. Several states have adopted laws in conflict with federal marijuana policy: 31 states (including Michigan) have comprehensive medical marijuana programs, and nine states also have authorized adult use. Marijuana use is on the rise and perceptions of the danger posed by frequent marijuana use seem to be declining.

If Proposal 1 passes, Michigan would establish a regulatory system for growing, processing, transporting, and selling marijuana and products containing marijuana, to which Michigan's 6 percent sales tax and a new 10 percent excise tax would be applied. Adult use and possession of marijuana and marijuana products would be legal under state law, but would still be illegal under federal law.

If Proposal 1 is rejected, use and possession of marijuana for non-medical purposes would remain illegal under state law; however, Michigan would

maintain its current tax and regulatory system for medical marijuana.

Major issues to consider: Proposal 1 eliminates state-level criminality of marijuana possession and use, and might be viewed as an important step for individual liberty and/or social justice. A new marijuana regulatory system would provide consumers accurate labeling and protection from adulterants, but this system would not preclude the entry of big business into the marijuana industry nor the potential for regulatory capture, and would not necessarily guarantee the elimination of a black market. Some new tax dollars would be generated from marijuana businesses; however, this revenue will not be sufficient to solve the education or transportation funding issues to which it is primarily directed. The proposal does not generate additional resources that will be needed to deal with marijuana abuse/dependence or other public health issues related to marijuana; however, legalization may free up some resources currently dedicated to law enforcement, criminal justice, and corrections.

For more information, read the Research Council's Memorandum 1152, *Statewide Ballot Proposal 2018-1, Marijuana Legalization*.

Proposal 2—Redistricting Reform

The redistricting process affects the core components of a representative democracy. It determines what candidates people are able to vote for and who an elected representative represents. The term "gerrymandering" characterizes the eccentric boundaries of many legislative districts, drawn to unfairly privilege one party over another. Gerrymandering enables the creation of "safe" districts

that allow candidates to appeal only to their party base. In this way, gerrymandering facilitates polarization. Gerrymandering also erodes public trust in the political process. When groups feel the system is designed to limit their voice, or prevent them from electing candidates, it can lead to citizen disengagement and weaken the representational aspect of our governmental system.

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SUMMARY OF THE NOVEMBER 2018 STATEWIDE BALLOT PROPOSALS

If Proposal 2 passes, the Citizens Independent Redistricting Commission would be created and responsible for redistricting starting in 2021; the legislature would be removed from the process. The commission members would be randomly selected from a pool of applicants and would be required to host a minimum of 10 public meetings before developing the plans. Requirements for district plans would be set in the constitution.

If Proposal 2 is rejected, the legislature would continue to be responsible for redistricting. Guidelines would be set by the legislature, but could be modified by future legislatures through statutory changes. Michigan would continue to lack binding constitutional guidelines.

Major issues to consider: The proposal intends to prevent gerrymandering, or redistricting designed to change the electoral fate of a candidate or political party from happening. The current system leaves those decisions in the hands of politicians who can directly benefit from the redistricting process. Proposal 2018-2 would set criteria to guide how the commission would draw maps and places many requirements on the commission to increase the transparency of the redistricting process. The drawbacks are that the commissioners are not elected officials, instead they are selected at random, and can only be held accountable by other commissioners.

For more information, read the Research Council's Memorandum 1150, [Statewide Ballot Proposal 2018-2, Redistricting](#) (crcmich.org/quantifying-the-level-of-gerrymandering-in-michigan/).

Proposal 3—Voting Rights

Voting and access to the ballot are fundamental to a thriving, well-functioning democracy. While all citizens have a responsibility to vote on Election Day, it falls to the government to ensure that all aspects of the voting process, from voter registration to election certification, are efficient, secure, fair, and accurate. The Michigan Constitution entrusts the state legislature with the responsibility “to regulate the time, place and manner of all elections,” except for instances where the Constitution specifically addresses aspects of the voting franchise. The legislature has enacted the Michigan Election Law to carry out its constitutional responsibility. The legislature, through a majority vote and with the approval of the governor, can change different aspects of the voting franchise.

If Proposal 3 passes, a number of “voting rights” will be enshrined in the Michigan Constitution. Many of them are currently dealt with in state law. By including these rights in the state constitution, it will make it more difficult for the legislature to make changes to certain aspects of the voting franchise.

If Proposal 3 is rejected, many of these “voting rights” would be enforced in current state law. Lawmakers will continue to be responsible for

safeguarding voting in Michigan through state law and would have the prerogative of implementing provisions not currently available. For example, if they wanted to adopt the automatic voter registration policy included in the ballot proposal, they would have to amend the Michigan Election Law to do so.

Major Issues to Consider: The key issue raised by the proposal deals less with the specific “voting rights” that would be included in the state constitution, than whether these policy preferences should be enshrined in the constitution. Most constitutional scholars believe that the state’s fundamental law should be reserved for establishing, defining, and limiting the basic powers of the government, stating general principles, and declaring the rights of citizens. Many of the policies contained in the proposal are ones that are essentially legislative matters that currently reside in the Michigan Election Law. Other states address these issues in statutory law as opposed to their state constitutions.

For more information, read the Research Council's Memorandum 1151, [Statewide Ballot Proposal 2018-3, Voting Rights](#) (crcmich.org/proposal-3_voting_rights/).

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