


Power to the People

Researching Michigan Ballot Proposals

By Jane Meland

 Over the last few years, the state of Michigan has seen a rise in the number of citizen-initiated proposals included on the state ballot, and the 2012 election will be no exception. This year, ballot proposals have figured prominently in the news because of their high-profile issues and contentious subject matter. If you have been following the news about Michigan's emergency manager law,¹ you know that the voters of the state will have an opportunity to decide if this controversial law will remain intact. Interestingly enough, voters were nearly denied the opportunity to vote on this measure. Despite the fact that the proposal met all the requirements set forth in the Michigan Constitution, it was nearly excluded from the ballot because of something as simple as font size.² Given the notoriety the ballot proposal process has received this year and the peculiar requirements of the law, I thought it would be fitting to write an article on the legal resources associated with ballot proposals.

Background—Finding the Law

Ballot proposals are a unique form of legislating that gives average citizens the power to enact or change laws. This right has been a part of the Michigan Constitution since the early 1900s and includes three types of ballot proposals: initiative, referendum, and constitutional amendment.³ The initiative gives citizens the power to propose, enact, and reject laws, while the referendum provides citizens with the power to approve or reject laws already enacted by the legislature.⁴ The constitutional amendment is just what the name implies; it is a citizen-initiated amendment to the Michigan Constitution.

When researching ballot proposals, the most important place to begin is the Michi-

gan Constitution of 1963.⁵ The Constitution establishes and describes the types of ballot proposals citizens may initiate. Additionally, it defines the signature-gathering process, which is essential to ensuring that the issue being proposed for ballot consideration has statewide support. The definitions and procedures for the initiative and referendum are included in Article II, Sec. 9⁶ of the Michigan Constitution of 1963, and the rules for the constitutional amendment may be found in Article XII, Sec. 2.⁷

While the Michigan Constitution creates the right of citizens to initiate legislation, other procedural rules must be followed for an initiative, referendum, or constitutional amendment to reach the ballot⁸ (remember those font requirements?). These rules are set forth in the Michigan Election Law⁹ and include things like the size, form, and content of the petitions; the manner in which the petitions are to be circulated; and the role of the Secretary of State's Office and Board of Canvassers in verifying the validity of the petitions.¹⁰

Finding Information about Current Ballot Proposals

In its capacity as overseer of state elections, the Michigan Secretary of State's Office is responsible for monitoring and certifying ballot proposals. As such, it provides a significant amount of information on the status and content of ballot proposals, much

of which can be found on its Elections in Michigan website.¹¹ The Board of Canvassers has its own web page,¹² which includes the full text of proposals, staff reports on challenges to the proposals, and approved ballot language.

Another source for information about pending ballot proposals is the Citizens Research Council of Michigan (CRC). The CRC is a nonprofit organization that provides unbiased, fact-based information on issues concerning state and local government organization and finances.¹³ During the election season, the CRC disseminates special publications with background and analysis of the ballot proposals (think of this as legislative history for ballot measures). While the Secretary of State's Office is the place to go for factual information and status reports, the CRC is where you want to go if you are looking for analysis. The CRC posts analyses of the 2012 ballot proposals on its website.¹⁴

Researching Past Ballot Proposals

The Michigan Manual or "Red Book" is the premier source for locating historical data on ballot proposals and constitutional amendments. It has been published since 1836 and is considered one of the most important sources of information for Michigan's historical, political, and cultural background.¹⁵ Of significance to researchers

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looking for information on ballot proposals or constitutional amendments are the chapters on constitutions (Chapter II) and elections (Chapter IX). Both chapters include subject-matter descriptions of the proposals and amendments and information on election results dating back to 1963. The manual is available for free online at the Michigan Legislature's Publications website.¹⁶

An additional source for historical data on ballot proposals is the Michigan Secretary of State's Election Information website.¹⁷ Historical election statistics are included under the heading "Previous Election Information"¹⁸ and date back to 1996. The information is fairly bare-boned, but provides county-by-county breakdowns of votes cast.

Conclusion

As I conclude this article, there are still several proposals awaiting approval for placement on the 2012 Michigan ballot. It will be interesting to see which proposals make it to the ballot; it will be even more interesting to see which ballot-ready proposals actually end up being passed. We will have an answer on November 6.

Finally, it's reassuring to know that as a registered voter in the state of Michigan, I am afforded the constitutional right to participate in and shape legislation through the ballot proposal process. Power to the people! ■



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FOOTNOTES

1. MCL 141.1501 *et seq.*
2. Brian Frasier, *Emergency financial manager law going to ballot* <<http://michiganlawyerblog.wordpress.com/2012/08/03/emergency-financial-manager-law-going-to-the-ballot/>>. All websites cited in this article were accessed September 23, 2012.
3. The Legislative Service Bureau, *Michigan Manual 2009–2010*, p 569. There is a fourth type of
4. Const 1963, art 2, § 9.
5. Available online at <<http://www.legislature.mi.gov/documents/publications/constitution.pdf>>.
6. Const 1963, art 2, § 9.
7. Const 1963, art 12, § 2.
8. See Michigan Manual, n 3 *supra*.
9. MCL 168.471 through 168.488.
10. See Michigan Manual, n 3 *supra*.
11. Department of State, *Elections in Michigan* <<http://www.michigan.gov/sos/0,4670,7-127-1633--,00.html>>. Ballot proposal status reports can be found at <http://www.michigan.gov/sos/0,4670,7-127-1633_48760--,00.html> and are updated regularly.
12. Department of State, *Elections in Michigan: Board of State Canvassers* <http://www.michigan.gov/sos/0,4670,7-127-1633_41221--,00.html>.
13. Citizens Research Council of Michigan, *About Us* <<http://csrcmich.org/information/info.html>>.
14. Citizens Research Council of Michigan, *Analysis of Ballot Issues* <<http://www.csrcmich.org/election/index.html>>.
15. Michigan Manual, n 3 *supra* at ix.
16. Michigan Legislative Publications, *Legislative Publications* <<http://legislature.mi.gov/doc.aspx?Publications>>.
17. See Department of State, n 12 *supra*.
18. Department of State, *Elections in Michigan: Previous election information* <http://www.michigan.gov/sos/0,4670,7-127-1633_8722--,00.html>.