

GOVERNING LAWS

- **Citizen Initiated Laws** – “The people reserve to themselves the power to propose [state] laws and to enact and reject [state] laws, called the initiative . . . ”
 - This power only extends to laws that the Legislature itself *could* enact
 - To invoke the initiative process, a petition must:
 - Be signed by 8% of the total vote cast for all candidates for Governor at the last election – currently, 252,523 signatures. Signatures over 180 days old at the time they are filed are *presumptively* invalid.
 - Filed with sufficient signatures by June 1, 2016
 - If a petition is determined by the Board of Canvassers to have the sufficient number of signatures and is in proper form, it is sent to the Legislature for consideration.
 - The Legislature then has 40 session days to adopt or reject the proposal without change or amendment.
 - If the Legislature adopts the proposal verbatim, then it becomes law (not subject to a veto) 90 days after session ends, unless given immediate effect.
 - For subsequent amendments or a repeal of the law, only a simple majority vote of elected lawmakers is required.
 - If the Legislature does not adopt the proposal within 40 session days, then the question goes to the voters at the next general election.
 - If the Legislature rejects the proposal, it has the option of submitting an alternative proposal to the voters on the same subject. Both proposals would then appear on the next election’s ballot.
 - If there are multiple, conflicting ballot proposals on the same subject (including any alternative submitted by the Legislature) are approved, then that with the most votes prevails.
 - A successful citizen’s initiative:
 - Is NOT subject to a gubernatorial veto
 - Takes effect 10 days after the official declaration of the vote
 - Can only be subsequently amended or repealed by the Legislature by a ¾ vote (or by citizen’s initiative)
 - Since 1963, 6 initiatives have been enacted by the Legislature, while 13 initiatives have gone on to be presented on the ballot (7 approved, 6 rejected)
 - *Example:* The Michigan Medical Marihuana Act (MCL 333.26421, *et seq*)
 - **Constitutional Amendment Initiatives**
 - The petition must be signed by 10% of the total vote cast for all candidates for Governor at the last election – currently, 316,654 signatures.
 - For the November 2016 election, the filing deadline is July 11, 2016
 - If approved, a proposed amendment goes straight to the voters at the next election.
 - If affirmed by a majority of those voting, a proposed amendment takes effect at the end of 45 days after the date of the election.
 - If multiple, conflicting amendment proposals on the same subject are approved, then that with the most votes prevails.

2016 MARIJUANA-RELATED BALLOT INITIATIVES

- **Michigan Comprehensive Cannabis Law Reform Committee** (citizen's initiated law)
 - Petition filed on June 10, 2015; approved as to form on June 11, 2015
 - Creates the Michigan Marijuana Legalization, Regulation, & Economic Stimulus Act with the following general features:
 - Authorizes and protects the growing, manufacture, delivery, purchase, transfer, and use of marijuana (and infused products) by anyone over 21 (or a minor with a physician's recommendation). Consumption could only take place on private property unless otherwise provided by law.
 - Allows ≤12 adult plants to be grown per consumer for non-commercial use
 - Allows for three types of commercial facilities regulated at the local level: growers, testers, and retailers. Commercial products must be sold in childproof packages with proper labeling (e.g., testing, nutrition, warnings).
 - Cities, villages, and townships could:
 - Prohibit commercial facilities or allow and impose regulations relating to time, place, manner, type, and number so long as such are not "unreasonably impracticable"
 - Promulgate reasonably practicable standards for security, ads, preventing sales to minors, and for ensuring public health and safety
 - Establish commercial licensure laws and charge an application fee of ≤\$5,000, or ≤\$500 for renewals unless a greater fee is necessary to implement the act
 - 10% tax on retail sales (40%-MDOT/40%-School Aid/20%-municipality)
 - Prohibits the state and local governments from enacting "per se" standards for drugged driving (e.g., blood-THC limits)
- **Michigan Cannabis Coalition** (citizen's initiated law)
 - Petition filed on May 29, 2015; approved as to form on June 11, 2015
 - Creates the MI Cannabis Control & Revenue Act with the following general features:
 - Authorizes and protects the growing, manufacture, delivery, purchase, transfer, and use of marijuana (and infused products) by anyone over 21 (or a minor with a physician's recommendation). Consumption could not take place in or on any public property, childcare facility, or school.
 - Allows ≤2 flowering plants to be grown in a home for non-commercial use, subject to municipal ordinance (which can prohibit or allow up to 4 plants)
 - Allows the Legislature to provide for statewide licensure and regulation of two types of marijuana facilities (growers and retailers) by creating a five member Cannabis Control Board. If it fails to do so before 2018, facilities could begin to operate without licensure until the law provides otherwise.
 - The state would have broad authority to promulgate rules and regulations, including on testing, secure transportation, packaging, and labeling, so long as such are not "unreasonably impracticable."
 - Local governments would have zoning authority over facilities.
 - Allows the Legislature to establish a tax on non-medicinal products (revenue restricted to administering the act, education, and public safety and health)

- **Abrogate Prohibition Michigan** (constitutional amendment initiative)
 - Petition filed on December 15, 2015; approved as to form on December 29
 - Authorizes the growing, manufacture, delivery, and use of cannabis for recreational, medicinal, agricultural, commercial and industrial use in any form by anyone (minors would need parental or guardian consent)
 - Prohibits any excise tax, fines, or regulations that would diminish use

Other Potential Statewide Ballot Proposals

- **Stop Overcharging** (Enacts the Fair Medical Prices for Consumers Act to prohibit a health provider from overcharging a higher price for medical goods or services than a price charged to other persons for the same or similar medical goods or services)
 - *Official Status* – Petition filed on Oct. 16, 2014; approved as to form on Oct. 20, 2014
- **Committee to Ban Fracking in Michigan** (Amends the Natural Resources and Environmental Protection Act to prohibit the use of horizontal hydraulic fracturing)
 - *Official Status* – Petition filed on April 9, 2015; approved as to form on April 14, 2015
- **Protecting Michigan Taxpayers** (Repeals the Prevailing Wages and Fringe Benefits Act)
 - *Official Status* – After the Board of Canvassers declared insufficient signatures on November 5, 2015, a corrected petition was refiled on December 16, 2015
- **Raise Michigan** (Creates the Earned Sick Time Act)
 - *Official Status* – Petition filed on July 13, 2015; Approved as to form on July 20, 2015
- **Citizens for Fair Taxes** (Creates the Corporate Fair Share of Taxes Act)
 - *Official Status* – Petition filed on July 28, 2015; approved as to form on July 30, 2015
 - Michigan Campaign Finance Report states that the group was dissolved on 1/14/16
- **Let's Vote Michigan** (Constitutional amendment to require voting by mail)
 - *Status* – Amended petition filed on September 3, 2015; approved as to form on September 17, 2015
- **FAIR Michigan** (Constitutional amendment to prohibit discrimination on the basis of gender, gender identity, sex, or sexual orientation)
 - *Status* – Petition filed on December 22, 2015; approved as to form on December 29
 - The group has publicly reported that its efforts have been suspended indefinitely.