

## LAWS PROPOSED BY INITIATIVE PETITION AND SUBMITTED TO THE PEOPLE, 1964-2008

Subject of Petition	Date of Election	Action	Vote	
			For	Against
New legislation to allow licensed physicians to perform abortions upon demand if period of gestation has not exceeded 20 weeks. . . . .	Nov. 1972	Rejected	1,270,416	1,958,265
Repeal Act 6 of 1967, to permit the establishment of daylight saving time in Michigan. . . . .	Nov. 1972	Adopted	1,754,887	1,460,724
New legislation to prohibit use of nonreturnable beverage containers; to require refundable cash deposits for returnable containers; and to provide penalties for violation of the law. . . . .	Nov. 1976	Adopted <sup>1</sup>	2,160,398	1,227,254
Amend section 33 of, and add section 33a to, Act 232 of 1953, to revise standards for grant of parole and to prohibit grant of parole for certain defined crimes until court-imposed minimum sentence is served. . . . .	Nov. 1978	Adopted <sup>2</sup>	2,075,599	711,262
Amend sections 3105, 3140, and 3204 of Act 236 of 1961, to prohibit lender from using a "due on sale" clause in foreclosure proceedings on a mortgage or land contract unless security is impaired. . . . .	Nov. 1982	Rejected	1,344,463	1,445,897
Amend title and sections 6a and 6b of Act 3 of 1939, to prohibit utility increases without full notice or hearing and to amend rate adjustment provisions. . . . .	Nov. 1982	Adopted <sup>3</sup>	1,472,442	1,431,884
New legislation calling for mutual, verifiable nuclear weapons freeze between the United States and the Union of Soviet Socialist Republics and requiring transmission of communication to United States government officials. . . . .	Nov. 1982	Adopted <sup>4</sup>	1,585,809	1,216,172
Amendments to auto insurance statutes. . . . .	Nov. 1992	Rejected	1,482,577	2,480,032
Amend the Natural Resources and Environmental Protection Act to limit bear hunting season and prohibit the use of bait and dogs to hunt bear. . . .	Nov. 1996	Rejected	1,379,340	2,225,675
New legislation to permit casino gaming in qualified cities. . . . .	Nov. 1996	Adopted <sup>5</sup>	1,878,542	1,768,156
Amendatory legislation to legalize the prescription of a legal dose of medication to terminally ill, competent, informed adults in order to commit suicide. . . .	Nov. 1998	Rejected	859,381	2,116,154
Amend School Aid Act to set mandatory funding levels. . . . .	Nov. 2006	Rejected	1,366,355	2,259,247
New legislation, the Medical Marihuana Act. . . . .	Nov. 2008	Adopted <sup>6</sup>	3,006,820	1,790,889

<sup>1</sup> Compiled as §445.571 et seq. of the Michigan Compiled Laws.

<sup>2</sup> Compiled as §§791.233 and 791.233b of the Michigan Compiled Laws.

<sup>3</sup> Following the enactment of Act 212 of 1982, which amended Act 3 of 1939 and was made subject to referendum, the legislature received an initiative petition to amend the 1939 statute, upon which it failed to act. Under the provisions of Const 1963, art 2, §9, the petition was placed on the ballot as Proposal D. Act 212 was placed on the ballot as Proposal H, following a court challenge to its submission to the voters (*Michigan State Chamber of Commerce v Secretary of State*, Court of Appeals No 65841 (1982)).

At the November 1982 general election, both Proposals D and H were approved, with Proposal H receiving 1,670,381 votes to Proposal D's 1,472,442 votes. Subsequently, an action was commenced in Ingham County Circuit Court seeking a declaratory judgment as to which of the two conflicting proposals would become effective. At the request of the governor, the Michigan Supreme Court asked the lower court to certify the controlling questions directly to the supreme court. Addressing the issue of whether Proposal H was validly enacted, the supreme court ruled that the legislature had enacted Proposal H subject to voter approval consistent with its power to approve legislation subject to referendum under Const 1963, art 4, §34. The court rejected the argument that the legislature was bound to act on the initiative under Const 1963, art 2, §9, pointing out that when the legislature enacted Proposal H, it had not yet received the certified initiative petition which later became Proposal D. *In re Proposals D and H, Michigan State Chamber of Commerce v State of Michigan*, 417 Mich 409, 398 NW2d 848 (1983).

To determine which proposal would become effective, the court "borrowed" the provision of Const 1963, art 2, §9, which states that if 2 or more measures approved by voters conflict, that receiving the highest affirmative vote shall prevail. The court held that Proposal H would become the effective statute based on its higher affirmative vote in the election. *In re Proposals D and H, supra*.

<sup>4</sup> Compiled as §3.851 et seq. of the Michigan Compiled Laws.

<sup>5</sup> Compiled as §432.201 et seq. of the Michigan Compiled Laws.

<sup>6</sup> Compiled as §333.26421 et seq. of the Michigan Compiled Laws.

## REFERENDA ON LEGISLATION ENACTED BY THE LEGISLATURE, 1964-2008

Subject of Referendum	Date of Election	Action	Vote	
			For	Against
Act 240 of 1964, to amend sections 685, 696, 706, 737, 775, 782, 786, 803, and 804 of Act 116 of 1954, to institute use of Massachusetts ballot in Michigan to prevent straight party ticket voting. <sup>1</sup> ( <i>Referendum Petition</i> ) . . . . .	Nov. 1964	Rejected	795,546	1,515,875
Act 6 of 1967, to permit establishment of daylight saving time in Michigan. <sup>1</sup> ( <i>Referendum Petition</i> ) . . . . .	Nov. 1968	Rejected	1,402,562	1,403,052
Act 76 of 1968, to authorize issuance of bonds for planning, acquisition, and construction of facilities for prevention and abatement of water pollution and for loans and grants to municipalities. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1968	Adopted <sup>3</sup>	1,906,385	796,079
Act 257 of 1968, to authorize issuance of bonds to provide funding for public recreational facilities and programs and for loans and grants to municipalities. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1968	Adopted <sup>4</sup>	1,384,254	1,235,681
Act 304 of 1969, to authorize issuance of bonds for urban redevelopment to increase the supply of low-income housing and for loans and grants to municipalities and redevelopment corporations. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1970	Rejected	921,482	1,388,737
Act 231 of 1972, to authorize issuance of bonds to provide funding for bonus payments and educational benefits to Vietnam and other veterans. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1972	Rejected	1,490,968	1,603,203
Act 106 of 1974, to authorize issuance of bonds to provide funding for bonus payments to Vietnam and other veterans. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1974	Adopted <sup>5</sup>	1,668,641	700,041
Act 245 of 1974, to authorize issuance of bonds to provide funding to plan, acquire, construct, and equip transportation systems and to make loans and grants for that purpose. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1974	Rejected	963,576	1,319,586
Act 250 of 1980, to amend sections 51 and 475 of Act 281 of 1976, to increase the state income tax 0.1% for 5 years to fund the construction of regional correctional facilities, the demolition of the Michigan Reformatory, and other state and local correctional projects. <sup>6</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1980	Rejected	1,288,999	2,202,042
Act 212 of 1982, to amend sections 6a and 6b of Act 3 of 1939, to prohibit certain utility rate adjustment clauses, utility rate increases without notice and hearing, and acceptance of employment with any utility for 2 years by member of 81st Legislature. <sup>6</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1982	Adopted <sup>7</sup>	1,670,381	1,131,990
Act 59 of 1987, to prohibit use of public funds for the abortion of a recipient of welfare benefits unless the abortion is necessary to save the life of the mother. <sup>1</sup> ( <i>Referendum Petition</i> ) . . . . .	Nov. 1988	Adopted <sup>8</sup>	1,959,727	1,486,371
Act 326 of 1988, to authorize issuance of bonds to finance environmental protection programs that would clean up environmental contamination sites and address related problems. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1988	Adopted <sup>9</sup>	2,528,109	774,451
Act 327 of 1988 to authorize issuance of bonds to finance state and local public recreation projects. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 1988	Adopted <sup>10</sup>	2,055,290	1,206,465
Act 143 of 1993, to reduce auto insurance rates; place limits on personal injury benefits, fees paid to health care providers, and right to sue; and allow rate reduction for accident-free driving. ( <i>Referendum Petition</i> ) . . . . .	Nov. 1994	Rejected	1,165,732	1,812,526

## REFERENDA ON LEGISLATION ENACTED BY THE LEGISLATURE, 1964-2008 (Cont.)

Subject of Referendum	Date of Election	Action	Vote	
			For	Against
Act 118 of 1994, to amend certain sections of Michigan Bingo Act. ( <i>Referendum Petition</i> ) . . . . .	Nov. 1996	Rejected	1,511,063	1,936,198
Act 377 of 1996, an amendment regarding the management of Michigan's wildlife populations. ( <i>Legislative Action</i> ) . . . . .	Nov. 1996	Adopted <sup>11</sup>	2,413,730	1,099,262
Act 284 of 1998, to authorize bonds for environmental and natural resources protection programs. ( <i>Legislative Action</i> ) . . . . .	Nov. 1998	Adopted <sup>12</sup>	1,821,006	1,081,988
Act 269 of 2001, to amend certain sections of Michigan election law. ( <i>Referendum Petition</i> ) . . . . .	Nov. 2002	Rejected	1,199,236	1,775,043
Act 396 of 2002, to authorize bonds for sewage treatment works projects, storm water projects and water pollution projects. <sup>2</sup> ( <i>Legislative Action</i> ) . . . . .	Nov. 2002	Adopted <sup>13</sup>	1,774,053	1,172,612
Act 160 of 2004, to allow hunting season for mourning doves. . . . .	Nov. 2006	Rejected	1,137,379	2,534,680

<sup>1</sup> Referendum invoked by petition pursuant to Const 1963, art 2, §9.

<sup>2</sup> Referendum required to borrow money for specific purposes pursuant to Const 1963, art 9, §15.

<sup>3</sup> Compiled as §323.371 et seq. of the Michigan Compiled Laws.

<sup>4</sup> Compiled as §318.351 et seq. of the Michigan Compiled Laws.

<sup>5</sup> Compiled as §35.1001 et seq. of the Michigan Compiled Laws.

<sup>6</sup> Referendum required by statute pursuant to Const 1963, art 4, §34.

<sup>7</sup> Following the enactment of Act 212 of 1982, which amended Act 3 of 1939 and was made subject to referendum, the legislature received an initiative petition to amend the 1939 statute, upon which it failed to act. Under the provisions of Const 1963, art 2, §9, the petition was placed on the ballot as Proposal D. Act 212 was placed on the ballot as Proposal H, following a court challenge to its submission to the voters (*Michigan State Chamber of Commerce v Secretary of State*, Court of Appeals No 65841 (1982)).

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To determine which proposal would become effective, the court "borrowed" the provision of Const 1963, art 2, §9, which states that if 2 or more measures approved by voters conflict, that receiving the highest affirmative vote shall prevail. The court held that Proposal H would become the effective statute based on its higher affirmative vote in the election. *In re Proposals D and H, supra*.

Compiled as §§460.6a and 460.6b of the Michigan Compiled Laws.

<sup>8</sup> This added section was proposed by initiative petition pursuant to Const 1963, art 2, §9. On June 17, 1987, the initiative petition was approved by an affirmative vote of the majority of the senators-elect and filed with the secretary of state. On June 23, 1987, the initiative petition was approved by an affirmative vote of the majority of the members-elect of the house of representatives and filed with the secretary of state. The legislature did not vote pursuant to Const 1963, art 4, §27 to give immediate effect to this enactment.

In affirming the decision of the court of appeals in *Frey v Director, Department of Social Services*, the Michigan Supreme Court held that when a law is proposed by initiative and enacted by the legislature without change or amendment within forty days as required by Const 1963, art 2, §9, it takes effect ninety days after the end of the session in which it was passed unless two-thirds of the members of each house of the legislature, as provided by Const 1963, art 4, §27, vote to give the law immediate effect. Act 59 of 1987, not having received votes in favor of immediate effect by two-thirds of the elected members of each house, may not take effect until ninety days after the end of the session in which it was enacted. *Frey v Director, Department of Social Services*, 429 Mich 315; 414 NW2d 873 (1987).

On March 1, 1988, petitions to invoke the power of referendum with regard to Act 59 of 1987 were filed with the secretary of state. On April 13, 1988, the board of state canvassers certified the validity of a sufficient number of petition signatures to invoke the referendum.

In a letter opinion to C. Patrick Babcock, Director, Department of Social Services, dated March 28, 1988, the attorney general addressed the following question: "If the filing of petitions, which include, if they are valid, a sufficient number of signatures to properly invoke a referendum, stays the effective date of Act 59 of 1987, which will otherwise become effective on March 30, 1988?" The attorney general concluded that "when a petition seeking referendum, which on its face meets legal requirements, is filed the signatures appearing on that petition are presumed valid and the statute at issue is stayed or suspended until either the petitions are found to be invalid or a vote of the people occurs."

Act 59 of 1987, as enacted by the legislature, was submitted to the people by referendum petition and approved by a majority of the votes cast at the general election held November 8, 1988. The board of state canvassers officially declared the vote to be 1,959,727 (for) and 1,486,371 (against) on December 2, 1988.

<sup>9</sup> Compiled as §299.651 et seq. of the Michigan Compiled Laws.

<sup>10</sup> Compiled as §318.551 et seq. of the Michigan Compiled Laws.

<sup>11</sup> Compiled as §324.40113a of the Michigan Compiled Laws.

<sup>12</sup> Compiled as §324.95101 et seq. of the Michigan Compiled Laws.

<sup>13</sup> Compiled as §324.95201 et seq. of the Michigan Compiled Laws.