LAWS PROPOSED BY INITIATIVE PETITION AND SUBMITTED TO THE PEOPLE, 1964-2024

Subject of Petition	Date of Election[1]	Initiated Law Adopted or Rejected	Vote For	Vote Against
New legislation to allow licensed physicians to perform abortions upon demand if period of gestation has not exceeded 20 weeks.	1972	Rejected	1,270,416	1,958,265
Repeal Public Act 6 of 1967, which exempted Michigan from daylight saving time, to establish daylight saving time in this state.[2]	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.	1976	Adopted[3]	2,160,398	1,227,254
Amend the Corrections Code, Public 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.	1978	Adopted[4]	2,075,599	711,262
Amend the Revised Judicature Act, Public Act 236 of 1961, to prohibit a lender from using a "due on sale" clause in foreclosure proceedings on a mortgage or land contract unless security is impaired.	1982	Rejected	1,344,463	1,445,897
Amend Public Act 3 of 1939 to prohibit utility increases without full notice and hearing, and to amend rate adjustment provisions.	1982	Adopted[5]	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.	1982	Adopted[6]	1,585,809	1,216,172

1 All elections in November.

2 Public Act 6 of 1967 was subjected to a referendum by citizen petition in 1968, which it survived. This initiated law repealed that public act.

3 Compiled as MCL 445.571 *et seq.*

4 Compiled as MCL 791.233 and 791.233b.

5 Initiated law not compiled; this initiated law conflicted with a bill subject to a referendum and a public act, and the bill subject to a referendum was held to prevail.

In 1982, conflicting amendments to certain sections of Public Act 3 of 1939 were attempted by three different means: voter-initiated legislation, legislation drafted and adopted by the Legislature but voluntarily submitted to a referendum, and legislation drafted and enacted by the Legislature without a referendum.

On May 26, 1982, an initiative petition proposing amendments to these sections was filed with the secretary of state. On July 22, the initiative petition was certified and transmitted to the Legislature; the Legislature did not adopt the proposed law within the 40-session day period established by Article 2, § 9, so it became a ballot proposal, designated as Proposal D.

On July 3, after the initiative petition was filed but before it was certified and transmitted to the Legislature, Public Act 212 of 1982, amending the same sections of the same statute, was approved by the governor. Public Act 212 was voluntarily submitted to a referendum by the Legislature, under Article 4, § 34 of the Constitution. On the ballot, it was designated as Proposal H.

On October 13, Public Act 304 of 1982 was approved by the governor, also amending these same sections. Having received the requisite two-thirds vote in both chambers, this act became immediately effective.

At the November 1982 general election, both Proposals D and H were approved. Proposal H received 1,670,381 votes in favor of approving the public act submitted to a referendum by the Legislature, and Proposal D received 1,472,442 votes in favor of approving the initiated law. By its terms, Proposal H took effect once it was approved by the voters; the result of the election was certified on November 22, at which time Proposal H became effective. As an initiated law, Proposal D became effective 10 days later, on December 3, pursuant to Article 2, § 9.

Suit was filed seeking a declaratory judgment as to which of the two conflicting ballot 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 Michigan Supreme Court. Once the questions were certified, the Court also asked the parties for briefing on the effect of Public Act 304, the bill signed into law by the governor that was not submitted to the voters.

Regarding the conflict between Proposals D and H, the Court recognized that there was no conflict-resolution provision in the Constitution providing which measure is to prevail if a conflicting initiated law and legislation voluntarily submitted to a referendum by the Legislature are both approved by the voters at the same election. *In re Proposals D & H*, 417 Mich 409, 424 (1983). To determine which proposal would become effective, the Court "borrowed" language from Article 2, § 9, on initiatives and referenda, which states: "If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail." Since Proposal H received the highest affirmative vote, the Court held that Proposal H prevailed in its entirety over Proposal D. *In re Proposals D & H*, 417 Mich at 424-25. The Court also held that Proposal D did not "impliedly repeal[] Proposal H by virtue of Proposal D's later effective date," because "[i]t is the date of enactment, rather than the effective date, that is dispositive." *Id.* at 426.

The Court also considered the effect of Public Act 304 on Proposal H. Public Act 304 was passed by the Legislature and signed by the governor in October, while Public Act 212 was signed in July. However, Public Act 212 was not enacted until November, when Proposal H was approved by the voters. Thus, the Court held that Proposal H was enacted later than Public Act 304, meaning it was not repealed by the enactment of Public Act 304. *Id.* at 426.

6 Compiled as MCL 3.851 *et seq.*

Before the November 1982 election, the secretary of state asked the attorney general whether this initiative petition proposed a law within the meaning of Const 1963, art 2, § 9. In an unpublished letter opinion dated September 1, 1982, the attorney general noted that, while the people had the power to initiate resolutions under the Constitution of 1908, the power of the initiative was restricted to laws under the Constitution of 1963. However, the attorney general concluded that, because the petition purported to propose "legislation" and to impose a duty on two legislative officers, it proposed a law, in substantial compliance with Const 1963, art 2, § 9.

LAWS PROPOSED BY INITIATIVE PETITION AND SUBMITTED TO THE PEOPLE, 1964-2024 *(Cont.)*

Subject of Petition	Date of Election[1]	Initiated Law Adopted or Rejected	Vote For	Vote Against
Amend the Insurance Code, Public Act 218 of 1956, to limit required personal injury protection coverage, to create medical fee schedule, to require insurers to reduce insurance rates, to enable coordination of personal injury protection and health insurance, and to restrict lawsuits over auto accidents.	1992	Rejected	1,482,577	2,480,032
Amend the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, to limit bear hunting season and prohibit the use of bait and dogs to hunt bear.	1996	Rejected	1,379,340	2,225,675
New legislation, the Michigan Gaming Control and Revenue Act, to permit casino gaming in qualified cities.	1996	Adopted[7]	1,878,542	1,768,156
Amend the Public Health Code, Public Act 368 of 1978, to legalize the prescription of a lethal dose of medication to terminally ill, competent, informed adults in order to commit suicide.	1998	Rejected	859,381	2,116,154
Amend the State School Aid Act, Public Act 94 of 1979, to set mandatory school funding levels.	2006	Rejected	1,366,355	2,259,247
New legislation, the Michigan Medical Marihuana Act, to authorize marijuana use and cultivation for medical purposes.	2008	Adopted[8]	3,006,820	1,790,889
New legislation, the Michigan Regulation and Taxation of Marihuana Act, to authorize and legalize possession, use, and cultivation of marijuana products by individuals who are at least 21 years of age, and commercial sales of marijuana through state-licensed retailers.	2018	Adopted[9]	2,356,422	1,859,675

7 Compiled as MCL 432.201 *et seq.*

8 Compiled as MCL 333.26421 *et seq.*

9 Compiled as MCL 333.27951 *et seq.*