

Making Public Policy through Direct Democracy: Comparing Michigan's 2018 Legalizing
Recreational Marijuana and Citizens Redistricting Commission Ballot Proposals

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To

The Honors College

Oakland University

In partial fulfillment of the
requirement to graduate from

The Honors College

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Political Science Department

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December 6th, 2019

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Abstract

Direct democracy is an entrenched part of the Michigan civil society and yet it is relatively unstudied. This is particularly true when examining the 2018 marijuana and redistricting ballot proposals. Current research examines how citizens turn to ballot proposals when they believe they will not be helped from their state government. This paper examines the amount raised and spent on the two proposals in Michigan, while also examining the nationwide trends in marijuana legislation. Moreover, an exploration of the implementation phase of legalizing marijuana in Michigan has shown that the state has experienced administrative delays and considerable local resistance. Data for this study was accessed from various secretary of state websites, local, and national newspapers. This paper finds the claim that public opinion throughout the country is overwhelmingly in favor of legalizing marijuana to not be true.

Introduction

Direct democracy, where voters have the opportunity to make public policy decisions directly, has become increasingly used in states that allow it. Many states have at least one of the seven most commonly used forms which are as follows: “the legislatively referred constitutional amendment, the legislatively referred state statute, the initiated state statute (direct or indirect), the initiated constitutional amendment, the veto referendum..., the statute affirmation (available only in Nevada), and statewide recall” (Ballotpedia, n.d.c, para 1). The constitutional amendment, referenda, and initiated state statute, or initiative as it is called in this article, will be further discussed in the sections to follow.

Out of all of the ways states allow direct democracy, Michigan is one of only eight states that allow their citizens to use six of the seven primary forms (Ballotpedia, n.d.c). Yet even with all of these options available to citizens, exactly how ballot proposals achieve ballot access in Michigan is relatively unstudied. The purpose of this paper is to examine how ballot proposals in Michigan achieve ballot access through an analysis of two of the 2018 ballot proposals: the legalization of marijuana and the “Voters not Politicians” redistricting ballot proposals. This paper will also examine the overall growing trend of marijuana legalization in the United States. At this point in the paper, it should be noted that “recreational marijuana” shall refer to the full legalization of marijuana for recreational adult use.

These proposals have been selected for two primary reasons. The first are the wide reaching changes they make to the state of Michigan as a whole, with one altering the very makeup of the state’s constitution, and the other overturning long-held moral and legal precedent. The second is the very different ways the proposals achieved their place on the ballot;

including how money was spent and raised and the ad campaigns associated with said expenditures. This comparison is useful because both were on the Michigan statewide ballot in the November 2018 election.

Past Research

In November of 2012, Colorado and Washington became the first two states to fully legalize recreational use marijuana. Since that time, all but nine states have approved some form of legalized marijuana use (DISA Global Solutions, 2019). Yet, in this seven year time-span, fairly little research has been given to studying the political feasibility and effects of such legislation. J. P. Caulkins, M. A. C. Lee, and A. M. Kasunic (2013) have written one of the only articles that specifically discusses these factors. While the paper is very thorough, it only discusses the potential for legal marijuana laws in a limited number of states. Michigan, for example, is only mentioned four times; at the time of publication, Michigan was not even considering legalizing recreational use marijuana, although it is predicted in the article. This presents multiple holes in the current research for marijuana legalization in Michigan. First, the age of the article; since the article's publication, many states have legalized recreational marijuana. For one this is as recent as 2019. Second, Michigan is rarely mentioned and has since had its citizens take the policy making process into their own hands to legalize marijuana.

Previous research (Owens and Wade, 1986) has suggested that campaign spending on behalf of those opposing initiatives is more effective than spending in support of initiatives. However, Stratmann (2006) has found that increased spending in favor of both sides of an initiative can influence the way voters cast their ballots. Specifically, Stratmann discusses how interest groups are able to sway voters through ad campaigns – the primary means by which

ballot proposal campaigns communicate with voters. These competing findings can be tested using the legalization of recreational marijuana proposal as an example. The partisan nature of this proposal also will be examined. While some ballot proposals do not have an obvious partisan component to them, recreational marijuana appears to have obvious partisan-based support. As discussed by E. E. McGinty, J. Niederdeppe, K. Heley, and C. L. Barry (2017) Democrats are almost twice as likely to support legalization as Republicans (65% to 36%). This could be used to better explain the final vote totals in Michigan, as many in the more rural northern Lower Peninsula and western Upper Peninsula tend to vote more Republican, while those in the more urban south tend to vote more Democratic.

Elizabeth Garrett (2006) also sees direct democracy through a partisan lens. By her count, no less than 70% of Americans live under some form of what she calls hybrid democracy, which is a combination of direct democracy and representative democracy. Direct democracy, and the ballot proposals that come with, are not always able to be taken at face value. Ballot proposals can be used to boost voter turnout in other races at the top of the ticket or vice versa. Some in Garrett's research even argue that elected officials and interest groups use ballot proposals to manipulate election results in their favor, particularly for presidential elections. Considering the research by E. E. McGinty, J. Niederdeppe, K. Heley, and C. L. Barry (2017), it would not be difficult to assume that the Democratic Party in Michigan saw having marijuana on the ballot as a way to increase the Democratic turnout needed to take back the governor's mansion. In the end, not only did Democrats take the governor's mansion, but also the lieutenant governor, secretary of state, and attorney general (Benson, 2018).

Legalizing recreational marijuana is an inherently controversial topic in the United States, as it is considered illegal for use by federal statute. However, public opinion polls over the past 10 years have found that increasing percentages of poll respondents support legalizing marijuana. This policy and legal conflict is consistent with the study done by F. Boehmke and J. Patty (2007). A large portion of the population supports legalization, but at the same time, there remains substantial opposition to it. This conflict explains why Boehmke and Patty argue that legalizing marijuana will likely become policy only through the initiative process, and not by the state legislature and governor.

J. Matsusaka (2016) looks beyond the state legislative role in ballot proposals. Specifically, he looks into how the sheer number of proposals on the ballot could determine how many – and which -- proposals will pass and which proposals will fail. This finding is in conflict with the common belief that ballot proposals that are listed higher on the ballot will more frequently pass than those located closer to the bottom. The number of proposals on the ballot, however, was not considered as a potential determining factor in approval. Furthermore, Selb (2008) discusses how voters can become overwhelmed when multiple ballot proposals are on a single ballot. When voters become overwhelmed, in particular when information on the proposal is not well understood, those voters could adopt one of three strategies in reaction: vote in a way that conflicts with their actual preferences, vote “no” for all proposals (since no typically would mean keeping the status quo), or not voting at all for the proposals, which is also called “ballot roll-off.” It will prove interesting to see how the theories can be applied to the marijuana and redistricting ballot proposals in Michigan.

There is one other important factor when considering ballot initiatives – whether there is a true grassroots organization behind a proposal. Adams (2012) examines how grassroots organizing contributed to the success of the ballot proposals in 2018. Considering marijuana is an issue with many different activist groups, the Adams article will prove helpful in explaining how legalization of marijuana successfully achieved ballot access. Even more interesting is how widespread the grassroots level of support actually is. It could be argued that the movement for legalization started with the Hippie generation in the 1960s and, over time, started to actually influence policy. It certainly appears that previous harsh prison penalties for non-violent marijuana users has created more sympathy for legalized recreational use.

As seen from the examination of current research, many gaps in our knowledge of Michigan ballot proposals exist. The most noticeable is that Michigan typically is not often investigated, or even so much as mentioned in these articles. When ballot proposals in Michigan are mentioned, they are not recent enough to analyze the state for the possibility of approving legalization of marijuana. While Michigan now has legalized marijuana, this point only furthers the need of further research within the state. There is also a large gap in the knowledge of the ballot proposal policy-making process, let alone ballot proposals specifically in the state of Michigan. With this proposed thesis it is hoped that some of the gaps within the current research will be filled, leaving Michigan more informed about the way ballot proposals are approved for the ballot, voted on by voters, and, with any luck, voted, not signed, into state law.

Policy Analysis

Since Colorado and Washington became the first two states in the nation to fully legalize recreational use marijuana, an additional nine additional states have followed suit (Hughes,

2019). This is, of course, to say nothing of the remainder of the states whose marijuana laws vary greatly. In general though, there are five differing routes states take on marijuana legislation: full legalization, medical use, medical use and recreational use decriminalized, decriminalized only, and full prohibition. As of the writing of this paper, a total of eleven states are fully legal, eighteen allow medical use, ten allow medical and decriminalized recreational, three states decriminalized all use, and nine fully prohibit use (DISA Global Solutions, 2019).

Policy Comparison

How exactly the eleven fully legal states passed their bills has seen little study, let alone how the ballot proposal in Michigan passed in 2018. Table 1 summarizes the total amounts raised and spent in support of legalization measures in various states. It is important to note that support could have come from one petition gathering group, as is the case in Michigan, or support could have come from the petition gathering group as well as various other supporting political action committees (PACs), as is the case in California.

Table 1 shows some interesting trends in marijuana passage. The most notable being that every state except Vermont and Illinois passed their marijuana bills through the ballot initiative process. States will often see a wide range of issues placed on the ballot through the voter initiated ballot proposal; these issues include “tax policy, government reform measures, social and moral questions, and environmental policies...” (Klemanski, Dulio, & Cogo, 2018, p. 282). Marijuana is able to straddle two of these categories as many see it as a moral or social issue, but it is also very much a question of taxation as well as economic growth.

By placing an issue on the ballot, as opposed to waiting for the state legislature to act, an interest group is able to bypass the regular policy process (Garret, E., 1999). This means that the

supporters of fully legalized marijuana in the below states grew tired of waiting on their respective state legislatures and used their collective will to push marijuana through to passage. Almost no elections are won without money being spent by at least one side, and marijuana is no exception. Also seen in Table 1, with the exception of California, states with legal marijuana proposals tend to raise between \$1 million and \$9 million to support passage. This money could be spent to pay petition signature gatherers, campaign organizers, and purchase campaign literature among other things.

In terms of campaign spending, Michigan presents a unique case. In the 2010s, ballot proposals in Michigan had the tendency to have \$8 million spent in support of passage. The legalization of marijuana ballot proposal (Prop 1), however, only raised \$3,528,451.41 of which it spent \$1,709,996.58. What is perhaps even more interesting is that Michigan has seen an *increase* in the amount of money raised and spent to support ballot initiatives (Klemanski, Dulio & Cogo, 2018). Exactly why and how the marijuana ballot proposal was able to not only get on the ballot but also be approved with such minimal overall spending is beyond the scope of this paper, but the evidence presents itself to future research.

Table 1. Marijuana Passage Through Time

State	Year of Full Legalization	Total Amount Raised	Total Amount Spent	Type of Passage
Colorado ¹	2012	No data	No data	Ballot Initiative
Washington ²	2012	No data	No data	Ballot Initiative*
Alaska ³	2014	\$1,022,230	\$1,306,447	Ballot Initiative
Oregon ⁴	2014	\$9,246,174.09	\$9,273,848.49	Ballot Initiative
California ⁵	2016	\$25,066,820.98	\$31,031,416.87	Ballot Initiative
Maine ⁶	2016	\$3,175,231.15	\$3,175,231.15	Ballot Initiative
Massachusetts ⁷	2016	\$6,487,721.93	\$6,486,472.99	Ballot Initiative
Nevada ⁸	2016	\$4,072,301.10	\$4,084,744.42	Ballot Initiative
Vermont ⁹	2018	\$0.00	\$0.00	State Legislature
Michigan ¹⁰	2018	\$3,528,451.41	\$1,709,996.58	Ballot Initiative
Illinois ¹¹	2019	\$0.00	\$0.00	State Legislature

*This ballot initiative was first proposed to the state legislature

¹ The Denver Post. (2017). Amendment 64 - Legalize marijuana election results. *The Denver Post*. Retrieved from <http://data.denverpost.com/election/results/amendment/2012/64-legalize-marijuana/>

² Reed, S. (2012). Measures - All results. Retrieved from <https://results.vote.wa.gov/results/20121106/Measures-All.html>

³ Ballotpedia. (n.d.a). Alaska marijuana legislation, ballot measure 2 (2014). Retrieved from [https://ballotpedia.org/Alaska_Marijuana_Legalization,_Ballot_Measure_2_\(2014\)](https://ballotpedia.org/Alaska_Marijuana_Legalization,_Ballot_Measure_2_(2014))

⁴ Ballotpedia. (n.d.h). Oregon legalized marijuana initiative, measure 91 (2014). Retrieved from [https://ballotpedia.org/Oregon_Legalized_Marijuana_Initiative,_Measure_91_\(2014\)#cite_note-24](https://ballotpedia.org/Oregon_Legalized_Marijuana_Initiative,_Measure_91_(2014)#cite_note-24)

⁵ Ballotpedia. (n.d.b). California proposition 64, marijuana legalization (2016). Retrieved from [https://ballotpedia.org/California_Proposition_64,_Marijuana_Legalization_\(2016\)#cite_note-CalAccess-48](https://ballotpedia.org/California_Proposition_64,_Marijuana_Legalization_(2016)#cite_note-CalAccess-48)

⁶ Maine.gov. (2019). Campaign to regulate marijuana like alcohol. Retrieved from <https://www.maine campaign finance.com/index.html#/exploreCommitteeDetail/4943>

⁷ Massachusetts Office of Campaign and Political Finance. (n.d.). Ballot question and committee reports. <https://www.ocpf.us/Reports/BallotQuestionReports>

⁸ Ballotpedia. (n.d.g). Nevada marijuana legalization, question 2 (2016). Retrieved from [https://ballotpedia.org/Nevada_Marijuana_Legalization,_Question_2_\(2016\)](https://ballotpedia.org/Nevada_Marijuana_Legalization,_Question_2_(2016))

⁹ Whitham, C. (2018). Recreational marijuana now legal in Vermont. *USA Today*. Retrieved from <https://www.usatoday.com/story/news/nation-now/2018/07/01/recreational-marijuana-use-now-legal-vermont/748793002/>

¹⁰ Benson, J. (2019e). Michigan campaign statement summary page. Retrieved from <https://cfrsearch.nictusa.com/documents/483583/details/filing/summary?changes=0>

¹¹ Hughes, T. (2019). Illinois approves legal weed, expunging criminal records for pot crimes. Retrieved from <https://www.usatoday.com/story/news/nation/2019/06/25/legal-weed-illinois-approves-recreational-marijuana-criminal-reform/1552697001/>

Table 2. Vote Percentages of Legalized Marijuana Proposals

State	Support	Oppose
Colorado ¹²	54.80%	45.10%
Washington ¹³	55.70%	44.30%
Alaska ¹⁴	53.23%	46.77%
Oregon ¹⁵	56.11%	43.98%
California ¹⁶	57.10%	42.90%
Maine ¹⁷	50.26%	49.74%
Massachusetts ¹⁸	53.66%	46.34%
Nevada ¹⁹	54.47%	45.53%
Vermont ²⁰	N/A	N/A
Michigan ²¹	55.89%	44.11%
Illinois ²²	N/A	N/A

Table 2 offers another side of the legalized marijuana saga. In this table, the vote percentages of the states that passed marijuana through the ballot initiative are examined. For

¹² The Denver Post. (2017). Amendment 64 - Legalize marijuana election results. *The Denver Post*. Retrieved from <http://data.denverpost.com/election/results/amendment/2012/64-legalize-marijuana/>

¹³ Reed, S. (2012). Measures - All results. Retrieved from <https://results.vote.wa.gov/results/20121106/Measures-All.html>

¹⁴ Alaska.gov. (n.d.). 2014 general election November 4, 2014 official results. Retrieved from <http://www.elections.alaska.gov/results/14GENR/data/results.htm>

¹⁵ Ballotpedia. (n.d.h). Oregon legalized marijuana initiative, measure 91 (2014). Retrieved from [https://ballotpedia.org/Oregon_Legalized_Marijuana_Initiative_Measure_91_\(2014\)#cite_note-24](https://ballotpedia.org/Oregon_Legalized_Marijuana_Initiative_Measure_91_(2014)#cite_note-24)

¹⁶ Ca.gov. (n.d.). Supplement to the statement of vote: Statewide summary by county for state ballot measures. Retrieved from <https://elections.cdn.sos.ca.gov/sov/2016-general/ssov/ballot-measures-summary-by-county.pdf>

¹⁷ Ballotpedia. (n.d.d). Maine marijuana legalization, question 1 (2016). Retrieved from [https://ballotpedia.org/Maine_Marijuana_Legalization_Question_1_\(2016\)](https://ballotpedia.org/Maine_Marijuana_Legalization_Question_1_(2016))

¹⁸ Ballotpedia. (n.d.e). Massachusetts marijuana legislation, question 4 (2016). Retrieved from [https://ballotpedia.org/Massachusetts_Marijuana_Legalization_Question_4_\(2016\)](https://ballotpedia.org/Massachusetts_Marijuana_Legalization_Question_4_(2016))

¹⁹ Cegavske, B. K. (2018). 2016 official statewide general elections results: November 8, 2016. Retrieved from <https://www.nvsos.gov/soselectionpages/results/2016StatewideGeneral/ElectionSummary.aspx>

²⁰ Whitham, C. (2018). Recreational marijuana now legal in Vermont. *USA Today*. Retrieved from <https://www.usatoday.com/story/news/nation-now/2018/07/01/recreational-marijuana-use-now-legal-vermont/748793002/>

²¹ Benson, J. (2018). 2018 Michigan election results. Retrieved from https://mielections.us/election/results/2018GEN_CENR.html

²² Hughes, T. (2019). Illinois approves legal weed, expunging criminal records for pot crimes. Retrieved from <https://www.usatoday.com/story/news/nation/2019/06/25/legal-weed-illinois-approves-recreational-marijuana-criminal-reform/1552697001/>

these legal states, support for the bills stayed fairly consistent ranging from 53% - 57% as did the opposition, ranging from 42% - 49%. What is not seen from this graph is an overall growth in the support of marijuana. With all of the bills passed there is seemingly no increase in the vote margin. Colorado, for example, was one of the first states to legalize with 54.80% support. Michigan, as of the time of this writing, was the most recent with 55.89% support. One could assume that the vote margins would increase as the trend in legalization sweeps across the country but, as stated earlier, this is not the case.

It is worth briefly mentioning that while some states have elected to legalize marijuana, others have elected not to. In 2015 Ohio voters soundly voted no on legalized recreational marijuana - 64% opposed to 36% in support. This despite \$20 million spent in support of the initiative (Saker, 2015). These figures stand as stark outliers to both of the above tables. Arizonans also rejected legalized marijuana in 2017, with 51.30% opposed to 48.70% support (New York Times, 2017). In 2018 North Dakota became the third, and currently the last state to vote no on marijuana. This vote also saw larger than average vote margins with 59% opposed to the measure and 41% in support (Angell, 2018). Why some states are handedly voting no on marijuana is beyond the scope of this paper, but this occurrence in two different states opens the possibility for future research.

While Ohio, Arizona, and North Dakota elected not to legalize marijuana, they seem to be the exception and not the rule. States across the nation have legalized marijuana and many more are currently considering the measure. Whether these states will see their state legislatures or their citizens act on the idea is unknown. What is known, though, is that recreational use

marijuana for adults is increasingly becoming legal in the states that make up the United States while the federal government continues to maintain prohibition.

Gaining Ballot Access in Michigan

As mentioned earlier, Michigan is fairly rare in the number of different ways citizens are able to create law. The rights of citizens to have ballot initiatives, referenda, and constitutional amendments placed on the ballot is enshrined within the constitution. Just as the ability for ballot proposals to be placed on the ballot is enshrined in the constitution, so too are the requirements to achieve ballot access (State of Michigan Legislative Council, 2019).

Before a ballot proposal can be placed on the ballot in a Michigan statewide election, it must be approved by the State Board of Canvassers. The board of canvassers originated in the Michigan constitution of 1850 and has since carried over into the constitution of 1963 in Article II Section 7. Since that time a number of changes have been made to the board. Currently, the board is “composed of four members who are appointed by the Governor with the advice and consent of the Senate” (Michigan.gov, 2019, para 1). For a proposal to be on the ballot, the board must first certify, or approve, its ballot language. This board will also canvass all of the state level petitions which are required for ballot proposals. Once the election has concluded, it is the task of this board to certify almost all state elections within Michigan. In the event of a recount after an election, this board orchestrates the recount (Michigan.gov, 2019).

If a ballot proposal makes it through the board of canvassers it is then subject to different requirements depending on the type of ballot proposal it is. All three types of ballot proposal, though, must receive a certain number of signatures from electors within the state, as they are the only people allowed to sign the petitions. An elector, as defined in Article II Section 1 of the

constitution of 1963, is any U.S. citizen who is at least twenty-one years of age or older (federal law changed this to eighteen), has lived in the state for a minimum of six months, and meets any additional elector requirements at the local level of government. Each type of ballot proposal requires a different number of electors' signatures. For a ballot initiative, which creates or rejects a law, the number of signatures required equals a minimum of eight percent of the total number of ballots cast in the most recent gubernatorial election (Article II Section 9). A gubernatorial election is an election in which the citizens of a state vote for the next governor of that state. Referenda are similar to ballot initiatives, the difference is that referenda either affirm or reject laws created by the state legislature. In order for a referenda to be placed on the ballot, again signatures are required. For referenda, however, only five percent of the total number of electors who voted in the most recent gubernatorial election must sign the proposal (Article II Section 9). The last ballot proposal option available to voters that creates policy is the constitutional amendment and is laid out in Article XII Section 2. This proposal, as the name would suggest, changes or adds to the very wording of the state constitution. As with the previous proposals, a number of electors must agree to sign a petition which has been circulated throughout the state and again the number of voters in the previous gubernatorial election is used as a barometer; in this case, ten percent (State of Michigan Legislative Council, 2019).

If approved, or in some cases rejected, by voters, the three ballot proposals have similar protections. Both referenda and ballot initiatives take effect ten days after passage. That being said, the legislature has forty session days, or days in which both houses of the legislative branch meet, to either approve or reject the initiative. During this time, the legislature may not amend the bill or change it in any way unless there is support for the change in three-quarters of both the

House and Senate. If passed by voters these proposals are not subject to the governor's veto (Article II Section 9). The major difference originates from the constitutional amendments. Unlike referenda and initiatives, as per Article XII Section 1, constitutional amendments take effect forty-five days after passage (State of Michigan Legislative Council, 2019).

The Ballot Proposals

Michigan has an interesting history with ballot proposals. Between 1963 and 2016, a total of 112 ballot proposals were placed on the ballot. Of the 112, 67%, or 75 proposals, were constitutional amendments. Of the 75 constitutional amendments, 31 were placed on the ballot by voter petitions and of this group 32%, or 10 proposals, were passed by voters. This data shows that Michiganders prefer constitutional amendments to all other forms of ballot proposals (Klemanski, & Dulio, 2017). Garrett (2006), Klemanski and Dulio (2017) all agree that, while it is more difficult to get the number of signatures required for a constitutional amendment, it is significantly harder for future politicians and voters to change the law once it is enacted.

Even if a ballot proposal achieves ballot access, it can still be preemptively made into law. This preemptive action was considered by the Republican Party (GOP) in Michigan regarding the marijuana ballot proposal. At the time, the marijuana proposal was seen by many in both the general public and the state legislature as very popular and was believed it would handedly pass. In an attempt to gain greater control over marijuana regulation, the GOP thought it might be best to pass the bill before it could be voted on. In doing this, the bill would be removed from the ballot and would be able to be amended by the state government.

Unfortunately for the GOP in the House, and much to the dismay of the GOP in the Senate,

infighting in the GOP of the House of Representatives stopped this from happening (Beggin, 2018).

Proposal 1

On December 12, 2016, the Coalition to Regulate Marijuana Like Alcohol filed its first committee papers (Benson, 2019f). Over the course of the following two years, through to the filing of its post general election report, this same coalition would raise over \$3,500,000 in support of legalizing marijuana in Michigan. Of the \$3,500,000 raised, it would spend less than half of that amount - \$1,700,000 (Benson, 2019e). How this coalition was so successful will now be examined.

Simply put, ballot Proposal 1 of 2018 made it legal for persons 21 years of age or older to possess and consume marijuana and marijuana products. This was not all the ballot proposal did though. Through the proposal, the production of hemp and marijuana was legalized. Along with production, the state was also allowed to tax the new industry. It should not be assumed that through the ballot proposal Michigan became a marijuana free-range zone as the ballot language, that is, the way the ballot proposal was worded, also allowed for the creation of fines and penalties for illegal activities such as having more marijuana on one's person than legally allowed or underage usage (House Fiscal Agency, n.d.).

As a petition gathering committee for a ballot initiative, the Coalition to Regulate Marijuana Like Alcohol needed a total number of valid signatures to be at least 8% of the vote cast in the most recent previous election for governor. This means that the coalition needed 8% of 3,156, 531, or 252,522 signatures (Benson, 2016). The coalition turned in the required number

of signatures on April 26th, 2018, just over one month before the May 30th deadline (House Fiscal Agency, n.d.; Ballotpedia, n.d.f).

As mentioned in Table 1, the Coalition to Regulate Marijuana Like Alcohol (CRMLA) raised approximately \$3,500,000. Like many petition gathering committees, the coalition hired an outside firm, National Petition Management, to help them gather the necessary signatures at a cost of \$783,535.66 (Ballotpedia, n.d.f). For a group that only spent approximately \$1,700,000, \$783,535.66 would account for 46% of the entire amount spent over the course of the campaign. In the last two weeks of the campaign, \$235,000 was spent on digital ads and consulting for the digital ads; the production for these ads would cost \$16,605.00. The group spent an additional \$1,235 on social media advertising and \$7,728.16 on printed material. In the last two months of the campaign alone, the coalition spent just under \$285,000 or almost 17% of their entire budget (Benson, 2019a).

The way money is spent by a campaign can help inform voters on the committee's priorities at the time the money was spent. For instance, the CRMLA placed more importance on digital advertisements than printed materials, and less still on social media advertising in the last two weeks of the campaign (Benson, 2019a). It should also be noted, though, that near the beginning of the campaign just under \$103,000 was spent on in house strategy and campaign consulting (Benson, 2019b). This is, of course, not to mention the massive amount of money spent before the proposal was even on the ballot. From these expenditures, and the amounts thereof, the changing priorities of the CRMLA can be realized. First they prioritized getting the signatures necessary to get on the ballot, then, when they achieved ballot access, they switched to

campaign organization and planning, and in the end they focused on the execution of their campaign strategy.

Like many races, the CRMLA was not the only committee seeking to sway voters. Healthy and Productive Michigan was also vying for Michigan's vote - in this instance to defeat the marijuana proposal. This group raised \$2,600,000 of which it spent \$2,390,000, or approximately \$690,000 *more* than the CRMLA (Michigan Campaign Finance Network, n.d.). Despite this massive difference in funding, Proposal 1 passed with 55.89% of Michiganders voting in support of the proposal (Benson, 2018).

With the passage of Proposal 1 Michigan became only the 10th state in the country, and the first state in the Midwest, to legalize marijuana for adults. As will be discussed later, the state must now decide how to properly regulate the previously outlawed substance. Michigan has shown that this process is anything but easy, with many smaller governments banning sales of the substance entirely despite its overall statewide approval. How Michigan will decide to regulate and tax its new marijuana industry is as of yet undecided, but time will certainly reveal the final answer.

Proposal 2

Unlike Proposal 1 which was a ballot initiative, Proposal 2 was a constitutional amendment. Once passed, the proposal became Section 6 of Article IV. Supporters of the amendment sought to change the way the state legislative and congressional districts were drawn in Michigan. Instead of the old way, which was to have the state legislature create the district maps, an independent commission would take over this task. This commission would be made up of 13 people: 4 Republicans, 4 Democrats, and 5 people not associated with a political party, and

would then be called the Independent Citizens Redistricting Commission. It should be noted that not everyone can serve on the commission, and the way in which commissioners are chosen is rather unique. Anyone who currently serves, or has served within the last 6 years in elected office at any level, was a lobbyist or consultant, an employee of an elected official, or their immediate family may not apply to be on the commission. In addition to this, no person on the commission is able to run or any elected office until 5 years after their service. Once the applications are turned over to the Secretary of State, incomplete applications are removed. After this the Secretary of State will randomly select applications to move onto the next level. Then the minority and majority leaders in both houses of the state legislature are able to remove 5 applications each for a total of 20. From the final pool of applicants 13 will be drawn at random to serve on the commission (State of Michigan Legislative Council, 2019).

As mentioned above, Proposal 2 sought to and succeeded in amending the Michigan state constitution. This means that 10%, not 8% like the marijuana proposal, of the vote cast of the most recent election for governor were needed as signatures to get on the ballot; in this case, that would be 315,654 signatures (Benson, 2016). Despite this large number of signatures need, Voters Not Politicians, the petition circulating group for the redistricting proposal, spent a grand total of \$0.00 to gather their over 425,000 signatures (Voters Not Politicians, n.d.). Voters Not Politicians (n.d.) says it was able to do this because of statewide volunteer support at many community events such as fairs and festivals. This is, of course, not to mention the 460,000 doors the group knocked on over the course of the campaign.

Despite not raising or spending money to gather signatures, Voters Not Politicians was able to raise \$16,410,000 of which it spent \$15,510,000 (Michigan Campaign Finance Network,

n.d.). From September 21st through October 19th Voters Not Politicians spent a total of \$8,400,000 exclusively on broadcast television advertising. This was then followed by general advertising from October 22nd to November 2nd and totaled over \$3,600,000. Taken together, in just over one month approximately \$12,000,000, or 77% of Voters Not Politicians war chest was spent on various forms of advertising with a more specific focus on broadcast television (Benson, 2019c; Benson, 2019d).

Voters Not Politicians also had challengers that wished to stop their proposal. Unlike the one challenger CRMLA had, Voters Not Politicians had two: Protect My Vote and Citizens Protecting Michigan's Constitution. Together, these groups raised just over \$3,700,000 of which \$3,500,000 was spent. In the end, the challengers failed and the redistricting ballot proposal passed with 61.2% support (Michigan Campaign Finance Network, n.d.). Challengers to the redistricting proposal did not stop after Election Day. Instead, as will be discussed below, many groups have launched lawsuits in an attempt to limit the powers of the new commission in the months after the election.

Michigan Trends

For ballot proposals in Michigan, 2018 was an interesting election year. Proposal 1, a ballot initiative, passed with 55% of the vote. This is to be expected for ballot initiatives say Klemanski and Dulio (2017). Only 13 ballot initiatives representing 11.6% of the total number of ballot proposals had been placed on the ballot from 1963 to 2016. Of those 13, 7 were approved (54%). What was unexpected was the overwhelming success of Proposal 2. Since this was a citizen initiated constitutional amendment, it could have easily fallen into the trend seen from 1963 to 2016 in which only 32% of similar proposals succeeded. Exactly how proposal 2

managed to garner such widespread support and achieve such an impressive Election Day victory is beyond the scope of this paper, though it is hoped that this paper may be used for insight into examining how ballot proposals within the state achieve their place on the ballot, and how various groups attempt to sway the electorate by the way dollars are spent.

Implementation

Theodoulou and Cain (1995) note how implementation is rarely the end of the story for public policy. The marijuana and redistricting ballot proposals are no exception. Both have been marred with controversy since their inception and both are continuing to have key aspects resolved even at the time of writing. While it is impossible to speculate about what will become of the proposals in the future, an overview of their current steps towards implementation can be examined now.

Once it was known that the marijuana proposal had passed and that Michigan was now one of the 10 states that allow recreational marijuana sales, many questions started to be asked. People were confused over the particulars of the law such as where they can partake, where they can buy, and if the legislature would try to change the law. Even at the time of this writing, marijuana is still illegal to purchase in much of the state over one year after legalization. This is in part because the state was given until December 6th, 2019 to determine exactly how marijuana would be regulated and taxed. There was also the question of whether the Republican led legislature would attempt to change the law, though the idea for this lost steam because it did not have the necessary three-fourths approval in both houses (Winowiecki, 2018).

Beyond the issues with implementation, Michigan has seen an interesting case of Not In My Backyard (NIMBY). This can be seen all over Michigan in regards to marijuana. Statewide

Michiganders wanted marijuana to be legal, but when it comes to marijuana fields or pot shops within one's small, local community, Michiganders are less sympathetic. In fact, almost 1,400 (79%) of Michigan's villages, townships, and cities have outlawed marijuana sales, including the city of Detroit. In these localities it is not illegal to consume marijuana, it is only unable to be legally purchased. As a result, none of the opt-out communities will share in the taxes raised from marijuana sales (Adamczyk, 2019). The irony would then be that, with so many communities opting out of marijuana sales, there are fewer communities that would be eligible to collect marijuana taxes. This means that there will be more tax dollars left to the cities who never opted-out.

Currently, anyone who wishes to partake in recreational marijuana in Michigan will have to travel to the city of Ann Arbor, as it has the only open recreational pot shops in the state. This is because Michigan has decided to slowly roll-out marijuana sales. The decision to do this has some medical marijuana store owners concerned as the overall state supply of marijuana would be stressed which would increase prices. The shortage the state is now facing was not unexpected. Marijuana takes approximately 4 months to grow to maturity. Despite this, state regulators did not give growers priority licensure and instead opted for a first come, first serve basis. On top of the shortage, medical marijuana vendors are allowed to sell their product to recreational vendors if the product has been sitting for 30 days or more. While this policy will aid both vendors, in the end the state's marijuana shortage is still likely to drive up prices in the short-term (Beggin, 2019).

There is another interesting trend in marijuana sales in Michigan. Many communities, both large, urban cities such as Detroit and more rural communities, are waiting to see how

legalization is implemented in other localities. For some, such as Detroit, this means making sales of marijuana illegal on a temporary basis so as to allow time to better develop city ordinances. This further serves to delay full state implementation (Beggin, 2019).

Kelli Hykes (2019) furthers this discussion, saying that not only will fewer cities be offering marijuana sales, but also that fewer legal localities will lead to a large number of statewide setbacks. There are many benefits to marijuana sales. In neighborhoods where a dispensary opens, crime drops by almost 20% and in states with fully legalized marijuana, underage use drops by 10%. For Michigan the problems lie in the number of localities forbidding legalized recreational sales. When looked at statewide, the Michigan economy will likely suffer. This is because of the number of jobs the state will be unable to generate - even though the market exists and is in high demand. Hykes further explains how, due to various states legalizing marijuana, the jobs and talent associated with the industry won't simply disappear, but rather that they will be brought to other states. A lack of availability could also lead Michigan further into the illegal marijuana trade due to the difficulty in obtaining it legally. As people turn back to illegal marijuana, the state loses out on the tax dollars which was one of the major talking points in pro-legalization measures. While it is too early to speculate over future trends in Michigan marijuana sales based on the data in paper, this trend of Michigan communities opting out and leaving fewer communities with a growing taxable income will undoubtedly lend itself towards future research.

The marijuana proposal was not alone in post-election controversy. Two separate lawsuits have been filed by the Michigan Republican Party along with other groups in an attempt to stop the independent citizens redistricting commission from forming. The first lawsuit argued

that forbidding lobbyists, current, and former office holders from being on the commission was unconstitutional and discriminatory against political parties. This lawsuit went so far as to say these exclusions violate the First and Fourteenth Amendments to the United States Constitution. The second lawsuit hopes to have the entire commission ruled unconstitutional on the grounds that it “violates the GOP’s freedom of association by barring political parties from picking their own representatives” (Malewitz, 2019, para. 4). Michigan’s Democratic Attorney General Dana Nessel has promised to protect the commission from both lawsuits (Malewitz, 2019).

Direct democracy can be an unpredictable, manipulatable, and surprising process. This is particularly true in Michigan, which has a strong history of the practice. The path that all ballot proposals must take, from the board of canvassers through to Election Day, can be a long and expensive process. With each new state to legalize marijuana or create an independent redistricting commission, new data on ballot initiative passage can be collected. Michigan’s marijuana and redistricting ballot proposals are just two out of over one-hundred different pieces of legislation the average citizen has had the opportunity to vote on and that researchers could examine. Each of these ballot proposals has had challenges and difficulties in each stage of the policy making process, from drafting to implementation. The marijuana and redistricting proposals offer only the slightest glimpse into a much larger political game that can be played out at the voter’s expense. Lawsuits may be brought, confusion may ensue, or voters may have buyer’s remorse. Regardless of the desires of the political elite, ballot proposals allow citizens to take the policy making process into their own hands and directly shape the policies that influence their lives.

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