

Casino ballot proposal likely headed to ballot after Michigan Supreme Court ruling

Written by Administrator
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MLive File PhotoThe casino ballot proposal is likely headed to the November ballot after a Supreme Court ruling overturned a lower court's order to reject the proposal.

LANSING, MI — The Michigan Supreme Court has [ruled](#) that residents should get a vote on a proposal to add eight casinos, a decision that may clear the way for other ballot proposals facing legal challenges.

The high court on Friday [unanimously reversed](#) a Court of Appeals [ruling](#) that the casino ballot proposal was unconstitutional.

A three-judge appeals court panel said the proposal would significantly change the Michigan Gaming Control Act, but the petition language doesn't republish the portions of the law it plans to change.

The Supreme Court on Friday said the lower court erroneously applied a section of the constitution that regulates how to amend laws. The proposal, it ruled, met the [requirements](#) to amend the constitution.

The Board of Canvassers will consider certifying the proposal at its meeting on Monday. There

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are challenges pending before the board, but it likely will be certified because the Supreme Court threw out one challenge and the Bureau of Elections [rejected portions](#) of the challenge that argued the petition was misleading and missing information.

Opponents can still request a reconsideration from the Supreme Court.

The ruling is good news for Citizens for More Michigan Jobs, the group backing the proposal.

"It's clear affirmation that our position regarding the validity of this ballot initiative has been correct from day one," said spokesman T.J. Bucholz. "Despite the best efforts of our competitors to circumvent the rights of half a million Michigan citizens and protect their monopoly, today's Michigan Supreme Court ruling saw through their misguided efforts."

The group collected an estimated 400,103 valid signatures, more than the 322,609 needed for a proposal to appear on the ballot.

It raised nearly \$2.8 million from in the first seven months of the year for its proposal to permit casinos at specific sites in Detroit, Grand Rapids, Romulus, Pontiac, DeWitt Township north of Lansing, Birch Run, Clam Lake Township near Cadillac and Clinton Township near Mount Clemens. It also would raise the casino tax rate.

Citizens for More Michigan Jobs is backed by the [proposed casinos investors](#) .

Opposition group Protect MI Vote raised about \$276,000 during that time from six existing Michigan casinos. It [filed a lawsuit](#) last month seeking to block the proposal from the ballot.

"Should this proposal move be approved for the November ballot, the Protect MI Vote campaign is confident that voters will see its numerous flaws and vote it down in November," Protect MI Vote spokesman John Truscott said in a statement. "The proposal is misleading, it takes away local control of gaming expansion issues and attempts to sidestep our current gaming and liquor

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control laws by writing private properties into the constitution with guaranteed liquor licenses."

The Supreme Court's ruling may have an impact on three other ballot proposals facing similar legal challenges, including proposals to [enshrine collective bargaining](#) in the constitution, [require a two-thirds vote](#) of the legislature for tax increases and require a public vote for [state participation in any international bridge](#) or tunnel project.

The union proposal faces other challenges, including claims that it can not be adequately summed up in the 100 words required for the ballot.

The casino case highlights the complexity of the ballot initiative system.

Justice Stephen Markman concurred with the majority, but elaborated on his decision and appears to disagree with his colleagues on some of the issues.

He [wrote](#) that he welcomes the clarity provided in the decision:

"We have seen evidence over the past several weeks, and more such evidence appears imminent, of the confusion that exists in this respect on the part of the people, the Board of State Canvassers, the Secretary of State, and this Court itself. It is necessary for the integrity of the constitutional process, and for the integrity of this Court, that the rules be clarified. Although I read the Constitution differently from my colleagues, I welcome the clarity being introduced by today's decision. The process of amending the Constitution by initiative has been made simpler and more straightforward."

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