

# STATEWIDE BALLOT PROPOSALS

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## *Proposal 04-1*

### **Requiring voter approval for new forms of gambling**

## *Proposal 04-2*

### **Banning same-sex marriage or similar unions**

On November 2, 2004, Michigan citizens will have the opportunity to vote on two statewide ballot questions. Each will ask for a YES or NO response, and each will be decided by a majority of those voting on the specific question. The Michigan Constitution gives citizens a direct role, through popular vote, in amending the state constitution.

## *Proposal 04-1*

### **REQUIRING VOTER APPROVAL FOR NEW FORMS OF GAMBLING**

#### **Official ballot wording:**

**PROPOSAL TO AMEND THE STATE CONSTITUTION TO REQUIRE VOTER APPROVAL OF ANY FORM OF GAMBLING AUTHORIZED BY LAW AND CERTAIN NEW STATE LOTTERY GAMES**

#### *The proposed constitutional amendment would:*

- *Require voter approval of any form of gambling authorized by law after January 1, 2004.*
- *Require voter approval of any new state lottery games utilizing "table games" or "player operated mechanical or electronic devices" introduced after January 1, 2004.*
- *Provide that when voter approval is required, both statewide voter approval and voter approval in the city or township where gambling will take place must be obtained.*
- *Specify that the voter approval requirement does not apply to Indian tribal gaming or gambling in up to three casinos located in the City of Detroit.*

#### **Should this proposal be adopted?**

Yes \_\_\_\_\_ No \_\_\_\_\_

## The Proposal

Proposal 04-1 would add section 41 to Article IV of the state constitution and require voter approval for some new forms of the state lottery and for any gambling authorized after January 1, 2004. A **yes** vote means approving the requirement for a statewide and local vote for any change or expansion beyond the present provisions for gambling. This requirement would not apply to any change or expansion for American Indian casinos or the three existing casinos in Detroit. A **no** vote means supporting the current process for decision making about gambling and the lottery (the state legislature, the governor, Michigan Bureau of Lottery, etc.).

This proposal specifies that any expansion of gambling would require voter approval of a statewide ballot question. Voters in the city or township where the gambling establishment is located would also need to approve the expansion. Proposal 04-1 also specifies that any new lottery table games or player-operated mechanical or electronic devices would have to be approved by voters.

## Background

Proposal 04-1 was placed on the ballot through a citizen petition drive initiated by a group called *Let Voters Decide—YES*. The group, a coalition of religious and political groups, American Indian communities and other casino interests, collected approximately 460,000 signatures. An opposing coalition, *No Casino Monopolies*, represents horse racing, agricultural, education and lottery retail interests.

Michigan currently has a state lottery, 17 Indian tribal casinos, three casinos in Detroit and seven horse racetracks where pari-mutuel betting is allowed. Michigan approved an amendment to the state constitution in 1972 establishing a lottery to provide funding for K-12 public education. A 1994 constitutional amendment specified that all lottery proceeds be dedicated to the State School Aid Fund. The Michigan Bureau of Lottery determines the types of lottery games and make changes continually to increase lottery proceeds.

The 1988 federal Gaming Regulatory Act allows American Indian tribes to establish casinos. State governments help negotiate the compact, regulating the way the casinos operate but not determining whether the casinos can be established.

Michigan voters approved a 1996 citizen-initiated law to allow for the establishment of three casinos in Detroit. Three-fourths of the membership of each house of the state legislature must approve any proposals to change the law affecting those casinos.

A 1933 state law regulates horse racing. Pari-mutuel wagering is allowed on live and simulcast races at Michigan's seven horse racetracks (others pending). Both houses of the state legislature have approved a package of bills (HB 4609-11) to allow video lottery terminals at horse racetracks. A conference committee has not yet resolved the differences between the house and senate versions.

## Policy Discussion

The major point of difference regarding Proposal 04-1 centers on who should make the decisions about any changes in gambling and in some lottery games. Proponents argue that the decisions need to be made directly by the voters at both the state and local levels. Opponents state that the current system for legislative approval is appropriate. The two sides differ in assessing how much Proposal 04-1 would affect the operation of the state lottery. Lottery officials are concerned about the possible interpretations of what constitutes a new lottery game and the potential problems with conducting statewide and local votes on such changes.

Proposal 04-1 is supported both by the Detroit and American Indian casino interests and by groups opposed to gambling. Some proponents describe the negative effects of gambling. Others address the threats to jobs, the potential revenue loss for Detroit and the possible effect on American Indian communities in Michigan if gambling is expanded at horse racetracks.

Opponents to Proposal 04-1 argue that this initiative will not limit the expansion of gambling in the state because it does not apply to the American Indian or the Detroit casinos. Supporters of the proposed legislation to add video lottery terminals at horse racetracks raise concerns about potential economic losses for agriculture and the horse racing industry if this legislation is not approved.

*For more information from the supporting and opposing coalitions:*

*Let Voters Decide-YES!* [www.letvotersdecide.com](http://www.letvotersdecide.com).

*No Casino Monopolies* [www.noonprop1.com](http://www.noonprop1.com).

**Proposal 04-2****BANNING SAME-SEX MARRIAGE OR SIMILAR UNIONS****Official ballot wording:**

**A PROPOSAL TO AMEND THE STATE CONSTITUTION TO SPECIFY WHAT CAN BE RECOGNIZED AS A "MARRIAGE OR SIMILAR UNION" FOR ANY PURPOSE.**

The proposal would amend the state constitution to provide that "the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose."

**Should this proposal be approved?**

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**The Proposal**

Proposal 04-2 would add section 25 to Article I of the state constitution. The proposal was placed on the ballot through the citizen petition process. A coalition, *Citizens for the Protection of Marriage*, gathered approximately 480,000 signatures. The opposing group is the *Coalition for a Fair Michigan*.

A **yes** vote on Proposal 04-2 gives approval for adding language to the state constitution stating that marriage or a similar union can only be between one man and one woman. A **no** vote indicates opposition to placing this definition in the state constitution.

**Background**

The 1996 federal Defense of Marriage Act (DOMA) defined marriage as being exclusively between a man and woman. It also allows a state not to recognize a same-sex marriage that is allowed in another state. Thirty-seven states, including Michigan, adopted DOMA into state law or the state constitution (*Citizens Research Council of Michigan, No. 1076*).

The current legal definition of marriage in Michigan is:

*...inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting that unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state. (MCL 555.1)*

Four states currently allow same-sex couples to have certain benefits, and 11 states allow for domestic partner benefits. Many public and private sector employers offer such benefits in Michigan.

The Massachusetts Supreme Court ruled that the state's law banning same-sex marriage was unconstitutional. This action led to discussion in the U.S. Congress and in many state legislatures about the idea of placing a legal ban on same-sex marriage in the federal or state constitutions. The question of constitutionally prohibiting same-sex marriages is before voters in Michigan and 10 other states this November.

**Policy Discussion**

The focal point for discussion of this ballot proposal is on whether there should be a constitutional amendment defining marriage and other civil unions. Proponents feel that the current Michigan law does not offer sufficient assurance that the definition of marriage as being between a man and a woman would prevail against possible court rulings or changes in law. Opponents express concern about constitutionally denying rights to a specific group of people. The two factions differ on the interpretation of the wording "or similar union." Proponents say that the phrase was added to provide emphasis to the definition of marriage. Opponents say this wording will eliminate the possibility for future civil unions and threaten the current domestic partner benefits that some employers provide.

*For more information from the supporting and opposing coalitions:*

Citizens for the Protection of Marriage,  
[www.protectmarriageyes.org](http://www.protectmarriageyes.org).

Coalition for a Fair Michigan,  
[www.coalitionforafairmichigan.org](http://www.coalitionforafairmichigan.org).

*Note: For more comparative information and additional details about both ballot proposals: Citizens Research Council of Michigan Memorandum No. 1076, "State Ballot Issues on the November General Election."*

**VOTE on November 2, 2004**

**Polls are open 7 a.m. - 8 p.m.**

**Need an absentee ballot?**

**Available from your city or township clerk  
until 2 p.m. on Saturday, October 30.**

**For more information about elections in Michigan:**

**<<http://www.michigan.gov/sos>>**

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