



# How Michigan Became a Blueprint for Strengthening Democracy

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# Introduction and summary

Since 2018, Michigan has fortified its democracy by quickly implementing important and popular electoral reforms that have increased voter participation and representation in the state. While some states have struggled to implement meaningful reforms—and many have moved in the wrong direction by restricting access to the ballot box—Michigan has proved that transformational change can be accomplished in just a few short years. The state has strengthened its democratic institutions and, in the process, managed to close voter participation gaps to ensure that participation is high among all citizens, especially those who have been historically disenfranchised. Michigan has also shown that reforms such as voting by mail and independent redistricting are popular among Americans across the political spectrum, despite having been politicized in state and federal fights. Efforts to prevent these reforms, which have been wrongly portrayed as divisive, are not representative of the will of the people.

At a time when confidence in government and democracy is at historic lows across the United States, Michigan has shown that enacting popular democratic reforms and relying on direct democracy can bolster trust in government.<sup>1</sup> The state has demonstrated that empowered voters can help expand access to the ballot box and reject notions that strengthening the right to vote is somehow partisan. Michigan's success also comes at a time when efforts are underway in other states to make it more difficult for citizens to participate in direct democracy, with lawmakers working to effectively nullify policies directly approved by voters. Other states should look to Michigan's example to turn the tide on polarization and correct course on efforts to limit and undermine American democracy.

## Michigan as a blueprint for democratic reform and representation

Michigan's policies to strengthen its democracy include three key components:

- Increasing voter registration and turnout and closing the racial gap in voter participation by implementing numerous voting and registration options
- Ending partisan gerrymandering through an independent redistricting commission
- Promoting citizen-initiated ballot measures – particularly constitutional amendments – to increase direct democracy and enact popular policies

Upholding and respecting the will of the people through the quick implementation of approved policies and ballot measures increases public trust and faith in government, democracy, and elections.

A crucial element of Michigan's ability to enact reforms has been the use of citizen-initiated ballot measures, particularly constitutional amendments.<sup>2</sup> This direct democratic process empowered one Michigan resident to begin a movement that led to the creation of the state's independent redistricting commission.<sup>3</sup> Since the adoption of the 1963 Michigan State Constitution, more than 70 proposed constitutional amendments have been placed on the ballot, and more than 30 have been placed there through the citizen initiative process.<sup>4</sup> Among the latter amendments are three ballot proposals that have authorized key election and representation reforms since 2018: Proposal 18-2 (redistricting reform) and Proposal 18-3 (voting reform) in 2018, and Proposal 22-2 (voting reform) in 2022.<sup>5</sup> All three were approved by at least 60 percent of the vote.<sup>6</sup>

Michigan did not pioneer these reforms; other states had already enacted policies such as automatic, same-day, and online voter registration as well as voting by mail and early voting. However, Michigan is exemplary because it managed to approve numerous reforms in a relatively short period of time, and it successfully implemented those reforms quickly. Strong leadership at both the state and local levels was critical. While many states have taken years to roll out large-scale reforms such as new voter registration methods, Michigan was able to successfully implement numerous reforms simultaneously and often in just a matter of months. Michigan serves as an example of what is not only possible, but also realistic.<sup>7</sup>

Not only has this battleground state authorized and implemented reforms, it has also managed to preserve and uphold democratic norms.<sup>8</sup> Many pro-democracy reforms—such as voting by mail and same-day voter registration—have been targets of partisan attacks in states where lawmakers have worked to restrict the

right to vote. For all but one statewide election, Michigan voters approved the three key democracy-related ballot measures with margins more than double that of the margins by which statewide candidates won in the same years.<sup>9</sup> Critically, the state Legislature and state officials upheld and supported pro-democracy reforms, in contrast to states where lawmakers have acted to subvert the will of the people and attempted to silenced voters by expelling and censuring duly elected legislators.<sup>10</sup>

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This report details the increase in civic participation as a result of the voting and election reforms in Michigan, as well as the success and continued support that independent redistricting has garnered in helping to secure fair representation in the state. It analyzes the critical role that citizen-initiated constitutional amendments have had in strengthening the state’s democratic foundation, helping Michigan become a blueprint for voting reform and increased representation and voter participation as well as successful policy implementation. Lastly, this report positions Michigan in strong contrast to antidemocratic efforts pushed by lawmakers in other states.

## **Voting and election administration policies Michigan has enacted through legislation and executive action**

- Ensuring that eligible voters have access to online voter registration and providing new digital tools for voter registration drives<sup>11</sup>
- Increasing transparency of the voter registration list maintenance process and joining the Electronic Registration Information Center for improved list maintenance procedures<sup>12</sup>

## **Key democracy reforms authorized by Michigan voters through citizen-initiated constitutional amendments since 2018<sup>13</sup>**

- Ensuring that all voters can request a mail-in ballot without an excuse
- Allowing early in-person voting for nine days prior to Election Day
- Automatically registering eligible voters through the Department of Motor Vehicles
- Ensuring that voters can register to vote at the polls on Election Day
- Putting in place an independent citizens' redistricting commission
- Improving the vote-by-mail process for members of the military
- Allowing voters to sign sworn affidavits attesting to their identity in lieu of presenting voter identification at the polls
- Requiring that all voters have access to drop boxes for mail-in ballots
- Ensuring that the state provides prepaid postage for mail-in ballots
- Allowing voters to opt-in to automatically receive a mail-in ballot for every election
- Shoring up protections for post-election auditing procedures and election certification

# Voting and voter registration reforms

Most reforms that Michigan voters approved since 2018, and that Secretary of State Jocelyn Benson (D) and local election officials have enacted, have focused on three areas: making it easier to vote by mail, ensuring that voters have access to early voting, and expanding voter registration opportunities. Proposal 18-3 and Proposal 22-2—both titled “Promote the Vote”—have expanded on these three areas. In the span of just one election cycle, Michiganders had two additional methods for casting their ballot as well as an additional three methods for registering to vote compared with the 2018 election. These policies paved the way for increased democratic participation in the state—particularly increased voter turnout and registration—especially among historically disenfranchised and marginalized communities. They show that diversifying voting and registration methods ensures equitable civic participation.

In 2018, voters approved no-excuse voting by mail, ensuring that all voters—not just those who qualified for a state-approved excuse, including having a disability or being elderly—could request a mail-in ballot. For the 2020 general election—the first general election cycle when the no-excuse policy was in place—3.2 million Michiganders cast early ballots, both mail-in and early in-person. While vote-by-mail rates were up across the country during the height of the COVID-19 pandemic, the popularity of voting by mail continued into the 2022 election cycle.<sup>14</sup> Nearly 2 million Michigan voters requested a mail-in ballot for the 2022 midterm election, representing a 73 percent increase compared with the number of voters who requested mail-in ballots in 2018.<sup>15</sup>

In 2022, voters further expanded access to voting by mail by requiring access to mail-in ballot drop boxes. Under the new requirement, the state must provide at least one drop box for each municipality, and for municipalities with more than 15,000 registered voters, at least one drop box for every 15,000 registered voters. This means that Wayne County, the state’s most populous county and home to its capital, Detroit, will be required to operate more than 90 ballot drop boxes—

compared with the 30 that were available in Detroit for the 2020 general election. All drop boxes will have to be available 24 hours per day during the 40-day period preceding Election Day and until 8:00 P.M. on Election Day.<sup>16</sup> The citizen-led effort to standardize the use of drop-boxes came in the wake of the 2020 election, when many communities rapidly expanded the availability of drop boxes—with more than 1,100 drop boxes made available throughout the state in time for the general election. It also followed partisan attempts by some state lawmakers to limit both access to and the number of ballot drop boxes available.<sup>17</sup>

In contrast to other states where lawmakers successfully rolled back access to voting by mail following the 2020 election, Michigan voters resoundingly expanded it.<sup>18</sup> Proposal 18-3 and Proposal 22-2 additionally expanded opportunities for voters to cast ballots ahead of Election Day. Proposal 18-3 ensured that voters could fill out and cast no-excuse absentee ballots in person during the 40 days preceding election at their city or township clerk’s offices. And while this change provided important opportunities for voters to cast their ballot early, it is Proposal 22-2 that paved the way for a more expansive form of early, in-person voting by authorizing nine days of early voting at more numerous “early voting sites,” rather than at clerk’s offices.<sup>19</sup> Once implemented, these early voting sites will be more abundant than clerk’s offices and function similar to polling places on Election Day.

In addition to authorizing these two important methods of voting, Michigan voters enacted two additional new methods of voter registration through Proposal 18-3: automatic voter registration (AVR) and same-day voter registration (SDR). That same month, the Michigan Legislature also voted, on a bipartisan basis, to pass a Republican-sponsored bill to enact online voter registration.<sup>20</sup> Michigan joined 17 states and Washington, D.C., in enacting AVR, launching the system just nine months after voters approved the policy.<sup>21</sup> Similarly, Michigan joined another group of 17 states and Washington, D.C., in enacting SDR, either during early voting or on Election Day, and it joined the 37 states that had already implemented online voter registration.<sup>22</sup>

Michigan’s AVR policy ensures that any eligible voter who is renewing their driver’s license or personal identification card through the state’s Department of Motor Vehicles (DMV) is automatically registered to vote unless they choose to decline through what is commonly referred to as a “front-end opt-out system.”<sup>23</sup> Within two weeks of the system’s launch, more than 600 additional registrations were being processed through DMV locations each business day than through the state’s previous policy, which simply required DMV locations to simultaneously offer voter registration services.<sup>24</sup> For the 2020 presidential election, more than

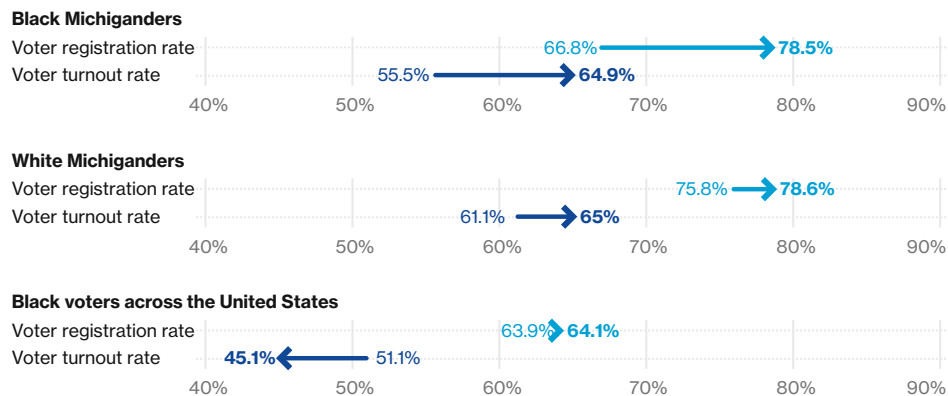


24,000 Michiganders used same-day voter registration to either register to vote or update their voter registration information.<sup>25</sup> Although AVR and SDR are both important policies for easily registering new voters, they are equally critical for ensuring that voter registration rolls are kept accurate and up-to-date with voters' information, including current addresses.

FIGURE 1

## Voter registration and turnout dramatically increased among Black Michiganders in 2022

Changes in civic participation among Black and white voters in Michigan and nationally, 2018 and 2022 elections



Source: U.S. Census Bureau, "Voting and Registration in the Election of November 2018: Table 4b," available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html> (last accessed April 2023); U.S. Census Bureau, "Voting and Registration in the Election of November 2022: Table 4b," available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html> (last accessed April 2023).

While it is difficult to measure the direct impact of these policies, both voter registration and voter turnout significantly increased in the state following implementation, and the racial gap in voter turnout and registration between Black and white Michigan voters closed. The number of active registered voters in the state increased by more than half a million voters, from 6.5 million in 2018 to 7.2 million in 2020.<sup>26</sup> Importantly, there were also dramatic improvements in voter registration rates for Black voters. According to census data, the number of Black Michiganders registered to vote increased by 17.5 percent from the 2018 to the 2022 election (11.7 absolute percentage points)—far surpassing the increase in voter registration for white Michiganders during that same period and bringing the voter registration rate of Black Michiganders up to par with the rate of white Michiganders.<sup>27</sup> Over that same period, the voter registration rate of Black voters across the country increased by only 0.3 percent (0.2 absolute percentage points).

This large increase in the voter registration rate among Black Michigan voters indicates that the additional voter registration methods enacted were successful at reaching people who were otherwise not captured by more traditional voter registration methods.

Voter turnout in Michigan also increased by more than seven percentage points from the 2016 to the 2020 presidential elections, with more than 70 percent of Michigan's voting-age population casting a ballot in the 2020 election.<sup>28</sup> While voter turnout was up across the country in the 2020 general election, and many states saw record voter turnout rates, Michigan—which has consistently ranked among the top 10 states with the highest voter turnout—had a greater increase in voter turnout than the average increase of states with similarly high turnout rates and an even greater increase compared with the average increase in voter turnout across all states.<sup>29</sup>

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From 2018 to 2022, voter turnout among Black Michiganders also increased significantly, with an increase of 16.9 percent (9.4 absolute percentage points) far surpassing the voter turnout increase among white voters during that same period and bringing the voter turnout rate for Black voters on par with that of white voters. Conversely, Black voter turnout across the country declined by 12.4 percent (6.4 absolute percentage points) over that same period. Overall voter turnout in Michigan increased by 1.5 percent from the 2018 to 2022 midterm elections, representing a difference of approximately 100,000 voters. This is a significant statistic by itself, but perhaps even more so when comparing it with the fact that the 2020 presidential election in Michigan was decided by just more than 154,000 votes.<sup>30</sup> Additionally, both the 2018 and 2022 midterm elections set voter turnout records in the state—the highest in the past 50 years.<sup>31</sup> In 2022, the state also had the highest youth voter turnout in the nation, at a rate of 37 percent—significantly more than the national average of 23 percent.<sup>32</sup>

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## Voting reforms in Michigan compared with other states

Michigan's success in quickly authorizing and implementing these numerous voting reforms stands in sharp contrast to efforts in many other states to restrict access to the very methods of voting and registration that Michigan voters overwhelmingly approved. The state's success also stands in contrast to states that have struggled for years to authorize and implement similar reforms.

Following the 2020 presidential election, numerous states restricted or attempted to restrict access to voting by mail, early voting, and voter registration options at the same time that Michigan has expanded access to these with great success and outcomes.<sup>33</sup> In 2021, Montana lawmakers eliminated same-day voter registration on Election Day—although it is still available during early voting—after it had been in use for more than 15 years. These legislators acted even though Montana voters had rejected this move on a ballot measure six years earlier, and nearly 8,200 Montanans used same-day voter registration on Election Day in 2020.<sup>34</sup> That same year, Iowa lawmakers cut the early voting period by nine days.<sup>35</sup> In Georgia, lawmakers have greatly limited the number of available drop boxes, especially in urban areas, resulting in one-quarter of Georgians being forced to travel farther in order to access drop boxes.<sup>36</sup> For the Atlanta metropolitan area, the number of drop boxes decreased from more than 100 to just 25, almost the exact opposite of what Michigan's new drop box requirement will mean for the Detroit metropolitan area.<sup>37</sup> Elsewhere, legal challenges and the inability to codify policies through legislation and statutes—as Michigan did—prohibited important reforms. The Wisconsin Supreme Court ruled that state law did not permit drop boxes and banned their use in the state, following inaction by the state Legislature to codify their use. The state's bipartisan election commission had previously permitted drop boxes during the 2020 election, with more than 500 in place for the general election.<sup>38</sup>

Meanwhile, states such as New York and Delaware have struggled for years to approve no-excuse voting by mail and early in-person voting. The constitutions of both states must be amended to allow for these methods of voting. However, the process for putting constitutional amendments on the ballot and other laws governing constitutional amendments have served as significant impediments. Both Delaware and New York require their state legislatures to pass a measure for a constitutional amendment in two consecutive legislative sessions before it can be approved. New York requires that the state Legislature approve a proposal twice: A constitutional amendment in the state must be approved by the Legislature during two successive legislative sessions with an election for state

legislators in between the sessions. And while New York requires a simple majority of approval from both chambers, the state then requires that voters approve the policy by voting on a ballot measure. After the constitutional amendments for voting by mail and same-day voter registration both passed the state Legislature with bipartisan support in 2019 and subsequently 2021, they were placed on the ballot for an off-year 2021 election.<sup>39</sup>

Both measures were ultimately defeated on the ballot. Three major factors have contributed to their defeat: 1) There were no statewide races in New York in 2021, only two special state legislative elections, the ballot measures, and local elections such as mayoral and school board elections, which contributed to low and uneven turnout;<sup>40</sup> 2) the phrasings for the ballot questions set by the state Legislature were confusing; and 3) a last-minute “Just Say No” campaign aimed at persuading New Yorkers to vote “no” was launched.<sup>41</sup> Michigan voters were asked on Proposal 18-3 whether they wanted to be able to “obtain an absent voter ballot without providing a reason” and “simultaneously register to vote with proof of residency and obtain a ballot during the 2-week period prior to an election, up to and including Election Day.”<sup>42</sup> New Yorkers, in comparison, were asked if they supported deleting “the requirement that an absentee voter must be unable to appear at the polls by reason of absence from the county or illness or physical disability” to allow for no-excuse mail in voting and deleting the requirement that a “citizen be registered to vote at least ten days before an election” to allow for same-day voter registration.<sup>43</sup>

Extensive studies and analyses have underscored the adverse impact poor and complicated phrasing, evaluated as a “readability score” for ballot measures, can have on an outcome and on voters’ likeliness to vote on a given measure.<sup>44</sup> As a result, states such as North Dakota and Maine have enacted laws requiring “plain and simple language” for ballot measures.<sup>45</sup> A 2017 analysis by Ballotpedia concluded that comprehending language for New York ballot measures effectively required a Ph.D.-level education, opposed to an associate’s degree for Michigan ballot measures.<sup>46</sup>

Delaware, on the other hand, is the only state that does not require voters to approve a constitutional amendment. Instead, the state requires that at least two-thirds of both chambers of the Legislature approve a proposal and that the public be notified of such proposal ahead of the next general election, before two-thirds of the members of both chambers are required to approve the proposal another time.<sup>47</sup> This cumbersome process—much like New York’s—ensures that reform takes years. After the Delaware Legislature passed simple legislation

to authorize voting by mail and same-day voter registration, the state Supreme Court struck down both of the policies in 2022—a month ahead of the general election—ruling that they violated the state constitution.<sup>48</sup> A new proposal for a constitutional amendment is now underway, with two-thirds of the Delaware Senate already having approved the measure.<sup>49</sup> However, because of the multi-legislative session and interim election requirement for constitutional amendments, voters will have to wait until at least 2025 to authorize voting by mail.

In contrast to their difficulties in authorizing no-excuse voting by mail and same-day voter registration, both Delaware and New York were successful in approving automatic voter registration in 2021 and 2020 respectively, with New York additionally authorizing a fully online voter registration system.<sup>50</sup> However, in contrast to Michigan’s quick implementation of both voter registration methods in less than one year, Delaware is expected to implement AVR within two years, while New York has struggled to stick to a three-year deadline for implementing AVR and was more than two years behind schedule when it launched its new online voter registration system in June 2023.<sup>51</sup>

# Fair representation and redistricting reform

At the same time that Michigan was implementing numerous voting and registration reforms, the state was overhauling one of its key democratic institutions for fair representation: redistricting. Through a citizen ballot initiative, Michigan went from being one of the most gerrymandered states in the nation to having some of the most fair and competitive districts.<sup>52</sup> It should serve as an example to other states of how to prevent continued political polarization and of how key pro-democracy reforms are not partisan matters.

In 2018, through Proposal 18-2, voters established the Michigan Independent Citizens Redistricting Commission (MICRC), a commission of Michigan citizens with the absolute authority to draw and approve both state and congressional district maps.<sup>53</sup> The citizen-led effort to change the redistricting process followed years of extreme gerrymandering in the state by the Michigan Legislature.

Prior to the 2020 redistricting cycle, the Michigan Legislature had the authority to draw state legislative and congressional districts. During the previous two redistricting cycles following the 2000 and 2010 censuses, Republican legislators held majority control of the Legislature as well as the governorship. Experts concluded that during previous redistricting cycles, Michigan had some of the most extreme gerrymandered maps—with legislators creating districts more favorable for themselves or for their party and thus easier to win. According to a 2017 report by the Brennan Center for Justice, Michigan was among the three states with the “most extreme levels of partisan bias” in the country.<sup>54</sup> The partisan bias of the map meant that of Michigan’s then-14 congressional seats, two or three were won by Republican candidates as a result of gerrymandered districts, leading to more Republican-represented congressional districts, even though Democratic candidates received significantly more votes statewide.<sup>55</sup> Based on the additional seats won by Republicans in comparison with votes cast for Republican candidates, experts concluded that the same decade’s congressional districts, across elections, had an efficiency gap of more than 9 percent at its lowest and nearly 20 percent at its highest—meaning that Republican candidates won up to 20 percent more

congressional seats (2.8 seats) because of partisan gerrymandering.<sup>56</sup> This gap was evident in the 2018 midterm election: Democratic congressional candidates won 53.9 percent of major party votes, compared with 46.1 percent for Republican congressional candidates. Yet even with a nearly eight-point margin, Democrats won the same number of seats in Congress as Republicans.<sup>57</sup>

In the 2018 midterm election, districts for Michigan’s House of Representatives and state Senate fared even worse in terms of partisan fairness, with an efficiency gap of 10 percent and 12 percent, respectively.<sup>58</sup> Although Democratic candidates for Michigan’s House of Representatives won 190,000 (5 percent) more votes than Republican candidates, Republicans won 58 seats compared with the 52 seats Democrats won; Michigan House elections had the fourth-highest efficiency gap in the nation that year.<sup>59</sup> And although Republican state Senate candidates won 48.7 percent of the vote, Republicans won 22 state Senate seats compared with the 16 seats won by Democrats with 51.3 percent of the vote.<sup>60</sup>

In that same election cycle, however, Michigan voters reversed the course of the state’s long history of partisan gerrymandering by taking redistricting authority away from the state Legislature and placing it in the hands of the people. The Michigan Independent Citizens Redistricting Commission (MICRC) is composed of 13 commissioners, four of whom are affiliated with each major political party and five of whom are not affiliated with either major political party. The commissioners are selected through a process by which 200 applicants—60 from each major party and 80 unaffiliated—are put through a statistically weighted random drawing process to produce a smaller pool of candidates who account for both demographic and geographic diversity.<sup>61</sup> Additionally, half of each initial pool consists of voters who received an application randomly mailed to them by the Michigan Secretary of State. After the pool of 200 applicants is statistically narrowed down, the state’s four legislative leaders are then allowed to strike up to five applicants each to produce a final set of candidates, 13 of whom are randomly selected to serve as commissioners for one redistricting cycle.<sup>62</sup>

These citizen-commissioners are tasked with drawing district lines for the Michigan House of Representatives, state Senate, and U.S. House of Representatives following each decennial census. The MICRC drew its first set of maps following the 2020 census, and experts have determined that these new maps are a major step forward in terms of partisan fairness and representation in the state and will result in competitive and fair races. The Princeton Gerrymandering Project gave the new maps an overall score of “A,” and the project’s director stated that:

*This is the quintessential success story of redistricting ... These maps treated the two parties, Democrats and Republicans, about as fairly as you could ever imagine a map being. In all three cases, whoever gets the most votes statewide is likely to control the chamber or the delegation. And there's competition in all three maps.<sup>63</sup>*

And while this decade's maps are not entirely perfect, they represent a large step forward for fair representation in the state. While the new maps still slightly favor one political party, experts have calculated that the efficiency gap of the new maps is below 3 percent. When relying on the efficiency gap to measure partisan gerrymandering, anything below 7 percent indicates that no party is substantively advantaged by a set of maps.<sup>64</sup> Criticism of the new maps has instead centered on two key issues: 1) the number of districts that significantly divide communities and neighborhoods; and 2) the reduced share of Black voters in Detroit's congressional and state legislative districts that resulted from an effort to ensure Black voters' voices were prominent in more districts. As a likely consequence of the latter issue, elections based on the new maps have so far resulted in fewer Black lawmakers elected to public office.<sup>65</sup>

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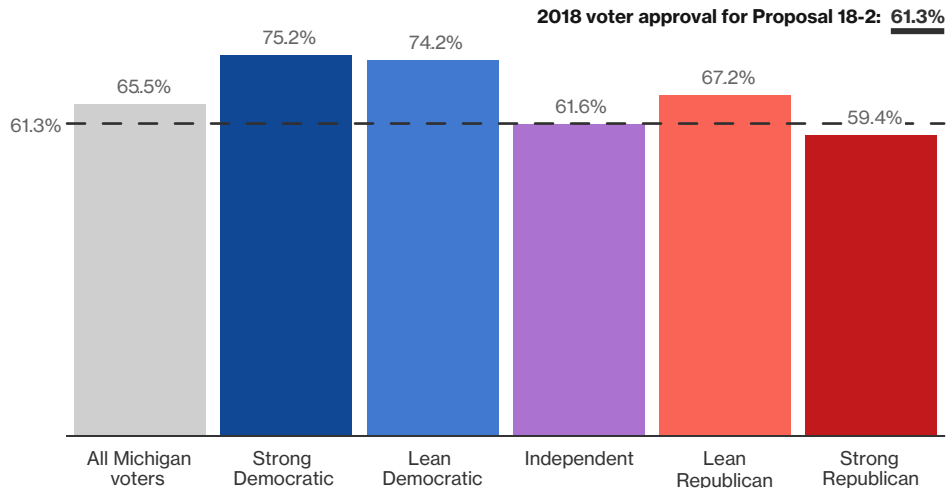
The overall partisan fairness of these maps was evident during the 2022 midterm election, when Democratic congressional candidates won 51.2 percent of major party votes, compared with 48.8 percent for Republican congressional candidates (a 2.4-point margin), which resulted in seven Democrat-held and six Republican-held congressional seats.<sup>66</sup> Even smaller margins of differences in major party vote totals resulted in 20 Democrat-held seats compared with 18 Republican-held seats for the Michigan Senate (a 1.4-point margin for Democrats), and 56 Democrat-held seats compared with 54 Republican-held seats for the Michigan House of Representatives (a 1.2-point margin for Democrats).<sup>67</sup> These results show that across all three sets of maps, the share of statewide votes for each major political party translated to a correspondingly similar share of seats for each major political party.



FIGURE 2

## Support for the Michigan Independent Citizens Redistricting Commission (MICRC) has increased since voters approved Proposal 18-2

Preference for MICRC over state legislature, by political affiliation



The 2022 survey asked Michigan voters if Michigan should continue to allow the Michigan Independent Citizens Redistricting Commission to redraw the state's maps or if it should go back to allowing elected representatives that have control in the state legislature to redraw the maps.

Source: Michigan Independent Citizens Redistricting Commission, "Lessons Learned & Recommendations From the Inaugural Commission" (Lansing, MI: 2022), available at <https://www.michigan.gov/micrc/-/media/Project/Websites/Mi-CRC/MISC8/Lessons-Learned-Report-and-Appendix-Reduced-File.pdf?rev=26baa17faee24225a2bc64859971aad2&hash=1A7E20CCF6B8C8AA1E81E7CE0A7886F8>; Ballotpedia, "Michigan Proposal 2, Independent Redistricting Commission Initiative (2018)," available at [https://ballotpedia.org/Michigan\\_Proposal\\_2\\_Independent\\_Redistricting\\_Commission\\_Initiative\\_\(2018\)](https://ballotpedia.org/Michigan_Proposal_2_Independent_Redistricting_Commission_Initiative_(2018)) (last accessed May 2023).

In addition, Michiganders across the political spectrum continue to support the MICRC. In a survey, Michigan voters were asked if the state should continue to allow the commission to redraw the state's maps or if the state should revert to allowing the state Legislature to redraw the maps: 65.5 percent said that the commission should continue to draw the maps, with only 10.1 percent of those polled in disagreement.<sup>68</sup> This approval rating also represents an increase in support for independent redistricting from the original proposal, which was approved by 61.3 percent of the vote, with 38.7 percent opposing.<sup>69</sup> Even more compellingly, the majority of all party affiliations said that the redistricting commission should continue, with 67.2 percent of those identifying as "lean Republican" and 59.4 percent of those identifying as "strong Republican" supporting the commission over the state Legislature, as well as 61.6 percent of independents and 74.2 percent of those identifying as "lean Democratic."<sup>70</sup>

# The importance of citizen-initiated constitutional amendments

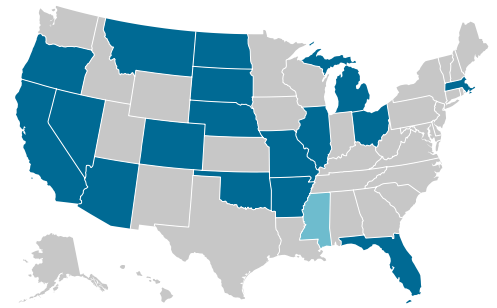
Michigan's citizen initiative ballot process for constitutional amendments has served as the state's bedrock for democracy reform over the past few years. Not only has the process served as a critical measure for direct democracy by enabling the public to engage on significant and pertinent policy issues heatedly debated across the nation, it also has been the primary mechanism for responsive democratic transformation in Michigan. Constitutional amendments, approved by voters across the political spectrum, have helped Michigan thrive in comparison with states that have struggled for years to approve similar reforms. These amendments have been critical in bypassing the kind of hyperpolarization and partisan gridlock that have stymied similar reforms in other states.

Michigan is among the 23 states that have citizen initiative ballot proposals for statewide policies and among only 17 states that allow citizens to place constitutional amendments on the ballot.<sup>71</sup> Citizen initiatives are not tied to bills being considered or passed in the state Legislature and are instead an opportunity for citizens to put almost any topic on the ballot. Advocacy organizations and civil society groups are often involved and can provide financial and technical assistance in getting a proposal placed on the ballot, but many proposals originate directly from citizens.

In Michigan, Proposal 18-3 and Proposal 22-2 were supported by the American Civil Liberties Union of Michigan, the NAACP Michigan State Conference, and the League of Women Voters of Michigan, among other organizations.<sup>72</sup> These groups collectively raised more than \$23 million to support the passage of Proposal 22-2.<sup>73</sup> Proposal 18-2 for redistricting reform began with a simple social media post from a frustrated voter, Katie Fahey, following the 2016 election, which stated, "I'd like to take on gerrymandering in Michigan."<sup>74</sup> Within a few months, Fahey had organized a volunteer movement that collected more than 400,000 signatures to put independent redistricting on the ballot, approximately 85,000 more than were needed.<sup>75</sup> The volunteer movement also managed to gather the required signatures without having to hire signature collectors.

While the process for placing citizen initiatives on the ballot varies across states, in order to place a measure on the Michigan ballot for a citizen-led constitutional amendment, voters equal in number to at least 10 percent of the total votes cast in the previous gubernatorial election are required to sign a petition in support of placing a measure on the ballot. This is a fairly common threshold among states for placing constitutional amendments on the ballot. Michigan—along with nearly all states—follows a “direct” process for citizen-initiated constitutional amendments, meaning that once signatures are certified by the Michigan Board of State Canvassers, the measure is placed directly on the ballot for voters to approve or reject.<sup>76</sup>

Once a proposal makes it to the Michigan ballot, a simple majority vote (50.01 percent) is required to approve the amendment, after which it becomes law within 45 days of the election. Like Michigan, most states follow a simple majority threshold for approving citizen-initiated constitutional amendments, with two states requiring more than a simple majority to approve a ballot initiative: Florida requires 60 percent of the vote for approval, while Colorado requires 55 percent for approval.<sup>77</sup>



See the Appendix for full data on states with citizen-initiated constitutional amendments.

While Michigan requires only a simple majority to pass an initiative into law, all three of the major democracy reform citizen-initiated constitutional amendments have been approved with wide margins—margins approximately double that of what statewide candidates won by in those same years. In 2018, voters approved Proposal 18-3 with a 33.8-point margin and Proposal 18-2 with 22.6-point margin, while the largest margin of victory for a statewide candidate during that general election was nine points.<sup>78</sup> Similarly, in 2022, voters approved Proposal 22-2 with a 20-point margin, while the largest margin of victory for a statewide candidate that year was 14 points (secretary of state) and the other two statewide candidates on the ballot that year won by 10.5 points (governor) and 8.6 points (attorney general).<sup>79</sup>

While citizen initiative ballot proposals have been pivotal for Michigan’s healthy democracy, and even for the preservation of reproductive rights, lawmakers in a number of other states have been attempting to restrict citizen initiative ballot proposals.<sup>80</sup> Lawmakers in South Dakota, Arkansas, Ohio, Missouri, and Florida have been working to increase the threshold required to pass a ballot measure into law.<sup>81</sup> At a time when many democratic institutions are under attack, these efforts would limit Americans’ ability to engage in direct democracy and make it more difficult to enact popular reforms at the same time that voters in many of these states are passing important and transformative policies.

In 2022, voters in South Dakota and Arkansas defeated efforts to increase the thresholds, while efforts in other states persist. Arkansas voters defeated a ballot measure to change the threshold for all ballot measures from a simple majority (50.01 percent) to 60 percent, with 59 percent voting to maintain the simple majority threshold.<sup>82</sup> And in South Dakota, voters rejected a proposal that would have increased the simple majority threshold to a supermajority threshold for ballot initiatives that would raise taxes or fees.<sup>83</sup>

Legislators in Ohio, Missouri, and Florida have also led efforts to increase thresholds for approving ballot measures. In May, the Ohio Legislature passed a resolution that would increase the threshold to 60 percent for approving all ballot measures.<sup>84</sup> The proposed change will be sent to Ohio voters to approve or reject and requires only a simple majority to approve. The Missouri Legislature was also considering a similar proposal that would have raised the threshold to 57 percent. While this effort died in the Missouri Senate on the last day of session, the Missouri Senate president pro tempore stated that “[it] will be a priority during the next legislative session.”<sup>85</sup> The effort follows a 2022 ballot initiative for which Missourians voted 53.1 percent of the vote to legalize marijuana and a 2020 ballot initiative to expand Medicaid, which Missourians approved with 53.3 percent of the vote.<sup>86</sup> If a higher threshold of 57 percent had been set in the state, neither of these citizen-led initiatives would have passed. The proposed change also comes at a pivotal moment, as there is likely to be an initiative petition on reproductive rights on the ballot in 2024.<sup>87</sup> Lastly, legislators in Florida—a state that already requires a supermajority for ballot measures—were considering a bill in 2023 that would have increased the state’s already-60 percent threshold to 66.67 percent. In 2018, Florida voters used the citizen initiative process to restore the right to vote to people with prior felony convictions who had completed their sentence with 64.5 percent of the vote, and in 2020, Floridians voted by 60.8 percent to gradually increase the minimum wage to \$15 per hour.<sup>88</sup> Neither of these two initiatives would have passed if the already relatively high supermajority threshold was increased to 66.67 percent by the state Legislature.

These efforts to circumvent the will of the people and raise thresholds for citizen ballot initiatives are problematic and undemocratic, particularly because many of the new proposed thresholds appear uniquely tailored to prevent the enactment of future popular reforms that politicians may want to thwart for ideological or partisan reasons. Additionally, in most states, proposals to increase a simple majority threshold to a supermajority threshold would themselves require only a simple majority to approve. In Ohio, for example, this means that

voters will be asked if they approve of raising the ballot measure threshold to 60 percent, but only 50.01 percent of votes in approval will be required to enact the change. In order to safeguard against this kind of asymmetrical powershift, Oregon voters approved a measure in 1998 that requires that any future ballot measures to change the state's threshold from a simple majority to a supermajority would itself require a supermajority vote for approval.<sup>89</sup>

# Maintaining democratic principles and norms

While Michigan has enacted numerous reforms since 2018, perhaps what makes the state an even more compelling blueprint for democracy has been the state's ability to maintain democratic norms. The Michigan Legislature has continued to conduct its business effectively; state officials and lawmakers have respected and upheld the will of the people; and the state has mobilized to protect elected officials and public servants from harassment and intimidation.

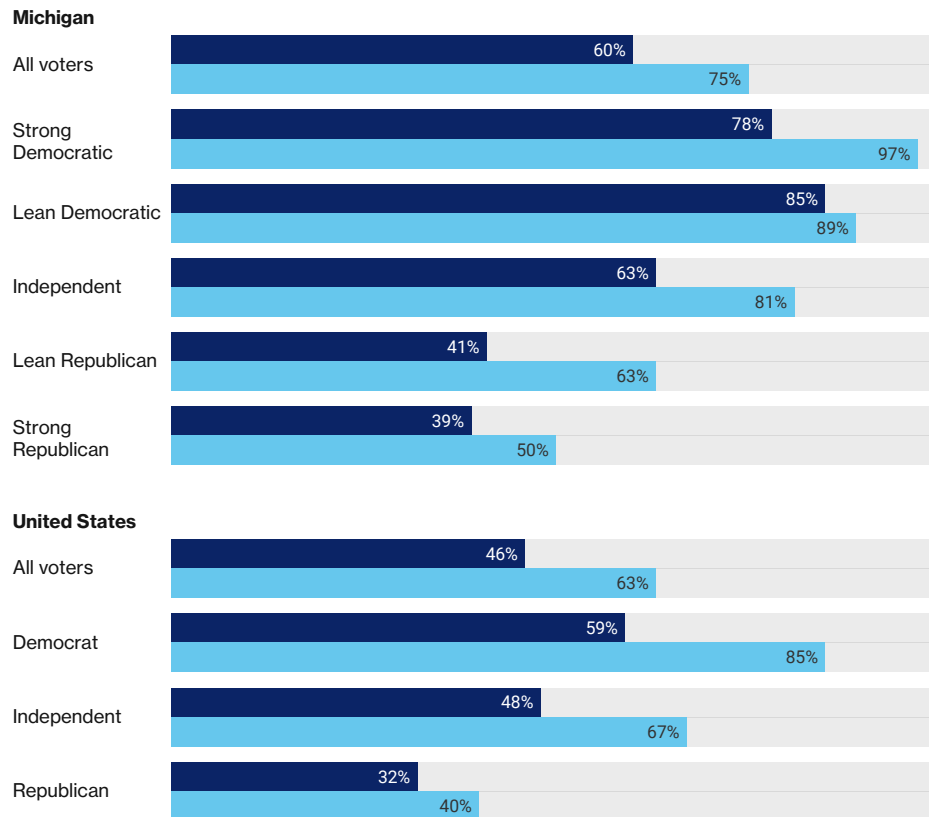
Michigan has managed to build and retain public confidence in the state's democracy and election administration. According to a voter survey conducted by the Detroit Regional Chamber in December 2022, 75.3 percent of Michigan voters approved of the way the state handled the November 2022 election, while only 11.8 percent of those surveyed responded that they disapproved.<sup>90</sup> Voters across the political spectrum also strongly approved of the administration of the election, with 83.5 percent of voters approving of the way they cast their vote.<sup>91</sup> Additionally, 75.3 percent of Michigan voters said that they believed the election was accurate, with the lowest rate of confidence, at nearly 50 percent, among those identifying as "strong Republican."<sup>92</sup> This high rate of approval stands in contrast with only 63 percent of registered voters nationwide who were confident in the administration of elections that year and just 40 percent of those identifying as "Republican" reporting that they were confident in the accuracy of the election.<sup>93</sup>

Moreover, 60 percent of Michigan voters said that they were feeling optimistic about democracy at large, with almost one-quarter of those surveyed responding that they felt better about the state of democracy after the November 2022 elections and nearly 40 percent of that cohort saying that it was because the election system worked well and was without crisis.<sup>94</sup> This again stands in contrast to the 41 percent of American adults who reported that they were satisfied with the state of democracy in the United States the year prior.<sup>95</sup> With Michigan having implemented numerous voting changes in the leadup to the 2022 election, the strong approval of election administration is a strong indicator that those changes were important to Michigan voters and well-liked even upon implementation.

FIGURE 3

### Michigan voters feel more optimistic about democracy and the accuracy of elections than voters nationally

Public trust in democracy and elections in Michigan and the United States, by political affiliation



Source: Detroit Regional Chamber, "New Statewide Poll: Inflation Concerns Persist, Voters Optimistic About Democracy" (Detroit: 2022), available at <https://www.detroitchamber.com/new-statewide-poll-inflation-concerns-persist-voters-optimistic-aboutdemocracy/>; Justin McCarthy, "Confidence in Election Integrity Hides Deep Partisan Divide," Gallup, November 4, 2022, available at <https://news.gallup.com/poll/404675/confidence-election-integrity-hides-deep-partisan-divide.aspx>; Associated Press and NORC at the University of Chicago, "Few think our democracy is working well these days," October 19, 2022, available at <https://apnorc.org/projects/few-think-our-democracy-is-working-well-these-days/>.

While Michigan has been able to maintain democratic norms in many areas and trust in government and democracy is strong, the state has not been unaffected by growing political polarization and extremism among Americans. The 2020 election saw a barrage of threats and harassment against election workers in the state as well as attempts to interfere with the ballot counting process.<sup>96</sup> A plot to kidnap Gov. Gretchen Whitmer (D) garnered national attention, as have threats and harassment aimed at Secretary Jocelyn Benson (D), including armed

protestors gathering outside of the secretary’s house.<sup>97</sup> Yet, in the face of these challenges, the state has mobilized to protect public servants at every level with state leaders repeatedly standing up against intimidation and extremism in the national spotlight.

In contrast to the public confidence in elections and democracy in Michigan, some states have moved in the opposite direction. In an extreme example, some state legislatures have resorted to expelling lawmakers in the face of political disagreements. Instead of debating policies that are important to voters in good faith, some have resorted to silencing representatives and, by extension, the voters who elected those officials.

In April 2023, the Tennessee Legislature expelled two lawmakers—who were later reinstated—following protests the lawmakers took part in on the floor of the state House of Representatives.<sup>98</sup> The Montana Legislature barred the state’s first transgender lawmaker from the state House floor and gallery for the remainder of the 90-day legislative session, following calls for censure regarding the lawmaker’s comments condemning a bill that would ban gender-affirming care for minors.<sup>99</sup> While such expulsions have not centered around voting and election policies, voting and election policies have nevertheless exacerbated divisions in other states’ legislatures, with some lawmakers fleeing their state in an attempt to prevent quorum and prohibit restrictive voting legislation from being enacted. In 2021, for example, more than 50 Texas lawmakers fled the state under the potential threat of arrest in an attempt to deny quorum in the state Senate and thereby block restrictive voter legislation from being passed.<sup>100</sup> Although their efforts ultimately failed, their drastic measures are emblematic of the conflict and crises in many state legislatures, particularly with voting rights and election policies.<sup>101</sup>

In order to preserve democratic principles, it has been critical that Michigan state legislators and officials have upheld the will of the people by quickly implementing constitutional amendments approved by voters. In states such as Florida, this has not been the norm. All three major Michigan proposals highlighted in this report were approved with relatively large margins and often with significantly larger margins than victories for statewide candidates; the same is true for important Florida ballot measures that state legislators and lawmakers have effectively overturned. As previously noted, Floridians voted to restore the right to vote for formerly incarcerated individuals, with 64.5 percent approving the measure with an overwhelming 29-point margin of victory.<sup>102</sup> Following the amendment’s approval, however, the Florida Legislature intervened and pushed through a felony disenfranchisement bill—which Gov. Ron DeSantis (R) signed into law—that



modified the new policy, requiring that in order for an individual's sentence to be deemed "complete," they must have repaid all fines, fees, court costs, and restitution before having their right to vote restored.<sup>103</sup> The citizen-approved constitutional measure had been a voting rights victory years in the making and promised to be one of the most significant voting reforms in recent history. Florida's new law is one of the most blatant voter suppression policies in the country—with many comparing it with polls taxes of the Jim Crow era.<sup>104</sup> It critically undermines the citizen-approved constitutional amendment that would have re-enfranchised nearly 1.5 million Floridians, including approximately 21 percent of otherwise eligible Black voters in the state.<sup>105</sup> One federal judge even ruled that the state Legislature's intervention essentially created a "pay-to-vote" system.<sup>106</sup>

This obstruction of the will of the people follows in the footsteps of numerous efforts to subvert citizen-approved constitutional amendments in Florida. It adds to a list of ways in which the state has disregarded democratic principles, in addition to lawmakers' efforts to increase the threshold required to approve constitutional amendments.<sup>107</sup> While Florida is not alone in these efforts, the reversal of a citizen-based initiative to expand access to the ballot box is a prime example of lawmakers subverting democracy and overturning the will of the people for partisan advantages.

Efforts to circumvent the will of the people in this manner, as well as the work in numerous states to make it more difficult for citizens to participate in direct democracy, are emblematic of the growing disconnect between politicians and the people they are supposed to represent.

# Conclusion

Reforms enacted in Michigan since 2018 demonstrate the power that citizens can have to reimagine and shape their democracy in a relatively short period of time. Michigan is not only a good model for demonstrating the potential impact of voting and redistricting reforms, but it also shows how popular these reforms are among the people, both on the ballot and in practice.

In an increasingly polarized time when pro-democracy and good governance measures are portrayed as power grabs, Michigan has shown that states can chart a different course. While many state and national leaders have shown a willingness to use their positions of power to divide people and fight against democratic reforms for political advantage, in many ways Michigan voters have managed to overcome these challenges through direct democracy. They have managed to substantially expand and strengthen their state's democracy through increased voter participation and improved political representation. States across the country should evaluate Michigan's blueprint for quick and effective progress to determine if and how these popular, pro-democracy reforms can be implemented and promoted on a nonpartisan basis for a more inclusive and representative government.

# Appendix

TABLE A1

## Several states empower citizens to place constitutional amendments on the ballot to enact policies by popular vote

States with citizen-initiated constitutional amendments

State	Process to ballot	Number of signatures required	Geographic distribution requirement	Minimum vote required to pass
Arizona	Direct	15% of the total votes cast in the previous gubernatorial election	None	50% of the vote
Arkansas	Direct	10% of the total votes cast in the previous gubernatorial election	Signatures are required from at least 15 counties in the state.	50% of the vote
California	Direct	8% of the total votes cast in the previous gubernatorial election	None	50% of the vote
Colorado	Direct	5% of the total votes cast for secretary of state in the previous election	Signatures are required from each state Senate district in an amount equal to at least 2 percent of the total registered electors in that district.	55% of the vote
Florida	Direct	8% of the total votes cast in the previous presidential election	Signatures are required from at least one-half of the congressional districts in the state.	60% of the vote
Illinois	Direct	8% percent of the total votes cast in the previous gubernatorial election	None	Either a supermajority of those voting on the amendment or a simple majority of those voting in the election
Massachusetts	Indirect	3% of the total votes cast in the previous gubernatorial election	Signatures are required from at least four counties in the state.	50% of the vote*
Michigan	Direct	10% of the total votes cast in the previous gubernatorial election	None	50% of the vote
Mississippi	Indirect	12% of the total votes in the previous gubernatorial election	Signatures are required from five congressional districts.**	50% of the vote*
Missouri	Direct	8% of the total votes cast in the previous gubernatorial election	Signatures are required from at least two-thirds of the congressional districts in the state.	50% of the vote
Montana	Direct	10% of the total votes cast in the previous gubernatorial election	Signatures are required from at least two-fifths of the legislative districts in an amount equal to at least 10 percent of the total votes cast in the previous gubernatorial election.	50% of the vote

*continues*

State	Process to ballot	Number of signatures required	Geographic distribution requirement	Minimum vote required to pass
Nebraska	Direct	10% of registered voters	Signatures are required from at least two-fifths of the counties in an amount equal to at least 5 percent of the number of registered voters in the counties.	50% of the vote*
Nevada	Direct	10% of the total votes cast statewide in the previous general election	Signatures are required from each of the four congressional districts.	50% of the vote*
North Dakota	Direct	4% of the residential population according to the last federal census	None	50% of the vote
Ohio	Direct	10% of the total votes cast in the previous gubernatorial election	Signatures are required from at least half the counties in an amount equal to at least 5 percent of the total votes cast in the previous gubernatorial election.	50% of the vote
Oklahoma	Direct	15% of the total votes cast in the previous gubernatorial election	None	50% of the vote
Oregon	Direct	8% of the total votes cast in the previous gubernatorial election	None	50% of the vote
South Dakota	Direct	10% of the total votes cast in the previous gubernatorial election	None	50% of the vote

\*Massachusetts also requires that the measure is voted upon by at least 30 percent of the total number of votes cast in an election. Mississippi requires that the measure is voted upon by at least 40 percent of the total votes cast in the election. Nebraska requires that the measure is voted upon by at least 35 percent of the total number of votes cast in an election. Nevada requires that a citizen-petitioned constitutional amendment be approved by voters in two consecutive general elections.

\*\*The Mississippi state constitution allows for citizen-petitioned constitutional amendments, but a recent ruling by the Mississippi Supreme Court effectively invalidates the process. The constitution requires that signatures be collected from five congressional districts, but this requirement cannot be met because, following the 2000 census, Mississippi only has four congressional districts. See Geoff Pender and Bobby Harrison, "Mississippi Supreme Court overturns medical marijuana Initiative 65," Mississippi Today, May 14, 2021, available at <https://mississippitoday.org/2021/05/14/mississippi-supreme-court-overturns-medical-marijuana-initiative-65/>.

Note: The "indirect" process means that after signature collection, the amendment goes to the state legislature, which can approve, reject, or amend it. The "direct" process means the amendment goes straight to the ballot.

Source: All information was collected from state constitutions. All links can be found at <https://www.americanprogress.org/wp-content/uploads/sites/2/2023/06/Appendix-Sources.pdf>

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