



**To: Board Members**  
**From: Matthew Kuschel, Township Attorney**  
**Date: August 12, 2022**  
**Re: Rejection of Petition to permit Marihuana Establishments**

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On June 29, 2022, a petition was submitted to the Township to place the question of whether to repeal the Township’s prohibition of adult-use marihuana establishments and also should the Township allow at least five marihuana establishments (“Petition”) pursuant to the Michigan Regulation and Taxation of Marihuana Act (“MRMTA”).

In consultation with the Township Attorney, the Petition was properly filed with the Clerk’s office pursuant to Michigan law. The petition was then examined for compliance with all requirements of the MRTMA and Michigan Election Law. Petitions must strictly comply with these requirements and any failure to adhere to them is grounds for rejection; “substantial compliance” is not sufficient. See *Stand Up v Secretary of State*, 492 Mich 588, 604, 608 (2012). Under MRTMA, individuals may only “petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality . . .” MCL 333.27956(1). The proposed initiated ordinance encompassed “more than providing for the **number** of marihuana establishments” and is therefore invalid.

Further the petition must meet the requirements of Sections 482 and 488 of the Election Law. the petition form itself did not comply with strict font size or content requirements of MCL 168.482(2). Additionally, the petition did not conform to the plain language of MCL 168.482(8) regarding the placement of a warning to petition signers that their signatures could be invalidated.

Finally, the primary petition circulators have requested that the petition be withdrawn and returned to them. The petition sheets are now a Township record and should be retained in the Clerk’s office with other Township records.

A resolution to reject the Petition consistent with petitioners’ withdrawal request and due to the defects on the face of the petition sheets is attached.

**The following motion has been prepared for Board consideration:**

**I MOVE TO ADOPT THE RESOLUTION REJECTING THE PETITION WHICH WOULD INITIATE AN ORDINANCE TO ALLOW ADULT-USE MARIHUANA ESTABLISHMENTS IN THE TOWNSHIP.**

**CHARTER TOWNSHIP OF MERIDIAN  
(Ingham County, Michigan)**

**RESOLUTION REJECTING BALLOT PROPOSAL FOR PROVIDING NUMBER OF ADULT-USE  
MARIHUANA ESTABLISHMENTS**

At a duly scheduled meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI 48864, in said Township on the 15<sup>th</sup> day of August 2022, at 6:00 p.m. local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following Resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

**WHEREAS**, the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), MCL 333.27956(1), provides that individuals may initiate an ordinance to provide for the number of marihuana establishments within a municipality at the next regular election, for approval or rejection; and

**WHEREAS**, the Township received a petition on July 29, 2022, seeking to initiate an ordinance to locate, regulate, and provide for at least five adult-use marihuana retailer establishments (the “Petition”); and

**WHEREAS**, the Petition must comply with Section 6 of the MRTMA and Sections 482 and 488 of the Michigan election law; and

**WHEREAS**, a petition that does not strictly conform to statutory requirements is defective under Michigan law; and

**WHEREAS**, perchance recognizing the imperfections on the face of the Petition, the primary petitioners have requested that the Petition be returned to them and be withdrawn.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Petition to initiate an ordinance to provide for adult-use marihuana establishments is withdrawn at the request of petitioners and is therefore rejected.
2. The Petition is further found to be facially defective under MCL 333.27956 and MCL 168.482 and therefore must be and hereby is rejected.
3. The Township Clerk shall retain the Petition and original petition sheets in her office pursuant to her statutory duty to file and keep all papers and records of the Township.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

