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Proposal S on Detroit ballot as backstop on reparations

Measure would give voters ability to appropriate city funds

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Detroiters will vote in the Nov. 2 election on Proposal S, which would allow residents to enact ordinances through public vote that would allocate money the city must spend.

A November ballot proposal staunchly opposed by Mayor Mike Duggan's administration seeks to lock in Detroit residents' ability to push forward with reparations in the event City Council falls short.

PROPOSAL S

Following is the language for Proposal S, as it appears on Detroit's Nov. 2 ballot:

"Do you agree to amend a provision of the City of Detroit Charter to amend Sec. 12-101 of the Charter that restricts power from the voters to enact City ordinances for the appropriation of money?"

"The amended section shall read: The voters of the city reserve the power to enact City ordinances, call the 'initiative', and the power to nullify ordinances, enacted by the City, called the 'referendum'. However, these powers do not extend to the budget and the referendum power does not extend to any emergency ordinance. The initiative and the referendum may be invoked by petition as provided in this chapter."

The change Proposal S makes is to remove a clause in the existing charter that prohibits the appropriation of funding by voters. To show exactly what's changing, following is the original charter section, with the part that would be removed shown in bold:

*"The voters of the city reserve the power to enact city ordinances, call the 'initiative', and the power to nullify ordinances, enacted by the city, called the 'referendum'. However, these powers do not extend to the budget **or any ordinance for the appropriation of money**; the referendum power does not extend to any emergency ordinance. The initiative and the referendum may be invoked by petition as provided in this chapter."*

Detroiters will vote Nov. 2 on Proposal S, which, if passed, would mark a significant pivot in the city toward direct democracy that would give citizens direct power over city spending. The initiative backed by social welfare organization The People's Voice would enable residents to enact initiatives by public vote that appropriate city money for the purposes they choose.

Proposal S has had an arduous and litigation-lined journey to the ballot, and it is still being questioned on its legality, consequences and lack of clarity. It's part of a push toward giving

Detroit residents who feel shut out of government a say — specifically, a say in instituting government programs that give reparations for historic injustices against Black residents.

Detroiters will be simultaneously voting on Proposal R, an initiative led by City Council President Pro Tem Mary Sheffield that asks whether the city should create a committee to explore reparations.

The People's Voice, founded by attorney Todd Perkins, is pushing for Detroiters to vote "yes" on proposals S and R as a pair. The former was created as a fail-safe move if elected officials aren't as "aggressive" as they need to be when it's time to act on reparations, said Perkins, principal of Detroit-based Perkins Law Group PLLC. In that case, voters could go back to the ballot and do something "revolutionary," like get reparations approved themselves.

Todd Perkins

Perkins said it's time to build a new avenue toward reparations that empowers Black residents, after "you've felt nothing but frustration and consternation" trying to get there. However, the effort has drawn a fervent rebuke from city government leaders.

While Duggan is in favor of reparations and supports Proposal R, according to Deputy Mayor Conrad Mallett, Mallett called Proposal S "very, very bad public policy."

"(Proposal) S, to me, is a confused attempt to take away decision-making authority not from the mayor of the city of Detroit but from Detroit City Council," Mallett, who is also a former Michigan Supreme Court justice, told Crain's at the recent Mackinac Policy Conference.

Mallett argues the initiative would make City Council "irrelevant," giving residents the power over the city's spending.

"I think we are going to have a discussion with Detroit voters about (Proposal) S. We don't want people to be uninformed about something that is as consequential as removing from the budgetary process the Legislature, who, that is their job, right?" he said. "The way I read it is, yeah, we're going to make spending decisions based on initiative, that is, by the popular will, as opposed to the legislative responsibility to study the issue, weight the consequences, do a cost-benefits analysis and make a public decision."

Perkins said this is yet another an example of Duggan's administration creating confusion, misinformation and a "boogeyman" to fight when it disagrees with a proposal. He referenced this summer's push by the Detroit Charter Revision Commission to get [sweeping changes made](#) to the city's governing document. Duggan's administration also opposed that effort that

would have cost the city money. Duggan supporters launched a [campaign against it](#), and Proposal P was defeated [at the ballot in August](#).

"We should be treading very lightly in trying to stop something like this in a city that is so overwhelmingly African American," Perkins said, arguing that if the mayor can ask for more money for his agenda through referendum — like when Duggan's \$250 million [blight removal initiative Proposal N](#) appeared on the ballot — residents should be able to do it, too.

Peter Ruddell, a longtime policy and elections adviser, told Crain's that he has never seen a local effort on a city ballot to try to let residents make monetary appropriations themselves through ballot initiatives. It's a move toward more direct democracy.

There are also questions as to whether Proposal S violates state law, said Ruddell, a partner at Detroit-based Honigman LLP.

The ballot initiative would allow Detroiters to vote in ordinances that appropriate funds City Council must spend, but they wouldn't be able to change the city's budget itself. Perkins has said that distinction is there to make sure Proposal S complies with state rules.

But Ruddell said the implementation of the initiative would still be murky. He questions whether the mayor would still retain line-item veto power for all monetary appropriations, as is required under Michigan's Home Rule City Act. Normally, the mayor cannot take action against a voter-initiated ordinance, so what would happen here, and what would City Council's role be?, he asked. Detroit also can't run a deficit, so if a future proposal put Detroit's spending over its annual revenue, that's a problem that would need solving.

Legal battle

Proposal S almost didn't get on the ballot in the first place: It's there by a judge's order.

The Detroit Election Commission on Aug. 18 ruled the People's Voice's referendum petition legally deficient and took six days to notify Perkins, despite the fact that his group had properly submitted signatures, according to Perkins and documents he sent to Crain's.

So he sued the commission and City Clerk Janice Winfrey on Aug. 27, seeking reinstatement on the ballot. The commission argued that Proposal S's language would be unclear to voters and that the People's Voice didn't have all its documentation in order, according to the lawsuit and the defense's response. The two sides also differed on whether it was too late to change the ballot.

Perkins argues the Detroit Election Commission wrongly denied the ballot initiative, delayed the process and lied about the validity of petition documents in court in order to keep it off the ballot.

"They don't want people to vote on certain things. They want to determine what you have a right to vote on," he said.

On Sept. 10, Wayne County Circuit Court Chief Judge Timothy Kenny ruled in favor of Perkins and the People's Voice, restoring Proposal S to the ballot. But the legal battle isn't over — Perkins plans to file a motion for sanctions over the denial and delays.

Calls to Detroit's elections department media line were not answered.

Reparations considered

At the center of Proposal S and Proposal R is whether Detroit will act on the long-standing question of reparations — or government restitution for historic injustices against African Americans.

Evanston, Ill., is the first city in the United States so far to fund reparations, and plans to give up to \$25,000 toward housing for eligible residents, according to [ABC News](#). It is in an attempt to acknowledge harm "caused to African-American/Black Evanston residents due to discriminatory housing policies and practices and inaction on the part of the City from 1919-1969," the city of Evanston says on its website.

In Detroit, reparations are under discussion. However, they're still far from being implemented. Sheffield's reparations proposal would, as worded on the ballot, "establish a Reparations Task Force to make recommendations for housing and economic development programs that address historical discrimination against the Black community in Detroit."

Sheffield did not respond to a request for comment on her stance on Proposal S.

"... On Proposal S in relation to reparations, I think, we have a democracy and at this point voters should have the ability to vote on appropriating funds," said Denzel McCampbell, a candidate for Detroit City Clerk and former Detroit Charter Revision commissioner. "I think that is something that is key, on various issues, not just reparations. If you think about affordable housing, transportation."

The clerk candidate also drew a connection to Proposal P.

"When I think about why (Proposal S) came about, and (Proposal P), I think it shows there's a gap in what voters want in the city and what they're seeing from their elected officials,"

McCampbell said. "As I talk to people, time and time again, they're frustrated in the lack of progress they're seeing and this could be a way, they're saying, "We need a route where our voices will be heard."

Inline Play

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