

**SAMPLE BALLOT**  
**CITY OF HAILEY, STATE OF IDAHO**  
**NOVEMBER 6, 2007**

**INSTRUCTIONS:** Vote on the following question by placing an X in the square according to the way you desire to vote on that question. If you, by mistake or accident, tear, deface, wrongly mark or otherwise mutilate this ballot, return it to the election judge and get another.

**The Hailey Cannabis Regulation and Revenue Ordinance**

Shall the City of Hailey adopt the Hailey Cannabis Regulation and Revenue Ordinance, as set forth below?

(See full text of proposed Ordinance below and on back of page.)

**YES**

**NO**

**BY THE VOTERS OF THE CITY OF HAILEY:**

**AN ORDINANCE BY THE CITY OF HAILEY, A MUNICIPAL CORPORATION, PROVIDING FOR CANNABIS POLICY OF THE CITY; PROVIDING FOR THE TAXATION AND REGULATION OF CANNABIS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR A CITY ADVOCATE TO LOBBY OTHER BRANCHES OF GOVERNMENT FOR REFORM OF CANNABIS LAWS; PROVIDING FOR A COMMUNITY OVERSIGHT COMMITTEE; AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED BY THE VOTERS OF THE CITY OF HAILEY:**

**Section 1: TITLE**

This short title of this initiative shall be and the initiative may be enacted as “The Hailey Cannabis Regulation and Revenue Ordinance.”

**Section 2: FINDINGS**

The people of Hailey, Idaho find as follows:

**WHEREAS** it is a goal of the people of Hailey to keep drugs off the streets and away from children, and to eliminate the crime and violence associated with illegal drug dealing; and

**WHEREAS** each year Idaho spends millions of dollars enforcing marijuana laws, thereby filling local jails and prisons to capacity, and expending valuable law enforcement resources that would be better spent on fighting violent and serious crimes; and

**WHEREAS** medical and governmental studies have consistently found cannabis to be less dangerous than alcohol, tobacco and other already legal drugs; and

**WHEREAS** controlling cannabis through legalization and regulation so that it is only sold by licensed businesses would undermine black market dealers who pay no taxes and peddle to children; and

**WHEREAS** in the face of the state and local budget crises, the revenues from taxing and licensing cannabis would help fund vital city services; and

**WHEREAS** the state of Idaho has no mandate under the Constitution to outlaw cannabis and would therefore be subordinate to the will of the people as expressed through the initiative process and guaranteed by Article One Section Two of the Idaho Constitution; and

**WHEREAS** in a free country, the government has no moral authority to tell a free people what they can and cannot do in the privacy of their homes;

**THEREFORE** the people of the City of Hailey do hereby enact the following ordinance establishing the cannabis policy of the city.

**Section 3: DEFINITION**

“Cannabis” means “marijuana” as currently defined in Idaho Code 37-2701(s), and includes any other variety of marijuana not enumerated therein.

**Section 4: PURPOSE**

The purpose of this initiative is:

1. To direct the City of Hailey to tax and regulate the sale of cannabis for adult use, so as to keep it away from children and to raise revenue for the city.
2. To mandate that no cannabis may be bought or sold within the City of Hailey unless pursuant to strict regulation and control.

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3. To issue an official declaration advocating changes in Idaho State law, county ordinance, or any other applicable laws to authorize the taxation and regulation of cannabis and eliminate criminal penalties for private adult cannabis use.
4. To stimulate communitywide debate on a public policy issue of great importance.
5. To establish a community panel to oversee the implementation of this initiative.

#### **Section 5: REGULATION**

After giving due consideration to the recommendations of the Community Oversight Committee, which shall hold public meetings on the issue, the City Council of Hailey, within one year after the enactment of this initiative, shall establish a process and procedures by which to implement the licensure, taxation, and regulation of the sale of cannabis for adult use. These processes and procedures shall be enacted by the Council into positive law and shall be codified in City Code. The duty of the City Council under this section is mandatory and shall be deemed a ministerial act. In the event that a court of competent jurisdiction declares the enacted process and procedures to be invalid for any reason, the ordinances shall remain codified in City Code; however, they shall be accompanied by the following statement:

“This ordinance has been found to be invalid by (name of court and case number). This ordinance shall remain unenforceable until the time that the Idaho Legislature changes applicable state law.”

The City Council shall enact an ordinance that includes, but is not limited to, the following provisions:

- a) The sale and distribution of cannabis to minors will be strictly prohibited, with criminal penalties attached for a violation;
- b) Driving under the influence of cannabis shall be strictly prohibited;
- c) The city shall establish a licensing system for any business that grows or sells cannabis, with regulations to assure good quality, and compliance with health and safety standards;
- d) Cannabis businesses shall be required to pay taxes and licensing fees;
- e) Onsite consumption shall be licensed so as to keep cannabis off the streets and away from children, subject to reasonable air quality standards;
- f) No cannabis sold within city limits shall be imported from out of state;
- g) Commercial growers shall obtain a license, and preference shall be given to local farmers;
- h) City officials and law enforcement are forbidden to cooperate with the Federal Government on any aspect of cannabis enforcement that could be construed to be a violation of any portion of this ordinance;
- i) Individuals who grow cannabis for personal use are prohibited from selling their product to any other individual, with criminal penalties attached for a violation.

#### **Section 6: ADVOCACY FOR LEGISLATIVE REFORM**

The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist and other city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated should include, but are not limited to, the following:

- a) Allow for the taxation and regulation of cannabis for adults;
  - b) Grant local control to cities and counties to license and regulate cannabis businesses, and collect appropriate fees and/or taxes; and
  - c) End the prosecution, arrest, investigation and imprisonment for adult, private cannabis offenses.
- Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's marijuana laws.

#### **Section 7: COMMUNITY OVERSIGHT COMMITTEE**

Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation of the Hailey Cannabis Regulation and Revenue Ordinance. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey,
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven-member Committee shall include:

- a) Ensure timely implementation of this ordinance;
- b) Make recommendations to the Hailey City Council regarding appropriate regulations, in accordance with Section 5 above;
- c) Oversee the disbursement of revenues generated through the sale of cannabis by licensed cannabis businesses to ensure that funds go to vital city services such as education, public transportation, and rehabilitation programs;
- d) Examine ways that personal taxes could be reduced in light of the additional revenue generated by this ordinance; and
- e) Report regularly to the Council on the implementation of this ordinance.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings.

In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes.

#### **Section 8: SEVERABILITY**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.