



OFFICE OF THE SECRETARY OF STATE

NEWS RELEASE

BILL BRADBURY

For Immediate Release:
August 8, 2008

Contact: Carla Corbin
Elections Division
(503) 986-1518

The Office of the Secretary of State received a certified ballot title from the Attorney General on August 7, 2008, for initiative petition #28, proposing a statutory amendment, for the General Election of November 2, 2010.

In addition, Secretary of State Bill Bradbury determined that the proposed initiative petition was in compliance with the procedural requirements established in the Oregon Constitution for initiative petitions.

The certified ballot title is as follows:

ESTABLISHES MEDICAL MARIJUANA SUPPLY SYSTEM AND ASSISTANCE AND RESEARCH PROGRAMS; ALLOWS LIMITED SELLING OF MARIJUANA

RESULT OF "YES" VOTE: "Yes" vote establishes supply system, low income assistance program for medical marijuana cardholders; establishes research program; grants limited state regulation authority; allows limited marijuana sales.

RESULT OF "NO" VOTE: "No" vote retains current law without: supply or assistance programs for medical marijuana cardholders; or authorization for state organized scientific program; or medical marijuana sales.

SUMMARY: Current law allows specified individuals to become registered growers of medical marijuana by meeting criteria; does not allow marijuana sales or state assistance to cardholders in obtaining marijuana; limits growers to six mature plants and 24 ounces of useable marijuana for each cardholder; limits certain growers to growing for four cardholders; limits growers' reimbursements. Measure creates medical marijuana supply system composed of licensed dispensaries and producers. Establishes licensing guidelines. Producers and dispensaries can possess 24 plants and 96 ounces of marijuana. Allows limited sales (by expanding cost categories currently not reimbursable). Exempts dispensaries, dispensary employees, and producers from most marijuana criminal statutes. Establishes low income cardholders' assistance program. Allows state to conduct or fund research of cardholders' marijuana use. Retains grow registration system. Other provisions.

Chief Petitioner(s): Anthony Johnson, 1827 SE Pine ST, Portland, OR 97214.

Copies of the text of this initiative are available at Room 141 State Capitol, for \$1.75. Written requests for copies with your remittance of \$1.75 prepaid, should be addressed to: Elections Division, 255 Capitol St NE, Suite 501, Salem, OR 97310.

There now follows an appeal period of 10 business days. Any elector dissatisfied with the ballot title certified by the Attorney General, who also submitted in a timely manner written comments which addressed the specific legal standards a ballot title must meet, may petition the Supreme Court for a different title. The appeal period ends at 5:00 p.m. on August 22, 2008. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2010 general election ballot is 82,769. These signatures shall be filed in this office not later than July 2, 2010.

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DEPARTMENT OF JUSTICE
APPELLATE DIVISION

August 7, 2008

RECEIVED
2008 AUG -7 PM 2:52
SHEPHERD
SECRETARY OF THE STATE

John Lindback
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

Re: Proposed Initiative Petition — Establishes Medical Marijuana Supply System And Assistance And Research Programs; Allows Limited Selling Of Marijuana
DOJ File #BT-28-08; Elections Division #28

Dear Mr. Lindback:

Pursuant to ORS 250.068 we have reviewed the comment submitted in response to the draft ballot title for the above-referenced initiative petition. We provide the enclosed certified ballot title.

We received one (1) comment letter from John Sajo. This letter summarizes the comments we received and our responses to those comments. ORAP 11.30(7) requires this letter to be included in the record in the event that the Oregon Supreme Court reviews this ballot title.

A. The caption

The caption of a ballot title must “reasonably identif[y] the subject matter of the state measure.” ORS 250.035(2)(a). The draft ballot title contains the following caption:

**ESTABLISHES MEDICAL MARIJUANA SUPPLY SYSTEM AND
ASSISTANCE AND RESEARCH PROGRAMS; ALLOWS LIMITED
SELLING OF MARIJUANA**

Commenter Sajo suggests that the phrase “allows limited selling of marijuana” has the “potential to create much confusion among voters” because that phrase is similar to one that is used in Ballot Initiative #2. The Ballot Title for Initiative #2 reads: “PERMITS STATE-LICENSED CULTIVATION OF MARIJUANA, SALE OF MARIJUANA TO ADULTS THROUGH STATE LIQUOR STORES.” Commenter Sajo argues that, because Ballot Initiative #2 relates to sale of marijuana to adults and Ballot Initiative #28 relates to medical marijuana, the title must be changed to avoid confusion.

We disagree with the suggestion from commenter Sajo that the phrase “allows limited selling of marijuana” should be changed. The draft caption accurately describes the measure’s

subject matter. The first phrase of the caption identifies that the measure pertains to *medical* marijuana and the second part specifies that marijuana sales are *limited*. Therefore, the caption negates any implication that marijuana sales are unrestricted and can be sold to anyone. Furthermore, the caption for Ballot Initiative #2 does not indicate that that initiative is limited to medical marijuana cultivation and sale. Thus, the caption for Ballot Initiative #28 will not lead to confusion among the voters regarding the subject matter of the initiative.

Because the draft caption accurately describes the measure's subject matter, we certify the caption with no changes to the draft.

B. The results statements

The draft ballot title contains the following results statements:

RESULT OF "YES" VOTE: "Yes" vote establishes supply system, low income assistance program for medical marijuana cardholders; establishes research program; grants limited state regulation authority; allows limited marijuana sales.

RESULT OF "NO" VOTE: "No" vote retains current law without: supply or assistance programs for medical marijuana cardholders; or authorization for state organized scientific program; or medical marijuana sales.

The letter from commenter Sajo does not contain any comments with respect to the results statements. Accordingly, we certify the results statements with no changes to the draft.

C. Summary

The draft ballot title contains the following summary:

SUMMARY: Current law allows specified individuals to become registered growers of medical marijuana by meeting criteria; does not allow marijuana sales or state assistance to cardholders in obtaining marijuana; limits growers to six mature plants and 24 ounces of useable marijuana for each cardholder; limits certain growers to growing for four cardholders; limits growers' reimbursements. Measure creates medical marijuana supply system composed of licensed dispensaries and producers. Establishes licensing guidelines. Producers and dispensaries can possess 24 plants and 96 ounces of marijuana. Allows limited sales (by expanding cost categories currently not reimbursable). Exempts dispensaries, dispensary employees, and producers from most marijuana criminal statutes. Establishes low income cardholders' assistance program. Allows state to conduct or fund research of cardholders' marijuana use. Retains grow registration system. Other provisions.

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The letter from commenter Sajo does not contain any comments with respect to the summary. Accordingly, we certify the summary with no changes to the draft.

D. Conclusion

For the foregoing reasons, we certify the attached ballot title pursuant to ORS 250.067(2).

~~Sincerely,~~

Jeff J Payne
Assistant Attorney General

JJP:mlk/APPC7741

Enclosure

c: Peter Shepherd, Deputy Attorney General
Don Arnold, General Counsel Division
Steve Wolf, General Counsel Division

Anthony Johnson
1827 SE Pine Street
Portland, OR 97214

John Sajo
PO Box 395
Dillard, Oregon 97432

BALLOT TITLE

ESTABLISHES MEDICAL MARIJUANA SUPPLY SYSTEM AND ASSISTANCE AND RESEARCH PROGRAMS; ALLOWS LIMITED SELLING OF MARIJUANA

RESULT OF "YES" VOTE: "Yes" vote establishes supply system, low income assistance program for medical marijuana cardholders; establishes research program; grants limited state regulation authority; allows limited marijuana sales.

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