

Community Citizens File Lawsuit Against Recreational Marijuana Initiative

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PHOENIX – Members of Arizonans for Responsible Drug Policy (ARDP), community leaders spanning from prevention to education to law enforcement, and others today filed a lawsuit seeking to enjoin the Regulation and Taxation of Marijuana Act (RTMA) from being placed on the ballot this November.

The lawsuit is based on three claims: **1)** The signature sheets are invalid under the strict requirements of A.R.S. § 19-102(A) because they contain a misleading petition summary. **2)** The Initiative violates the “Text and Title” Rule in the Arizona Constitution because the Initiative’s text impermissibly goes beyond what its title suggests, and because the Initiative’s text is so incoherent and confusing as to be misleading and a fraud on the electorate. ARIZ. CONST. Article 4, Part 1, § 1(9). **3)** The Initiative violates the “Revenue Source Rule” in the Arizona Constitution (ARIZ. CONST. Article. 9, § 23) because it does not provide for its own immediate funding. Instead, the RTMA would impermissibly immediately transfer money from the Medical Marijuana Fund to fund the new program.

ARDP and community members offered these statements:

Seth Leibsohn, Chair ARDP: "This initiative is so far reaching, so self-contradicting, and so misleading it cannot possibly or accurately be summarized by its title and text and, indeed, it is not. This lawsuit highlights the wide-ranging impacts the RTMA would impose on everything from law enforcement to education to landlord/tenant law to employment law to family law. This voter protected initiative would of course be bad policy for Arizona, but its reach is so broad compared to how it is being promoted that it is also unconstitutional as drafted."

Bill Montgomery, Maricopa County Attorney: “Given the broad variety of new provisions to Arizona law and changes to current law this initiative would make and the way it has been promoted by its sponsors, from day one and signature one it has constituted a fraud on our great state. The ramifications of the RTMA are immense and in no way represented by the text and title. As the Maricopa County Attorney, I am particularly concerned by the changes this initiative would make to our DUI laws. But those changes are just one category of numerous impacts this initiative would have on Arizonans, their safety, and our communities.”

Sheila Polk, Yavapai County Attorney, Vice-Chair ARDP: “The integrity of the initiative process is central to our democracy. The signature gathering process failed to comply with

Arizona's constitutional requirements to such an extent that it amounts to a fraud on the voters. Voters simply had no notice of the wide array of existing laws that will be changed by this law in very significant ways. While it purports to regulate marijuana like alcohol, in fact, the initiative treats marijuana violations in a far more lenient manner than comparable alcohol violations. Especially troubling are those more lenient provisions when it comes to youth sales and purchases. But this initiative also changes safe and drug-free workplace laws, landlord rights, and family law. The petition summary omitted so much information that it is simply fraudulent in light of what it would actually do if enacted."