

Dougherty, Debbie

From: Paul and Diana Moxness <pdmoxness@gmail.com>
Sent: Sunday, August 20, 2023 11:08 AM
To: ATG Ballot Comments
Subject: Re: [EXT] Proposed ballot initiative

To South Dakota Attorney General's Office,

I wrote earlier that any bill to legalize marijuana would be a BAD IDEA for South Dakota!

I refer you to an article written by a Minnesota Legislator regarding the recent laws passed in MN on legalization of marijuana.

Minnesotans are realizing that they got a lot more than they bargained for with the legalization of recreational marijuana on Aug. 1. Unfortunately, the flaws in the bill got little to no coverage during the legislative session. As a mom and legislator, I am concerned about the impact legalization will have on the mental and physical health of young people, on low-income communities, and the increased costs to all Minnesota taxpayers.

The link to the article: <https://alphanews.org/rep-robbins-marijuana-legalization-too-hasty-reckless/>

Sincerely,

Paul Moxness
Waubay SD

On Mon, Aug 14, 2023 at 9:55 AM Paul and Diana Moxness <pdmoxness@gmail.com> wrote:
BAD NEWS. NOT INN THE BEST INTERESTS OF OUR STATE. I OPPOSE ANY AMENDMENT TO LEGALIZE RECREATIONAL MARIJUANA.

PAUL MOXNESS
WAUBAY SD

Dougherty, Debbie

From: Matthew Schweich <matt@eaglecampaigns.com>
Sent: Monday, August 21, 2023 11:59 PM
To: ATG Ballot Comments
Subject: [EXT] Comment regarding the Initiated Measure Concerning Legalization of Cannabis

Attorney General Jackley,

My name is Matthew Schweich and I am one of the two sponsors, along with Quincy Hanzen, of the proposed initiated measure to legalize cannabis for adults 21 and over in South Dakota.

I am writing to respectfully submit a comment, in my capacity as a South Dakota registered voter, regarding the draft title and draft explanation that you proposed on August 11 for our initiated measure.

My comment comprises a number of points related to both the draft title and the draft explanation.

1. The title should be changed to: "An Initiated Measure Legalizing the Possession and Use of Cannabis."

The use of the word "distribution" is misleading and ignores common sense, thereby violating SDCL 12-13-25.1. In the context of cannabis, the vast majority of voters would interpret "distribution" as the sale of cannabis. However, the proposed measure does not legalize cannabis sales.

The proposed measure does permit one adult to transfer "without consideration" up to the possession limit. This is the same thing as a gift.

When a person gives a friend or family member a bottle of wine as a gift, we do not consider that person to be a "wine distributor" or to be engaging in "wine distribution." In the context of consumable products such as alcohol or cannabis, the common sense, plain English meaning of the word "distribution" is the sale of that product.

For reasons explained below, the word "marijuana" should be replaced with "cannabis."

2. Throughout the title and explanation, the word "marijuana" should be replaced with "cannabis"

There are two reasons for this:

The proposed initiated measure uses the word "cannabis" and only includes "marijuana" in the definition of "cannabis". There is no valid reason for disregarding the sponsors' decision to use the word "cannabis" and this is therefore a violation of SDCL 12-13-25.1.

There is a clear and compelling precedent for the use of the word "cannabis" – the legal title of South Dakota's existing medical cannabis law, which is "Medical Cannabis."

3. For reasons explained above, the words "distribution" and "distribute" should be removed from the explanation.

4. The final sentence of the explanation should be removed entirely.

The final sentence currently states: "Judicial or legislative clarification of this measure may be necessary." This is a vague statement that has the potential to unjustly suppress support for the measure by giving voters doubts regarding its legality.

There is a clear difference between: (a) explaining the technical policy changes effectuated by a proposed initiated measure (which is accomplished in the preceding sentences of your draft explanation); and (b) making unsubstantiated and superfluous predictions regarding hypothetical legal or legislative scenarios involving that proposed initiated measure.

The final sentence of your draft explanation makes such a prediction. This assertion has the capacity to influence voters to oppose the initiative, especially given the historical background of legalization in this state (the Amendment A case). Therefore, the current draft explanation fails to meet the standard established by SDCL 12-13-25.1.

Thank you for considering my comment.

Respectfully,
Matthew Schweich

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