

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

In Re:

Medical Marijuana
Initiative Campaign
of 2002

Administrative Hearing
No. 01-020

Re: Rejection of Proposed
Initiative Measure

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics (hereinafter "The Board") on Friday, December 14, 2001, and involved a determination by the Board that the proposed initiative—"Medical Marijuana Initiative of 2002"—could not be processed by virtue of a congressional appropriation measure. The District of Columbia is currently operating under Continuing Resolution, Pub. L. 107-79, that was signed into law on December 7, 2001. This resolution specifically extends District appropriations under the Fiscal Year 2001 appropriations law for the District.¹ The Board has not taken any action with respect to processing this proposed Initiative due to concern that § 143(a)² of the District of Columbia Appropriations Act, 2001 restricts its ability to do so.

The proposer, Robert D Kampa, submitted the "Medical Marijuana Initiative of 2002" measure³ on July 25, 2001 for Board approval. On July 31, 2001, the Board referred the matter to

¹ The appropriations act for FY 2002 has not yet been signed by the president, but both the House and Senate versions of the bill carry over the substance of §143(a) of the appropriations act for FY 2001. *See* H.R. 2944, 107 Cong. §127(a) (2001), and S. 1543, 107 Cong. §129(a) (2001).

²The full text of § 143(a) provides:

None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

³ As summarized in the summary statement of the Initiative, the measure would permit:

the Office of Corporation Counsel due to the measure's direct relation to federal appropriations. The Board further inquired whether the act of processing the initiative measure constituted enactment of a law. On November 6, 2001, Corporation Counsel responded to the Board's inquiry by elucidating the direct conflict with §143(a). Corporation Counsel further reasoned that the initiative process allows electors to propose laws and present such proposed laws directly to the electors for their approval or disapproval. Consequently, the process is a means by which laws are made in the District of Columbia. By accepting the Initiative measure and preparing it for presentment to the electors, the Board would be expending funds—albeit minimal—to enact such a law.⁴ Since the Board may not expend any funds to carry out any law that would have the effect of legalizing marijuana, the Board is compelled to reject the "Medical Marijuana Initiative of 2002."

Accordingly, it is hereby

ORDERED, that the "Medical Marijuana Initiative of 2002" be rejected on the grounds that the measure is in direct contravention to Federal Appropriation provisions.

December 14, 2001



Benjamin Wilson
Chairman,
D.C. Board of Elections and Ethics

patients suffering from cancer, AIDS, and other debilitating medical conditions to legally use marijuana for the alleviation of their symptoms, provided they have the approval of a licensed physician and adhere to the other limitations and safeguards established by this measure. This measure also protects from sanctions physicians who recommend marijuana to patients who might benefit from it.

⁴ Expenses include newspaper publication, printing ballots with measure, processing said ballots, and announcing the results of the measure.