

Ruling expected Friday on latest challenge to Measure B

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A Superior Court ruling is expected by Friday in the latest legal challenge to Measure B.

A hearing on the lawsuit filed by Calaveras Naturals Inc. to block the May 2 special mail-in ballot election was conducted Wednesday in San Andreas.

Measure B is an initiative to ban the commercial cultivation of cannabis, processing, and delivery of cannabis, and would close dispensaries in Calaveras County.

In his opening statement, Arthur D. Hodge, attorney for petitioner Jeremy Carlson of Little Trees Wellness Collective in Arnold, pointed to provisions in the California election that requires specific language of the enacting clause of an initiative. Hodge asserted that the initiative was in violation of the law because of that impermissible irregularity that affects the validity of Measure B and that the measure should be deleted from the voter ballot.

David Radford, attorney for Measure B proponents Bill McManus and David Tunno, argued that the wording “was not a significant error.” Hodge rebutted by pointing out that sections throughout the initiative attribute findings and statements to the board of supervisors are a “technical irregularity” and do have a substantial impact.

Rebecca Turner, Calaveras clerk-recorder, and David Sirias, assistant county counsel, said there are five different ballots for the May election. Four of the ballots have other items, and one has only Measure B. The information has already been sent to the printer and the mailing house, and the ballots have already been printed. If the court finds in favor of Carlson and Calaveras Naturals Inc., the county may be ordered by the court to not count any votes on Measure B.

Visiting Superior Court Judge Richard D. Meyer from Alpine County said that in most cases, “challenges to initiatives should come after the election as not to disrupt the election.” After Hodge pointed to another case and sections of the election and civil codes, Meyer said, “However, the wording is troublesome.” He said he would have a ruling within two days.

The citizens’ initiative received more than 4,500 valid signatures for placement on the ballot.