



## STAFF REPORT

AGENDA ITEM #: 22-08  
COUNCIL MTG OF: January 18, 2022  
FROM: David Caron, Town Administrator  
OFFERED BY: Administration  
PREPARED BY: Administration  
SUBJECT: To determine whether to proceed to a non-binding referendum to legalize recreational marijuana

---

### PURPOSE

The purpose of this report is to provide information to the Town Council whether to proceed to a non-binding referendum on legalizing recreational marijuana.

### TOWN ADMINISTRATOR COMMENTS

The Council is encouraged to consider this matter and if so inclined, vote whether to proceed to referendum at the Council's JANUARY 18, 2022 Council meeting in order to comply with the timeframe as stipulated in the Charter to avoid a special election on this matter.

### BACKGROUND

The Council has had discussions recently regarding whether the State of New Hampshire should legalize recreational marijuana. The Council has also discussed placing the matter before the voters as a non-binding referendum.

### DISCUSSION

In order to comply with the provisions of the Town Charter, the following sequence must be adhered to:

The Council may submit its own measure. Charter reference §3.4. **Jan. 18, 2022**

The Council will file the measure with the Town Clerk within 30 days after it adopts the measure. §3.3(A). **Jan. 18, 2022**

Timing is critical as it is assumed the Council will not want to trigger the need for a special election. Under ¶3.3 (C) the timing should be so that the March election is not less than 30 days nor more than 60 days after the submission of the final form of the question. **March 8, 2022 57 days after Jan. 18, 2022**

The question must be clear with an explanation of the measure in terms sufficient to communicate the substance of the question to the voters. ¶3.2(B). The question should be in the positive. In the case of a non-binding question, need to make sure it clearly states that the measure is proposed by the Council as a non-binding question.

Should the Council proceed to a non-referendum question on the ballot, the following language is recommended:

**“Are you in favor of legalizing cannabis (marijuana) in New Hampshire?”**

Should this question pass, the Council cannot proceed to regulating the sale of recreational marijuana or designating zoning districts where such sales may occur until the State Legislature votes to allow the sale of recreational marijuana.

**FISCAL IMPACT**

The only immediate fiscal impact is to pay for separate ballots for the non-binding referendum question.

**RECOMMENDED ACTION AND MOTION BY COUNCIL**

Please see Resolution #2022-005