



Oct. 27, 2016

[Join Our Mailing List!](#)

Supreme Court Strikes Issue 7 from Ballot Four measures remain

The Arkansas Supreme Court ruled Thursday that votes cast on Issue 7 will not be counted. The court ruling disqualifying The Arkansas Medical Cannabis Act comes on the fourth day of early voting for the 2016 General Election.

Arkansans for Compassionate Care, the group behind the measure seeking to legalize the growing, sale and use of marijuana for medical purposes, [told supporters](#) they planned to ask the court for a rehearing.

"At the moment, we are still reeling. The Supreme Court has rejected our initiative and has thrown us off the ballot. Our attorney John Hall is requesting a rehearing. The Chief Justice as well as Justice Goodson both disagreed with the decision and we have hopes that they will grant the rehearing," Melissa Fults wrote on her Facebook page.

The 5-2 [court opinion](#) cited technical errors with petition paperwork submitted by Arkansans for Compassionate Care. Justices agreed with a challenger that 12,104 voter signatures should not be counted because the forms they were on did not comply with a controversial [2013 Arkansas law](#). With those signatures invalidated, the measure fell short of the 67,887 voter signatures required to be on the ballot.

Of the 77,516 voter signatures validated by the Secretary of State's Office, justices disqualified:

- 7,580 voter signatures because canvassers who collected the signatures didn't have paperwork showing they underwent background checks by the Arkansas State Police or their background checks were done after their names were submitted to the Secretary of State's Office. Arkansas Code 7-9-601 requires background checks be performed before canvassers' names are submitted to the state.
- 2,087 voter signatures because canvassers used a business address on petitions instead of a residential address as required by state law.
- 727 voter signatures because canvassers did not write their "residential" address on petitions as required by state law.
- 701 voter signatures because they were obtained before the canvassers' names were submitted to the Secretary of State.
- 515 voter signatures because canvassers used a P.O. box address on petitions instead of a residential address as required by state law.
- 339 voter signatures because the names of the canvassers who collected the signatures were not submitted to the Secretary of State as required by state law.
- 155 signatures because canvassers verified the signatures with a date that occurred before voters signed the petitions.

A special judge appointed to review the signatures challenged in a lawsuit [filed](#) by Kara Benca dismissed many of the paperwork problems as technical errors. The judge filed a report last month that said most of the challenged voter

signatures should be counted and Issue 7 remain on the ballot. But a majority of Supreme Court justices disagreed with his findings.

"Today, we have simply interpreted the laws enacted by our General Assembly - "shall" means "shall" and the Sponsor did not comply with the statutes," the opinion read.

Chief Justice Howard Brill filed an [opinion](#) disagreeing with the court's majority opinion and said he believed the errors were not significant enough to invalidate the voter signatures.

Justice Courtney Goodson concurred with the majority opinion but [wrote her own](#) in which she pointed out that there was no allegation of fraud and that the measure was struck from the ballot on technicalities created by the three-year-old state law.

"The petition here failed to satisfy the onerous demands of the Act, even though there is no allegation that the signatures were invalid in any other way," she wrote. "The result is that the wishes of the citizens who signed the petition in good faith are being discarded, and the right of the people to pass judgment on the proposal in the voting booth has been lost. As proven by this decision, the Act places undue restrictions on the people's venerable right to initiate laws and amendments. Let us not forget that the first power reserved by the people is the initiative and that the second power retained by them is the referendum. Ark. Const. art. 5, S 1. I lament the result in this case; nonetheless, I honor the mandatory requirements of the Act."

Legislators passed Act 1413 in 2013 after supporters of several proposed ballot measures submitted petitions with invalid signatures. A subsequent lawsuit challenging Act 1413 led a Pulaski County Circuit Court judge finding it unconstitutional. However, the Arkansas Supreme Court disagreed and overturned that decision in 2015.

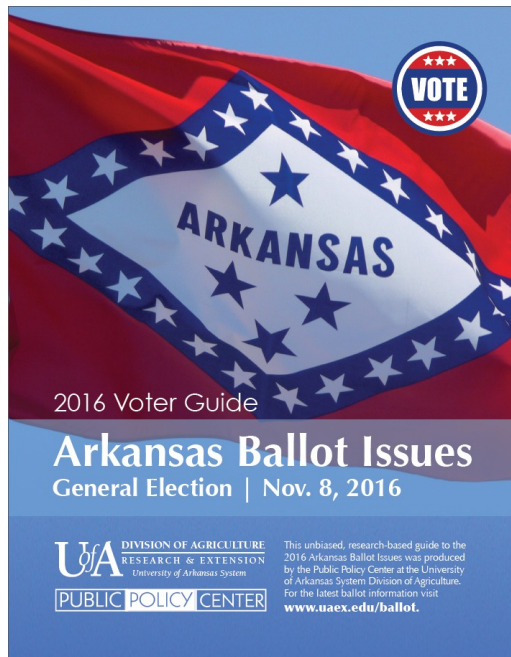
Early voting started Monday and more than 141,000 people had voted as of 8:30 a.m. Thursday, according to the Secretary of State's Office. [Issue 6](#), a second ballot measure seeking to legalize medical marijuana, survived a court challenge earlier this month and remains on the ballot.

Get engaged. Get informed.

Now is the time to study up on the four remaining ballot issues if you haven't already. Download a copy of the [2016 Arkansas Ballot Issues Voter Guide](#) and get up to speed on what you'll see when you go to the polls.

The voter guide includes a [worksheet](#) you can write notes on and take with you to your polling place. Have questions about voting? The Secretary of State's Office [explains](#) the different methods of voting available.

Follow us on [Facebook](#) or [Twitter](#) for the latest info. And if you share, use these hashtags [#ARballot](#) [#ARvotes16](#).



Understand the 2016 Arkansas Ballot Issues

How did we do in 2016? Tell us.

We invite you to take a [quick survey](#) about our ballot issue education materials and share with us whether they have been useful to you this election cycle. Or tell us how we can improve our materials for next time.

We appreciate your feedback. **(All responses are anonymous.)**

Arkansas' 2016 Ballot Issues

On the ballot

Issue 1 - Proposing an Amendment to the Arkansas Constitution Concerning The Terms, Election, And Eligibility of Elected Officials (HJR1027)

Read the [Legislative bill](#)

[Coalition for Arkansas Election Reform](#) has filed with the Arkansas Ethics Commission to support the amendment. [Arkansas for Free Enterprise](#) has filed to oppose the measure.

Issue 2 - An Amendment to the Arkansas Constitution to Allow the Governor to Retain His or Her Powers and Duties When Absent from the State (SJR3)

Read the [Legislative bill](#)

[Arkansas for Free Enterprise](#) has filed with the Arkansas Ethics Commission to support the amendment.

Issue 3 - An Amendment to the Arkansas Constitution to Encourage Job Creation, Job Expansion, and Economic Development (SJR16)

Read the [Legislative bill](#)

[Jobs for Arkansas](#) has filed with the Arkansas Ethics Commission to support the amendment. [Arkansas for Free Enterprise](#) has filed to oppose the measure.

Issue 6 - The Arkansas Medical Marijuana Amendment of 2016 - Opinion No. 2016-007 - A constitutional amendment to make the medical use of marijuana legal under state law and establish a system regulating the cultivation, acquisition and distribution of medical marijuana.

[Arkansans United for Medical Marijuana](#) and [Informing Arkansas](#) has filed with the Arkansas Ethics Commission to support the proposal. [Coalition for Safer Arkansas Communities](#), [Family Council Action Committee](#), [Arkansans Against Legalized Marijuana](#), [Families First Action Committee](#) and [Arkansas for Free Enterprise](#) have filed to oppose the measure.

Looking Forward - Potential 2018 Ballot Issues from Citizens

Attorney General Opinions

The Attorney General is responsible for reviewing the language and titles of potential ballot issues submitted to voters by the public. Ballot issue groups can circulate petitions only after the Attorney General verifies that the ballot title and popular name honestly, intelligibly and fairly describe the purpose of a proposed constitutional amendment or act. The following are recent Attorney General opinions regarding potential ballot issues:

Ballot proposals rejected

Oct. 14, 2016 - The Arkansas Cannabis Amendment - A proposal to legalize the cultivation, production, distribution, sale, possession and use of the cannabis plant and products derived from the plant was rejected because of ambiguities in the proposal's text, according to [Opinion No. 2016-100](#). Attorney General also noted problems with several definitions. This is the fourth time this proposal has been rejected. See [Opinion No. 2016-097](#) (Sept. 26,

2016), [Opinion No. 2016-089](#) (Aug. 22, 2016) and [Opinion No. 2016-078](#) (Aug. 1, 2016) for previously rejected proposals this petition cycle. Mary L. Berry of Summit submitted the measure.

Ballot proposals approved for signature gathering

July 29, 2016 - Arkansas Term Limits Amendment - A proposal to reduce the number of years a state senator or representative can serve in office was certified for signature gathering, according to [Opinion No. 2016-080](#). The proposal would repeal [Amendment 94](#), which voters passed in 2014 and set term limits of 16 years for members of the General Assembly. The proposal is similar to one circulated during the 2016 election cycle, but sponsors did not collect enough voter signatures. Skip Cook of Little Rock submitted the measure.

Stay Connected

Know of a potential ballot issue?
E-mail the information to publicpolicycenter@uaex.edu or call Kristin Higgins at 501-671-2160.

You can find past newsletters and ballot issue fact sheets at
<http://www.uaex.edu/ballot>



The Public Policy Center was established in 2004 to provide Arkansans with timely, credible, unaligned and research-based information and education about public issues. Public issues are defined as pressing and emerging issues that involve multiple points of view and have widespread consequences. Our goals are to:

- increase citizen knowledge, awareness and understanding of public issues;
- enhance public participation in decisions regarding public issues and
- help citizens craft, evaluate and implement alternative solutions to public issues.

University of Arkansas System Division of Agriculture - <http://www.uaex.edu>

News & Notes Volume 4, Issue 23. This e-mail newsletter is shared with Cooperative Extension Service agents, subscribers from the general public and election officials or educators identified by the Public Policy Center. To unsubscribe, click below on "instant removal with SafeUnsubscribe."

The Arkansas Cooperative Extension Service offers its programs to all eligible persons regardless of race, color, sex, gender identity, sexual orientation, national origin, religion, age, disability, marital or veteran status, genetic information, or any other legally protected status, and is an Affirmative Action/Equal Opportunity Employer.

U of A System Division of Agriculture, 2301 S. University Ave., Little Rock, AR 72204

[SafeUnsubscribe™ {recipient's email}](#)

[Forward this email](#) | [Update Profile](#) | [Customer Contact Data Notice](#)

Sent by khiggins@uaex.edu powered by



Try email marketing for free today!