

December 2018

Year in Review & Looking Forward to 2020

Just over 50 percent of Arkansas' registered voters cast a ballot in the November election.

When it came to ballot issues, [fewer people voted](#) on the three statewide measures than did in the governor's race. However, the difference was not as wide as in past years.

Here are some other interesting tidbits about the 2018 election:

- Which county had the highest turnout? Check out our [top 10 list](#).
- More voters cast ballots on Issue 5, the minimum wage proposal, than the other two measures. 884,830 people voted on this measure. [Arkansas' minimum wage is set to increase Jan. 1](#).
- Supporters for establishing casinos in Arkansas raised the most money - \$9.8 million in contributions - for their constitutional amendment campaigns, according to the [Arkansas Democrat-Gazette](#).

With the 2018 elections behind us, we now turn our focus to 2020.

92nd General Assembly

Arkansas senators and representatives will meet in January for the next legislative season. A few legislators have filed their proposed bills early.

As of Dec. 17, three proposed statewide ballot measures have been filed covering two specific topics.

SJR1

TO REDUCE THE NUMBER OF DAYS THE GENERAL ASSEMBLY IS IN SESSION; AND TO REPEAL THE FISCAL SESSION OF THE GENERAL ASSEMBLY.

HJR1001

REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH BY LAW A REVISED ELECTION PROCESSION.

HJR1002

TO ABOLISH THE FISCAL SESSION OF THE GENERAL ASSEMBLY; AND TO PROVIDE THAT THE GENERAL ASSEMBLY MEET EVERY TWO (2) YEARS.

The next session starts Jan. 14 at the Capitol in Little Rock. You can follow the bills being filed by going to www.arkleg.state.ar.us/assembly/2019/2019R/Pages/Home.aspx and clicking on "Search bills by range" or "Recently filed bills."

In 2017, legislators [filed 31 proposed constitutional amendments](#) for the 2018 ballot. Some of the topics overlapped and legislators ended up referring two of the proposals to voters.

Looking Forward

Potential Ballot Issues from the Public

Citizen Initiative Process

The number of people who voted for governor in 2018 determines the number of signatures ballot issue groups will need to collect for the 2020 ballot.

Based on turnout, it appears that the signature threshold for 2020 increased by 5 percent over 2018.

Arkansas' citizen initiative process requires the following for ballot access:

- **Constitutional Amendments** - Valid voter signatures equal to 10% the number of people who voted for governor. Based on 2018 election results, petitioners will need at least 89,151 valid signatures to be on the 2020 ballot.
- **State Law** - Valid voter signatures equal to 8% the number of people who voted for governor. Based on 2018 election results, petitioners will need at least 71,321 valid signatures to be on the 2020 ballot.

The Arkansas Secretary of State's Office will be updating its [Initiatives & Referenda Handbook](#) in coming months with instructions for petitioners.

Before ballot sponsors can collect signatures, they must first have their ballot title and text approved by the Attorney General's Office. Since our August newsletter, 10 sponsors have seen the wording of their proposals rejected. All but one of those proposals involved marijuana.

The wording for one proposed constitutional amendment was certified. Find more information about these proposals below.

You can find links to proposals from earlier this year on our website at uaex.edu/ballot.

Attorney General Certification

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 the proposed constitutional amendment or act.

The following are recent Attorney General opinions regarding potential ballot issues:

Ballot proposals rejected

Dec. 11, 2018 - Arkansas Ranked Voting Amendment - A proposal to allow ranked voting of candidates in Arkansas was rejected because its title was "misleading, internally inconsistent, and impermissibly tinged with partisan coloring," according to [Opinion No. 2018-141](#). Gary Fults of Hensley submitted the measure.

Oct. 26, 2018 - The Arkansas Regulation of Marijuana as Alcohol Amendment - A proposal seeking to remove marijuana from a controlled substance act and regulate it as an alcoholic beverage under state law was rejected because the ballot title was "wholly deficient in its attempt to explain what effect" the measure would have on current law, according to [Opinion No. 2018-134](#). Mary L. Berry of Summit submitted the measure.

Oct. 22, 2018 - An Act to Remove Marijuana from the Arkansas Uniformed Controlled Substances Act - A proposal seeking to remove state-level penalties associated with manufacturing, possessing and distributing marijuana was rejected because "it is impossible to determine from the measure's text how this proposed act would amend current law," according to [Opinion No. 2018-132](#). Rebeca Rodriguez of Little Rock submitted the measure.

This was the second time this proposal has been rejected. See [Opinion No. 2018-118](#) (Oct. 10, 2018).

Oct. 10, 2018 - The Arkansas Regulation of Marijuana Amendment of 2020 - A proposal seeking to legalize marijuana in Arkansas, put its regulation under the authority of the Arkansas Game and Fish Commission and Alcoholic Beverage Control Commission, and to issue licenses to sell and possess marijuana was rejected. According to [Opinion No. 2018-119](#), the proposal was a "convoluted state-wide decriminalization scheme that purports to include regulatory oversight" and its ballot title was misleading to voters. Larry B. Morris of West Fork submitted the measure.

This was the second time this proposal has been rejected. See [Opinion No. 2018-100](#) (Aug. 29, 2018).

Oct. 1, 2018 - Natural Resources Cannabis Amendment - A proposal to legalize marijuana and tax its sales was rejected because the ballot title was misleading and the proposal was "all-encompassing, overlong, and dense" to the point "it was not capable of having a ballot title that will satisfy the Court's test for ballot title sufficiency," according to [Opinion No. 2018-113](#). Clair Danner of St. Joe submitted the measure.

This was the second time this proposal has been rejected. See [Opinion No. 2017-120](#) (Nov. 20, 2017).

Sept. 24, 2018 - Arkansas Cannabis Hemp and Recreational Marijuana Amendment - A proposal seeking to legalize the cultivation, production, distribution, sale, possession and use of recreational marijuana and hemp products was rejected the text was ambiguous and misleading, according to [Opinion No. 2018-110](#). Kenneth Woodmansee of Mablevale submitted the measure.

Sept. 19, 2018 - The Right to Grow Cannabis Amendment - A proposal that would establish a person's right to grow and possess cannabis plants on his or her land and to legalize the cultivation, possession, production and sale of marijuana was rejected because the scope of the right was vague and the proposal could not be adequately conveyed to voters in an acceptable ballot title, according to [Opinion No. 2018-107](#). Larry B. Morris of West Fork submitted the measure.

Sept. 19, 2018 - The Arkansas Marijuana Amendment 2020 - A proposal that would legalize, regulate and tax marijuana was rejected because the ballot title was misleading and deficient in summarizing the substance of the proposal's changes to state law, according to [Opinion No. 2018-108](#). Timothy S. Kelley of Jerusalem submitted the measure.

Sept. 18, 2018 - The Arkansas Marijuana Legalization Amendment of 2020 for School Funding - A proposal seeking to legalize the use, processing, possession, production, consumption, manufacture and distribution of marijuana in Arkansas and to regulate it and tax the substance was rejected because the popular name was misleading, according to [Opinion No. 2018-106](#). Lee Evans of Uniontown submitted the measure.

Aug. 23, 2018 - Arkansas Cannabis Amendment - A proposal that would make possession and growth of marijuana for personal use by adults legal under state law, to regulate and to tax the substance was rejected because the ballot title did not give voters a complete understanding of how it would affect current state law, according to [Opinion No. 2018-099](#). John W. Hall, Jr. of Little Rock submitted the measure.

This was the second time the proposal has been rejected. See [Opinion No. 2018-076](#) (June 22, 2018).

Proposals approved for signature gathering

Oct. 26, 2018 - An Amendment to Establish the Arkansas Citizens' Redistricting Commission - A proposal seeking to change how Arkansas' congressional and state legislative districts are established was approved with a cautionary note that the proposal's subject matter was complex and far reaching, according to [Opinion No. 2018-135](#). This complexity could lead to a ballot title challenge, the opinion stated. David Couch of Little Rock submitted the measure.

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University of Arkansas System Division of Agriculture
2301 S. University Ave., Little Rock, AR
501-671-2160 | Publicpolicycenter@uaex.edu | uaex.edu/ballot

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- Help citizens craft, evaluate and implement alternative solutions to public issues.

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U of A Division of Agriculture | 2301 South University, Little Rock, AR 72204

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