



August 2019

Referendum: Off, On Again? Supporters Ask Court for Ballot Access

Challengers of a new state law expanding the procedures optometrists can perform in Arkansas have asked the Arkansas Supreme Court to intervene in their effort to put a referendum regarding [Act 579](#) on the November 2020 ballot.

Safe Surgery Arkansas filed a lawsuit Aug. 13 asking the Arkansas Supreme Court to require the Secretary of State's Office to count thousands of voter signatures they turned in. They're also asking that the referendum on Act 579 be placed on the ballot. A court date had not been set as of Aug. 27.

The legal appeal comes after Secretary of State John Thurston said thousands of voter signatures the ballot issue group collected and turned in would not be counted due to an election law change earlier this year by [Act 376](#).

The ballot issue group turned in a total of 84,114 voter signatures. They needed 53,492 valid signatures to trigger a referendum.

Act 376, the new election law, requires sworn statements from paid canvassers be submitted to the Secretary of State's Office before they collect signatures. (Paid canvassers are supposed to declare they have not been convicted of illegal offenses that would prohibit them from collecting signatures).

Previously, the sponsor could file the canvasser statements at the same time they turned in voter signatures.

In the lawsuit, Safe Surgery Arkansas is also challenging Act 376, saying it's unconstitutional.

Meanwhile, the Arkansas Board of Election Commissioners certified the referendum's ballot title earlier this month, reflecting a change in roles for them after Act 376 shifted that responsibility from the Attorney General's Office to the appointed board.

The new initiative process has resulted in the measure being rejected by the Secretary of State's Office while being certified by the Board of Election Commissioners.

Board of Election Commissioner's New Role

The seven-member Board of Election Commissioners has historically provided education and training to county officials and election officials to help carry out elections. They have also investigated election complaints.

The board saw its role expanded under Act 376 to certifying statewide ballot issues. The new election law requires the Secretary of State's Office to submit the ballot title to the board for certification after signatures are submitted. Certification involves the board deciding whether a measure's ballot title and popular name are:

- Presented in a way that is not misleading
- Designated in a way that voters understand a vote "for" the issue would be a vote in favor of the matter and an "against" vote would be a vote against the issue.

In the case of the referendum on Act 579, a "for" vote would keep the law in place. An "against" vote

would void the law. Board staff said the referendum title accurately described the measure and Commissioners voted Aug. 19 to certify the ballot title.

A spokeswoman for Arkansans for Healthy Eyes, optometrists who support keeping Act 579 in place, told the [Arkansas Democrat-Gazette](#) after the vote that they believed the "referendum process ended two weeks ago, when the secretary of state rejected more than 60,000 unlawfully solicited signatures as invalid."

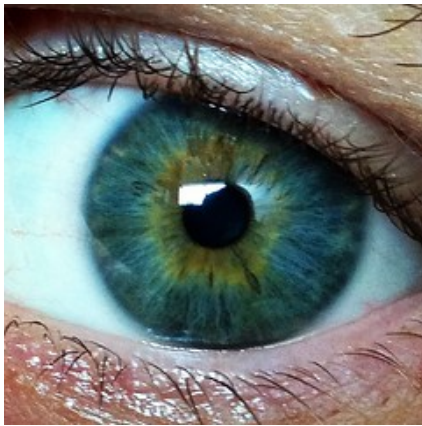
If necessary, the spokesman told the newspaper the group would challenge the ballot title as being insufficient.

What's Next

Safe Surgery Arkansas asked the court for an expedited hearing, and for the law at the center of the referendum to be put on hold until the issue is resolved by the court or by voters.

Arkansans for Healthy Eyes has officially asked to intervene in the court case, [Safe Surgery Arkansas v John Thurston \(CV-19-641\)](#).

The court has said responses to all pending motions would be due by 5 p.m., Wednesday, Aug. 28.



Read for Yourself

Act 579 amended three existing state laws regarding the scope of practice for optometrists.

[Read the new law](#)

[Read the proposed referendum title](#)

[Follow the court case online](#)

Signature Collecting: What's Circulating? Ballot Proposals from the Public



Arkansas is one of 15 states where citizens have the right to put a constitutional amendment or a state law on the ballot for voters to decide.

The initiative process includes filing a ballot title with the Secretary of State's office, collecting thousands of signatures from around the state, and submitting the signatures for verification.

New this year is a requirement for the Arkansas Election Commission to certify the ballot title.

Submitted to the Secretary of State

Act 376 of 2019 requires ballot issue groups to submit a copy of their ballot title with the [Arkansas Secretary of State](#) before collecting signatures. Ballot titles that have been filed include:

March 14, 2019 - [Arkansas Term Limits Amendment](#) - A proposal to lower the number of years state legislators can serve in office was submitted by a group known as Arkansas Term Limits BQC.

July 19, 2019 - [Arkansas Adult Use Cannabis Amendment](#) - A proposal to legalize adult use of marijuana was submitted by Melissa Fults.

July 19, 2019 - Arkansas Marijuana Expungement Amendment - A proposal to allow certain marijuana convictions to be expunged was submitted by Melissa Fults.

July 22, 2019 - The Arkansas Recreational Marijuana Amendment of 2020 - A proposal to legalize adult marijuana use and to allow certain marijuana convictions to be expunged was submitted by William Barger.

Approved by the Attorney General

Before the passage of Act 376, the Arkansas Attorney General was required to certify ballot titles before groups could collect signatures. The Attorney General certified the ballot title of one proposed amendment for the 2020 election before the new law was introduced. It's not known how Act 376 affects that certification.

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.

On the 2020 Ballot: Constitutional Amendments from the Legislature



Arkansas senators and representatives put three constitutional amendments on the 2020 ballot for voters to decide.

Issue numbers haven't been assigned yet. We list them below in order of their approval.

We will publish our neutral voter guide on these proposed amendments along with any from the citizen-initiated process closer to Election Day 2020.

Check out our [website](#) for more information.

Continuing Sales Tax for Road Construction (HJR1018)

An Amendment to the Arkansas Constitution Continuing a One-Half Percent (0.5%) Sales and Use Tax for State Highways and Bridges; County Roads, Bridges and Other Surface Transportation; and City Streets, Bridges, and Other Surface Transportation After the Retirement of the Bonds Authorized in Arkansas Constitution, Amendment 91.

[Read the full text of the proposal](#)

Changing Legislative Term Limits (SJR15)

A Constitutional Amendment to Amend the Term Limits Applicable to Members of the General Assembly, to be Known as the "Arkansas Term Limits Amendment"

[Read the full text of the proposal](#)

Changing the Citizen-Initiated and Legislative Ballot Issue Process (HJR1008)

A Constitutional Amendment To Amend The Process For The Submission, Challenge, And Approval Of Proposed Initiated Acts, Constitutional Amendments, And Referenda

[Read the full text of the proposal](#)

#ARballot

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- Enhance public participation in decisions regarding public issues, and
- Help citizens craft, evaluate and implement alternative solutions to public issues.

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