



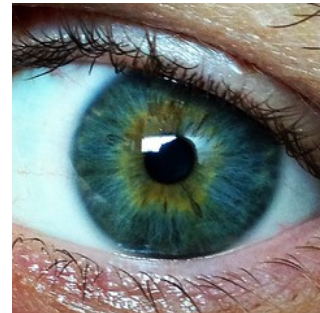
December 2019

Signature Counting To Resume, Court Rules

The Secretary of State's Office will soon start counting thousands of voter signatures it originally considered invalid after an Arkansas Supreme Court ruling agreed with a referendum campaign that they should be counted.

A timeline for when the office would complete their count on a referendum petition regarding [Act 579](#) was not available, though election officials said they would resume the counting before the end of December.

If enough voter signatures were collected, the [referendum](#) would be placed on the November 2020 statewide ballot for voters to decide whether to keep or repeal the law.



The Two Laws Behind the Lawsuit

In early March, the Arkansas legislature approved [Act 376](#). The election law changed when campaigns had to submit written statements from paid signature canvassers swearing they've never been convicted of crimes that would prevent them from doing the job under Arkansas law.

Previously, those statements could be turned in with the signatures. Act 376 now requires they be submitted to the Secretary of State's Office before canvassers collect any signature. An emergency clause was included in Act 376, which made the law to go into effect as soon as the governor signed the bill.

Later in March, the legislature approved Act 579 after contentious debate. This new law would allow optometrists to perform certain eye surgeries that previously had been allowed only by medical doctors. Act 579 did not include an emergency clause, which went into effect July 24, 2019.

The First Signature Count

Referendums on newly-passed Arkansas laws require at least 53,000 voter signatures to place the matter on the statewide ballot. The number represents 6% of the number of people who voted for governor in the last election.

The petitions must be filed with the Secretary of State's Office no later than 90 days after the final adjournment of the session at which the act was passed.

The Arkansas General Assembly adjourned April 24, 2019. Safe Surgery Arkansas submitted 84,144 signatures on July 23, a day before the eye-surgery law went into effect.

Within hours, the Secretary of State's Office indicated it had rejected thousands of signatures because of the new canvasser paperwork rule. The Office declared there to be only 23,953 valid signatures.

The Supreme Court Case

Attorneys for Safe Surgery Arkansas filed a lawsuit with the Arkansas Supreme Court in August, arguing that the emergency clause was defective because there was no real emergency. The attorneys also argued the new law was unconstitutional.

The state and supporters of Act 376 disagreed and said the Secretary of State correctly followed the law. An emergency did exist: avoiding confusion in petition circulation. They also argued that Safe Surgery Arkansas should have first filed its lawsuit in a lower court.

On Dec. 12, a divided Arkansas Supreme Court ruled in favor of Safe Surgery Arkansas. The majority agreed that the emergency clause was not "responsive to some real-life circumstance making immediate legislative enactment 'necessary for the preservation of the public peace, health and safety,' as contemplated by article 5, §1 of the Arkansas Constitution."

The court declined to take a stance on the constitutionality of Act 376 or the wording of the ballot title, and refused to require the measure be added to the 2020 ballot immediately.

The court's vote was split 4-3. Writing for the dissent, Justice Shawn Womack said he disagreed with the majority's position on the emergency clause.

"It is a necessary element of timing to ensure that future petitions are treated equally so that some petitions are not governed by one set of rules while others in the same election cycle are governed by a different set of rules and to avoid the public confusion that would derive from such a scenario," the dissent states.

The court should give deference to the legislature about whether an emergency exists. That everyone may not agree is not a test for determining the validity of an emergency clause, the opinion states.

[Arkansans for Healthy Eyes](#), which intervened in the case in support of Act 579, posted on its Facebook page earlier this month that they were reviewing the court decision and "considering possible legal options ..."

The court case is CV-19-641, Safe Surgery Arkansas v. John Thurston. [Follow the court case online.](#)

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](#)

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.

Aug. 29, 2019 - [The Coin Operated Amusement Machine Amendment to Article 19, Section 14 of the Arkansas Constitution](#) - A proposal to amend the state's lottery amendment to allow coin operated machines was submitted by a group called [Arcade Arkansas](#).

Nov. 20, 2019 - [The Arkansas Felon Voting Restoration Amendment of 2020](#) - A proposal to restore voting rights of all felons who are not incarcerated. The proposal would exclude people convicted of a felony sexual offense or murder, who could regain their voting rights after they prove they've completed all time sentenced and paid all associated fines, fees and restitution. Roderick Greer Talley of Little Rock submitted the proposal.

Nov. 25, 2019 - [The Arkansas Recall and Removal of Governor and All Elected State Officers, Members of the General Assembly, Judges of the Supreme and Circuit Courts, Chancellors and Prosecuting Attorneys Amendment](#) - A proposal to provide a method for recalling all statewide elected officials was submitted by Roderick Greer Talley of Little Rock.

Nov. 25, 2019 - [Amendment to Prohibit Levying a State Sales Tax and Tax on Personal Income and Impose a Fixed County and Municipal Tax](#) - A proposal for the General Assembly to enact laws prohibiting any tax on incomes and to impose a limit on county and city sales tax rates was submitted by Roderick Greer Talley of Little Rock.

Nov. 25, 2019 - [The Arkansas Abolishment of Slavery and Involuntary Servitude as Punishment for a Crime Amendment](#) - A proposal to eliminate a section of the state's existing Constitution that specifically allows slavery and involuntary servitude as punishment for crime was submitted by Roderick Greer Talley of Little Rock.

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.

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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.

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