



July 2019

Voter Signatures Filed for Referendum New Law Will Prevent Some from Being Counted

Safe Surgery Arkansas submitted thousands of pages of voter signatures this week to the Arkansas Secretary of State's Office in their quest to challenge a new state law expanding the scope of practice for optometrists.

The group turned in a total of 84,114 voter signatures on Tuesday. They need 53,492 valid signatures to trigger a November 2020 referendum on [Act 579](#) of the 2019 Arkansas Legislative Session.

If the group is successful, voters will [decide](#) whether to keep the law or repeal the law.

[Read the Referendum](#)

Act 579 amended three existing state laws regarding the scope of practice for optometrists. Specifically, the law amended the definition of "practice of optometry" and will allow optometrists to perform the following procedures:

- Injections, excluding intravenous or intraocular injections
- Incision and curettage of a chalazion
- Removal and biopsy of skin lesions with low risk of malignancy, excluding lesions involving the lid margin or nasal to the puncta
- Laser capsulotomy
- Laser trabeculoplasty

The law also tasked the State Board of Optometry to establish credentialing requirements to perform the above procedures, and added a reporting requirement for optometrists on the outcome of performed procedures.

The Secretary of State's Office has 30 days to verify the signatures Safe Surgery Arkansas submitted came from registered voters. But it appears that a number of the signatures won't be counted, according to media interviews with the Secretary of State's Office, because the paperwork for some of the hired canvassers was turned in after they had already gathered some voter signatures.

A new election law that took effect in March requires ballot issue sponsors to submit to the Secretary of State a sworn statement from paid canvassers that they have not been convicted of a felony or crime involving fraud, forgery, identity theft or other election law violations. Only after this paperwork is submitted can the canvasser collect signatures.

The referendum is the first ballot issue to go through the citizen initiative process since the passage of [Act 376](#). In addition to the paperwork requirement for canvassers, the law changes the time line of the certification process for ballot titles.

Previously, the Attorney General reviewed wording of ballot titles before voter signatures could be collected. The change in state law now allows groups to file the ballot titles with the Secretary of State's Office, then collect voter signatures. Groups still submit signatures to the Secretary of State's Office for verification. But now the State Board of Election Commissioners is charged with certifying the ballot title at the end of the process.

If Safe Surgery Arkansas succeeds in getting the law on the ballot, the referendum would be the first for Arkansas voters since 1994.

Multiple Marijuana Amendments Proposed

The wording of two ballot proposals seeking to legalize marijuana were filed in July with the Secretary of State's Office.

Drug Policy Education Group-Arkansas submitted the wording of a proposed constitutional amendment to legalize adult-use of marijuana. They also turned in a second proposed amendment that would allow people convicted of certain marijuana-related crimes to seek expungement of their record.

[Read the Arkansas Adult Use Cannabis Amendment](#)

[Read the Arkansas Marijuana Expungement Amendment](#)

The group is led by Melissa Fults, who saw the Arkansas Supreme Court remove her medical cannabis amendment from Arkansas' 2016 ballot. Voters in 2016 approved a competing medical marijuana measure instead.

"There were so many people that were left out of the qualifying conditions and people are still going to jail for using cannabis," Fults said about the state's existing medical marijuana law under Amendment 98.

Fults said she decided to go through the petition process again now just in case voters in 2020 approve a proposal from the legislator to make the ballot issue process more difficult.

Legislators have referred an amendment that would make it harder for citizen groups to put a proposed amendment or state law on the ballot. The legislative amendment would require signatures from 45 counties versus 15 counties to qualify a measure for the ballot, and it would eliminate a cure period that allows supporters to gather more signatures after submitting their initial batch to the Secretary of State's Office.

A second recreational marijuana amendment proposal was filed July 22 by William Barger, representing Arkansas True Grass. The group's proposal would also seek to expunge some marijuana-related criminal convictions.

[Read the Arkansas Recreational Marijuana Amendment of 2020](#)

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](#)

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. This takes place after signatures are verified by the Secretary of State.

Read more about this change in our [blog post](#).

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 filed as of this month 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.

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- 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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