



May 2019

New Law Makes AG Ballot Title Request Moot

The Arkansas Supreme Court rejected a request to force the Attorney General to certify a ballot title for a proposed constitutional amendment that would legalize recreational use of marijuana.

A new state law eliminating the need for the Attorney General's certification of a proposed ballot title rendered Arkansas True Grass' petition moot, court justices said in an [order](#) handed down May 23 in [Case CV-19-92](#).

Arkansas True Grass submitted more than three dozen petitions to Attorney General Leslie Rutledge ahead of the 2018 and 2016 elections, securing her certification for the 2016 title. However, the group did not end up collecting enough voter signatures to qualify for a spot on the 2016 ballot.

Rutledge rejected another proposal from the group in November 2018 for the [Arkansas Recreational Marijuana Amendment of 2020](#). The citizen initiative group responded in January, filing a petition with the Arkansas Supreme Court to force Rutledge to approve it.

Within weeks of the filing, the Arkansas legislature passed [Act 376](#) of 2019 that eliminated the need for an Attorney General certification.

Under the new law, citizen initiative groups file a copy of their title and amendment with the Arkansas Secretary of State's Office. The Arkansas Board of Election Commissioners is now responsible for certifying the ballot title - after a group collects and submits thousands of voter signatures to the Secretary of State's Office.

Arkansas True Grass has not submitted a ballot title with the Secretary of State's Office.

Since Act 376 took effect March 8, only one group has filed paperwork with the [Secretary of State's Office](#). Arkansas Term Limits Ballot Question Committee filed "[Arkansas Term Limits Amendment](#)." The proposal would lower the number of years legislators can serve in office.

An identically-named amendment has been referred by the legislature to voters on the 2020 ballot. The [legislature's Arkansas Term Limits Amendment](#) would allow state senators and representatives to serve again after a break in office.

At this time in 2017, only one citizen-initiated measure had been certified for the 2018 ballot: The Arkansas Term Limits Amendment.

The proposal - sponsored by the same citizen group as the one now filed with the Secretary of State's Office - was struck from the 2018 ballot by the Arkansas Supreme Court for technical errors with voter signature petition pages.

Ballot Issues from the Legislature

As part of the 2019 legislative session, Arkansas senators and representatives referred three constitutional amendments to voters on the 2020 ballot.

Issue numbers haven't been assigned yet to the three measures, so we'll refer to them in order of the date legislators referred them. We will publish our neutral voter guide on these proposed amendments along with any that come from the citizen-initiated process closer to Election Day 2020.

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.

Lead Sponsor: [Rep. Jeff Wardlaw](#)

Vote: The Senate approved referring HJR1018 to the ballot by a [vote](#) of 25 yeas to 7 nays. The House approved referring the constitutional amendment by a [vote](#) of 67 yeas to 30 nays.

The proposed amendment would continue an existing one-half percent sales tax for roads. The Department of Finance and Administration prepared a [Legislative Impact Statement](#) on the proposal and its fiscal impacts.

Historical context: Voters in 2012 passed a half-cent sales tax for road construction in the state, for highways and local roads. Read our [2012 fact sheet](#) on the proposal, which the legislature placed on the ballot. Voters approved the measure, creating [Amendment 91](#).

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"

Lead Sponsor: [Sen. Alan Clark](#)

Vote: The Senate approved referring SJR15 to the ballot by a [vote](#) of 26 yeas to 5 nays. The House approved referring the constitutional amendment by a [vote](#) of 51 yeas to 26 nays.

The proposed amendment would lower the number of years state legislators could serve in office. There was no Legislative Impact Statement issued for this proposal.

Historical context: Voters in 2014 approved a constitutional amendment involving ethics laws for state legislators. The amendment also contained a provision extending existing term limits to 16 years in either the House or the Senate. Arkansans have voted on the issue of legislative term limits three times in the past [30 years](#). For more information about those historical votes, read our [2018 fact sheet](#) on Issue 3 (which was struck from the ballot before Election Day).

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

Lead Sponsor: [Rep. DeAnn Vaught](#)

Vote: The Senate approved referring HJR1008 to the ballot by a [vote](#) of 25 yeas to 10 nays. The House approved referring the constitutional amendment by a [vote](#) of 68 yeas to 20 nays.

The proposed amendment would increase the number of counties in which canvassers would have to collect voter signatures to put a citizen initiative on the ballot, eliminate the ability for ballot issue groups to collect more signatures to replace invalid ones, require court challenges to be filed by a certain date ahead of the election, and increase the number of legislative votes needed for the General Assembly to refer proposed amendments to voters.

Historical context: Arkansas is one of [15 states](#) where citizens can refer their own constitutional amendments and state laws to voters on the general election ballot. For constitutional amendments, ballot issue groups have to gather signatures from voters equaling 10 percent of the number of people who voted for governor in the last election. For state laws, they have to collect signatures equaling 8 percent of the people who voted for governor.

Supporters typically collect more than 90,000 signatures since many are [invalidated](#) due to collection errors or people not being registered to vote. Arkansas voters last approved changes to the petition signature process in 2014. For more information about that process, read our [2014 fact sheet](#).

Citizen-Initiated Ballot Proposals

Looking Forward

Potential Ballot Issues from the Public

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. As of April 24, only one group has submitted a proposal to the Secretary of State.

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.

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 had certified the ballot title of one proposed amendment for the 2020 election before the new law was introduced and took effect. 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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