



August 2020

## Aug. 20 is Deadline to Certify Statewide Ballot Uncertainty, Court Cases Continue

Arkansas' official statewide ballot will be certified and sent to county clerks by Aug. 20 but that process won't resolve the uncertainty over which ballot measures will remain when voters finally cast their votes this fall.

Uncertainty comes on two fronts:

- Secretary of State John Thurston said ballot issue groups did not use the correct wording when they submitted background checks for the paid canvassers who collected the required voter signatures to put their issues on the ballot. Thurston said this error invalidated thousands of the signatures they submitted, putting the campaigns below the 89,151 voter signatures required for constitutional amendments. His decision followed the opinion filed by a special judge appointed to review a challenge over a separate proposed referendum.
- A 2019 state law requires the State Board of Election Commissioners to approve ballot titles for citizen-initiated measures. Previously the Attorney General would certify ballot titles. Commissioners rejected the title for [A Constitutional Amendment Establishing Top Four Open Primary Elections and Majority Winner General Elections with Instant Runoffs if Necessary](#) and approved the title for the [Arkansas Citizens' Redistricting Commission Amendment](#). The board also rejected a title for a proposal to expand casino gaming in the state.

There are now court challenges over both of these decisions that may not be resolved by Aug. 20 when Thurston sends the official ballot to county clerks. The August deadline provides clerks time to order paper ballots and program electronic voting machines before the first absentee ballots start going out Sept. 18.

There is a potential for six statewide ballot measures total this election cycle. Supporters of a proposed amendment to expand casino gaming in Arkansas [dropped](#) their court challenge on Friday, effectively ending their campaign for a spot on the November ballot.

Court challenges also continue over the legislature's referred Issue 2 and Issue 3, as well as for a proposed referendum on Act 529. The referendum has had multiple court challenges since it was filed last year and its position on the ballot remains uncertain despite making it past the Secretary of State and Board of Election Commissioners.

### In the Courts: Ballot Issue Lawsuit Updates

**Issue 2 & Issue 3** - A lawsuit filed June 29 seeks to remove Issue 2 and Issue 3 from the November ballot. The complaint says the ballot titles for both measures do not summarize all the changes included for voters to be able to make a decision. The lawsuit, filed by Tom Steele, also says Issue 3 includes multiple unrelated changes to the constitution that in the past have resulted in the Arkansas Supreme Court striking measures from the ballot. Issue 2 involves term limits for state legislators. Issue 3 involves the process ballot issue groups and legislators follow to refer proposed amendments and state laws to voters. [Follow the case online](#)

**Issue 3** - No court date has been set yet for a May lawsuit filed over Issue 3 on the November ballot. Nor has the lawsuit filed with the Arkansas Supreme Court been dismissed, as several attorneys have said they expect to happen. The complaint filed by Briana Boling against the 92nd General Assembly says the ballot title is vague and doesn't tell voters what the amendment would do. [Follow the case online](#)

**Act 579 Referendum** - A special judge appointed by the Arkansas Supreme Court recently said voter signatures collected for this referendum on a [2019 state law](#) should not be counted. The judge said paperwork submitted along with the signatures said criminal background checks for paid canvassers were acquired rather than the canvassers had passed the checks. The final decision is up to the Arkansas Supreme Court. Opponents of the [referendum](#) filed the lawsuit with the Arkansas Supreme Court in February. [Follow the case online](#)

**CV-20-454 - BONNIE MILLER V JOHN THURSTON SOS** - This lawsuit filed by sponsors of the ranked choice voting amendment and redistricting amendment challenges the Secretary of State's decision regarding their canvasser background checks for both proposals and now the Board of Election Commission's rejection of the ranked choice amendment title. A special judge who only reviewed the signatures submitted for both measures said Monday the Secretary of State should count 586 signatures it previously rejected for the ranked choice voting proposal. If the Supreme Court accepts "acquired" in place of "passed," the special judge says both proposals would have enough voter signatures to move forward. [Follow the case online](#)

## On the November 2020 Ballot: Constitutional Amendments from the Legislature



*Arkansas senators and representatives put three constitutional amendments on the November 2020 ballot for voters to decide. We will publish our neutral voter guide on these proposed amendments along with any from the citizen-initiated process closer to Election Day.*

### **Issue 1 - Continuing Sales Tax for Road Construction (HJR1018)**

An Amendment to the Arkansas Constitution Continuing a One-Half Percent (0.5%) Sales and

### **Issue 2 - Changing Legislative Term Limits (SJR15)**

A Constitutional Amendment to Amend the Term Limits Applicable to Members of the

### **Issue 3 - Changing the Citizen-Initiated and Legislative Ballot Issue Process (HJR1008)**

A Constitutional Amendment To

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.

General Assembly, to be Known as the "Arkansas Term Limits Amendment"

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

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

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

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

## Looking Forward: Proposals Filed for 2022

### 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 for the 2022 ballot include:

**May 22, 2020 - [The Arkansas Recreational Marijuana Amendment of 2022](#)** - A proposal to legalize adult marijuana use and to allow certain marijuana convictions to be expunged was submitted by Arkansas True Grass.

## Interested in Absentee Voting?

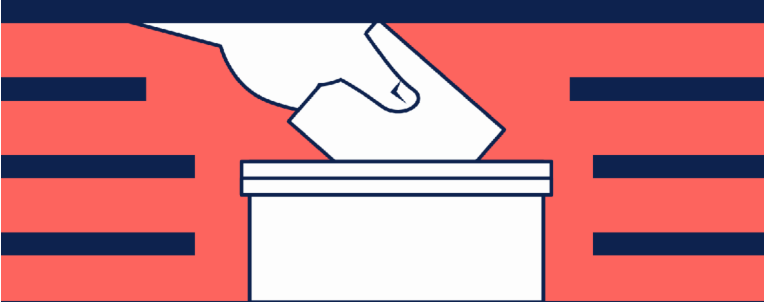
Arkansans who want to vote using an absentee ballot can request their application for the absentee ballot right now from their county clerk's office. [Download an application](#) or find contact information for your county clerk [here](#).

Arkansas law allows people to vote by absentee ballot if they are disabled, living outside the United States, a military member or part of a military family stationed outside Arkansas, or if they will be unavoidably absent.

Gov. Asa Hutchinson signed an [executive order](#) Aug. 7 allowing Arkansans to vote using an absentee ballot if they are concerned about COVID-19. Voters would check "unavoidably absent" when filling out an absentee ballot request form. Hutchinson and Thurston had previously said voters concerned about their health could vote absentee, but the executive order removes any doubt.

The executive order came shortly after the dismissal of [alawsuit](#) that had sought the ability for voters to use absentee ballots for any reason this November.

**Reminder:** Voters approved Amendment 99 in 2018 requiring Arkansans show photo ID when voting in person or by absentee ballot. When completing your absentee ballot to cast your vote, enclose a copy of your photo ID. Voters without a copy of valid identification can still vote. They would sign the voter's statement swearing they are the voter. Read more about identification and absentee voting [here](#).




## HOW DO I VOTE ABSENTEE?

State officials say Arkansans concerned about COVID-19 and voting this fall can use the absentee voting process to cast their votes.

1. Request an absentee ballot application from your county clerk or download it online and print off copy.
2. Return your application by Oct. 27 to your county clerk.
3. Fill out your absentee ballot when it arrives in the mail.
4. Mail back or drop off your completed absentee ballot so it's received by 7:30 p.m. on Election Day (Nov. 3, 2020)

Download an application at  
<https://tinyurl.com/arabsenteeinfo>



 **U of A** **DIVISION OF AGRICULTURE**  
**RESEARCH & EXTENSION**  
*University of Arkansas System*

Your Resource for  
**COVID-19 INFORMATION**  
for Agriculture, Families & Communities

[www.uaex.edu/COVID19](http://www.uaex.edu/COVID19)

### #ARballot

STAY CONNECTED



The Public Policy Center was established in 2004 to provide Arkansans with timely, credible, unaligned and research based information and education about public issues. Public issues are defined as pressing and emerging issues that involve multiple points of view and have widespread consequences.

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.

News & Notes Volume 7, Issue 8. This e mail newsletter is shared with Cooperative Extension Service agents, subscribers from the general public and election officials or educators identified by the Public Policy Center. To unsubscribe, click below on "instant removal with SafeUnsubscribe."

*The University of Arkansas System Division of Agriculture offers all its Extension and Research programs and services without regard to race, color, sex, gender identity, sexual orientation, national origin, religion, age, disability, marital or veteran status, genetic information, or any other legally protected status, and is an Affirmative Action/Equal Opportunity Employer.*

University of Arkansas System Division of Agriculture, Cooperative Extension Service  
2301 S. University Ave., Little Rock, AR 72204  
501 671 2160 | [Publicpolicycenter@uaex.edu](mailto:Publicpolicycenter@uaex.edu) | [uaex.edu/ballot](http://uaex.edu/ballot)

**Did someone forward this newsletter to you? [Click to join our mailing list](#)**