



April 2020

Lawsuit Filed to Extend Voter Signature Deadlines & to Allow Virtual Canvassing

A group wanting to change the process for drawing congressional and legislative districts in Arkansas recently filed a federal lawsuit seeking additional time to collect voter signatures for their ballot measure citing the COVID-19 pandemic.

The [lawsuit](#) filed this month by Arkansas Voters First also asks for the ability to collect voter signatures electronically. Arkansas law requires ballot issue signatures to be collected on paper petitions, and that petitions be witnessed as well as signed by notaries public before they are turned in to the Secretary of State's Office.

Supporters of the constitutional amendment said it would be impossible to collect the required 89,151 valid voter signatures with hundreds of event and festival cancellations this spring and social distancing requirements.

A certain percentage of these signatures must be collected from at least 15 Arkansas counties. (Issue 3 on this year's ballot would increase that requirement to 45 counties for future elections.)

Ballot issue groups often collect thousands of more signatures than required to make up for duplicate signatures, illegible signatures or non-voters signing the petitions.

State officials have said they can't change deadline requirements. Arkansas' Constitution requires ballot issue petitions be turned in at least four months before the election. The deadline to submit signatures for 2020 ballot measures is July 3. The Secretary of State has 30 days to verify the signatures and until the end of August to certify the ballot for Arkansas' 75 counties.

The lawsuit asks a federal judge to give ballot issue groups until Aug. 3 to collect the required voter signatures. No court date has been set though attorneys and the judge have been reviewing motions filed in the lawsuit.

The Proposal

The Arkansas Citizens' Redistricting Commission Amendment proposes to create an independent commission to create congressional and legislative districts after every federal Census, replacing the current Board of Apportionment process.

After every federal Census, Arkansas legislators redraw congressional districts for the four U.S. Representatives based on new population information. Districts are supposed to have an equal number of people living within them. Arkansas' process was created by Amendment 23 in 1936. Voters amended the process again through the citizen initiative process in 1956 with the passage of Amendment 45.

The governor, secretary of state and attorney general are responsible for drawing 135 state legislative district boundaries. These maps determine who Arkansas' state and congressional leaders represent and who voters will see on their ballots. These maps are why voters living on opposite sides of a street may have a different legislator representing them, or why counties may have multiple representatives due to how the districts are divided.

The federal Census is currently under way, and redistricting is expected to start in 2021. The next Census won't take place until 2030.

The proposal is one of 13 proposed ballot measures submitted to the Secretary of State for the November 2020 ballot. Supporters for eight proposals have filed paperwork with the Arkansas Ethics Commission indicating they were raising or spending money on the measure. See our "Signature Collecting" section in this newsletter for a list of the 13 ballot measures.

Digital Signatures

Arkansas is one of 15 states that allows citizens to propose constitutional amendments, state laws and referendums. None of the other states allow for digital signature collecting for ballot measures, according to Ballotpedia, a website tracking ballot measures.

Ballotpedia shows that sponsors of at least 10 other ballot measure campaigns in five states have asked for relief from signature requirements. Results so far have been mixed, with two requests being rejected in the U.S. District Court of Arizona due to the state constitution requiring signatures be collected in person.

Groups that had started canvassing in Arkansas have mostly stopped. Some groups have urged their volunteers and supporters through social media to request individual petitions to sign, but the petitions must be signed by notaries public who may not be available.

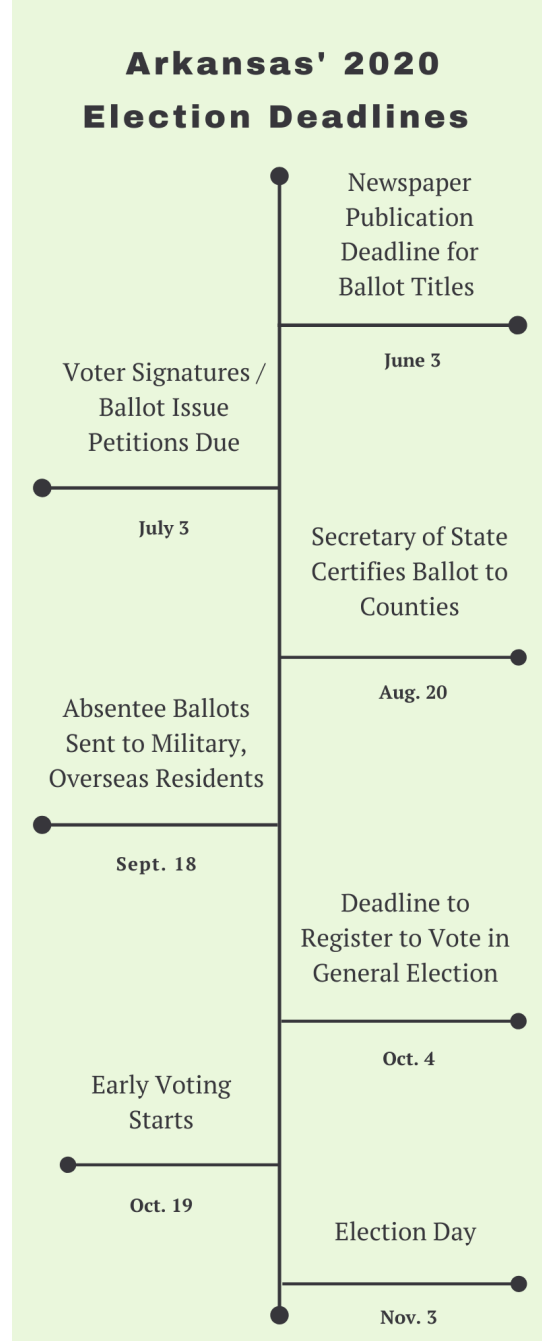
Gov. Asa Hutchinson's executive order signed earlier this month suspended in-person requirements for some notary public signatures but that order did not apply to ballot issue petitions.

A proposed ballot issue submitted to the Secretary of State's Office in December seeks to allow digital signatures, but the supporter of that measure hadn't started collecting the required voter signatures before the pandemic started.

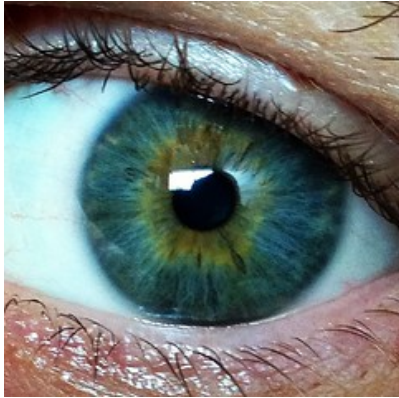
Ballot Measures on Arkansas' November Ballot

It's uncertain whether any ballot measure from the public can make it on this year's ballot due to the pandemic and social distancing. 2010 was the last time no measures from the public appeared on the ballot.

Arkansas legislators have referred three amendments to voters and a group collected enough signatures for a referendum on a 2019 state law.



In the Courts: Act 579 Referendum



Read For Yourself

Act 579 amends three existing state laws regarding the scope of practice for optometrists. Supporters of a referendum collected voter signatures to put the issue on the November ballot. A new lawsuit to stop the referendum was filed Feb. 28 with the Arkansas Supreme Court and a June 16 trial date has been set.

[Read the new law](#)

[Read the proposed referendum title](#)

[Follow the court 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

Issue 2 - Changing Legislative Term Limits (SJR15)

A Constitutional Amendment to

Issue 3 - Changing the Citizen-Initiated and Legislative Ballot Issue Process

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.

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](#)

(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](#)

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

Signature Collecting: 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 election cycle 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.

Dec. 17, 2019 - The Arkansas Digital Petition Signing Option Act - A proposal to allow voters the option to sign petitions for ballot measures digitally through a secure online portal was submitted by Briana Boling.

Jan. 27, 2020 - Arkansas Cannabis Industry Amendment - A proposal to make the cannabis industry legal under state law and set up a Bureau of Cannabis Control, among other things. The amendment was submitted by Clair Danner.

Feb. 21, 2020 - An Act to Reduce the Used Car Sales and Use Tax - A proposal to eliminate sales tax on used cars sold for \$20,000 or less was submitted by Reps. Laurie Rushing and Jim Sorvillo.

March 16, 2020 - The Arkansas Citizens' Redistricting Commission Amendment - A proposal to create a nine-member citizens' commission to establish legislative and congressional boundaries was submitted by David Couch of Little Rock. Wording for the proposal was filed March 5 but the complete petition paperwork was filed with the Secretary of State on March 16.

Find out which of these ballot issue groups have filed financial paperwork with the Arkansas Ethics Commission on our website at www.uaex.edu/ballot.



#ARballot

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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.

University of Arkansas System Division of Agriculture Cooperative Extension Service www.uaex.edu

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