



February 2020

## Dozen Ballot Proposals in Signature Phase June is 1st Deadline for Amendments

A dozen potential ballot issues have been filed with the Arkansas Secretary of State's Office, meaning voters could be asked to sign 12 different petitions for the November ballot.

Of course, not all groups that have turned in wording for a proposed constitutional amendment or state law will qualify for the ballot. But the number stands in contrast to the one group circulating petitions at this time in 2018.

Legislators last year removed the Attorney General from the citizen initiative process, eliminating the requirement that she first approve the wording of ballot titles before voter signatures could be collected. The Attorney General had been somewhat of a gatekeeper, rejecting ballot titles that were misleading or had other problematic wording.

The Attorney General's Office supported the change in the law, with legislators saying ballot issue groups were essentially getting free legal advice on the taxpayer's dime.

With the passage of Act 376, groups wanting to put an issue in front of voters now only have to submit the title to the Secretary of State's Office before securing that first signature. (They still have to collect more than 89,000 signatures from voters to qualify for the ballot. That part of the process hasn't changed.)

The number of possible measures have varied over the years under the old system. In February 2016, the Attorney General had certified 10 ballot titles for signature gathering. In February 2014, that number was at 7.

June 3 is when we have a better idea of whether ballot issue groups are serious about their proposals. That's the deadline for publishing ballot titles in newspapers across the state, which can be a costly endeavor. A proposal can't move forward if the title isn't published by then.

July 3 is the deadline for voter signatures to be turned in to the Secretary of State.

See below for a list of the dozen ballot measures filed with the Secretary of State's Office. There are two additional proposals since our January newsletter, The Arkansas Digital Petition Signing Option Act and An Act to Reduce the Used Car Sales and Use Tax. The first measure would create an online system for signing ballot issue petitions and the second would increase the threshold for when sales taxes must be paid on used car purchases.

Both measures are proposed state laws, and would require signatures from 71,321 voters living in at least 15 different counties to qualify for the ballot.



[Read the 2020 Initiatives and Referenda Handbook](#)

## New Lawsuit Filed Challenging Referendum on Act 579

Safe Surgery Arkansas has collected enough signatures from voters to have a statewide referendum on Act 579, a law passed in the 2019 legislative session that expanded the number of procedures optometrists can perform. Previously, only ophthalmologists could perform the procedures named in the law.

The Arkansas Secretary of State notified the ballot issue group Jan. 31 that they had enough signatures to qualify the referendum for the November ballot. The certification of signatures came after several legal challenges over the signatures.

It appeared that the referendum had cleared all legal hurdles but today, Feb. 28, supporters of changes made by Act 579 filed a **new lawsuit** in the Arkansas Supreme Court challenging the referendum once again.

The new lawsuit, *Arkansans For Healthy Eyes v. John Thurston*, claims that canvassers mislead voters when asking them to sign petitions calling for a referendum. The lawsuit also says the petition is invalid because the Attorney General never approved the ballot title as required under state law in effect last year.

The Arkansas Supreme Court ruled recently that a new election law containing new requirements for canvasser paperwork was not in effect and could not be enforced for the referendum. This led supporters of Act 579 to point out that if the old law was still in effect, then the referendum's ballot title needed to be approved by the Attorney General and that didn't happen with this ballot measure. The referendum campaign had submitted its title to the Secretary of State, the office named in the new election law.

Read the new court filings [here](#).

Read our [January newsletter](#) for history on this referendum and links to previous related court cases.

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



Arkansas senators and representatives put three constitutional amendments on the 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 2020.

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

Labeled Issue 1 by its supporters, this is 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](#)

The Arkansas Department of Transportation is hosting public meetings across the state about the proposed sales tax. Find more information about those meetings [here](#).

### Issue 2 - 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](#)

### Issue 3 - 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 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.

## When is Election Day for State Ballot Issues?

Arkansans will vote on statewide ballot issues Nov. 3, 2020. Your community may have a local ballot issue to decide before then. You can find a sample ballot and what elections are coming up for you at <https://www.voterview.ar-nova.org/voterview>.

[Click Here for the Arkansas 2020 Election Calendar](#)

## #ARballot

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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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