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Thank you for subscribing, reading and sharing our educational materials. We are celebrating our 100th issue of the News & Notes Arkansas Ballot Issue Newsletter this month. We look forward to another year of providing you information about statewide ballot issues. ~ Kristin Higgins

## Referendum Survives Legal Challenges Spot on Ballot Unclear

The Arkansas Supreme Court and now a Pulaski County Circuit Court judge have rejected efforts to prevent a [referendum](#) on a new state law from being placed on the November statewide ballot.

Safe Surgery Arkansas collected thousands of voter signatures to place a referendum on [Act 579](#) on the statewide ballot. The group opposes the law's expansion of eye-care procedures optometrists can perform, and wants voters to decide whether the law should go into effect.

The group collected enough voter signatures, so what's holding up the issue from being placed on the ballot? [Act 376](#), a new election law passed in the last legislative session, requires background check paperwork to be filed for signature canvassers before they solicit voter signatures.

Safe Surgery Arkansas' canvassers didn't file that paperwork in time under the new law. The group argued in court that the election law wasn't in effect when they collected signatures.

The Arkansas Supreme Court agreed with Safe Surgery Arkansas in December and ruled the signatures they collected should be counted. They rejected a subsequent request in January from Arkansans for Healthy Eyes to revisit their decision. (*Read more about the ruling in last month's [newsletter](#)*)

Arkansans for Healthy Eyes supports the new eye-care law and wants to stop the referendum from going forward. After the Supreme Court's January decision, Arkansans for Healthy Eyes filed another challenge in Pulaski County Circuit Court.

The group's new argument: If the new election law wasn't in effect for canvasser paperwork, then the same election law's change of who approves ballot titles wasn't in effect. That would mean Safe Surgery Arkansas' referendum ballot title should have been approved by the Attorney General and it wasn't.

On Jan. 28, Pulaski County Circuit Court Judge Wendell Griffen said this latest challenge is outside his jurisdiction and the challenge should be made at the Arkansas Supreme Court.

Election Day is 277 days away and although the referendum has survived legal challenges, it's still unclear whether it will be on the statewide ballot. The Secretary of State is responsible for officially declaring the signatures collected are sufficient and sending the ballot title to the Arkansas Board of Election Commissioners for certification. As of Jan. 30, that declaration had not been made.



### Find the Court Cases Online

The Arkansas Supreme Court case is CV-19-641, *Safe Surgery Arkansas v. John Thurston*. [Click here to read the docket.](#)

The Pulaski County Circuit Court case is 60CV-20-656 - *ARK FOR HEALTHY EYES ET AL V JOHN THURSTON T AL*. [Click here to read the docket.](#)

## On the 2020 Ballot: 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 though some measures are already being referred to by their potential ballot number. We list them below in order of when they were referred by the legislature.

We will publish our neutral voter guide on these proposed amendments along with any from the citizen-initiated process closer to Election Day 2020.

### **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](#).

### **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](#)

## 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.

## Read the new 2020 Initiatives and Referenda Handbook

### 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.

**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.

### 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.

## Have you Moved? Changed Your Name? Check Your Voter Registration Status

Arkansas' Preferential Primary Election is March 3. If you are not already registered to vote, the deadline to be registered in time for the primary is Monday, Feb. 3. Early Voting starts Tuesday, Feb. 18.

Check your voter registration status here: <https://www.voterview.ar-nova.org/>

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

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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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