



May 2020

Voters Can Sign Ballot Issue Petitions Without Canvasser As Witness, Judge Rules

A federal judge said Monday that Arkansas voters can sign ballot issue petitions without a canvasser witnessing it, easing some requirements during the pandemic for citizen initiative groups to collect the nearly 90,000 voter signatures required to put proposed constitutional amendments on the November ballot.

"The requirement that signatures be made in person is overly burdensome in light of criminal laws that accomplish the same results of preventing fraud and maintaining integrity of the process without the need for personal contact ...," wrote U.S. District Judge P.K. Holmes in a preliminary injunction [order](#) lifting several in-person requirements while he continues to review the case.

[Arkansas Voters First](#), which wants to refer to voters a constitutional amendment [changing](#) how legislative districts are created in Arkansas after federal Censuses, filed the lawsuit in federal court. The group had started collecting voter signatures for its proposed amendment in early March but stopped once people in the United States realized the seriousness of the virus.

With the July 3 deadline to submit signatures looming, it seemed unlikely any ballot issue group could collect the required signatures in person. Canvassers typically go to high traffic areas to collect voter signatures but spring festivals canceled and popular venues closed in response to COVID-19 concerns and requirements for social distancing.

Canvassers are required by state law to sign affidavits in front of a notary public saying they witnessed the voter signing their name. Ordinarily the Secretary of State's Office would toss any petition that lack either one of their signatures, meaning the voter signature would not be counted.

The May 25 order makes it possible for voters to print off their own petitions, sign it and mail in the petition to ballot issue groups, or for people to sign petitions left on counters at stores. In addition to

signatures, voters must write their name, address and date of birth.

A copy of the popular name and ballot title would still have to be provided to voters to read before signing, but the election information could be posted with the petition online, included in a mailed copy or posted next to a petition left on a counter.

"Arkansas has criminalized petition fraud," the order stated, sharing that violating one law put a person in danger of serving up to six years in prison and paying a \$10,000 fine or one year in jail and a \$2,500 fine if they knowingly falsified information on a petition.

Judge Holmes did not extend the July 3 deadline for signature collection as requested or agree to allow electronic voter signatures, saying in the opinion and order that deadlines were a necessary part of state business and that electronic signatures right now may cause more problems in matching voter signatures.

The judge continues to review the lawsuit and said he would like to expedite its resolution. The preliminary injunction is in place until a final ruling is made.

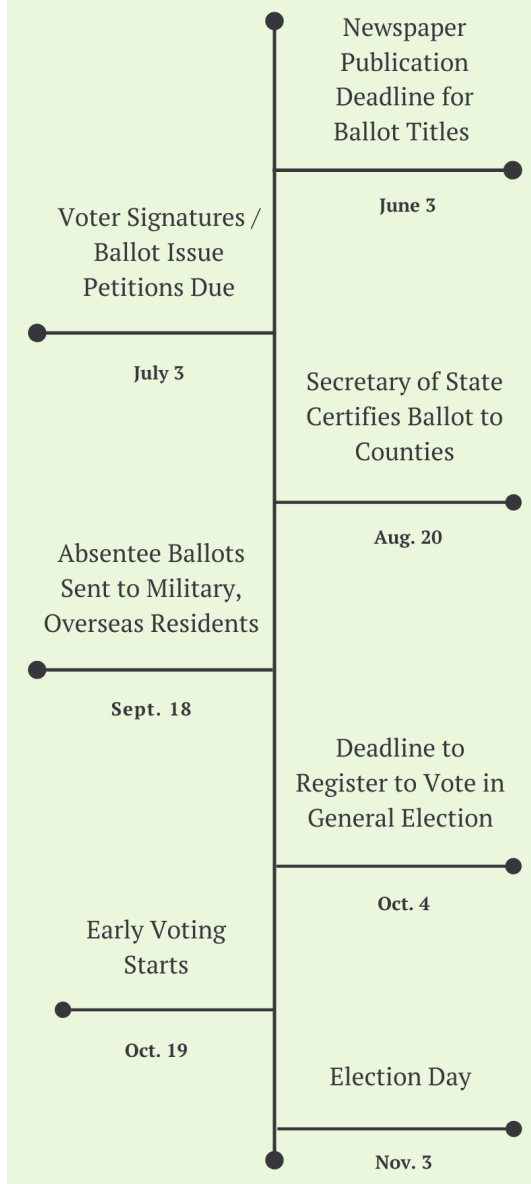
The order applies to all ballot issue groups, many of which paused their signature collecting efforts in light of COVID-19.

Supporters of seven other proposals have also filed paperwork with the Arkansas Ethics Commission, indicating they were raising and spending money on their ballot measures. These proposals involved marijuana, gaming machines, reducing sales tax on used cars sales, changing legislative term limits and expunging peoples' marijuana-related convictions. For links to those measures, go to uaex.edu/ballot.

Arkansas True Grass had already been asking supporters to request petitions via mail that people could sign but last week decided to abandon their efforts for getting the Arkansas Recreational Marijuana Amendment the 2020 ballot. They have turned their sights to the 2022 ballot and filed updated paperwork on May 22, according to their [Facebook](#) page.

For the 2020 ballot, petitions for proposed constitutional amendments require 89,151 valid voter signatures and proposed initiated acts, or state laws, require 71,321 valid voter signatures. These signatures must be collected from at least 15 different counties.

Arkansas' 2020 Election Deadlines



Lawsuit Filed Over Issue 3

The third proposed 2020 constitutional amendment from the Arkansas legislature is at the center of a new lawsuit filed in the Arkansas Supreme Court seeking to strike the issue from the November ballot.

Briana Boling filed a lawsuit against the 92nd General Assembly on May 22 saying the ballot title of Issue 3 was vague and didn't tell voters what the amendment would do. Issue 3 involves the process ballot issue groups follow to refer proposed amendments and state laws to voters.

Arkansas is one of 15 states where citizens have the right to refer amendments, state laws and referendums to voters in addition to legislative proposals.

If approved, Issue 3 would make several important changes to the citizen initiative process, including:

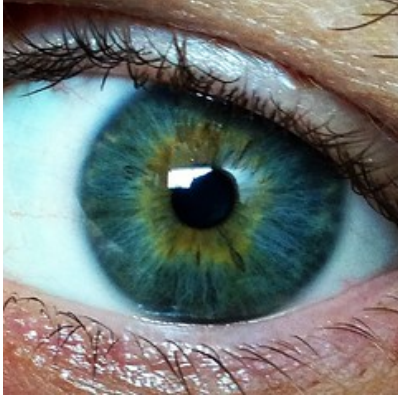
- Increasing the number of counties where voter signatures must be collected for statewide proposals from 15 counties to 45 counties.
- End the practice of allowing ballot issue groups more time to collect voter signatures after turning

in their first batch to the Secretary of State's Office for signature verification. It would also end a similar practice for local ballot measures submitted to city or county clerks.

- Require voter signatures to be submitted to the Secretary of State's office on Jan. 15 instead of the current four months ahead of an election (July 3 this year).
- Establish April 15 as the deadline for when lawsuits can be filed challenging ballot measures.
- Increase the number of votes needed by the General Assembly to refer their proposals by three additional senators and nine additional representatives.

Boling is involved in several ballot issue campaigns, including Arkansas True Grass. Earlier this year she submitted wording for another proposed constitutional amendment that would allow voters to sign petitions electronically but had not started collecting signatures before COVID-19 concerns arose.

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 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](#)

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: 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.



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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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