

FILED

JUL 10 2019

INITIATIVE PETITION **Arkansas**
Secretary of State **ARKANSAS MARIJUANA EXPUNGEMENT AMENDMENT**

To the Honorable John Thurston of the State of Arkansas: We, the undersigned registered voters of the State of Arkansas, respectfully propose the following amendment to The Constitution of the State, and by this, our petition, order that the same be submitted to the people of said state, to the end that the same may be adopted, enacted, or rejected by the vote of the registered voters of said state at the regular general election to be held on the 3rd day of November, 2020, and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, county of residence, and date of signing this petition are correctly printed after my Signature. The Popular Name is **ARKANSAS MARIJUANA EXPUNGEMENT AMENDMENT**, and the ballot title is attached or affixed hereto.

VOTERS REGISTERED IN _____ COUNTY

FOR OFFICE USE ONLY
VALID OF _____
BY _____ DATE _____

SIGNATURE	PRINTED NAME	DATE OF BIRTH	RESIDENCE (STREET ADDRESS)	CITY OR TOWN OF RESIDENCE	COUNTY OF RESIDENCE	DATE OF SIGNING
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

State of Arkansas, County of _____ (county where notary signs)

I, _____, being sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine, and each signer is a registered voter of the state of Arkansas, in the county listed. At all times during the circulation of this signature sheet, an exact copy of the Popular name, Ballot Title, and text was attached to this signature sheet.

My current residence address is correctly stated below.

Signature: _____

Residence: _____

Indicate one: () Paid Canvasser () Volunteer/Unpaid Canvasser

On this ____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____, well known to me (or satisfactorily proven by identification documents provided) to be the person described in the forgoing Canvasser Affidavit and acknowledged that she/he executed the same in capacity of a Canvasser for the purpose of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser

Signature of Notary _____

My Commission Expires _____

Residence County of Notary _____

(Notary Seal Above)

Instructions to Canvassers and Signers

1. The Arkansas Constitution gives Arkansas citizens the power to (a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred at special elections on petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure.
2. Only registered voters may sign. All signatures must be in the signer's own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county.
3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer's information and that person shall sign and print their name in the margin of the petition.
4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103.
5. Pursuant to Ark. Code Ann. § 5-55-601(c), each of the following activities constitutes "petition fraud," which is a Class D felony and is punishable by a fine of up to \$10,000 and imprisonment for up to six years. Subsection (b) states: "A person commits the offense of petition fraud:
 - (1) If the person knowingly:
 - (A) Signs a name other than his or her name to a petition;
 - (B) Signs his or her name more than one (1) time to a petition; or
 - (C) Signs a petition when he or she is not legally entitled to sign the petition;
 - (2) If the person acting as a canvasser, notary, sponsor as defined under § 79-101, or agent of a sponsor:
 - (A) Signs a name other than his or her own to a petition;
 - (B) Prints a name, address, or birth date other than his or her own to a petition unless the signer requires assistance due to disability and the person complies with § 7-9-103;
 - (C) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition;
 - (D) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner;
 - (E) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; or
 - (F) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition;
 - (3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form; [or]***
- (5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing."

Popular Name

ARKANSAS MARIJUANA EXPUNGEMENT AMENDMENT

Ballot Title

This is an amendment to the Arkansas Constitution to allow persons convicted of possession, cultivation, manufacture, distribution or sale of less than sixteen (16) ounces of cannabis, also known as marijuana, six (6) or fewer mature cannabis plants or cannabis paraphernalia prior to the effective date of this amendment to petition a court for release from incarceration, reduction of sentence, expungement of the conviction and/or restoration of rights and to authorize the creation of dedicated court for this purpose.

ARKANSAS MARIJUANA EXPUNGEMENT AMENDMENT

§1 Short Title

This amendment to the Arkansas Constitution shall be known as the "Arkansas Marijuana Expungement Amendment."

§2 Effective Date

The provisions of this amendment shall become effective December 1, 2020.

§3 Petitions for Relief from Cannabis Criminal Convictions

- a) Any person with felony or misdemeanor convictions within the State of Arkansas prior to the effective date of this amendment for the possession, cultivation, manufacture, distribution or sale of:
 - i. less than sixteen (16) ounces of cannabis, also known as marijuana;
 - ii. six (6) or fewer mature cannabis plants; or
 - iii. paraphernalia intended for use with cannabis, as defined by Ark. Code Ann. § 5-64-101, et seq.may petition the courts for relief from the conviction. Relief shall be determined by the courts and may include release from incarceration, reduction of remaining sentence, expungement of a conviction, and/or a restoration of voting rights.
- b) On or before the effective date of this amendment, the Chief Justice of the Arkansas Supreme Court shall create the Cannabis Conviction Relief Court for the sole purpose of hearing petitions from persons convicted of cannabis-related crimes. The

Chief Justice shall appoint a retired circuit or chancery court judge to preside over the court and the operations of the court shall be funded by cannabis sales tax revenue. The court shall hear petitions for relief for a period of at least five (5) years from the effective date of this amendment.

- c) Persons with a conviction qualifying for relief shall file a petition with the court on a form developed for that purpose by the Administrative Office of the Courts, which it shall make readily available on its website and by mail at no cost to the petitioner. The court shall expeditiously consider all petitions filed and order such relief as may be warranted under this amendment.

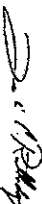
§4 Severability; Inconsistent Provisions Inapplicable

- a) If any part or subpart of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or application of the amendment that can be given effect without the invalid provisions or applications, and to this end the provisions of this amendment are declared to be severable.
- b) All provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this amendment are expressly declared null and void as to, and do not apply to, any activities allowed under this amendment.

§5 Legislative Authority to Modify this Amendment

- (a) The General Assembly may not modify, repeal or otherwise nullify the provisions of this amendment.

Arkansas Attorney General



Leslie Rutledge