



# AN AMENDMENT ALLOWING MORE TIME TO GATHER SIGNATURES ON A STATE-WIDE INITIATIVE OR REFERENDUM PETITION ONLY IF THE PETITION AS ORIGINALLY FILED CONTAINED AT LEAST 75 PERCENT OF THE VALID SIGNATURES REQUIRED

## ISSUE NUMBER 2

(Referred to the People by the Arkansas General Assembly – 2014)

**POPULAR NAME:** An amendment allowing more time to gather signatures on a state-wide initiative or referendum petition only if the petition as originally filed contained at least 75 percent of the valid signatures required.

**BALLOT TITLE:** Proposing an amendment to Article 5, Section 1, of the Arkansas Constitution concerning initiative and referendum; and providing certain requirements for the correction or amendment of insufficient state-wide petitions.

### What is being proposed?

Issue 2 proposes adding to the Arkansas Constitution a requirement that ballot issue petitions submitted by the public contain a minimum number of valid signatures of registered voters before the Secretary of State's Office allows petition sponsors more time to gather additional signatures.

To receive more time for gathering signatures, a petition would need signatures from:

- At least 75 percent of the necessary signatures of registered voters from 15 different counties, and
- At least 75 percent of the necessary signatures of registered voters statewide.

Currently a sponsor is automatically given an extension to gather additional signatures if a petition is submitted with the necessary number of signatures regardless of how many are valid.

### Why is this issue on the ballot?

Legislators said they would look at legal changes to the petition process as a result of two high-profile ballot petitions in 2012 that contained hundreds of suspicious signatures. Election officials said more than 100 pages of petitions for a natural gas tax had signatures that appeared to be in the same handwriting, or every person on the page having the same name, or the names being in alphabetical order. Petitions also had technical problems – the pages lacked a notary seal or the signature of the signature gatherer. The sponsor of the petition did not collect enough valid signatures to have the proposal put on the ballot for voters to decide. However, the problems with the earlier petition and a second petition seeking to establish casinos in the state led legislators to propose Issue 2.

### How did this issue make it to the ballot?

Arkansas legislators voted to put Issue 2 on the 2014 general election ballot. State legislators

have the right to include up to three constitutional amendments on the general election ballot. Constitutional amendments require the approval of a majority of voters in a statewide election and can't be changed without another vote of the people.

## General Questions

### What is a state-wide initiative?

The Arkansas Constitution allows citizens to ask voters to pass a new law or constitutional amendment, to change existing laws or amendments, or to repeal an existing law passed by the legislature. Proposed laws and amendments are often called "ballot issues" or "ballot measures." An attempt to repeal a law passed by the legislature is known as a "referendum."

### What is a petition?

A petition is the ballot issue group's document with the formal request to add an issue to the ballot. The paper petition includes signatures from registered voters who sign to show their support for putting the issue on the ballot for the people to decide. Signing a petition is not a vote on the issue.

### What is a valid signature?

The proposed amendment does not define "valid signature," although the legislative sponsor said he defines it as a "signature of someone who lives in the district in which they claim they are and are registered to vote." The Arkansas Constitution uses the phrase "signatures of legal voters" to define whose signature will be counted for putting a constitutional amendment or law up to a vote. Legal voters are people who are registered to vote in Arkansas.

Petition pages ask people for their signature. To help identify legal voters, the petition also asks people to provide their name in printed form, date of birth, residence, city or town of residence, county and the date they signed the petition.

The Secretary of State's office says signatures can be invalid because:

- The person was not a registered voter at the time he or she signed the petition.
- Election officials could not read the person's signature and the petition did not have additional identifying information for that person.
- The petition was not signed by the person collecting signatures, or for other reasons identified by the Secretary of State's Office.

## How does the initiative process work now?

The initiative process requires ballot issue sponsors to gather signatures from a specific number of registered voters who agree to put the issue on the ballot for a vote. A specific number of those signatures must come from at least 15 different Arkansas counties. The exact number of signatures required for the statewide ballot may change from year to year, but the percentage does not change.

If the sponsor does not submit the required number of signatures on the petition, the initiative or referendum cannot be put on the ballot. However, if the required number of signatures are submitted, but some are invalid, the sponsor has 30 days to collect more signatures in an attempt to obtain the number of valid signatures required to put the initiative on the ballot. See Table 1 for signature requirements.

**Table 1**

Type of Ballot Issue	Percentage of signatures needed statewide to put issue on the ballot	Number of signatures needed statewide to put issue on the 2014 ballot*
State law	8 percent of votes cast for governor in past election	62,507
Constitutional amendment	10 percent of votes cast for governor in past election	78,133
Referendum	6 percent of votes cast for governor in past election	46,880

\* The exact number of signatures required for the statewide ballot may change from year to year, but the percentage will not change. This is the total number required for the 2014 ballot.

## If voters approve Issue 2, how would the petition process change?

The Secretary of State's office would grant an additional 30 days to collect more signatures only to ballot issue sponsors whose petitions met the new signature requirement. Table 2 shows the effect of the proposed requirement based on 2014 numbers.

**Table 2**

Type of Ballot Issue	Percentage of signatures needed statewide to put issue on the ballot	Number of signatures needed statewide to put issue on the 2014 ballot*	Number of signatures needed statewide on first petition submitted to Secretary of State if proposed 75 percent requirement passes*
State law	8 percent of votes cast for governor in past election	62,507	46,880 valid signatures statewide
Constitutional amendment	10 percent of votes cast for governor in past election	78,133	58,599 valid signatures statewide
Referendum	6 percent of votes cast for governor in past election	46,880	35,160 valid signatures statewide

\* Requirements are based on the percent of votes cast for governor in the 2012 election. The exact number changes election to election, but the percentage does not. The number of signatures needed to meet the 15-county requirement would depend on the number of people who voted for governor in each of the sponsor's 15 designated counties.

**The following statements are what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.**

### **What do supporters say?**

- The proposed amendment would set the bar high enough to avoid worrying about fraud and deception.
- Ballot issue groups have the ability to check their signatures for errors against the state's list of registered voters before submitting petitions to the Secretary of State.
- The change is needed to prevent campaigns from knowingly submitting false signatures just to buy time.

### **What do opponents say?**

- The proposed amendment does nothing to address fraud but severely hampers the ability of the people to place an initiated measure on the ballot.
- If Issue 2 had been in effect, ballot initiatives regarding medical marijuana, minimum wage and alcohol would not have been on the ballot because their initial validity rates were below 75 percent.
- This is one area where people can touch government and can affect government and the only reason for this is to make it harder for them to do that.

### **If passed, when would the legislation take effect?**

If approved, the legislation would go into effect 30 days after the election.

### **What does a "FOR" vote mean?**

A **FOR** vote means you want to change the state's existing ballot petition process to include a requirement in the Constitution for how many valid signatures a ballot issue sponsor must have before the Secretary of State's office gives the sponsor more time to gather signatures to place an issue on the ballot for voters to decide.

### **What does an "AGAINST" vote mean?**

An **AGAINST** vote means you do not want to change the state's existing ballot petition process.

### **Where can I find more information?**

A complete version of the legislative bill can be found at [www.sos.arkansas.gov/elections/Documents/Initiatives%20and%20Referenda/SJR16.pdf](http://www.sos.arkansas.gov/elections/Documents/Initiatives%20and%20Referenda/SJR16.pdf).

For additional information, please visit the University of Arkansas System Division of Agriculture's Public Policy Center website at [www.uaex.edu/ppc](http://www.uaex.edu/ppc) or contact your county Cooperative Extension Service office.

Voter registration information and election information can be obtained through the Arkansas Secretary of State's office by calling 501-682-1010 or visiting [www.sos.arkansas.gov](http://www.sos.arkansas.gov).

### **Exercise your voting privilege.**

We live in a democratic society where voting is a privilege of citizenship. Democracy works best when

informed citizens exercise their voting privilege.  
Please vote.

The deadline to register to vote in the General Election is Oct. 6, 2014.

Early voting begins Oct. 20, 2014. Election Day is Nov. 4, 2014.

Absentee ballots can be requested from county clerk offices beginning Sept. 19, 2014.

**The following is the proposed constitutional amendment as it will appear on the state's November General Election ballot.**

**CONSTITUTIONAL AMENDMENT REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY**

**Issue No. 2  
(Popular Name)**

AN AMENDMENT ALLOWING MORE TIME TO GATHER SIGNATURES ON A STATE-WIDE INITIATIVE OR REFERENDUM PETITION ONLY IF THE PETITION AS ORIGINALLY FILED CONTAINED AT LEAST 75% OF THE VALID SIGNATURES REQUIRED.

**Ballot Title**

PROPOSING AN AMENDMENT TO ARTICLE 5, SECTION 1, OF THE ARKANSAS CONSTITUTION CONCERNING INITIATIVE AND REFERENDUM; AND PROVIDING CERTAIN REQUIREMENTS FOR THE CORRECTION OR AMENDMENT OF INSUFFICIENT STATE-WIDE PETITIONS.

- FOR**  
 **AGAINST**

The Public Policy Center is evaluating its ballot education program and invites you to participate in the evaluation by completing a survey available at [https://uaex.co1.qualtrics.com/SE/?SID=SV\\_3vAqtmkFseCCLPL](https://uaex.co1.qualtrics.com/SE/?SID=SV_3vAqtmkFseCCLPL). This link is case sensitive, so please enter the weblink as it appears. Your participation is voluntary and anonymous. You will not be asked how you intend to vote. If you have any questions about this survey, please contact Kristin Higgins at 501-671-2160.

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