



ISSUE NUMBER 2

(Referred to the people by the Arkansas General Assembly)

Requiring 60% Voter Approval for Constitutional Amendments and Citizen-Proposed State Laws

POPULAR NAME: A Constitutional Amendment to Reform Certain Measures Presented to Voters, to be Known as the “Constitutional Amendment and Ballot Initiative Reform Amendment.”

BALLOT TITLE: An amendment to the Arkansas Constitution, to be known as the “Constitutional Amendment and Ballot Initiative Reform Amendment,” concerning the number of votes required for approval of certain measures presented to voters; requiring that initiatives proposed under Arkansas Constitution, Article 5, § 1, and constitutional amendments proposed under Arkansas Constitution, Article 19, § 22, and Arkansas Constitution, Amendment 70, § 2, shall be approved when receiving at least sixty percent (60%) of the votes cast on the proposed initiative or proposed constitutional amendment; and requiring that a measure subject to a referendum shall be repealed if the measure is rejected by a majority of the electors voting upon the matter.

What is being proposed?

Arkansas legislators have proposed a constitutional amendment that would increase the percentage of votes required to pass most statewide ballot issues.

Currently, a majority of votes are required for statewide ballot issues to pass and go into effect. This percentage is frequently described as a “50% plus one vote” or a simple majority.

QUICK LOOK: What does your vote mean?

FOR: A FOR vote means you are in favor of changing the Arkansas Constitution to increase the percentage of votes required to pass constitutional amendments and citizen-proposed state laws from a majority of the votes cast on the measure to 60% of the votes cast.

AGAINST: An AGAINST vote means you are not in favor of changing the Arkansas Constitution to increase the percentage of votes required to pass constitutional amendments and citizen-proposed state laws.

Where can I find more information?

The complete wording of this amendment can be found at uaex.uada.edu/issue2

(continued on page 11)

(continued from page 10)

Issue 2 proposes amending the three sections of the Arkansas Constitution governing ballot issues to require a “super majority” vote in order for constitutional amendments and initiated acts to go into effect. Specifically, Issue 2 proposes:

- Increasing the percent of votes required to pass constitutional amendments proposed by citizen groups from 50% to 60%.
- Increasing the percent of votes required to pass constitutional amendments proposed by the legislature from 50% to 60%.
- Increasing the percent of votes required to pass state laws proposed by citizen groups from 50% to 60%.

Requirements for citizen-sponsored referendums, which ask voters to decide the fate of existing laws, would remain unchanged and be decided by a simple majority of voters.

How did this issue get on the ballot?

The Arkansas Senate and House of Representatives voted to place Issue 2 on the 2022 General Election Ballot. The Arkansas Constitution grants the legislature the right to include up to three constitutional amendments on the general election ballot.

Constitutional amendments currently require the approval of a majority of voters in a statewide election. Election Day is Nov. 8, 2022.

Who were the main sponsors of this amendment?

Rep. David Ray of Maumelle and Sen. Bart Hester of Cave Springs

When was the last time Arkansas voted on this issue?

This is the first time a change in the percentage of votes required to pass a ballot measure has been on the ballot for voters to decide.

Why do proposed constitutional amendments and state laws appear on the statewide ballot?

Changing the Arkansas Constitution requires a vote of the people. The state constitution dates back to 1874 and there are currently 102 amendments to the original document. Arkansas voters rejected several attempts in the last century to pass a newer state constitution, leaving the amendment process as the only way to make changes or updates.

Additionally, the ballot issue process is the only way for citizens to directly propose changes to state law to be decided by a vote of the people. Without this process only legislators consider and decide on these changes.

What is the process for proposing constitutional amendments and state laws?

There are two routes: a legislature-led process and a citizen-led process. Legislators submit proposals for constitutional amendments when they meet as the General Assembly in odd-numbered years. Committees in the House and Senate review the proposals to determine which ones should be voted on by all legislators.

The legislature can refer up to three constitutional amendments to voters, in addition to a proposal related to their salary. Placing these issues on the ballot requires approval by 50% of the legislature; This equals approval from 18 of the 35 senators and 51 of the 100 representatives.

In addition, citizens can propose a constitutional amendment, a state law, and a referendum on whether to keep or repeal newly adopted laws from the legislative session.

This citizen-led process involves filing a ballot title with the Secretary of State’s Office, collecting signatures from voters in at least 15 counties, and the Arkansas Election Commission approving the ballot title. The number of voter signatures required to qualify a proposal for the statewide ballot varies depending on the type of ballot issue. Petitions for constitutional amendments must contain voter signatures equaling at least 10% of the number of people who voted for governor in the last election. Petitions for state laws require signatures equaling at least 8% of the number of people who voted for governor. (In 2022, the number of signatures required for constitutional amendments is 89,151.)

Only after this criteria is met are citizen-led issues placed on the ballot for voters to decide.



The following statements are examples of 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?

- It's a much-needed safeguard for our initiative and constitutional amendment process. It is entirely too easy to amend our state constitution. We shouldn't amend our constitution in some sort of willy-nilly fashion.
- The state's lenient rules make it vulnerable to big money and out-of-state interests that would want to hijack our process and push their own pet projects and hobby horse issues.
- I don't view this as a particularly ideological measure. It is designed to simply put some safeguards on our constitutional amendment process.
- That process is fairly easy for big money or out-of-state interests to hijack because all they have to do is spend a large sum of money in a relatively short window of time, and temporarily convince people that something is a good idea. And then viola, it's in the Constitution forever and ever.

What do opponents say?

- This proposal would create minority rule as 40% of the electorate voting "no" would deny proposed measures.
- Between 2000-2020, there has been 1 initiated amendment that exceeded 60%. There have been 14 referred amendments that exceeded 60%. There were 3 initiated acts that exceeded 60%. The effect of Issue 2 on the peoples' right to direct democracy is much more severe than that on the general assembly primarily due to the fact that the people have to include a ballot title that accurately summarizes the proposal while the General Assembly does not.
- Acts by the General Assembly only require 50% approval while initiated acts by the people would require 60%, making it more difficult for the people to pass an initiated act than the General Assembly.
- Ballot measures give citizens of our state the power to make laws when politicians fail to do their jobs. Don't let politicians and special interests change the system that has served Arkansas well for the past 112 years. If they get rid of ballot measures as we know them in Arkansas, it will mean more power for lobbyists, more backroom deals, and less power for voters to decide on the issues that matter most.

Between 2000 and 2020, how many ballot issues received 60% voter approval?

Between 2000 and 2020, Arkansas voters considered 40 proposed constitutional amendments and state laws referred by the legislature and citizen groups. Voters approved 30 of these ballot issues and rejected the remaining 10 proposals.

Of the 30 measures voters passed, 18 received at least 60% voter approval.

This means that 12 of the 30 proposals that Arkansas voters passed in the last 20 years would not have satisfied the proposed 60% voter approval requirement.

Ballot Issues Passed in the Last 20 Years with Less than 60% of Voter Approval

- Short-term county/city financing amendment
- Overhaul of Arkansas court system
- Repeal of numbering ballots next to voter's name
- Prohibiting single adults who co-habitat from adopting or fostering children
- 0.5% sales tax for state and local road construction (2012 and 2020)
- Requiring legislative approval of state agency rules
- Giving ballot issue groups more time to collect signatures only if they already have 75% of the required signatures
- Changing ethics rules and term limits for legislators, and creating independent citizen commission to set salaries for elected state officials
- Medical marijuana
- Casino gaming in four locations
- Changes to legislative term limits

Find out how past ballot issues fared individually with voters at bit.ly/AR-ballot-issues

How Many States Require a Supermajority Vote to Pass Ballot Measures?

Every state has a process for ballot issues, but what is allowed and the requirements for passing such measures vary dramatically.

Looking at the country overall, these are the states that require a super majority vote for a ballot measure to pass:

- Florida requires at least 60% voter approval on its ballot measures. The state requires 66.6% voter approval for ballot measures involving new taxes or fees.
- Washington requires casino gaming ballot measures to be approved by 60% of voters compared to 50% for other measures.
- Oregon requires a higher percentage of voters to approve any proposal that would change the ballot measure approval rate itself.

What Percentage of Votes Do States Similar to Arkansas Require?

Arkansas is one of 15 states where citizens can propose constitutional amendments, state laws and referendums on the statewide ballot.

Of these 14 other states:

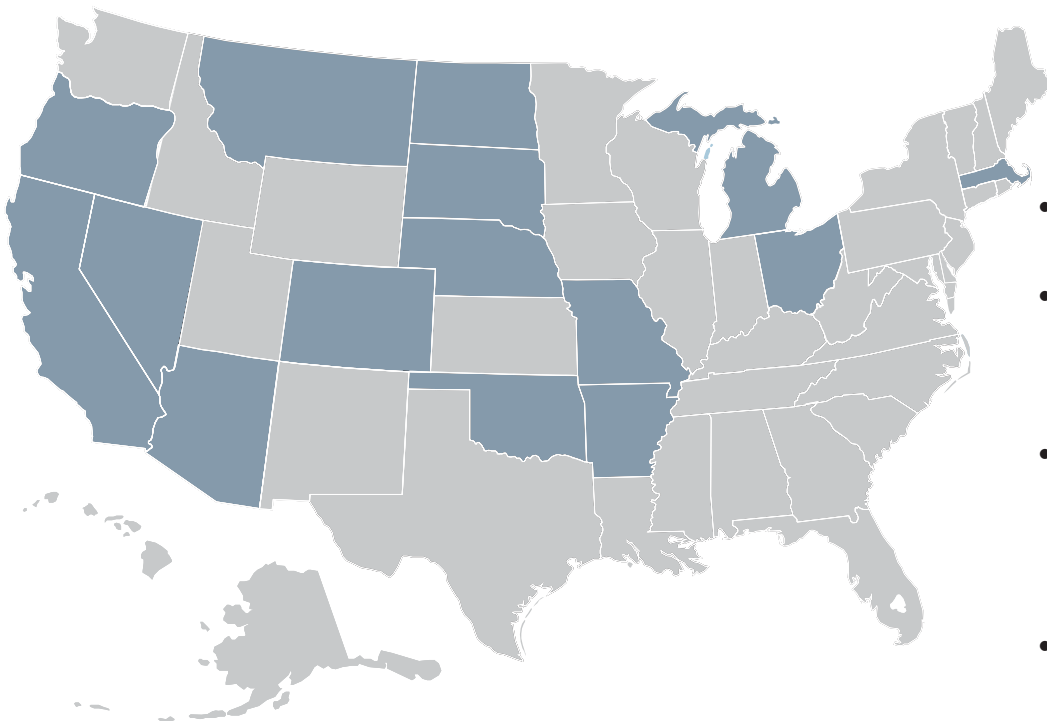
- Ten states require a simple majority vote to pass statewide ballot measures.
- One state (Nevada) requires a simple majority vote, but citizen-led constitutional amendments require passage in two separate elections.
- Two states require ballot measures to receive at least 50% voter approval, AND at least a certain percentage of the overall turnout to pass.
- One state (Colorado) requires 55% voter approval on all statewide ballot measures.

View our state-by-state analysis at bit.ly/Ballot-Access-Requirements

If passed, when would the changes in Issue 2 take effect?

If approved, the changes listed in this proposal would take effect Jan. 1, 2023.

Percentage of Votes Required in the 15 States Where Citizens Can Ask Voters to Consider Constitutional Amendments, State Laws and Referendums



OF THE 15:

- 11 STATES – simple majority
- 2 STATES – 50% voter approval, AND at least a certain % of turnout
- NEVADA – simple majority, but citizen-led constitutional amendments require 2 elections
- COLORADO – 55% approval

The following is the proposed constitutional amendment name and title as they 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)

A Constitutional Amendment to Reform Certain Measures Presented to Voters, to be Known as the "Constitutional Amendment and Ballot Initiative Reform Amendment"

(Ballot Title)

AN AMENDMENT TO THE ARKANSAS CONSTITUTION, TO BE KNOWN AS THE "CONSTITUTIONAL AMENDMENT AND BALLOT INITIATIVE REFORM AMENDMENT", CONCERNING THE NUMBER OF VOTES REQUIRED FOR APPROVAL OF CERTAIN MEASURES PRESENTED TO VOTERS; REQUIRING THAT INITIATIVES PROPOSED UNDER ARKANSAS CONSTITUTION, ARTICLE 5, § 1, AND CONSTITUTIONAL AMENDMENTS PROPOSED UNDER ARKANSAS CONSTITUTION, ARTICLE 19, § 22, AND ARKANSAS CONSTITUTION, AMENDMENT 70, § 2, SHALL BE APPROVED WHEN RECEIVING AT LEAST SIXTY PERCENT (60%) OF THE VOTES CAST ON THE PROPOSED INITIATIVE OR PROPOSED CONSTITUTIONAL AMENDMENT; AND REQUIRING THAT A MEASURE SUBJECT TO A REFERENDUM SHALL BE REPEALED IF THE MEASURE IS REJECTED BY A MAJORITY OF THE ELECTORS VOTING UPON THE MATTER.

FOR ISSUE NO. 2

AGAINST ISSUE NO. 2