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## New Law Requires Ballot Issue Groups to Pay Back State

The Secretary of State's Office paid more than \$1.7 million last year to advertise Arkansas' ballot measures, a cost they expect to partially recoup in future years after the recent passage of Act 982.

[Act 982](#) requires that sponsors of initiated acts and amendments pay the state back for publishing notice of their ballot measures in newspapers. The legislation amended Arkansas Code 7-9-113.

"Our office has made significant efforts in recent years to cut costs in our budget and save money in different areas," said Chris Powell, a spokesman for the Secretary of State's Office. "And this was something that was identified that was a significant cost to the state, to publish these ballot measures that are funded by private entities usually. The legislature took a look at it and passed this bill."

Arkansas Code 7-9-113 required the Secretary of State to publish a notice in two weekly issues of a newspaper in each county. One of those notices included the measure's popular name, ballot title and complete text.

Last year, Arkansans faced the possibility of voting on seven ballot measures on the November 2016 ballot. Last-minute court decisions reduced the number of ballot measures to four on Election Day, but the Secretary of State's Office had already published information for all the ballot measures.

"It's not chump change," Powell said.

In 2012, publishing the notices for legislative and citizen-initiated measures cost the Secretary of State's Office \$1.3 million. The cost was similar in 2014. The Secretary of State has an annual budget of \$19.6 million, Powell said.

Going forward, sponsors of initiated measures on the statewide ballot will be required to reimburse the state within 30 days of notification of the final cost for publishing their individual measure. Act 982 requires that notices for legislatively-referred measures still include the full text, but measures initiated by ballot groups can include a link to the full wording.

Gov. Asa Hutchinson allowed Act 982 to become law without his signature, telling the [Arkansas-Democrat Gazette](#) that "it increases the costs for citizens who initiate ballot measures."

The act's sponsor, Sen. Bryan King, R-Green Forest, told the newspaper that he wanted special interest groups promoting ballot measures to pay the cost instead of taxpayers.

How much it cost to advertise individual ballot measures in 2016 isn't known - Powell said the state was billed by the Arkansas Press Association for total publication cost versus per amendment. According to expense reports filed with the Arkansas Ethics Commission, Arkansans United for Medical Marijuana spent \$18,539 of the \$885,155 it raised last year on advertising for the successful Arkansas Medical Marijuana Amendment.

As of May, only one group has approval from the [Attorney General](#) to collect signatures for a potential 2018 ballot measure. The deadline for citizen-led proposals is not until next summer.

Legislators in the House and Senate voted to put two of their own proposed constitutional amendments on the November 2018 ballot. More information about those two proposals can be found [below](#).

### ***Get Engaged. Get Informed.***

The [Public Policy Center](#) has published nonpartisan fact sheets on Arkansas' statewide ballot issues since 2004. We welcome your questions at [publicpolicycenter@uaex.edu](mailto:publicpolicycenter@uaex.edu). Follow us on [Facebook](#) and [Twitter](#).

### **Did you know?**

You can find the results of Arkansas' ballot issue elections dating back to 1938 online at the [Secretary of State's Office](#) and from 1912 to 2000 at the [Initiative and Referendum Institute](#).

## **Legislative Ballot Issues**



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*Legislators are able to refer up to three constitutional amendments to the voters every general election. These two proposals will be the Nov. 6, 2018 ballot.*

**SJR8 - An Amendment Concerning Civil Lawsuits and the Powers of the General Assembly and Supreme Court to Adopt Court Rules.**

Read [SJR8](#)

Sponsor: [Sen. Missy Irvin](#)

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**HJR1016 - A Constitutional Amendment Adding as a Qualification to Vote that a Voter Present Certain Valid Photographic Identification When Casting a Ballot In Person or Casting an Absentee Ballot.**

Read [HJR1016](#)

Sponsor: [Rep. Robin Lundstrum](#)

## Looking Forward - Potential 2018 Ballot Issues from Citizens

### Attorney General Opinions

*The Attorney General is responsible for reviewing the language and titles of potential ballot issues submitted to voters by the public. Ballot issue groups can circulate petitions only after the Attorney General verifies that the ballot title and popular name honestly, intelligibly and fairly describe the purpose of a proposed constitutional amendment or act. The following are recent Attorney General opinions regarding potential ballot issues:*

### **Ballot proposals rejected**

**May 3, 2017 - The Arkansas Decriminalization of Recreational Marijuana Amendment** - A proposal seeking to legalize the cultivation, production, distribution, sale, possession and use of marijuana was rejected because of issues with the ballot title and popular name, according to [Opinion No. 2017-047](#). The opinion also cited undefined terms and ambiguities in the text. Larry B. Morris of West Fork submitted the measure.

**May 8, 2017 - The Arkansas Recreational Marijuana Amendment of 2018** - A proposal seeking to legalize the cultivation, production, distribution, sale, possession, and use of recreational marijuana, and which would release from incarceration people who were convicted of violating laws related to marijuana was rejected. [Opinion No. 2017-048](#) cited ambiguities in the measure's text.

This is the third time this proposal has been rejected. See [Opinion No. 2017-043](#) (April 21, 2017), [Opinion No. 2017-040](#) (April 7, 2017). Mary L. Berry of Summit submitted the proposal.

**May 11, 2017 - Arkansas Fair Voting Amendment** - A proposal to create legislative districts and require voter signatures for candidates to be on the ballot was rejected in part because of the name of the proposal includes partisan phrases, according to [Opinion No. 2017-050](#). Ed Frizzell of Conway submitted the measure.

### **Ballot proposals approved for signature gathering**

**Oct. 28, 2016 - Arkansas Term Limits Amendment** - A proposal to reduce the number of years a state senator or representative can serve in office was certified for signature gathering, according to [Opinion No. 2016-105](#). The proposal would repeal Amendment 94, which voters passed in 2014 and extended term limits to 16 years for members of the General Assembly. Thomas Steele of Little Rock submitted the October measure.

Know of a potential ballot issue?

E-mail the information to [publicpolicycenter@uaex.edu](mailto:publicpolicycenter@uaex.edu) or call Kristin Higgins at 501-671-2160.

You can find past newsletters and ballot issue fact sheets at  
<http://www.uaex.edu/ballot>



The Public Policy Center was established in 2004 to provide Arkansans with timely, credible, unbiased and research-based information and education about public issues. Public issues are defined as pressing and emerging issues that involve multiple points of view and have widespread consequences. 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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