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ATTORNEY GENERAL  
OF  
ARKANSAS

**Popular Name**

“An amendment requiring local voter approval in a countywide special election for any new casino licenses and repealing authority to issue a casino license in Pope County, Arkansas.”

**Ballot Title**

“An amendment to the Arkansas Constitution, Amendment 100, § 4, subsection (i) to reduce the number of casino licenses that the Arkansas Racing Commission is required to issue from four to three; amending Amendment 100, § 4, subsections (k) through (n) to repeal authorization for a casino in Pope County, Arkansas and to repeal the authority of the Arkansas Racing Commission to issue a casino license for Pope County, Arkansas; amending Amendment 100 § 4, to add subsection (s), providing that if the Arkansas Racing Commission, or other governing body, issues a casino license for a casino in Pope County, Arkansas prior to the effective date of this Amendment, then said license is revoked on the effective date of this Amendment; amending Amendment 100 § 4, to add subsection (t), providing that if a future constitutional amendment authorizes the issuance of a casino license in any county other than those issued now or hereafter for Crittenden County (to Southland Racing Corporation), Garland County (to Oaklawn Jockey Club, Inc.) and Jefferson County (to Downstream Development Authority of the Quapaw Tribe of Oklahoma and later transferred to Saracen Development, LLC), then the quorum court of each county where a casino is to be located shall call a special election by ordinance to submit the question of whether to approve of a casino in the county; amending Amendment 100 § 4, to add subsection (t)(1)-(3), setting the date for the special election and requiring the ordinance calling the special election to state the election date and to specify the format of the question on the ballot as “FOR a casino in [ ] County” and “AGAINST a casino in [ ] County,” and, “The question presented to voters must include whether or not a casino may be located in the county”—“A casino is defined as a facility where casino gaming is conducted”; amending Amendment 100 § 4, to add subsection (t)(4), requiring the county board of election commissioners to publish the ordinance calling the special election as soon as practicable in a newspaper of general circulation in the county in which the special election is held; amending Amendment 100 § 4, to add subsection (t)(5), requiring a majority of the voters in any county where any future casino is proposed to be located to approve of the casino at the special election before the Arkansas Racing Commission, or other governing body, may accept any applications for a casino license in that county; making this Amendment effective on and after November

13, 2024; providing that the provisions of this Amendment are severable in that if any provision or section of this Amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application; and repealing all laws or parts of laws in conflict with this Amendment.”

### **Full Text of the Proposed Measure**

#### **SECTION 1. Repeal of Authorization for a Casino in Pope County.**

Arkansas Constitution, Amendment 100, § 4, subsections (i) – (n), are amended to read as follows, with stricken language to be deleted from Amendment 100 and underlined language to be added to Amendment 100:

- (i) The Arkansas Racing Commission shall issue ~~four~~ three casino licenses.
- (j) The Arkansas Racing Commission shall issue a casino license, as provided in this Amendment, to a Franchise holder located in Crittenden County, there being only one, to conduct casino gaming at a casino to be located at or adjacent to the Franchise holder’s greyhound racing track and gaming facility as of December 31, 2017 in Crittenden County. The Arkansas Racing Commission shall also issue a casino license, as provided in this Amendment, to a Franchise holder located in Garland County, there being only one, to conduct casino gaming at a casino to be located at or adjacent to the Franchise holder’s horse racing track and gaming facility as of December 31, 2017 in Garland County. Casino licenses to be issued to Franchise holders shall be issued upon:
  - (1) Adoption by the Arkansas Racing Commission of rules necessary to carry out the purposes of this Amendment; and
  - (2) Initial laws and appropriations required by this Amendment being in full force and effect.
- (k) ~~The Arkansas Racing Commission shall award a casino license to a casino applicant for a casino to be located in Pope County within two miles of the city limits of the county seat.~~ The Arkansas Racing Commission shall also award a casino license to a casino applicant for a casino to be located in Jefferson County within two miles of the city limits of the county seat.
- (l) Casino licensees are required to conduct casino gaming for as long as they have a license.

- (m) The Arkansas Racing Commission shall require all casino applicants for a casino license in ~~Pope County and~~ Jefferson County to demonstrate experience conducting casino gaming.
- (n) The Arkansas Racing Commission shall require all casino applicants for a casino license in ~~Pope County and~~ Jefferson County to submit either a letter of support from the county judge or a resolution from the quorum county in the court in ~~the county where the proposed casino is to be located~~ Jefferson County and, if the proposed casino is to be located within a city or town, shall also require all casino applicants to include a letter of support from the mayor in the city or town where the applicant is proposing the casino to be located.

**SECTION 2. Revocation of any casino license issued for Pope County, Arkansas prior to the effective date of this Amendment.**

Arkansas Constitution, Amendment 100, § 4, is amended to add subsection (s) to read as follows with underlined language to be added to Amendment 100:

- (s) If the Arkansas Racing Commission, or other governing body, issues a casino license for a casino in Pope County, Arkansas prior to the effective date of this Amendment, then said license is revoked on the effective date of this Amendment.

**SECTION 3. Requiring the county quorum court to call a special countywide election on the question of whether to approve of any future casino to be located in the county, excepting casinos operating in Crittenden County (pursuant to a license issued now or hereafter to Southland Racing Corporation), Garland County (pursuant to a license issued now or hereafter to Oaklawn Jockey Club, Inc.) and Jefferson County (pursuant to a license issued now or hereafter to Downstream Development Authority of the Quapaw Tribe of Oklahoma and later transferred to Saracen Development, LLC).**

Arkansas Constitution, Amendment 100, § 4, is amended to add subsection (t) to read as follows with underlined language to be added to Amendment 100:

- (t) If a constitutional amendment authorizes or otherwise allows the issuance of a casino license in any county other than those issued now or hereafter for Crittenden County (to Southland Racing Corporation), Garland County (to Oaklawn Jockey Club, Inc.) and Jefferson County

(to Downstream Development Authority of the Quapaw Tribe of Oklahoma and later transferred to Saracen Development, LLC), then the quorum court of each county where a casino is to be located shall call a special election by ordinance to submit the question of whether to approve of a casino in the county.

(1) Except as provided in subsection (t)(2), the special election shall be held on the second Tuesday of:

(A) March or November in a year when a presidential election is held; or

(B) May or November of all other years.

(2)(A) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.

(B) Special elections held in months in which a preferential primary election or general election is scheduled to occur shall be held on the date of the preferential primary election or general election.

(3) The ordinance calling the special election shall:

(A) State the date of the special election; and

(B) Require the special election ballot to set forth the question substantially as follows:

“FOR a casino in [ \_\_\_\_\_ ] County

AGAINST a casino in [ \_\_\_\_\_ ] County

The question presented is whether or not a casino may be located in the county. A casino is defined as a facility where casino gaming is conducted.”

(4) The county board of election commissioners shall publish the ordinance calling the special election as soon as practicable in a newspaper of general circulation in the county in which the special election is held.

(5) A majority of the voters in the county where the casino is proposed to be located must approve of a casino at the special election before the Arkansas Racing Commission, or other governing body, may accept any applications for a casino license in that county.

**SECTION 4. Severability.**

If any provision or section 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.

**SECTION 5. Repeal of Conflicting Laws.**

By adoption of this Amendment, all Arkansas laws or parts of Arkansas laws in conflict with this Amendment are repealed.

**SECTION 6. Effective Date.**

This amendment shall be effective on and after November 13, 2024.