



April 19, 2016

Be Ahead of the Curve - Discover 2016 Ballot Issue Information



Legislative Ballot Issues

[Read up](#) on the three ballot issues referred by the legislature.



Attorney General Opinions

[Find out](#) what ballot issues are coming from citizen petitions and have been approved for signature gathering.



News About Ballot Issues

[Click here](#) for mentions of ballot issues or election law on news blogs and websites.

Supreme Court Selection Process Under Review

Should Arkansas voters stop electing state supreme court judges and turn over the duty to the governor? Legislators in recent weeks have debated this idea and the possibility of referring the matter to voters in the November election.

State representatives and senators have already decided the three issues that will appear on the ballot this fall. Those issues are detailed [below](#).

[Amendment 80](#) to the Arkansas Constitution, however, allows legislators to refer the issue of "merit selection" of the Supreme Court and the Court of Appeals to a vote of the people "at any general election." And that's the topic some legislators have in mind for this fall.

The Senate Judiciary Committee met March 30 to discuss whether to pursue the idea of ending public elections of high court members and replacing it with a system that could involve a committee of people selecting candidates for the governor's choosing.

After [discussion](#) and debate, the legislative panel failed to reach a consensus on whether to pursue the additional amendment during the special session. The idea could be revived in coming weeks or end up on the agenda of a future session. Voters would have the final say on whether to change the selection process.

The merit selection concept has been proposed before - state officials rejected such a constitutional amendment during last year's vetting process that narrowed down dozens of changes to the three that eventually wound up on the ballot. The idea has since gained momentum for several reasons, among them recent high-dollar spending on advertising related to races for the state supreme court.

Outside of the legislature, two different groups formed in March to study changes to the state's judiciary system. The Arkansas Supreme Court announced the "Committee on Judicial Election Reform" and the Arkansas Bar Association created the "Task Force on Maintaining a Fair and Impartial Judiciary."

The task force has been specifically tasked with reviewing whether judges in Arkansas should continue to be elected or whether an appointment process would be more appropriate. A [press release](#) from the association said the task force would present their recommendations June 18.

Get engaged. Get informed.

This fall, the Public Policy Center will publish fact sheets and other educational materials about ballot issues ahead of the November election.

Potential 2016 ballot issues include legalizing the growing and selling of marijuana, changes to term limits for state legislators, limiting the number of amendments the legislature can refer to the public, and the inclusion of gender identity and sexual orientation as a protected class under state law. Read more about these citizen initiatives [below](#).

In addition to these potential measures, legislators have referred three constitutional amendments to voters. The language of those amendments can be found [below](#).

We welcome your questions, which could be included in future ballot issue Q&As. Send us your question to publicpolicycenter@uaex.edu.

The [Public Policy Center](#) will continue to follow these issues and keep you updated on the 2016 ballot measures.

Did you know?

Voters approved "An amendment to revise the judicial article of the Arkansas Constitution" in 2000. Among other things, this amendment ended the practice of judges running on a party ticket. Judicial races are now nonpartisan, which means you won't find a judge running as a Democrat or Republican. Voters approved the proposal, which would later be known as Amendment 80, 57 percent in favor and 42.8 percent against.

Source: [Arkansas Secretary of State's Office](#), [Arkansas Encyclopedia](#)

Looking Forward - Potential 2016 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:

Rejected Ballot Proposals

April 11, 2016 - An Amendment to Prohibit Lobbyist Gifts to Certain Elected and Appointed Officials, Prohibiting Political Action Committees that Accepts Contributions from Corporations from Contributing to Candidates, Requiring Disclosure of Sources of Independent Expenditures and Reducing Campaign Contributions to Candidates - A proposal that would, among other things, prohibit elected officials from accepting food and travel from lobbyists and prevent political action committees from making contributions to candidates was rejected because the ballot title did not "summarize key sections of the proposal so that the voter is informed of the substance of the proposal," according to [Opinion No. 2016-035](#). David Couch of Little Rock submitted the measure.

April 11, 2016 - The Arkansas Cannabis Restoration Amendment - A proposal to legalize the growing and use of marijuana and to release people convicted for nonviolent marijuana offenses was rejected for the second time in weeks because of inconsistencies and unclear wording. [Opinion No. 2016-034](#) cites multiple issues with the proposal, such as "Section 9 provides that the proposal is not intended to permit the consumption of marijuana in public. The proposal does not, however, prohibit such consumption."

The Attorney General's Office rejected a previous proposal on March 22. [Opinion No. 2016-024](#) highlighted numerous issues with the proposal, such as "Section 6 permits a person to possess up to four ounces of recreational marijuana and to cultivate up to six plants. It is unclear whether the weight of the six plants counts toward the permitted four ounces." Don Lane of Bull Shoals submitted the measures.

April 7, 2016 - The Arkansas Cannabis Amendment - A proposal to legalize the cultivation, production, distribution, sale, possession and use of the cannabis plant and products derived from the plant was rejected because its ballot title was misleading, according to [Opinion No. 2016-033](#). The proposal, which includes a provision to release people incarcerated for nonviolent marijuana offenses, has evolved over the past few months based on notes made by the Attorney General in previous rejections.

This month's Attorney General rejection noted that the word "shall" in the title was misleading because "so long as federal law prohibits any of those acts ... the acts will not be "lawful" within the state. Statements to the contrary are inherently misleading notwithstanding your addition of an acknowledgement that certain acts are unlawful under federal law."

This is the eighth time this ballot title has been rejected because of misleading or unclear language. See [Opinion No. 2016-21](#) (March 17, 2016), ([Opinion No. 2016-012](#) (Feb. 23, 2016), [Opinion No. 2016-006](#) (Feb. 2, 2016), [Opinion No. 2015-144](#) (Dec. 15, 2015), [Opinion No. 2015-132](#) (Nov. 17, 2015), [Opinion No. 2015-122](#) (Oct. 26, 2015), and [Opinion No. 2015-117](#) (Oct. 9, 2015) for previously rejected proposals this petition cycle. The proposals were submitted by Mary L. Berry of Summit.

Ballot proposals approved for signature gathering

April 1, 2016 - An Amendment to Limit Non-Economic and Punitive Damages in Civil Medical Care Cases - A proposal requiring legislators to pass laws specifying a maximum dollar amount of "non economic" damages in civil actions for medical injuries brought against health care providers was approved for signature gathering, according to [Opinion No. 2016-029](#). Former Rep. Daniel Greenberg of Little Rock submitted the measure.

Feb. 17, 2016 - The Arkansas Medical Marijuana Amendment of 2016 - A proposal to make the medical use of marijuana legal under state law and establish a system regulating the cultivation, acquisition and distribution of medical marijuana was approved for signature gathering. In [Opinion No. 2016-007](#), the Attorney General cautioned that "according to my experience there is a direct correlation between the length and complexity of initiated acts and their susceptibility to a successful ballot title challenge." David Couch of Little Rock submitted the measure.

Nov. 30, 2015 - Four Year Terms of Office for Elected County Officials, Justices of the Peace, and Constables - A proposal seeking to increase the term of office for elected county officials from two to four years was approved for signature gathering. The law would apply to county officials sworn in after Dec. 31, 2016, according to [Opinion No. 2015-139](#). David Dinwiddie of Pine Bluff submitted the measure.

Nov. 2, 2015 - Reducing From 3 to 1 the Number of Constitutional Amendments That May Be Proposed by the General Assembly Under Article 19, Section 22 - A proposal seeking to reduce the

number of constitutional amendments state legislators can send to voters was again approved for signature gathering. This proposal had already been approved for signature gathering, but the sponsor resubmitted it with a different ballot title, according to [Opinion No. 2015-124](#). The sponsor's suggested ballot title was rejected because the Attorney General's Office found it to be misleading. The Attorney General changed the proposed ballot title to what is listed above. See [Opinion No. 2015-115](#) (Oct. 5, 2015), and [Opinion No. 2015-107](#) (Sept. 8, 2015) for previous proposals this petition cycle. Frederick N. Scott, a spokesperson for the Little Red Hen Committee, submitted the measure.

Aug. 6, 2015 - Arkansas Term Limits Amendment of 2016 - 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. 2015-089](#). The proposal would repeal [Amendment 94](#), which voters passed in 2014 and set term limits of 16 years for members of the General Assembly. Brenda V. Taylor, an attorney in Fayetteville, submitted the measure.

July 24, 2015 - The Campaign Finance Act of 2016 - This [previously approved ballot proposal](#) (Opinion No. 2015-059) to create campaign spending disclosure requirements was recertified after a new, less confusing ballot title was submitted. The Attorney General had said the original title would require the voter to be an expert in campaign-finance regulation to understand the proposed changes. The [newer version](#) (Opinion No. 2015-083) was an attempt to better explain the effect of the measure. David Couch of Little Rock submitted the new version. Paul Spencer, chairman of the Regnat Populus Ballot Question Committee, submitted the original measure.

March 31, 2015 - An Act Amending The Arkansas Civil Rights Act of 1993 - A proposal to amend state law to include sexual orientation and gender identity to groups protected from discrimination under the Arkansas Civil Rights Act of 1993 was certified for signature gathering, according to [Opinion No. 2015-029](#). Jack Michael Weir III of Little Rock submitted the measure.

March 30, 2015 - An Act Concerning Local Option (Wet-Dry) Elections - A proposal to reduce the number of signatures required to call a local option (wet-dry) election from 38 percent of qualified electors to 20 percent of qualified electors was certified for signature gathering, according to [Opinion No. 2015-026](#). David Couch of Little Rock submitted the measure.

Feb. 3, 2015 - The Arkansas Alcoholic Beverage Amendment - A constitutional amendment to legalize the manufacturing and sale of alcohol statewide was certified for signature gathering, according to [Opinion No. 2015-12](#). David Couch of Little Rock submitted the measure.

Nov. 3, 2014 - The Arkansas Hemp and Marijuana Amendment - A constitutional amendment to legalize the cultivation, production, distribution, sale, purchase, possession and use of the cannabis plant in Arkansas was certified for signature gathering, according to [Opinion No. 2014-119](#). Mary L. Berry of Summit submitted the measure.

Aug. 5, 2014 - The Arkansas Hemp and Cannabis Amendment - A constitutional amendment to legalize the cultivation, manufacture, distribution, sale, possession and use of the cannabis plant in Arkansas was certified for signature gathering, according to [Opinion No. 2014-079](#). Frederick W. Porter of Hot Springs submitted the measure.

Aug. 14, 2014 - The Arkansas Medical Cannabis Act - A ballot measure to legalize the use of medical marijuana, and a system for growing and selling medical marijuana was certified for signature gathering. The ballot measure was similar to a recent proposal that did not receive enough signatures for the 2014 ballot. In [Opinion No. 2014-086](#), the Attorney General cautioned the group that "according to my experience there is a direct correlation between the length and complexity of initiated acts and their susceptibility to a successful ballot title challenge." Melissa Fults, campaign director of Arkansans for Compassionate Care 2016, submitted the measure.

In the News

["Arkansas Races Prompt Look at Reforms"](#) - Associated Press

["Legislative Discussion Centers on Merit Selection, Dark Money"](#) - Talk Business & Politics video

["Group Wanting To Legalize Medical Marijuana Collects Signatures for November Ballot"](#) - 5News

["Election of Arkansas Supreme Court justices has roots for now"](#) - Arkansas Democrat-Gazette

["Arkansas Lawmakers Split on Reforms After Court Races"](#) - Associated Press

["Rules on giving in judicial races create Catch-22"](#) - Arkansas Democrat-Gazette

["After AG's tweak, ballot bid certified"](#) - Arkansas Democrat-Gazette

["Medical groups working on Arkansas tort reform amendment"](#) - Talk Business & Politics

["Arkansas lawmakers return to Capitol, with focus on budget"](#) - Associated Press

Ballot Issues from the Legislature

Legislators are able to refer up to three constitutional amendments to the voters every general election. You can find the full text of each proposal and information about their sponsors below.

HJR1027 - Proposing an Amendment to the Arkansas Constitution Concerning The Terms, Election, And Eligibility of Elected Officials

Read the [Legislative bill](#)

Sponsor: [Rep. Jack Ladyman](#)

SJR3 - An Amendment to the Arkansas Constitution to Allow the Governor to Retain His or Her Powers and Duties When Absent from the State

Read the [Legislative bill](#)

Sponsor: [Sen. Eddie Joe Williams](#)

SJR16 - An Amendment to the Arkansas Constitution to Encourage Job Creation, Job Expansion, and Economic Development

Read the [Legislative bill](#)

Sponsor: [Sen. Jonathan Woods](#)

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Know of a potential ballot issue?

E-mail the information to 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/business-communities/voter-education/state-ballot-issues.aspx>



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- 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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