



May 17, 2016

Be Ahead of the Curve - 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.

Group Seeking Spot on Ballot for Medical Lawsuit Rules

When they met in 2015, legislators filed at least nine proposed constitutional amendments concerning legal proceedings in civil cases. None of those proposals made it to the ballot.

Now a citizen group, [Health Care Access for Arkansans](#), is seeking a spot on the November ballot for a constitutional amendment that would affect how much money could be collected for medical injuries.

Approved for signature gathering in April, [the proposal](#) would give legislators the power to establish a maximum dollar amount that a person suing over a medical injury could receive for pain and suffering. This quality-of-life compensation is known as "non-economic damages" and do not include lost wages or medical bills. (The amendment would set a minimum dollar amount of \$250,000).

The proposal also would limit how much money an attorney could receive in payment from damages awarded in medical lawsuits - amounts exceeding 33.3 percent would be considered excessive. These limits would apply to settlements and court decisions, but not workers' compensation cases.

Read the April Attorney General [opinion](#) for a complete understanding of "An Amendment to Limit Attorney Contingency Fees and Non-Economic Damages in Medical Lawsuits."

As mentioned in this *Arkansas Democrat-Gazette* [article](#), efforts to change how courts handle medical lawsuits are not new.

Legislators passed the Civil Justice Reform Act of 2003 in an attempt to revise court processes and among other things rules regarding medical injury lawsuits. These changes are commonly called "tort reform."

The Arkansas Supreme Court eventually struck down the law, saying the changes were unconstitutional and that lawmakers had exceeded their authority in passing the law. Section 3 of [Amendment 80](#) to the Arkansas Constitution says the state's Supreme Court is responsible for making the rules for all courts. Voters approved Amendment 80 in 2000.

Get engaged. Get informed.

This fall, the Public Policy Center will publish fact sheets and other educational materials about Arkansas' ballot issues.

Potential 2016 issues include multiple measures regarding the growing, use and possession of marijuana and changes to term limits for state legislators. Read more about these citizen initiatives [below](#).

In addition to these potential measures, legislators have referred three constitutional amendments to voters. The wording of the 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?

Arkansas has been governed by five constitutions since statehood in 1836. The current constitution was adopted in 1874. Voters have rejected several attempts to replace the existing constitution, with elections taking place in 1918, 1970 and 1980. Meanwhile, 94 amendments to the 1874 document have been adopted.

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

May 12, 2016 - An Amendment to allow three casinos to operate in Arkansas, one each in the following counties: Boone County, operated by Arkansas Gaming and Resorts, LLC; Miller County, Operated by Miller County Gaming, LLC; and Washington County, operated by Washington County Gaming, LLC - A proposal that would allow gambling in Arkansas at certain locations was rejected because of problems with the proposed ballot title. [Opinion No. 2016-052](#) also pointed out issues with the proposal's text, such as a confusing definition of "casino gaming. Cal McCastlain, an attorney with Dover Dixon Horne PLLC of Little Rock, submitted the measure.

May 11, 2016 - An Amendment to Prohibit Lobbyist Gifts to Certain Elected and Appointed Officials, Prohibiting Political Action Committees that Accept 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. [Opinion No. 2016-051](#) cited instances where voters would not have enough information to make a decision based on the ballot title.

The Attorney General's Office rejected a previous proposal on April 26. [Opinion No. 2016-041](#) said the title might mislead voters. One example cited was that voters might think, based on the title, that there aren't any prohibitions on gifts from lobbyists.

This is the third time the proposed ballot title has been rejected. See [Opinion No. 2016-035](#) (April 11, 2016). David Couch of Little Rock submitted the measure. Couch has since filed a [lawsuit](#) against the Attorney General's Office regarding this ballot title.

Ballot proposals approved for signature gathering

April 25, 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 approved for signature gathering, according to [Opinion No. 2016-039](#). Mary L. Berry of Summit submitted the measure.

April 20, 2016 - An Amendment to Limit Attorney Contingency Fees and Non-Economic Damages in Medical Lawsuits - A proposed amendment that would define what an excessive medical-injury contingency fee is and prohibit the practice was approved for signature gathering, according to [Opinion No. 2016-038](#). The proposal also requires legislators to pass laws specifying a maximum dollar amount for "non-economic" damage awards, while the minimum could be \$250,000. 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.

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.

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.

Inactive ballot proposals

Sponsors have indicated they are no longer seeking voter signatures to put these issues on the November 2016 ballot.

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.

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.

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. 2015-012](#). David Couch of Little Rock submitted the measure.

In the News

["Medical tort reform backers get AG's OK"](#) - Talk Business & Politics

["Proposal would boost local perks to land jobs"](#) - Arkansas Democrat-Gazette

["Analysis: Amendment expands Arkansas session beyond budget"](#) - Associated Press

["Steel firm's CEO urged on diversity"](#) - Arkansas Democrat-Gazette

["Sheriff admits guilt in tampering"](#) - Arkansas Democrat-Gazette

["Judge retirement rule weighed"](#) - Arkansas Democrat-Gazette

["Group trying to get 3 casinos in Arkansas on the 2016 ballot"](#) - KATV

["Lawsuit filed over Arkansas ethics measure's rejection"](#) - 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.

Issue 1 - Proposing an Amendment to the Arkansas Constitution Concerning The Terms, Election, And Eligibility of Elected Officials (HJR1027)

Read the [Legislative bill](#)

Sponsor: [Rep. Jack Ladyman](#)

Issue 2 - An Amendment to the Arkansas Constitution to Allow the Governor to Retain His or Her Powers and Duties When Absent from the State (SJR3)

Read the [Legislative bill](#)

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

Issue 3 - An Amendment to the Arkansas Constitution to Encourage Job Creation, Job Expansion, and Economic Development (SJR16)

Read the [Legislative bill](#)

Sponsor: [Sen. Jonathan Woods](#)

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



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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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