



June 21, 2017

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## Highway Commission to Pursue Ballot Issue for Road Funding

Arkansas Highway Commissioners are pinning their hopes for additional highway funding on voters.

Commissioners unanimously voted June 7 to pursue a citizen-led initiative for highway funding after the legislative session ended without such a ballot measure from legislators. A proposed ballot measure for raising the state's gas tax and an accompanying bond issue to pay for road work was filed but it didn't make the cut. Legislators only referred [two measures](#) to the November 2018 ballot.

"I think it's a great option for us, the only option we have, because our legislature and government leaders are just so against raising the tax," Commissioner Dick Trammel was quoted in an [Associated Press](#) article about the vote. "I think the people will accept we need better roads and good highways in Arkansas."

Now comes the leg work.

Supporters still have to flesh out the details of exactly what they want to put before voters - will it be an increase in the taxes on motor fuel or funding from sales tax? Will it be a constitutional amendment or an initiated act? Commissioners said they hope to decide a path by the fall.

Supporters also have to submit a ballot title and popular name to the Attorney General's Office for approval. Only after the title and name are approved can supporters collect signatures from voters to put the issue on the ballot.

Constitutional amendments require more than 84,000 voter signatures and initiated acts require more than 67,000 signatures.

The Highway Commission's vote was not the only major ballot issue decision made this month.

Members of the Arkansas Bar Association debated whether to pursue a ballot measure that would have competed with SJR8, a proposed constitutional amendment from the legislature that seeks to establish limits on how much money can be awarded in some types of lawsuits and provide legislators with authority to set court rules.

The association's amendment sought to ban limits on damages awarded in lawsuits; set campaign spending rules; increase the threshold for overriding a governor's veto; and end the legislature's oversight of state agency rules.

Delegates from the Arkansas Bar Association considered the proposal at a meeting June 16 where it [failed](#) by a few votes. The outcome means the association will not pursue the measure. However, it's expected that some attorneys will continue to oppose SJR8 - one attorney [filed](#) with the Arkansas Ethics Commission on June 8 to campaign against the measure.

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

***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?**

The Public Policy Center's 2016 ballot issue education program was recognized by several organizations this month. The National Association of Community Development Extension Professionals awarded the University of Arkansas System Division of Agriculture its southern region and national team award for Education Technology.

The program also received a first place award from the Arkansas Press Women for Communications Campaign and Programs: Public Service and for Newsletters by a nonprofit, government or educational group. The program also placed first in the communications campaign category in the National Federation of Press Women's annual Communications Contest.

## 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 on 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**

**June 5, 2017 - An Act to Make the Reduced Drug Punishments of Acts 2011, No. 570 Retroactive** - A proposal to authorize a Circuit Court to reduce the sentence of any person convicted under any provision of the Uniform Controlled Substances Act if the sentence imposed exceeded provisions of Act 2011, No. 570 was rejected. [Opinion No. 2017-065](#) said voters could not fairly assess the effect of the proposal because the ballot title and popular name does not describe Act 2011, No. 570. Larry Froelich of Fayetteville submitted the measure.

**June 7, 2017 - The Arkansas Adult Recreation of Marijuana Amendment** - A proposal seeking to legalize the cultivation, production, distribution, sale, possession and use of marijuana, and which would release from incarceration people who were convicted of violating laws related to marijuana was rejected because of ambiguities in the text, according to [Opinion No. 2017-068](#).

This is the second time this proposal has been rejected. See [Opinion No. 2017-060](#) (May 23, 2017). Mary L. Berry of Summit submitted the proposal.

**June 9, 2017 - Arkansas Proportional Voting Amendment** - A proposal to change the number of Arkansas Senate districts from 35 to seven with five senators from each district and to change the number of House of Representative districts from 100 to 21 with five representatives from each district was rejected. [Opinion No. 2017-070](#) said the proposal was misleading and deficient as a result of failing to sufficiently summarize the substance of the proposal and describe the changes to existing state law. Ed Frizzell of Conway submitted the measure.

**June 13, 2017 - An Act Legalizing Gambling by a Municipal Ballot Measure** - A proposal to allow local ballot issue elections in a city of more than 20,000 people for the purpose of allowing gambling was rejected because its popular name was misleading and its ballot title continues to be too long, according to [Opinion No. 2017-071](#).

This is the eighth time this proposal has been rejected, though previous versions proposed a different popular name and ballot title. The Attorney General's Office referred to those proposals in the opinion. See [Opinion No. 2017-042](#) (April 17, 2017), [Opinion No. 2017-029](#) (March 20, 2017), [Opinion No. 2017-016](#) (Feb. 24, 2017), [Opinion No. 2017-001](#) (Jan. 19, 2017), [Opinion No. 2016-133](#) (Dec. 27, 2016), [Opinion No. 2016-109](#) (Nov. 7, 2016) and [Opinion No. 2016-099](#) (Oct. 10, 2016). Barry Emigh of Hot Springs 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 institute six-year terms for representatives and eight-year terms for senators, with a maximum of 10 years total. The proposal would return Arkansas' term limits to what they were before a voter-approved change in 2014 that extended terms. Thomas Steele of Little Rock submitted the measure.

### **Corrections**

- The Arkansas Term Limits Amendment would reduce the number of years a state senator or representative can serve in office. Previous issues of this newsletter incorrectly said the proposal would repeal Amendment 94, which extended term limits to 16 years for members of the General Assembly. Voters approved [Amendment 94](#) in 2014. The amendment included multiple changes to the state constitution, including setting limits on gifts from lobbyists and creating an independent citizens commission to set pay for certain state officials. Those laws would not be affected by The Arkansas Term Limits Amendment if it is put on the ballot and passed by voters.

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>



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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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