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Arkansas Voters to Decide Voter ID, "Tort Reform" Amendments Gasoline Tax and Roadwork Funding Issues Proposed

At least two constitutional amendments will appear on Arkansas' 2018 ballot and it's possible legislators will add more voter questions to the ballot before they go home next month.

Legislators in the House and Senate agreed to put on the ballot:

- **SJR8**, an amendment that would establish a dollar limit for financial damages awarded in certain types of lawsuits, shift authority from the state supreme court to the legislature in setting court rules and procedures, and limit how much attorneys are paid in medical injury lawsuits. Supporters of these types of laws often use the phrase "tort reform" when talking about them.
- **HJR1016**, an amendment that would require citizens present photo identification when voting.

Voters will likely see campaigning for and against these two controversial proposals in coming months. Television commercials opposing SJR8 aired for days before legislators made their final vote to refer it.

Arkansas' constitution limits legislators to putting three constitutional amendments on the ballot. This leaves room for a third proposed amendment. One proposal still under consideration is **HJR1003**, which would make changes to the process that determines how constitutional amendments and acts are placed on the ballot.

The proposal would require that three-fifths of voters approve a ballot measure for it to pass. Currently, a measure needs only a majority vote, or 51 percent of the vote to pass. HJR1003 also would set a deadline for court challenges for ballot issues and increase the number of counties a campaign would need to qualify an issue for the ballot.

In addition to constitutional amendments, legislators are considering two bills recently filed by Rep. Dan Douglas of Bentonville that would require voter approval to go into effect. They are:

- **HB1726**, known as the Arkansas Highway Maintenance and Construction Bond Act of 2017, would give the state permission to sell bonds to raise money for "maintaining, repairing, renovating, and constructing highways, roads, and bridges." The proposal does not include a dollar figure for the bonds but media reports have said it would be part of a package that would raise \$200 million a year for road work. Bonds are similar to loans and the debt is repaid with interest.

- [HB1727](#), which would apply the state's 6.5 percent sales tax rate on the wholesale price of gasoline and diesel. The tax would not go into effect unless voters also approve the bond issues included in HB1726. The money raised from the tax would be used to pay off bond debt incurred by HB1726.

If approved by legislators, the two House bills would be placed on the November 2018 ballot. This means there's a potential of five ballot issues coming from the legislature. 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. Follow us on [Facebook](#) and [Twitter](#).

Did you know?

The Arkansas Attorney General's Office rejected a proposed ballot issue last month in part because the title was nearly 3,000 words long. According to [Opinion No. 2017-016](#), the longest ballot title ever approved by the Arkansas Supreme Court, in *Walker v. Priest*, contained 994 words, which summarized the substance of the voter-initiated Tobacco Settlement Proceeds Act.

Source: Attorney General

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 - A constitutional amendment limiting contingency fees and awards of punitive and non-economic damages; and changing the powers of the General Assembly and the Supreme Court regarding rules of pleading, practice, and procedure.

Read [SJR8](#)

Sponsor: [Sen. Missy Irvin](#)

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

Feb. 24, 2017 - An amendment to the Arkansas Constitution legalizing gambling with the sale, service, and complimentary service of open alcoholic beverages to the public as a local ballot measure - A proposal to allow a company to initiate a local election to allow a casino was rejected in part because of the length of the 3,000 word title, according to [Opinion No. 2017-016](#).

This is the fifth time this proposal has been rejected. See [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.

March 3, 2017 - Arkansas Cannabis Hemp and Recreational Marijuana Amendment of 2018 - A proposal seeking to legalize the cultivation, production, distribution, sale, possession, and use of recreational marijuana and cannabis hemp was rejected because of ambiguities in the text, according to [Opinion No. 2017-021](#). Some of the ambiguities cited included discrepancies about the number of field tags required for large plots of plants. Mary L. Berry of Summit submitted the proposal.

March 6, 2017 - Arkansas Cannabis Amendment of 2018 - A proposal seeking to legalize the cultivation, production, distribution, sale, possession and use of marijuana and industrial hemp was rejected because of ambiguities in the text, according to [Opinion No. 2017-017](#). Some of the ambiguities cited included a question whether a person who needed a transport license from a county sheriff to transport large quantities of marijuana was the same person as the driver. Larry Morris of West Fork 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 or call Kristin Higgins at 501-671-2160.

You can find past newsletters and ballot issue fact sheets at

<http://www.uaex.edu/ballot>



#ARballot

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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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