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Jan. 29, 2018

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AG Says No to Casino Proposal Ability to Sue State Pops Up After Court Opinion

A recent court decision and a long-held desire to open casinos in Arkansas pushed two groups into taking the first step in a bid for the November ballot.

[Driving Arkansas Forward](#) submitted a ballot title seeking to allow three casinos in the state, with 65 percent of tax revenue going to the state for road improvements.

The wording for the Arkansas Casino Gaming and Highway Funding Amendment of 2018 was rejected, however, on Thursday (January 25th). Attorney General Leslie Rutledge questioned whether the phrase "Highway Funding Amendment" would mislead voters.

The measure is a casino gaming measure, she wrote, and not a comprehensive highway funding measure. The proposal seeks to allow a casino to operate in Jefferson County, Crittenden County, and then in either Miller, Mississippi, Pope, Union or White County.

Rutledge also cited ambiguities in the text of the proposal, including multiple references to the licensing of casinos and casino gamings.

"These various references to the licensing of "casinos" and "casino gaming" create uncertainty regarding the casino licensing process. They also render uncertain the precise meaning of the undefined term "casino license," Rutledge wrote in her [opinion](#).

State law requires ballot titles be certified or approved by the Attorney General before sponsors can collect voter signatures for a spot on the ballot.

Supporters of another proposal submitted this month are waiting to hear how they fair with the Attorney General.

The [Committee to Restore Arkansans' Rights](#) submitted a proposal Jan. 24 seeking approval for a ballot measure that would allow the legislature to waive immunity in certain situations.

The proposal followed an Arkansas Supreme Court [decision](#) earlier this month that said the legislature did not have authority to waive the state's immunity to lawsuits. The divided opinion in a case about employee overtime immediately [raised questions](#) about whether state agencies could be sued for anything.

The group's proposal would add "clarifying language" to Article V, Section 20 of the Constitution to allow the legislature to waive immunity. The section currently reads "The State of Arkansas shall never be made defendant in any of her courts."

Rutledge has 10 days to issue an opinion regarding the proposal.

Currently, the Attorney General has certified only one group to collect voter signatures for the November ballot. The [Arkansas Term Limits Amendment](#) was certified in October 2016. The deadline to submit signature petitions for the ballot is July 6.

Voters in November will decide the fate of two constitutional amendments proposed by the legislature, [SJR8](#) and [HJR1016](#).

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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?

Ballot measures related to minimum wages are very popular with voters. According to Ballotpedia, from 1912 through 2017, voters decided 30 statewide measures concerning the minimum wage and approved 28 of them. Arkansans approved a minimum wage increase in 2014, with the last increase taking place Jan. 1, 2017 at \$8.50 an hour.

Source: [Ballotpedia](#)

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](#)

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

Jan. 25, 2018 - The Arkansas Casino Gaming and Highway Funding Amendment of 2018 - A proposal seeking to authorize three casinos to operate in Arkansas was rejected because of ambiguities in the proposals' text, including the use of "highway funding amendment," according to [Opinion No. 2018-001](#). Alex Gray of Little Rock, legal counsel for Driving Arkansas Forward, submitted the measure.

Jan. 2, 2018 - The Arkansas Recreational Marijuana Amendment of 2018 - A proposal seeking to legalize the cultivation, production, distribution, sale, possession and use of marijuana and products for recreational purposes was rejected because the text remains "too convoluted to be summarized in an intelligent, impartial, and honest manner," according to [Opinion No. 2017-135](#).

This proposal is similar to one the Attorney General's office rejected in December, though portions were deleted and resubmitted hours later. "Given the history of submissions, responses, and re-submissions between you and my office, it is impossible to fairly summarize in a ballot title the recreational-marijuana amendment that you have proposed," the Attorney General wrote in the latest opinion.

This is the eighth time this proposal has been rejected. See [Opinion No. 2017-127](#) (Dec. 14, 2017), [Opinion No. 2017-117](#) (Nov. 8, 2017), [Opinion No. 2017-103](#) (Oct. 6, 2017), [Opinion No. 2017-097](#) (Sept. 22, 2017), [Opinion No. 2017-093](#) (Sept. 6, 2017), [Opinion No. 2017-084](#) (Aug. 4, 2017) and [Opinion No. 2017-091](#) (Aug. 21, 2017). Mary L. Berry of Summit 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.

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>



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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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