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AG Office Rejects Multiple Ballot Proposals Word Count, Ambiguities Cited

The Arkansas Attorney General's Office rejected four proposed ballot measures this month submitted by the public.

The [proposals](#) sought to legalize casinos, change who is responsible for creating Arkansas' legislative districts, allow the state to be sued and legalize recreational marijuana.

Attorney General Leslie Rutledge found problems with the wording of each proposal, and also cautioned two submitters about the number of words in their ballot titles.

A proposal to legalize casinos ran 1,190 words, and a proposal that would change who was responsible for drawing legislative districts was 971 words. Arkansas' Constitution doesn't limit the length of ballot titles, but voters can have problems reading and understanding longer ballot titles as they are limited to five minutes in the voting booth.

According to Attorney General [Opinion No. 2017-016](#), the longest ballot title ever approved by the Arkansas Supreme Court contained 994 words. (The proposal summarized the substance of the voter-initiated Tobacco Settlement Proceeds Act.)

Groups seeking a spot on the November ballot for their constitutional amendments are running out of time to get their petition's wording approved by the Attorney General, who has the responsibility of signing off on the wording of ballot issues before the first voter signature can be collected. June 6 is the deadline for a ballot issue group to advertise the full wording of their ballot issue in a newspaper before the November election.

Currently, only one group has been approved to collect voter signatures. This is the [lowest number](#) of ballot proposals certified by the Attorney General's Office in the last five years.

More than 84,000 signatures are needed to qualify a constitutional amendment for a spot on the ballot. Signatures are due to the Secretary of State's Office by July 6 with the final ballot to be declared August 23.

Voters in November will decide the fate of two constitutional amendments proposed by the legislature, Issue 1 ([SJR8](#)) and Issue 2 ([HJR1016](#)).

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 Board of Apportionment, consisting of the Governor, Secretary of State and Attorney General, was created in 1936 by Amendment 23 to the Arkansas Constitution. The board is responsible for drawing the boundaries of the state's 100 House & 35 Senate Districts after the federal Census every 10 years.

Source: [Arkansas Board of Apportionment](#)



Constitutional Amendments From the Legislature

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.

Issue 1 (SJR8) - An Amendment Concerning Civil Lawsuits and the Powers of the General Assembly and Supreme Court to Adopt Court Rules.

Read [Issue 1 \(SJR8\)](#)

Sponsor: [Sen. Missy Irvin](#)

Issue 2 (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 [Issue 2 \(HJR1016\)](#)

Sponsor: [Rep. Robin Lundstrum](#)



Looking Forward Potential Issues from the Public

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

March 12, 2018 - An Amendment to Authorize Four Casinos, One Each in Crittenden, Garland, Pope, and Jefferson Counties; to Regulate Such Casinos Under Statutes to be Passed by the General Assembly and Rules Created and Administered by the Office of Casino Gaming or the Arkansas Racing Commission, as the case may be; and to Tax Such Casinos with the Proceeds of Such Taxes to be Distributed to the State Highway and Transportation Department Fund, Purse Support for Live Horse and Greyhound Racing, the Arkansas Racing Commission, the Office of Casino Gaming, and the City and or County in Which the Casino is Located - A proposal seeking to legalize casinos in Arkansas was rejected in part because the popular name was "much too long," according to [Opinion No. 2018-021](#). The ballot title was also long at 1,190 words. Alex Gray of Little Rock submitted the measure.

March 9, 2018 - An Amendment to Allow Lawsuits to be Brought Against the State if Authorized by the General Assembly or Waived by the State and to Allow Lawsuits Against the State Seeking Nonmonetary Relief - A proposal seeking to allow legislators to waive the state's immunity to lawsuits was rejected because references to amending the state constitution in the ballot title did not adequately describe the issues presented, according to [Opinion No. 2018-020](#). The meaning of "waived" is also unclear. Alex Gray of Little Rock submitted the measure.

This is the second time this proposal has been rejected. See [Opinion No. 2018-006](#) (Feb. 6, 2018).

March 8, 2018 - The Independent Citizens' Redistricting Commission Amendment of 2018 - A proposal to create a seven-member commission responsible for creating Arkansas' congressional and state legislative districts was rejected because of ambiguities in the text, according to [Opinion No. 2018-019](#). The ballot title was also long at 971 words. David Couch of Little Rock submitted the measure.

March 5, 2018 - The Arkansas Recreational Marijuana Amendment of 2018 - A proposal seeking to legalize the cultivation, production, distribution, sale, purchase, transport and use of marijuana and products for recreational purposes was rejected because it failed to address fundamental shortcomings pointed out in 10 previous rejections, according to [Opinion No. 2018-016](#).

This is the 10th time this proposal has been rejected. See [Opinion No. 2018-005](#) (Jan. 31, 2018), [Opinion No. 2017-135](#) (Jan. 2, 2018), [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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