



Ballot Initiative STRATEGY CENTER

Ballot Initiative Overview

2008 Election

Arkansas

In 2008, Arkansas faces a challenge to its non-traditional families. The "Family Council Action Committee" is sponsoring an initiative that would ban unmarried, cohabitating couples from adopting children or serving as foster parents. According to proponents, the initiative is a direct result of a 2006 state Supreme Court decision striking down a legislative ban against gays and lesbians becoming foster parents. This would be the first public vote on an adoption measure of this nature.

Opponents believe the initiative works against the best interests of children who need loving homes where they can be nurtured and raised in an encouraging environment. Child welfare experts, who know what is in the best interests of children, should decide on a case-by-case basis who should be a foster or adoptive parent.

Arkansas voters approved the initiative process in 1910. Unfortunately, many of the initiatives adopted since have reflected the state's openly discriminatory past. From the 1920s to the 1950s, voters used the initiative process to codify the gamut of anti-civil-rights goals, from banning the teaching of evolution in schools to opposing school integration.

Five measures were on the statewide ballot.

Two were citizen-petitioned initiatives.

Three were legislative referenda.

1 Statutory Initiative Qualified

Initiative Act 1: LGBT Equality

An Act Providing that an Individual Who is Cohabiting Outside of a Valid Marriage May Not Adopt or be a Foster Parent of a Child less than Eighteen Years Old: A proposed act providing that a minor may not be adopted or placed in a foster home if the individual seeking to adopt or to serve as a foster parent is cohabiting with a sexual partner outside of a marriage which is valid under the constitution and laws of this state; stating that the foregoing prohibition applies

equally to cohabiting opposite-sex and same-sex individuals; stating that the act will not affect the guardianship of minors; defining "minor" to mean an individual under the age of eighteen (18) years; stating that the public policy of the state is to favor marriage, as defined by the constitution and laws of this state, over unmarried cohabitation with regard to adoption and foster care; finding and declaring on behalf of the people of the state that it is in the best interest of children in need of adoption or foster care to be reared in homes in which adoptive or foster parents are not cohabiting outside of marriage; providing that the Director of the Department of Human Services shall promulgate regulations consistent with the act; and providing that the act applies prospectively beginning on January 1, 2009.

Proponents: Family Council Action Committee,

<http://adoptionact.familycouncilactioncommittee.com/index.asp?PageID=1>

Opponents: Arkansas Families First, <http://arkansasfamiliesfirst.org>

PASSED 57% - 43%

1 Constitutional Amendment Qualified

Constitutional Amendment 3: Education/Gaming

A Constitutional Amendment Authorizing the General Assembly to Establish, Operate, and Regulate State Lotteries to Fund Scholarships and Grants for Arkansas Citizens Enrolled in Certified Two-Year and Four-Year Colleges and Universities in Arkansas: An amendment to the Arkansas Constitution authorizing the General Assembly to enact laws to establish, operate, and regulate state lotteries; requiring lottery proceeds to be used solely to pay the operating expenses of lotteries, including all prizes, and to fund or provide for scholarships and grants to citizens of this state enrolled in public and private non-profit two-year and four-year colleges and universities located within the state that are certified according to criteria established by the General Assembly; requiring the General Assembly to establish criteria to determine who is eligible to receive the scholarships and grants; declaring that lottery proceeds shall not be subject to appropriation by the General Assembly; declaring lottery proceeds to be cash funds held in trust separate and apart from the State Treasury to be managed and maintained by the General Assembly or an agency or department of the state as determined by the General Assembly; requiring lottery proceeds remaining after payment of operating expenses and prizes to supplement, not supplant, non-lottery educational resources; declaring that this amendment does not repeal, supersede, amend or otherwise affect Amendment 84 to the Arkansas Constitution or games of bingo and raffles permitted therein; prohibiting lotteries and the sale of lottery tickets except as herein specifically provided.

Proponents: Hope for Arkansas, <http://www.hopeforarkansas.org/index.html>

Opponents: Family Council, <http://www.familycouncil.org>

PASSED 63% - 37%

1 Statutory Initiative Was Referred

Referred Question 1: Bond

Arkansas Water, Waste Disposal, and Pollution Abatement Facilities Financing Act of 2007: Shall the Arkansas Natural Resources Commission be authorized to issue general obligation bonds

under the authority of the Arkansas Water, Waste Disposal and Pollution Abatement Facilities Act of 2007, for the financing and refinancing of the development of water, waste disposal, water pollution control, abatement and prevention, drainage, irrigation, flood control, and wetlands and aquatic resources projects to serve the citizens of the state of Arkansas, in total principal amount not to exceed three hundred million dollars (\$300,000,000), with no more than one hundred million dollars (\$100,000,000) of such bonds to be issued to finance and refinance the development of irrigation facilities, in series from time to time in principal amounts not to exceed, without prior approval of the General Assembly, sixty million dollars (\$60,000,000) in any fiscal biennium, which bonds shall be secured by a pledge of the full faith and credit of the state of Arkansas?

Proponents: Arkansans for Clean Water

PASSED 66% - 34%

2 Constitutional Amendments Were Referred

Constitutional Amendment 1: Election Reform

An Amendment Concerning Voting, Qualifications of Voters and Election Officers, and the Time of Holding General Elections: Amending various provisions of the Arkansas Constitution concerning voting and elections; providing that all persons may vote who are citizens of the United States, residents of the state of Arkansas, at least eighteen (18) years of age, and lawfully registered to vote; to repeal the requirement that the right to vote shall not be made to depend on any previous registration of an elector's name; repealing Article 3, Section 5 of the Arkansas Constitution providing that no idiot or insane person shall be entitled to the privileges of an elector; and permitting the General Assembly to establish the date and time of elections and the qualifications of election officers.

PASSED 73% -27%

Constitutional Amendment 2: Administration of Government

An Amendment Providing that No Legislative Appropriation Shall Be for a Period Longer than One Year, Providing for Fiscal Legislative Sessions, Requiring the General Assembly to Meet Every Year with Regular Sessions Continuing to Be Held in Odd-Numbered Years and Fiscal Sessions Held in Even-Numbered Years, Unless the General Assembly Votes to Hold Regular Sessions in Even-Numbered Years and Fiscal Sessions in Odd-Numbered Years, and Allowing the General Assembly to Consider Non-Fiscal Matters During a Fiscal Session Upon Approval of Two-Thirds of Both Houses: Proposing a Constitutional Amendment to reduce the period for which appropriation bills are valid from two (2) years to one (1) fiscal year; to require the General Assembly to meet in a limited fiscal session during even-numbered years to consider appropriation bills; to establish the length of sessions; and to make conforming amendments to reflect the changes proposed in this amendment.

PASSED 69% - 31%

For additional information please check with the Arkansas Secretary of State:

<http://www.sosweb.state.ar.us/>