



Issue No. 1

AN AMENDMENT TO PROVIDE A CONSTITUTIONAL RIGHT TO HUNT, FISH, TRAP, AND HARVEST WILDLIFE

PROPOSED CONSTITUTIONAL AMENDMENT NO. 1

(Referred to the People by the Arkansas General Assembly)

POPULAR NAME: An amendment providing that Arkansas citizens have a right to hunt, fish, trap, and harvest wildlife subject to regulations that promote wildlife conservation and management.

BALLOT TITLE: Amending the Arkansas Constitution to provide for a constitutional right to hunt, fish, trap, and harvest wildlife.

Why is the issue on the ballot of a general election?

Proposed Constitutional Amendment No. 1 is a legislatively-referred measure that the Arkansas General Assembly voted to put on the state's general election ballot. The legislature can refer up to three constitutional amendments for any one ballot. All constitutional amendments require approval by a majority of voters in a statewide election.

What does this amendment do?

Proposed Constitutional Amendment No. 1 would "amend the Arkansas Constitution to provide for a constitutional right for citizens of the state of Arkansas to hunt, fish, trap, and harvest wildlife."¹

Any regulation of this right by the State of Arkansas must be consistent with the promotion of sound wildlife conservation and management practices and Amendment 35 of the Arkansas Constitution. Amendment 35 became effective in 1945 and established the Arkansas Game and Fish Commission (AGFC). If passed, the amendment would not affect any powers of the autonomous AGFC or any common laws or statutes relating to trespass, private property rights, eminent domain, public ownership of property, or firearms unrelated to hunting.

The proposed amendment also establishes that public hunting, fishing, and trapping shall be a preferred means of managing and controlling nonthreatened species. Finally, it allows for citizens to use traditional methods for harvesting wildlife.

Conflict of Interest: The University of Arkansas Division of Agriculture's Cooperative Extension Service is a recognized unit of the University of Arkansas System and is funded in part by State of Arkansas appropriations. As such, any legislation affecting general revenues of the state has the potential to influence the Division of Agriculture and the Cooperative Extension Service's financial well-being. We are obligated to divulge potential conflicts of interest and to recognize their influence on the educational programs and material we produce. As professional faculty of the University of Arkansas Division of Agriculture's Public Policy Center, we are committed to full disclosure and open recognition of our potential for bias. We strive to present Arkansas citizens with a fair and balanced representation of the issues brought to the ballot and welcome any constructive criticism toward that effort.

¹Summary of General Legislation, 87th General Assembly of the State of Arkansas, May 2009.

Hunting and fishing rights in Arkansas and other states

The sponsor of the proposal introduced similar right to hunt and fish amendments in 2003, 2005 and 2007 but did not receive the majority vote required in both chambers to place a measure on a ballot. In the 2009 legislative session, the sponsor's bill passed unanimously in the Senate and with a vote of 70 to 9 in the 100-member House of Representatives.

Twelve states have language in their state constitutions to protect citizens' rights to hunt and/or fish. This year, citizens in three additional states – Arizona, Tennessee and South Carolina – will vote on similar right to hunt and fish initiatives.

The following statements are what supporters and opponents have made public either in media statements and literature or on web sites. The University of Arkansas does not endorse or in any way validate these statements.

What do supporters say?

Supporters contend that a constitutional amendment is needed to protect hunting, fishing, trapping, and harvesting wildlife because animal rights organizations in other states have filed lawsuits and mounted advertising campaigns intended to influence public opinion against hunting and fishing.

The Arkansas Attorney General was quoted in a 2010 *Arkansas Democrat-Gazette* article as supporting the measure. He said that placing an amendment in the constitution elevates the importance the state places on hunting and fishing as both a cultural activity and a wildlife management tool.

According to the National Rifle Association Institute for Legislative Action, if approved by voters, this amendment will have the strongest right to hunt language in the country.

The leadership of the Arkansas Game and Fish Commission has formally endorsed the proposed amendment.



A poll was commissioned by the Arkansas News Bureau/Stephens Media in January 2010 asking whether voters supported or opposed the measure. Of 625 registered voters surveyed, 54 percent indicated support for the initiative, 20 percent stated they opposed the measure and 26 percent were undecided.

What do opponents say?

At the time this fact sheet went to press, there was no identified organized opposition against the proposed amendment. Individual concerns have been expressed regarding the need for this measure given the current constitutional status of hunting and fishing under the authority of the AGFC found in Amendment 35.

A representative of the National Conference of State Legislatures has commented that opponents of similar measures in other states have argued that the constitution is not the appropriate place for such language. Although the national organization People for the Ethical Treatment of Animals has not announced plans to actively oppose the measure, it has stated that the proposed amendment is frivolous and would “open the door to a flood of other amendments whose sole purpose is to make political statements to benefit special-interest groups.”²

When does the legislation take effect, if passed?

Unless a specific date is placed in the language of a ballot initiative, measures put before the voters, if approved, become effective 30 days after the election.

What does a “FOR” vote mean?

A “FOR” vote means you support changing the Arkansas Constitution to provide residents the right to hunt, fish, trap, and harvest wildlife in the state.

What does an “AGAINST” vote mean?

An “AGAINST” vote means you do not support changing the Arkansas Constitution to specify a constitutional right for residents to hunt, fish, trap, and harvest wildlife in the state.

Where can I find more information?

The complete and official text of each ballot measure can be obtained through the Arkansas Secretary of State’s Office:

- Phone: 501-682-1010
- Website: http://www.votenuaturally.org/2010_ballot_issues.html.

For additional information, including links to major support and opposition groups, please visit the University of Arkansas Division of Agriculture’s Public Policy Center website at <http://ppc.uaex.edu> or contact your county Cooperative Extension Service office.

The following is the proposed constitutional amendment as it will appear on the state’s November 2 General Election ballot.

(Title)

AMENDING THE ARKANSAS CONSTITUTION TO PROVIDE FOR A CONSTITUTIONAL RIGHT TO HUNT, FISH, TRAP, AND HARVEST WILDLIFE

(Popular Name)

AN AMENDMENT PROVIDING THAT ARKANSAS CITIZENS HAVE A RIGHT TO HUNT, FISH, TRAP, AND HARVEST WILDLIFE SUBJECT TO REGULATIONS THAT PROMOTE WILDLIFE CONSERVATION AND MANAGEMENT

FOR ISSUE NO. 1

AGAINST ISSUE NO. 1

Exercising your voting privilege

We live in a democratic society where voting is a privilege of citizenship. Democracy works best when informed citizens exercise their voting privilege. Please vote November 2, 2010.

² *The Christian Science Monitor*, “A constitutional right to hunt? Voters in four states to decide”, February 26, 2010.

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