



ISSUE NUMBER 2

(Referred to the people by the Arkansas General Assembly)

Changing General Assembly Term Limits and Allowing Re-Election Upon A Break In Service

POPULAR NAME: A constitutional amendment to amend the term limits applicable to members of the General Assembly, to be known as the “Arkansas Term Limits Amendment”

BALLOT TITLE: A constitutional amendment to be known as the “Arkansas Term Limits Amendment”; and amending the term limits applicable to members of the General Assembly.

What is being proposed?

This amendment asks voters to change term limits for the General Assembly as described in Amendment 73 of the Arkansas Constitution. If approved by the voters, this amendment would eliminate life-time term limits but require breaks in service for future state senators and representatives. Specifically, this amendment would:

1. Remove life-time term limits for state legislators.
2. Prohibit future legislators from serving more than 12 years in a row. Legislators who serve the full 12 years consecutively would be allowed to hold office again once four years have passed since their last term expired.
3. Include two-year senate terms resulting from apportionment after a census in calculating the years of consecutive service for legislators elected after Jan. 1, 2021. Currently, this two-year partial term does not count toward term limits.
4. Allow current legislators and any legislator elected this November to serve under the current term limit amendment, which allows them to serve 16

QUICK LOOK: What does your vote mean?

FOR: A FOR vote means you are in favor of changing the Arkansas Constitution regarding term limits. This includes removing life-time limits for legislators; allowing current legislators and those elected in November to serve under existing term limits; setting a limit of 12 consecutive years of service for legislators elected after 2020; allowing legislators who reach the 12-year limit to serve again once four years have passed since their last term ended; and explaining how partial terms from apportionment are handled when calculating a legislator’s consecutive years of service.

AGAINST: An AGAINST vote means you are not in favor of changing the Arkansas Constitution regarding term limits and want to maintain the existing life-time limit of serving up to 16 years in the Arkansas House of Representatives or Senate.

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The following statements are examples of what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

What do supporters say?

- People always say they want to run government like a business. I'm not aware of any business that fires their board of directors or their management team every six, eight or 10 years.
- The amendment gives someone time to become experienced and to become effective while still accomplishing the goal of keeping term limits short enough that we get new blood.
- This especially I think comes into play when we have some folks serve in their 20s and somebody in their 50s. Something might happen to the state and people say we could really use this man, we could use this woman, to come back and help us and under current law even they couldn't do that. So this changes lifetime term limits to successive term limits.
- For those that are worried that this would create lifetime legislators, we know from experience in states with similar provisions allowing lawmakers to return to serve, only 5% of lawmakers returned. What we're trying to do – with a requirement to sit out four years rather than 2 – we're trying to take away the incumbent advantage because there definitely is one.

What do opponents say?

- This term limit amendment is actually a term extender because it allows current legislators, after serving the currently allowable 16 years, to sit out four years and run to serve 12 more years.
- The amendment removes the current lifetime limit, allowing politicians to return to office after just four years out.
- I just prefer that issues like that come from the voters as opposed to legislators trying to do it at this point.
- Legislators could have used the ballot title to tell voters what the amendment does, but chose not to. They could have told voters that this amendment will enable legislators to serve 10 years on and 2 off for the rest of their lives. Or that the new 12 consecutive year limit doesn't apply to themselves until they've maxed out current term limits. 16 years on, 4 off, 12 on means they can serve 28 of 32 years. For senators, it would be 22-4-12, which would be 34 of 38 years. 38 years in the legislature with a single 4-year break.

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years consecutively or non-consecutively. They would be eligible to hold office in the future once four years have passed from their last term expiring.

How did this issue get on the ballot?

The Arkansas Senate and House of Representatives voted to put Issue 2 on the 2020 General Election Ballot. The Arkansas Constitution grants the legislature the right to include up to three constitutional amendments on the general election ballot.

Constitutional amendments require the approval of a majority of voters in a statewide election. Election Day is Nov. 3, 2020.

Who were the main sponsors of this amendment?

Sen. Alan Clark of Lonsdale and Rep. Jim Dotson of Bentonville.

When was the last time Arkansas voted on General Assembly term limits?

Term limits have been on the Arkansas ballot several times over the past 30 years.

In 1992, Arkansas voters approved Amendment 73 which set terms for constitutional officers such as the governor and commissioner of state lands as well as state legislators. The amendment limited members of the House of Representatives to three two-year terms (a total of six years) and state senators to two four-year terms (a total of eight years).

In 2004, voters rejected a proposal to allow up to six two-year terms (12 years) in the House and three four-year terms (12 years) in the Senate.

In 2014, voters approved Amendment 94 to eliminate chamber-specific term limits and cap the total number of years state legislators can serve at 16 years. The term limits were part of an amendment known to many people as the "ethics amendment" because of the new ethics requirements it included for legislators and the creation of an independent citizens commission responsible for establishing legislative pay.

In 2018, a proposed amendment from the public seeking to undo Amendment 94 was removed from the ballot before Election Day. The Arkansas Supreme Court agreed with challengers that voter signatures should be disqualified due to paperwork errors. The proposed constitutional amendment sought to set limits of two four-year terms in the Senate (eight years) and three two-year terms in the House (six years), an overall 10-year limit on service in the House and Senate combined.

The table below shows when term limits were on the ballot, what those proposals were, who asked voters to consider the issue and the outcome.

How many years can a legislator serve now?

Currently, members of the General Assembly can serve a total of 16 years. They can serve all 16 years in the Senate or House of Representatives or any combination of the two.

There are some exceptions to this 16-year limit:

- A member who completes his or her 16th year of service during a term in which he or she has already

been elected may serve until the completion of that term. This can create a scenario where a current legislator serves 18 to 20 years.

- Years for which a member who is serving a partial legislative term as the result of a special election called by the governor to fill a vacancy are not included in the calculation of total years.
- A two-year term served as a result of apportionment of the Senate is not included in the calculation of total years allowed. Apportionment is the process of redrawing the boundaries of an area that is represented by a state representative and senator to ensure that each legislator represents roughly the same number of people. This process occurs after a federal census.

How many years is a single term?

The length of a single term would not change under this proposal. Senators would still be elected to four-year terms; representatives would still be elected to two-year terms.

Term Limits Proposals on the Arkansas Ballot

Year	Proposal	Source	Result
1992	Set term limits for state legislators: <ul style="list-style-type: none"> • House of Representatives limit of 3 two-year terms (6 years) • Senate limit of 2 four-year terms (8 years) 	Citizen Initiative	Approved (Amendment 73) 494,326 (60%) – For 330,836 (40%) - Against
2004	Increase maximum number of terms for state legislators: <ul style="list-style-type: none"> • Increase House of Representatives limit to 6 two-year terms (12 years) • Increase Senate limit to 3 four-year terms (12 years) 	Legislative Proposal	Rejected 299,338 (30%) – For 703,171 (70 %) – Against
2014	Allow state legislators to serve a total of 16 years combined in the House or Senate instead of a chamber-specific limit.	Legislative Proposal	Approved (Amendment 94) 428,206 (52%) – For 388,459 (48%) – Against
2018	Reduce maximum number of terms by chamber and set overall cap on number of years legislator could serve. <ul style="list-style-type: none"> • Reduce House of Representatives limit to 3 two-year terms (6 years) • Reduce Senate limited to 2 four-year terms (8 years) • All legislators limited to 10 years in the House and Senate combined 	Citizen Initiative	Supreme Court removed issue from ballot before voting started
2020	Set maximum number of consecutive years state legislators could serve in either chamber combined to 12 years, but allow legislators who have reached that limit to serve again four years after their last term expired. The clock would start over for legislators who take a break before reaching 12 years.	Legislative Proposal	On the November 2020 ballot pending outcome of court challenge



How would this proposal affect people in office now?

Legislators currently serving in office would be grandfathered in under the existing term limit amendment, which allows them to serve up to 16 years in the House or Senate except for special circumstances described earlier. After reaching this limit, legislators would be eligible to serve again four years after their term expired if elected.

How would this affect legislators first elected this November?

The proposed amendment says legislators elected prior to Jan. 1, 2021 may serve up to 16 years under the existing term limits amendment. This would include people first elected to the General Assembly in November 2020.

All 100 seats in the House of Representatives are up for election this year. Ten of those seats have no incumbent candidate running for re-election. In the state senate, 17 of the 35 seats are up for election. Only one of those races has no incumbent candidate running for re-election.

How would this affect legislators who previously served but are not currently in office?

The 2014 change in Arkansas' term limits law allowed legislators who were previously term limited to be eligible again for service up to 16 years. Therefore, this proposal would not affect their eligibility to run again. They would fall under the same rules as any other person elected after Jan. 1, 2021.

What would happen if a legislator serves less than 12 years consecutively?

The four-year break required by the amendment takes effect only when a legislator serves 12 years in a row. The "clock" would reset with any break in service before 12 years. For example, a senator could serve eight years and then not be

re-elected. If the same senator runs for office again, they would be eligible for another 12 years consecutively before the four-year break in service would be required.

How does Arkansas compare to other states?

Arkansas is one of 15 states with laws that limit the number of years or terms people can serve in the state legislature. Thirty-five states do not have term limits for the state legislature.

Among states with limits, Arkansas has the highest maximum number of years people can serve – up to 16 years. The state is one of six with a lifetime limit, meaning that a legislator who is re-elected and serves the maximum number of years allowed cannot run for re-election to the legislature ever again. Arkansas, California, Michigan, Missouri, Nevada and Oklahoma have these "life-time" limits.

The remaining nine states allow former legislators to run for election again after a break in service. For example, in Colorado, former legislators can (1) run for election after a four-year break, and (2) would be eligible to serve the full term limit again. Other states with these types of laws are Arizona, Florida, Louisiana, Maine, Montana, Nebraska, Ohio and South Dakota.

Could term limits for the General Assembly be changed in the future?

Yes. The legislature or citizens could propose new constitutional amendments to change legislative term limits in Arkansas at future dates.

Isn't there another term limit proposal by the same name?

Issue 2 is the only proposed constitutional amendment on the November 2020 ballot involving term limits for state legislators.

There was a failed attempt by Arkansas Term Limits, a citizen initiative group, to place a very different term limit proposal bearing the same name as Issue 2 on the ballot. They filed their proposal before the legislature did, but later abandoned their efforts.

If passed, when would the changes in Issue 2 take effect?

The change to Arkansas' legislative term limits would become effective Jan. 1, 2021.

Where can I find more information?

The complete wording of this amendment can be found at www.uaex.edu/issue2

The following is the proposed constitutional amendment name and title as they will appear on the state's November General Election ballot.

Issue 2

(Popular Name)

A Constitutional Amendment to Amend the Term Limits Applicable to Members of the General Assembly, to be Known as the "Arkansas Term Limits Amendment"

(Ballot Title)

A Constitutional Amendment to be known as the "Arkansas Term Limits Amendment" and amending the term limits applicable to members of the General Assembly.

FOR ISSUE NO. 2

AGAINST ISSUE NO. 2