



## ISSUE NUMBER 3 **\*being challenged in court**

(Proposed by Petition of the People)

# Changing General Assembly Term Limits

**POPULAR NAME:** Arkansas Term Limits Amendment

**BALLOT TITLE:** A proposed amendment to the Arkansas Constitution concerning term limits for members of the Arkansas General Assembly; to provide that no person may be elected to more than three (3) two-year terms as a member of the House of Representatives, to more than two (2) four-year terms as a member of the Senate, or to any term that, if served, would cause the member to exceed a total of ten (10) years of service in the General Assembly; to repeal Section 2(c) of Amendment 73 that established a years-of-service limit on members of the General Assembly of sixteen (16) years; to provide that the ten-year service limit shall include all two (2) and four (4) year terms, along with full years of any partial term served as a result of a special election to fill a vacancy; to apply the limits to terms and service in the General Assembly on and after January 1, 1993; to provide that this amendment shall not cut short or invalidate a term to which a member of the General Assembly was elected prior to the effective date of this amendment; to provide that notwithstanding the General Assembly's constitutional authority to propose amendments to the Constitution, the General Assembly shall not have the authority to propose an amendment to the Constitution regarding term limits for the House of Representatives or Senate, and to continue reserving that power to the people under Article 5, Section I, as amended by Amendment 7; and to declare that if any provision of this amendment should be held invalid, the remainder shall stand.

### 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, and to prohibit state legislators from further altering these term limits. If approved by the voters, this amendment would:

1. Repeal existing term limits of 16 years.

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## QUICK LOOK: What does your vote mean?

**FOR:** A FOR vote means you are in favor of shortening term limits to three two-year terms in the House of Representatives and two four-year terms in the Senate; prohibiting legislators from serving more than 10 years total; and prohibiting legislators from changing term limits for the General Assembly.

**AGAINST:** An AGAINST vote means you are not in favor of shortening term limits to three two-year terms in the House of Representatives and two four-year terms in the Senate; prohibiting legislators from serving more than 10 years total; and prohibiting legislators from changing term limits for the General Assembly.

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?

- In 2014, Arkansas legislators used a deceptive ballot title to trick voters into lengthening the amount of time they can stay in office by nearly triple. Voters thought they were voting for legislative ethics reform. Instead, politicians doubled their pay and gutted voter approved term limits. Voters deserve an honest ballot title.
- Term limits provide fresh faces with fresh ideas to elected office. They reduce lobbyist and special interest influence and make room for the citizen legislator.
- Traditional “outsider” candidates who are blocked by incumbents would be given an enhanced opportunity to serve.
- If eight years is good enough for the president of the United States, the leader of the free world with a \$4.4 trillion dollar budget, 10 years is probably okay for a legislator representing half of a county in Arkansas.

## What do opponents say?

- Term limits create legislatures filled with inexperienced lawmakers dominated by savvy lobbyists.
- The ballot box is the best form of term limits.
- There is value in having legislators with some continuity and understanding of the process, in particular when agency heads and others don't have that same time limitation in place.
- The impact of an immediate turnover in membership would be monstrous for the knowledge of public policy and on institutional memory in state government. From the state budget to education policy to public employee retirement programs, knowledge of the policy-making process and of the key questions that must be asked for good legislating would disappear in a flash.

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2. Limit terms in the Arkansas House of Representatives to three two-year terms for a total of six years.
3. Limit terms in the Arkansas Senate to two four-year terms for a total of eight years.
4. Prohibit legislators from serving more than 10 years in the General Assembly over their life-time.
5. Include all two-year terms, four-year terms, and full years of partial terms resulting from special elections in the overall 10-year limit that would be put into place under this amendment.
6. Apply the life-time limits to all terms served by legislators on or after Jan. 1, 1993, with the exception of allowing legislators to complete their current term even if it puts them over the 10-year limit.
7. Prohibit legislators from proposing constitutional amendments to change term limits for the General Assembly.

## How did this issue get on the ballot?

Sponsors collected signatures from at least 84,859 Arkansas voters, equal to 10 percent of the people who voted for governor in the last election, to put Issue 3 on the statewide General Election ballot.

## Who were the main sponsors of this amendment?

Arkansas Term Limits and U.S. Term Limits have both filed Ballot Question Committee paperwork with the Arkansas Ethics Commission to support this measure. Their statements of organization and financial filings are online at the Arkansas Ethics Commission website, [www.arkansasethics.com](http://www.arkansasethics.com).

## When was the last time Arkansas voted on this issue?

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

In 1992, Arkansas voters approved Amendment 73 by a vote of 494,326 (60%) in favor to 330,836 (40%) against. This amendment 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. The proposal was defeated by a vote of 299,338 (30%) in favor to 703,171 (70 %) against.

In 2014, Arkansas voters approved Amendment 94 by a vote of 428,206 (52%) in favor to 388,459 (48%) against to set the current terms for state legislators. The amendment increased the number of years a state legislator could be in office. The change allowed state legislators to serve a total of 16 years combined in the House or Senate instead of a chamber-specific limit as previously approved. The proposal was known to many people as the “ethics amendment” because of new ethics requirements it included for legislators.

### **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 the limits:

- 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 someone 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. 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?**

Senators are elected to four-year terms. Representatives are elected to two-year terms. The length of a single term would not change under this proposal.

There are 100 members of the House of Representatives and 35 senators. The General Assembly, as they are collectively called, meets for at least 60 days in odd years. They also hold a fiscal session every even year to discuss the state budget and other financial matters.

### **How would this proposal affect people in office now?**

The 10-year limit would apply to all legislators currently in office, making some ineligible for additional terms or limiting them on which chamber they can be elected to in the future based on past years of service and the timing of when their current term ends.



The limit would include two-year terms senators serve after re-apportionment. Those terms are not counted under the state’s existing term-limit law.

Senators up for re-election this November would be able to complete their new term, even if it puts them over the 10-year limit, because they would be elected before the Jan. 1, 2019 effective date.

Eleven of Arkansas’ current 34 senators would participate in their last regular legislative session in January 2019 if the proposal passes, according to information provided by Senate staff. Another 15 senators would participate in their last regular legislative session in 2021.

Six current senators would be eligible to run for office again after this election, though the length of their term may be affected by apportionment. If the proposed amendment fails, 21 senators would be eligible for re-election under existing term limits.

In the House, 44 of the 100 current representatives will have served six or more years when their current term expires at the end of this year. These legislators served between three and four terms, according to the 2018 House of Representative’s Seniority List.

All House seats are up for election this year. Any of the representatives with six or more years of service could be re-elected this year and serve out their new term under the proposed amendment because they would have been elected before the effective date. However, they would not be eligible for re-election thereafter.

Another 35 members are in their second term. If re-elected this fall, the term would be their last. The remaining members are in their first term, making them eligible to run for more terms.

### **How would this affect legislators who previously served?**

The proposed amendment would apply the term limits to legislators who served as far back as Jan. 1, 1993. Terms from 1993 to now would be included in the 10-year life-time limit. In instances where people served partial terms, only full years of a partial term would be counted.

## How does Arkansas compare to other states?

According to the National Conference of State Legislators, 15 states have term-limits in place for state legislators. Term limits range from six to 12 years in other states. Arkansas has a 16-year limit. Like Arkansas, most of the 14 other states adopted term limits in the 1990s.

Nine of the 15 states allow legislators to run again for office after a break in time. They can then serve the full term limit again. Those states are Arizona, Colorado, Florida, Louisiana, Maine, Montana, Nebraska, Ohio and South Dakota. Arkansas, California, Michigan, Missouri, Nevada and Oklahoma have lifetime limits that don't allow the clock to reset after a break.

Idaho and Utah previously had term limits but their state legislatures later repealed the laws.

## Based on this proposal, how could term limits for the General Assembly be changed in the future?

The proposed amendment would prohibit state lawmakers from referring future constitutional amendments to voters

that would change how many years in office state senators and representatives could serve. Changes to term limits would be allowed only through the ballot initiative process, which currently requires:

- A ballot issue group to form and submit the text of the proposed ballot title and amendment to the Attorney General.
- The Attorney General to approve the ballot title.
- The supporter group to collect signatures from voters representing 10 percent of the number of people who voted for governor. As of today, that would require 84,859 signatures.
- The Secretary of State to certify the signatures and place the constitutional amendment on the ballot.
- Voter approval.

## If passed, when would Issue 3 take effect?

All parts of the amendment would go into effect Jan. 1, 2019.

## Where can I find more information?

The complete wording of this amendment can be found at [www.uaex.edu/issue3](http://www.uaex.edu/issue3)

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

Issue No. 3

(Popular Name)

Arkansas Term Limits Amendment

(Ballot Title)

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FOR

AGAINST