

Opinion No. 2014-029

April 1, 2014

Paul J. Spencer, Co-Chair
Regnat Populus Ballot Question Committee
Post Office Box 1087
Little Rock, Arkansas 72203-1087

Dear Mr. Spencer:

This is in response to your request for certification, pursuant to A.C.A. § 7-9-107 (Repl. 2013), of the following popular name and ballot title for a proposed initiated act. Regnat Populus Ballot Question Committee has previously submitted ten similar measures—of which seven were rejected, three were certified.¹ You have since made changes to your proposal and now submit the following popular name and ballot title for my review:

Popular Name

THE CAMPAIGN FINANCE AND LOBBYING ACT OF 2014

Ballot Title

An act amending Arkansas law – which currently allows individuals, corporations, proprietorships, firms, partnerships, joint ventures, syndicates, labor unions, business trusts, companies, associations, political parties, and committees to make campaign contributions to candidates and to authorized political action committees – to provide that, while the foregoing may continue to make campaign contributions to authorized political action committees, only

¹ **Certified:** Op. Att’y Gen. Nos. 2012-148, 2012-049, 2012-040; **Rejected:** Op. Att’y Gen. Nos. 2014-015, 2013-128, 2013-113, 2012-142, 2012-129, 2012-124, 2012-028.

individuals, political parties, county political party committees, legislative caucus committees, and authorized political action committees may make campaign contributions directly to candidates for public office; amending current Arkansas law – which prohibits members of the General Assembly from acting as registered lobbyists for one year after the expiration of their term in office and applicable only to members elected on or after July 27, 2011 – to expand the prohibition to two years and make the prohibition applicable to all members elected or re-elected on or after November 4, 2014; and amending Arkansas law to make it a Class A misdemeanor for the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands and members of the General Assembly from soliciting or accepting gifts from a lobbyist (or anyone acting on behalf of a lobbyist, or anyone employing a lobbyist) with gift defined as any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor, but defined not to include: (1) informational material such as books, reports, pamphlets, calendars, or periodicals informing the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands or member of the General Assembly regarding his or her official duties (but such informational material shall not include payments for travel reimbursement for any expenses) (2) gifts which are not used and which, within thirty (30) days after receipt, are returned; (3) gifts from the Governor's, Lieutenant Governor's, Secretary of State's, Treasurer of State's, Auditor of State's, Attorney General's Commissioner of State Lands' or member of the General Assembly's own family; (4) lawful campaign contributions; and (5) any devise or inheritance; and calling upon the congressional delegation of Arkansas to support, and the Arkansas General Assembly to ratify, an amendment to the United States Constitution establishing that nothing in the constitution prohibits Congress and the states from imposing content-neutral limits on campaign contributions and independent expenditures, nor from prohibiting the use of corporate funds for campaign contributions or independent expenditures.

The Attorney General is required, pursuant to A.C.A. § 7-9-107, to certify the popular name and ballot title of all proposed initiative and referendum acts or amendments before the petitions are circulated for signature. The law provides that the Attorney General may substitute and certify a more suitable and correct popular name and ballot title, if he can do so, or if the proposed popular name and ballot title are sufficiently misleading, may reject the entire petition. **Neither certification nor rejection of a popular name and ballot title reflects my view of the merits of the proposal. This Office has been given no authority to consider the merits of any measure.**

In this regard, A.C.A. § 7-9-107 neither requires nor authorizes this office to make legal determinations concerning the merits of the act or amendment, or concerning the likelihood that it will accomplish its stated objective. In addition, consistent with Arkansas Supreme Court precedent, unless the measure is “clearly contrary to law,”² this office will not require that a measure’s proponents acknowledge in the ballot title any possible constitutional infirmities. As part of my review, however, I may address constitutional concerns for consideration by the measure’s proponents.

Consequently, this review has been limited primarily to a determination, pursuant to the guidelines that have been set forth by the Arkansas Supreme Court, discussed below, of whether the popular name and ballot title you have submitted accurately and impartially summarize the provisions of your proposed amendment.

The purpose of my review and certification is to ensure that the popular name and ballot title honestly, intelligibly, and fairly set forth the purpose of the proposed amendment or act.³

The popular name is primarily a useful legislative device.⁴ It need not contain detailed information or include exceptions that might be required of a ballot title,

² See *Kurrus v. Priest*, 342 Ark. 434, 445, 29 S.W.3d 669, 675 (2000); *Donovan v. Priest*, 326 Ark. 353, 359, 931 S.W.2d 119, 121 (1996); *Plugge v. McCuen*, 310 Ark. 654, 841 S.W.2d 139 (1992).

³ See *Arkansas Women’s Political Caucus v. Riviere*, 283 Ark. 463, 466, 677 S.W.2d 846 (1984).

but it must not be misleading or give partisan coloring to the merit of the proposal.⁵ The popular name is to be considered together with the ballot title in determining the ballot title's sufficiency.⁶

The ballot title must include an impartial summary of the proposed amendment or act that will give the voter a fair understanding of the issues presented.⁷ According to the court, if information omitted from the ballot title is an "essential fact which would give the voter serious ground for reflection, it must be disclosed."⁸ At the same time, however, a ballot title must be brief and concise (*see* A.C.A. § 7-9-107(b)); otherwise voters could run afoul of A.C.A. § 7-5-522's five minute limit in voting booths when other voters are waiting in line.⁹ The ballot title is not required to be perfect, nor is it reasonable to expect the title to cover or anticipate every possible legal argument the proposed measure might evoke.¹⁰ The title, however, must be free from any misleading tendency, whether by amplification, omission, or fallacy; it must not be tinged with partisan coloring.¹¹ The ballot title must be honest and impartial,¹² and it must convey an intelligible idea of the scope and significance of a proposed change in the law.¹³

⁴ *Pafford v. Hall*, 217 Ark. 734, 739, 233 S.W.2d 72, 75 (1950).

⁵ *E.g., Chaney v. Bryant*, 259 Ark. 294, 297, 532 S.W.2d 741, 743 (1976); *Moore v. Hall*, 229 Ark. 411, 316 S.W.2d 207 (1958).

⁶ *May v. Daniels*, 359 Ark. 100, 105, 194 S.W.3d 771, 776 (2004).

⁷ *Becker v. Riviere*, 270 Ark. 219, 226, 604 S.W.2d 555, 558 (1980).

⁸ *Bailey v. McCuen*, 318 Ark. 277, 285, 884 S.W.2d 938, 942 (1994).

⁹ *Id.* at 288, 884 S.W.2d at 944.

¹⁰ *Id.* at 293, 884 S.W.2d at 946–47.

¹¹ *Id.* at 284, 884 S.W.2d at 942.

¹² *Becker v. McCuen*, 303 Ark. 482, 489, 798 S.W.2d 71, 74 (1990).

¹³ *Christian Civic Action Committee v. McCuen*, 318 Ark. 241, 245, 884 S.W.2d 605, 607 (1994) (internal quotations omitted).

Furthermore, the Court has confirmed that a proposed amendment cannot be approved if “[t]he text of the proposed amendment itself contribute[s] to the confusion and disconnect between the language in the popular name and the ballot title and the language in the proposed measure.”¹⁴ The Court concluded that “internal inconsistencies would inevitably lead to confusion in drafting a popular name and ballot title and to confusion in the ballot title itself.”¹⁵ Where the effects of a proposed measure on current law are unclear or ambiguous, it is impossible for me to perform my statutory duty to the satisfaction of the Arkansas Supreme Court without clarification of the ambiguities.

Applying the above precepts, I conclude that I must reject your ballot title due to ambiguities in newly added language in the *text* of your measure. Specifically, Section 4(A) of your proposal states:

The voters of Arkansas call upon the Arkansas congressional delegation to propose and support, and the Arkansas General Assembly to ratify, an amendment to the United States Constitution establishing that...[n]othing in the Constitution shall be construed *to forbid* Congress or the States from imposing content-neutral limitations on private campaign contributions or independent political campaign expenditures.... (Emphasis added.)

This provision—which was not contained in any of your prior submissions—can be read in two, incompatible ways. On the one hand, the provision may simply be an attempt to restate current law, for Congress and the States are currently not “forbidden” to “impose content-neutral limitations” in the area of campaign finance. Instead, content-neutral laws are subjected to a heightened form of judicial review.¹⁶

¹⁴ *Roberts v. Priest*, 341 Ark. 813, 825, 20 S.W.3d 376, 383 (2000).

¹⁵ *Id.*

¹⁶ This form of review, which is labeled “intermediate scrutiny,” requires that the government show that its regulation (1) is narrowly tailored to serve a (2) significant government interest and (3) ample alternative means of communication are left open. *E.g. Phelps-Roper v. Koster*, 713 F.3d 942, 950 (8th Cir. 2013).

On the other hand, the provision could be read as effecting a significant change in First Amendment law that would give a voter serious grounds for reflection. As a component part of the Bill of Rights, the First Amendment is designed to protect individual rights from government intrusion upon those rights. Over time, the U.S. Supreme Court has developed what some call “constitutional-decision rules,” which are employed to determine whether a governmental action, in fact, violates an individual right.¹⁷ The notion of “content-neutrality” is part of a constitutional-decision rule that is used to determine (1) the standard of review courts apply when assessing a challenge to government action and (2) what types of interests courts may consider when weighing the public interests against private interests.¹⁸ Sometimes a court will strike down a content-neutral law for failing to pass what is called “intermediate scrutiny.” When this happens, one could characterize the court’s ruling as stating that, under the circumstances, the First Amendment “forbids” the sort of government action that the court struck down.

In other words, the reason courts make the threshold determination about whether the statute at issue is “content-neutral” is to determine *which set of constitutional-decision rules to apply*. Many content-neutral laws pass muster under those decision rules, some do not. So those decision rules—i.e. the test and levels of scrutiny that courts must apply—sometimes “forbid” certain action. Thus, when Section 4(A) says that no “content-neutral limitation” is forbidden, it *could be read to remove all constitutional-decision rules* that are in place to protect people’s individual rights under the First Amendment.

In sum, Section 4(A) could be read in two ways: (1) it simply restates current law because it is *currently* the case that governments are not “forbidden” from enacting content-neutral laws; or (2) it goes much further to state that the constitution should be read in such a way that all content-neutral laws are permissible, regardless of the effect on formerly protected individual rights. Given

¹⁷ E.g. Scott A. Keller & Misha Tseytlin, *Applying Constitutional Decision Rules Verse Invalidating Statutes* In Toto, 98 Va. L. Rev. 301, 318 (2012) (explaining that the term “constitutional decision rules” refers to “rules that the Supreme Court has created to turn the Constitution’s text into doctrines that courts can readily apply to actual cases or controversies”); Mitchell N. Berman, *Constitutional Decision Rules*, 90 Va. L. Rev. 1 (2004).

¹⁸ See generally, *Phelps-Roper*, 713 F.3d 942.

this ambiguity, I am unable to substitute ballot title language to ensure that the ballot title complies with the foregoing legal standards.

I should also note that over the course of your many submissions, I have (where practicable) tried to identify the different ways that an ambiguous provision could be read. Yet in your follow-up submissions, instead of clearly adopting one of the alternative readings of an ambiguous provision, you often either simply delete the provision or introduce entirely new language. You should be aware that when the latter occurs, my subsequent review is not advanced but instead must essentially begin anew.

My office, in the certification of ballot titles and popular names, does not concern itself with the merits, philosophy, or ideology of proposed measures. I have no constitutional role in the shaping or drafting of such measures. My statutory mandate is embodied only in A.C.A. § 7-9-107 and my duty is to the electorate. I am not your counsel in this matter and cannot advise you as to the substance of your proposal.

My statutory duty, under these circumstances, is to reject your proposed ballot title (for the foregoing reasons) and instruct you to “redesign” the proposed measure and ballot title. You may, after addressing the matters discussed above, resubmit your proposed amendment, along with a proposed popular name and ballot title, at your convenience. I anticipate, as noted above, that some changes or additions to your submitted popular name and ballot title may be necessary. I will be pleased to perform my statutory duties in this regard in a timely manner after resubmission.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM/cyh

Enclosure

INITIATIVE PETITION

To the Honorable Mark Martin, Secretary of the State of Arkansas: We, the undersigned legal voters of the State of Arkansas, respectfully propose the following Initiated Act, to wit:

Popular Name

THE CAMPAIGN FINANCE AND LOBBYING ACT OF 2014

Ballot Title

AN ACT AMENDING ARKANSAS LAW - WHICH CURRENTLY ALLOWS INDIVIDUALS, CORPORATIONS, PROPRIETORSHIPS, FIRMS, PARTNERSHIPS, JOINT VENTURES, SYNDICATES, LABOR UNIONS, BUSINESS TRUSTS, COMPANIES, ASSOCIATIONS, POLITICAL PARTIES, AND COMMITTEES TO MAKE CAMPAIGN CONTRIBUTIONS TO CANDIDATES AND TO AUTHORIZED POLITICAL ACTION COMMITTEES - TO PROVIDE THAT, WHILE THE FOREGOING MAY CONTINUE TO MAKE CAMPAIGN CONTRIBUTIONS TO AUTHORIZED POLITICAL ACTION COMMITTEES, ONLY INDIVIDUALS, POLITICAL PARTIES, COUNTY POLITICAL PARTY COMMITTEES, LEGISLATIVE CAUCUS COMMITTEES, AND AUTHORIZED POLITICAL ACTION COMMITTEES MAY MAKE CAMPAIGN CONTRIBUTIONS DIRECTLY TO CANDIDATES FOR PUBLIC OFFICE; AMENDING CURRENT ARKANSAS LAW - WHICH PROHIBITS MEMBERS OF THE GENERAL ASSEMBLY FROM ACTING AS REGISTERED LOBBYISTS FOR ONE YEAR AFTER THE EXPIRATION OF THEIR TERM IN OFFICE AND APPLICABLE ONLY TO MEMBERS ELECTED ON OR AFTER JULY 27, 2011 - TO EXPAND THE PROHIBITION TO TWO YEARS AND MAKE THE PROHIBITION APPLICABLE TO ALL MEMBERS ELECTED OR RE-ELECTED ON OR AFTER NOVEMBER 4, 2014; AND AMENDING ARKANSAS LAW TO MAKE IT A CLASS A MISDEMEANOR FOR THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, TREASURER OF STATE, AUDITOR OF STATE, ATTORNEY GENERAL, COMMISSIONER OF STATE LANDS AND MEMBERS OF THE GENERAL ASSEMBLY FROM SOLICITING OR ACCEPTING GIFTS FROM A LOBBYIST (OR ANYONE ACTING ON BEHALF OF A LOBBYIST, OR ANYONE EMPLOYING A LOBBYIST) WITH GIFT DEFINED AS ANY PAYMENT, ENTERTAINMENT, ADVANCE, SERVICES, OR ANYTHING OF VALUE, UNLESS CONSIDERATION OF EQUAL OR GREATER VALUE HAS BEEN GIVEN THEREFOR, BUT DEFINED NOT TO INCLUDE: (1) INFORMATIONAL MATERIAL SUCH AS BOOKS, REPORTS, PAMPHLETS, CALENDARS, OR PERIODICALS INFORMING THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, TREASURER OF STATE, AUDITOR OF STATE, ATTORNEY GENERAL, COMMISSIONER OF STATE LANDS OR MEMBER OF THE GENERAL ASSEMBLY REGARDING HIS OR HER OFFICIAL DUTIES (BUT SUCH INFORMATIONAL MATERIAL SHALL NOT INCLUDE PAYMENTS FOR TRAVEL REIMBURSEMENT FOR ANY EXPENSES) (2) GIFTS WHICH ARE NOT USED AND WHICH, WITHIN THIRTY (30) DAYS AFTER RECEIPT, ARE RETURNED; (3) GIFTS FROM THE GOVERNOR'S, LIEUTENANT GOVERNOR'S, SECRETARY OF STATE'S, TREASURER OF STATE'S, AUDITOR OF STATE'S, ATTORNEY GENERAL'S COMMISSIONER OF STATE LANDS' OR MEMBER OF THE GENERAL ASSEMBLY'S OWN FAMILY; (4) LAWFUL CAMPAIGN CONTRIBUTIONS; AND (5) ANY DEVISE OR INHERITANCE; AND CALLING UPON THE CONGRESSIONAL

DELEGATION OF ARKANSAS TO SUPPORT, AND THE ARKANSAS GENERAL ASSEMBLY TO RATIFY, AN AMENDMENT TO THE UNITED STATES CONSTITUTION ESTABLISHING THAT NOTHING IN THE CONSTITUTION PROHIBITS CONGRESS AND THE STATES FROM IMPOSING CONTENT-NEUTRAL LIMITS ON CAMPAIGN CONTRIBUTIONS AND INDEPENDENT EXPENDITURES, NOR FROM PROHIBITING THE USE OF CORPORATE FUNDS FOR CAMPAIGN CONTRIBUTIONS OR INDEPENDENT EXPENDITURES.

WHEREAS, the People of the State of Arkansas have found an increasing risk and appearance of corruption in contributions that are made to candidates for public office by or through proprietorships, firms, partnerships, joint ventures, syndicates, labor unions, business trusts, companies, corporations, associations, and committees, in which the ultimate source of the funds may be undisclosed and untraceable, lacking the transparency of contributions from individuals, from registered political parties, and from disclosed and regulated approved political action committees; and

WHEREAS, the People of the State of Arkansas have found that the risk and appearance of their representatives using public office to seek private benefit increases when former members of the General Assembly seek employment lobbying their former fellow members of the General Assembly; and

WHEREAS, the People of the State of Arkansas cherish the fundamental First Amendment right to freely and equally petition our public officials, and have found the risk and appearance of conflicts of interest and corruption of the political process increases when lobbyists provide gifts to public officials; and

WHEREAS, the People of the State of Arkansas recognize that the US Supreme Court's decision in *Citizens United*, along with other cases that have eroded the ability of Congress and the States to limit campaign spending, has opened the floodgates to the use of corporate treasury funds to influence elections, dramatically increased outside and undisclosed political spending, and thereby increased the risk and appearance of corruption while drowning out the voices of ordinary voters;

NOW, THEREFORE, BE IT ENACTED:

SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 2, Subsections 203(a) and 203(b) are amended as follows:

“(a)(1)(A) It shall be unlawful for any candidate for any public office, except the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or for any person acting on the candidate's behalf to accept campaign contributions other than from an individual, political party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of §7-7-205, county political party committee, legislative caucus committee, or approved political action committee, or in excess of two thousand dollars (\$2,000) per election from any ~~person~~ individual, political party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee. (B) A candidate may accept a campaign contribution or contributions up to the maximum amount from any prospective contributor for each election, whether opposed or unopposed.

(2)(A) It shall be unlawful for any candidate for the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or for any person acting on the candidate's behalf to accept campaign contributions other than from an individual, political party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee, or in excess of two thousand dollars (\$2,000) per election from any ~~person~~ individual, political party that meets the definition of a political party under § 7-1-101 or a political

party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee. (B) A candidate may accept a campaign contribution or contributions up to the maximum amount from any prospective contributor for each election, whether opposed or unopposed.

(b)(1)(A) It shall be unlawful for any person individual, political party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee to make a contribution to a candidate for any public office, except the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or to any person acting on the candidate's behalf, which in the aggregate exceeds two thousand dollars (\$2,000) per election.

(B) ~~A person~~ An individual, political party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee may make a contribution or contributions up to the maximum amount to a candidate for each election, whether opposed or unopposed.

(2)(A) It shall be unlawful for any person individual, political party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee to make a contribution to a candidate for the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or to any person acting on the candidate's behalf, which in the aggregate exceeds two thousand dollars (\$2,000) per election. (B) ~~A person~~ An individual, political, party that meets the definition of a political party under § 7-1-101 or a political party that meets the requirements of § 7-7-205, county political party committee, legislative caucus committee, or approved political action committee may make a contribution or contributions up to the maximum amount to a candidate for each election, whether opposed or unopposed.

SECTION 2. Arkansas Code Title 21, Chapter 1, Subchapter 4, Section 402(f) is amended as follows:

“(f)(1) A former member of the General Assembly shall not be eligible to be registered as a lobbyist under § 21-8-601 et seq. until ~~one (1) year~~ two (2) years after the expiration of the term of office for which he or she was elected. (2) Subdivision (f) (1) of this section applies to all persons elected or re-elected to the General Assembly on or after ~~July 27, 2014~~ November 4, 2014.”

SECTION 3. Arkansas Code Title 21, Chapter 8, Subchapter 3, shall include a new section 21-8-305 as follows:

“(a) The Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands and Members of the General Assembly shall not solicit or accept any gift from a lobbyist, as defined in Ark. Code Ann. § 21-8-402(11), a person acting on behalf of a lobbyist, or a person employing a lobbyist.

(b) For the purposes of this section, “gift” means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor, but does not include:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals informing the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands or a member of the General Assembly regarding his or her official duties, but such informational material shall not include payments for any travel or reimbursement for any expenses;

(2) Gifts which are not used, and within thirty (30) days after receipt, are returned to the donor;

(3) Gifts from the Governor's, Lieutenant Governor's, Secretary of State's, Treasurer of State's, Auditor of State's, Attorney General's, Commissioner of State Lands' or a member General Assembly's own spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision;

(4) Lawful campaign contributions; and

(5) Any devise or inheritance.

(c) Any person who knowingly or willfully violates this section shall be guilty of a Class A misdemeanor."

SECTION 4. The voters of Arkansas call upon the Arkansas congressional delegation to propose and support, and the Arkansas General Assembly to ratify, an amendment to the United States Constitution establishing that:

- A. Nothing in the Constitution shall be construed to forbid Congress or the States from imposing content-neutral limitations on private campaign contributions or independent political campaign expenditures, nor from enacting systems of public campaign financing; and
- B. Nothing in the Constitution shall prohibit Congress and the States from imposing a content-neutral prohibition on the expenditure of funds by any corporation, limited liability company, or other corporate entity for private campaign contributions or independent political campaign expenditures.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. All provisions of this act are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same into the Code.

SECTION 8. The provisions of this initiated act shall become effective on January 1, 2015.