



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2026-022

March 16, 2026

David E. Dinwiddie
8608 Princeton Pike
Pine Bluff, AR 71602

Dear Mr. Dinwiddie:

I am writing in response to your request, made under A.C.A. § 7-9-107, that I certify the popular name and ballot title for a proposed constitutional amendment.

My decision to certify or reject a popular name and ballot title is unrelated to my view of the proposed measure's merits. I am not authorized to consider the measure's merits when considering certification.

1. Request. Under A.C.A. § 7-9-107, you have asked me to certify the following popular name and ballot title for a proposed initiated amendment to the Arkansas Constitution:

Popular Name

CHANGE THE TERMS OF OFFICE FOR JUSTICES OF THE PEACE,
AND CONSTABLES FROM TWO YEARS TO FOUR YEARS

Ballot Title

A Constitutional Amendment changing the Term of Office for Justice of the Peace, and Constable from Two (2) Years to (4) Years, commencing with any Justice of the Peace or Constable, sworn in after December 31, 2026

2. Rules governing my review. Arkansas law requires sponsors of statewide initiated measures to "submit the original draft" of the measure to the Attorney General.¹ An "original draft" includes the full text of the proposed measure along with its ballot title and popular name.² Within ten

¹ A.C.A. § 7-9-107(a).

² *Id.* § 7-9-107(b).

business days of receiving the sponsor’s original draft, the Attorney General must respond in one of three ways:

- First, the Attorney General may approve and certify the ballot title and popular name in the form they were submitted.³
- Second, the Attorney General may “substitute and certify a more suitable and correct ballot title and popular name.”⁴
- Third, the Attorney General may reject both the popular name and ballot title “and state his or her reasons therefor and instruct” the sponsors to “redesign the proposed measure and the ballot title and popular name.”⁵ This response is permitted when, after reviewing the proposed measure, the Attorney General determines that (1) “the ballot title or the nature of the issue” is “presented in such manner that the ballot title would be misleading”; (2) “the ballot title or nature of the issue” is “designed in such manner” that a vote for or against the issue would actually be a vote for the outcome opposite of what the voter intends; or (3) the text of the proposal conflicts with the United States Constitution or a federal statute.⁶ This response is also permitted when a proposed ballot title fails to comply with Act 602 of 2025, which prohibits the Attorney General from certifying “a proposed ballot title with a reading level above eighth grade as determined by the Flesch-Kincaid Grade Level Formula as it existed on January 1, 2025.”⁷ If a proposed ballot title is written above an eighth-grade reading level, I am authorized to substitute a “more suitable”⁸ ballot title or to reject the proposed ballot title, state the reasons for the rejection, and “instruct the petitioners to redesign the proposed ballot title or proposed measure in a manner that does not violate [Act 602].”⁹

³ A.C.A. § 7-9-107(d)(1).

⁴ *Id.*

⁵ A.C.A. § 7-9-107(f).

⁶ *Id.* Act 154 of 2025 created this third basis for rejection. It also prohibits a sponsor from submitting multiple initiative petitions or referendum petitions that are “conflicting measures,” and it requires the Attorney General to reject all such petitions.

⁷ Act 602 of 2025, § 2, as codified at A.C.A. § 7-9-107(l)(1).

⁸ A.C.A. § 7-9-107(d)(1).

⁹ *Id.* § 7-9-107(l)(2).

3. Rules governing the popular name. The popular name is primarily a useful legislative device,¹⁰ and its purpose is to identify the proposal for discussion.¹¹ While it need not contain detailed information or include exceptions that might be required of a ballot title, the popular name must not be misleading or partisan.¹² And it must be considered together with the ballot title in determining the ballot title’s sufficiency.¹³ Thus, a popular name can be misleading if it references only a subset of the topics covered in the measure’s text.¹⁴

4. Rules governing the ballot title. The ballot title must summarize the proposed amendment. The Arkansas Supreme Court has developed general rules for what must be included in the summary and how that information must be presented. Sponsors must ensure their ballot titles impartially summarize the amendment’s text and give voters a fair understanding of the issues presented.¹⁵ The Court has also disapproved the use of terms that are “technical and not readily understood by voters.”¹⁶ Ballot titles that do not define such terms may be deemed insufficient.¹⁷ And, as mentioned above, the General Assembly has prohibited ballot titles “with a reading level above eighth grade.”¹⁸

Additionally, sponsors cannot omit material from the ballot title that qualifies as an “essential fact which would give the voter serious ground for reflection.”¹⁹ Yet the ballot title must also be brief and concise lest voters exceed the statutory time allowed to mark a ballot.²⁰ The ballot title is not required to be perfect, nor is it reasonable to expect the title to address every possible legal

¹⁰ *Pafford v. Hall*, 217 Ark. 734, 739, 233 S.W.2d 72, 75 (1950).

¹¹ *Paschall v. Thurston*, 2024 Ark. 155, at 10, 699 S.W.3d 352, 359 (citing *Kurrus v. Priest*, 342 Ark. 434, 29 S.W.3d 699 (2000)).

¹² *E.g.*, *Chaney v. Bryant*, 259 Ark. 294, 297, 532 S.W.2d 741, 743 (1976); *Moore v. Hall*, 229 Ark. 411, 414–15, 316 S.W.2d 207, 208–09 (1958).

¹³ *May v. Daniels*, 359 Ark. 100, 105, 194 S.W.3d 771, 776 (2004).

¹⁴ *Paschall*, 2024 Ark. 155, at 13–16, 699 S.W.3d at 361–63.

¹⁵ *Becker v. Riviere*, 270 Ark. 219, 226, 604 S.W.2d 555, 558 (1980).

¹⁶ *Wilson v. Martin*, 2016 Ark. 334, *9, 500 S.W.3d 160, 167 (citing *Cox v. Daniels*, 374 Ark. 437, 288 S.W.3d 591 (2008)).

¹⁷ *Id.*

¹⁸ Act 602 of 2025, § 2, as codified at A.C.A. § 7-9-107(l).

¹⁹ *Bailey v. McCuen*, 318 Ark. 277, 285, 884 S.W.2d 938, 942 (1994).

²⁰ A.C.A. §§ 7-9-107(d)(2) (requiring the ballot title “submitted” to the Attorney General or “supplied by the Attorney General” to “briefly and concisely state the purpose the proposed measure”); 7-5-309(b)(1)(B) (allowing no more than ten minutes); *see Bailey*, 318 Ark. at 288, 884 S.W.2d at 944 (noting the connection between the measure’s length and the time limit in the voting booth).

argument the proposed measure might evoke.²¹ The title, however, must be free from any misleading tendency—whether by amplification, omission, or fallacy—and it must not be tinged with partisan coloring.²² The ballot title must be honest and impartial,²³ and it must convey an intelligible idea of the scope and significance of a proposed change in the law.²⁴ The ballot title need not summarize existing law though.²⁵ The court has held that a statement that a measure “will repeal inconsistent laws” is sufficient to inform the voters “that all laws which are in conflict will be repealed.”²⁶ But if a ballot title describes some of a measure’s changes with specificity while describing other changes more generally, this can render the ballot title misleading.²⁷

Finally, the Court has held that a ballot title cannot be approved if the text of the proposed amendment itself contributes to confusion and disconnect between the language in the popular name and the ballot title and the language in the proposed amendment.²⁸ Yet a ballot title need not account for all possible legal effects and consequences of a proposed amendment.²⁹

5. Application. Having reviewed the text of your proposed initiated amendment, as well as your proposed popular name and ballot title, I have concluded that I must reject your proposed popular name and ballot title and instruct you to redesign them. A problem in the text of your proposed amendment prevents me from (1) ensuring your ballot title is not misleading or (2) substituting a more appropriate ballot title.³⁰ Specifically, your proposed ballot title states that the change in term lengths will apply to “any Justice of the Peace or Constable, sworn in after December 31, 2026.” But the text of your proposed measure contains no reference to this operative date. Because A.C.A. § 7-9-107 does not authorize me to revise or supplement the text of a proposed measure, I cannot

²¹ *Plugge v. McCuen*, 310 Ark. 654, 658, 841 S.W.2d 139, 141 (1992).

²² *Bailey*, 318 Ark. at 284, 884 S.W.2d at 942 (internal citations omitted); *see also Shepard v. McDonald*, 189 Ark. 29, 70 S.W.2d 566 (1934)

²³ *Becker v. McCuen*, 303 Ark. 482, 489, 798 S.W.2d 71, 74 (1990).

²⁴ *Christian Civic Action Committee v. McCuen*, 318 Ark. 241, 250, 884 S.W.2d 605, 610 (1994).

²⁵ *Armstrong v. Thurston*, 2022 Ark. 167, *10, 652 S.W.3d 167, 175.

²⁶ *Richardson v. Martin*, 2014 Ark. 429, *9, 444 S.W.3d 855, 861.

²⁷ *See Paschall*, 2024 Ark. 155, at *16, 699 S.W.3d at 363.

²⁸ *Roberts v. Priest*, 341 Ark. 813, 825, 20 S.W.3d 376, 382 (2000).

²⁹ *McGill v. Thurston*, 2024 Ark. 149, at *14–15, 699 S.W.3d 45, 55.

³⁰ Although A.C.A. § 7-9-107 does not authorize the Attorney General to modify the text of the proposed measure itself, the Attorney General still reviews the text of the proposed measure because the ballot title and popular name cannot be certified when the “text of the proposed amendment itself” is ambiguous or misleading. *Roberts*, 341 Ark. at 825, 20 S.W.3d at 382. And in line with the caselaw, my predecessors have consistently rejected ballot titles “due to ambiguities in the text” of the proposed measure. *E.g.*, Ark. Att’y Gen. Ops. 2016-015, 2015-132, 2014-105, 2014-072, 2013-079, 2013-046, 2013-033, 2011-023, 2010-007, 2009-083, 2008-018, 2005-190, 2002-272, 2001-397, 2001-129, 2001-074, 2000-084, 99-430.

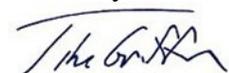
add an effective date to the measure's text in order to reconcile it with the ballot title. Although I am authorized to substitute a more suitable ballot title, doing so here would require me to remove the date from the ballot title, thereby altering the substance of what you may intend the measure to accomplish. Because I cannot determine the importance of the December 31, 2026, date to your intended measure, and because I cannot modify the measure's text to include that date, I must return the submission so that you may correct this inconsistency and resubmit a ballot title that accurately reflects the text of your proposed measure.

6. Additional issues. The foregoing defect provides sufficient grounds for me to reject your submission. But please note that your proposed measure contains other issues that, while not bases for my decision to reject your proposed measure, you may wish to correct or clarify:

- **Reading level.** As explained above, Act 602 prohibits me from certifying ballot titles that are above an eighth-grade reading level under the Flesch-Kincaid Grade Level formula. The ballot title you have submitted ranks at grade 18.6, due primarily to its construction as a single, extended sentence. While I am authorized to substitute and certify a revised ballot title that complies with Act 602, you may prefer to draft the new ballot title yourself.
- **Use of "township."** A potential ambiguity also arises from the proposed amendment's recitation of the phrase, "qualified electors of each township," to describe the electorate for justices of the peace. Amendment 55 to the Arkansas Constitution transferred the election of justices of the peace from township-based voting to elections from quorum court districts, thereby impliedly repealing the "township" language in Article 7, § 38.³¹ By reintroducing the "township" language verbatim in your proposed amendment, it is unclear whether you intend to revive the pre-Amendment 55 structure and return these offices to township-based elections or whether you do not intend to alter the current method of election. You may wish to limit the text of your proposed measure *only* to the text being edited, as you did with the submission that formed the basis for Attorney General Opinion No. 2015-139.

Deputy Attorney General Kelly Summerside prepared this opinion, which I hereby approve.

Sincerely,



TIM GRIFFIN
Attorney General

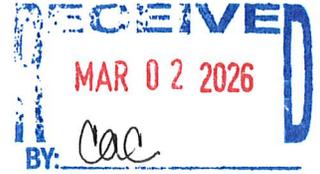
³¹ See Ark. Const. amend 55, § 2(a).

POPULAR NAME

CHANGE THE TERMS OF OFFICE FOR JUSTICES OF THE PEACE,
AND CONSTABLES FROM TWO YEARS TO FOUR YEARS

MAR 02 REC'D

ATTORNEY GENERAL
OF
ARKANSAS



BALLOT TITLE

A Constitutional Amendment changing the Term of Office for Justice of the Peace, and Constable from Two (2) Years to Four (4) Years, commencing with any Justice of the Peace or Constable, sworn in after December 31, 2026

TEXT OF PROPOSED BALLOT INITIATIVE

Article 7, Arkansas Constitution, Section 38

Justices of the Peace - Election - Term - Oath

The qualified electors of each township shall elect the Justices of the Peace for the term of ~~two years~~ four years; who shall be commissioned by the Governor, and their official oath shall be indorsed on the commission.

Article 7, Arkansas Constitution, Section 47

Constables - Term of Office - Certificate of Election

The qualified electors of each township shall elect the Constable for the term of ~~two years~~ four years, who shall be furnished, by the presiding Judge of the County Court, with a certificate of election, on which his official oath shall be indorsed.