

Having reviewed your draft under the foregoing rules, I must reject your popular name and ballot title and instruct you to redesign them. Section 7-9-107(e) authorizes the Attorney General to reject the entire submission when the ballot title is misleading or worded in a way that a vote for or against the issue would actually be a vote for the outcome opposite of what the voter intends. Your popular name and ballot title suffer from the same problem: the impact of a vote for or against the measure is unclear to the voter. If someone votes “for” a referendum issue, that person is voting to *approve* the act. But someone who votes “against,” is voting to *reject* the act. This means that most people who support the referendum effort and are fully informed will step into the voting booth and vote “against” on the issue. Because nothing in your popular name or ballot title indicates the impact of a vote for or against the measure, I must reject your draft and instruct you to redesign it. If you choose to redesign your popular name and ballot title, you may wish to consult examples that have been certified by this office.

- Addressed by reformatting generally in accordance with ballot title approved by Opinions 2013-054 and 2015-036.

the ballot title’s second bullet uses the phrase “add additional school safety requirements” to summarize several detailed safety measures that span six pages of the act. The ballot title—which does not even attempt to summarize the new safety measures—merely alludes to the fact that the act creates new school-safety requirements.

- Addressed as item (g).

Likewise, the act contains detailed rules governing student success plans. Rather than summarizing those rules, the ballot title vaguely describes the general topic: “add student success plan requirements.” Nothing about that description summarizes what the act adds to the plan requirements.

- Addressed as item (m).

For example, the first bullet says the underlying act gives “school superintendents and principals authority to make all employment-related decisions.” This implies that the act grants superintendents and principals unfettered discretion employment decisions. But the section of Act 237 I assume this language is intended to summarize does not grant unfettered discretion. Rather, on page 5, lines 24–31, the discretion is limited to considering one’s performance, effectiveness, and qualifications—but not seniority.

- Addressed as item (k).

(1) on page 5, lines 11–19, the act requires each school district to adopt rules that “require a public school district superintendent to consult with teachers...before making any decisions regarding the hiring or placement of a principal at the public school...”;

- Also addressed in item (k).

(2) on pages 40–41, the act requires certain performance targets for superintendents;

- Addressed as item (r).

(3) on pages 81–82, the act triples the tax credit available for contributions to the Philanthropic Investment in Arkansas Kids Program;

- Addressed as item (t).

and (4) on pages 103–04, the act expands the required background checks to include volunteer coaches and increases superintendents’ reporting obligations regarding volunteer coaches.

- Addressed in item (s), along with numerous other provisions elsewhere in the act related to background checks & mandatory reporting obligations.

Confusing lead-in language. The ballot title attempts to summarize the act in separate clauses that flow from the following lead-in language: “Major provisions include....” When this lead-in language is combined with the openers in each clause, the result is confusing and ungrammatical. This is clear when one reads the lead-in

language together with the second bullet: “Major provisions include: ... add additional school safety requirements.” The same problem is evident with the third bullet: “Major provisions include: ... implement literacy screeners for kindergarten thru [*sic*] third grade....” Nearly every proposed summary suffers from this same disjointedness between the lead-in language and the proposed summaries.

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