

# Arkansas Issues: 2016

Legislative Primary Candidates On the Issues

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# Arkansas Issues: 2016

In late 2015 the Advance Arkansas Institute sent a questionnaire to all candidates for the Arkansas General Assembly who faced opposition in primaries. That questionnaire contained the questions below; the candidates' answers follow.

We sent every candidate a questionnaire by registered mail with a signature required; because we didn't immediately receive completed questionnaires from all candidates, we followed up with phone calls to remind them about the questionnaire a few days before the deadline. In short, with respect to the candidates who declined to answer AAI's questionnaires, this cannot be attributed to AAI's lack of trying.

the questions on the next page are the questions the candidates received; we do not reproduce the exact wording of the questions on every page throughout this report. Instead, for purposes of readability, we supply in the body of the report an abbreviated version of each question next to each candidate's answers.

1. Medicaid expansion / "private option"
2. Regulation Freedom Amendment
3. Anti-"runaway convention" legislation
4. Amending the Arkansas Constitution to allow tort reform / court rules changes
5. Requiring state legislative committee votes to be publicly recorded
6. Requiring a criminal conviction prior to property forfeiture
7. Requiring legislative approval of state agency rules and regulations
8. Amending the Arkansas Constitution to limit the growth of state government
9. Mandatory public reporting of certain charitable and educational donations and donors
10. Pledge to oppose and vote against any effort to increase taxes
11. Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.
12. Creating "loser pays" protections for defendants sued for actions carried out in the course of exercising lawful self-defense.

# Questionnaire

The questions below are the questions that the candidates originally received; we do not reproduce the exact wording of the questions on every page in this report. Instead, in the following pages, we supply an abbreviated version of all questions next to each candidate's answers.

1. **The Arkansas Healthcare Independence Act of 2013** (also known as Medicaid expansion or the “private option”), which expanded eligibility in Arkansas for Medicaid benefits by using tax dollars to buy health insurance to supply those benefits.  
 Support  Oppose  Undecided  No Answer
2. **HR 1031 of 2015**, which urged Congress to propose the Regulation Freedom Amendment, which would make it more difficult for the federal government to write regulations into law without express congressional approval.  
 Support  Oppose  Undecided  No Answer
3. **HB 1475 of 2015**, which if passed, would remove the powers of a delegate to a federal amendments convention (under Article V of the U.S. Constitution) if that delegate attempted to advance a constitutional amendment the state legislature had not previously requested via resolution.  
 Support  Oppose  Undecided  No Answer
4. **Amending the Arkansas Constitution** to allow the General Assembly to change court rules and procedures, as was proposed in SJR 6 of 2013. (Note that unless such an amendment takes place, it will be difficult or impossible for the legislature to enact certain kinds of tort reform.)  
 Support  Oppose  Undecided  No Answer
5. **Requiring all committee votes in the state legislature to be individually recorded for each legislator**, in the same way floor votes are currently recorded.  
 Support  Oppose  Undecided  No Answer
6. **SB 805 of 2015**, which would have protected all citizens' property from civil forfeiture, absent a finding of criminal guilt or a guilty or no-contest plea.  
 Support  Oppose  Undecided  No Answer
7. Requiring that the state legislature (or its committee, the Legislative Council) **approve all agency rules and regulations with a majority vote**.  
 Support  Oppose  Undecided  No Answer
8. **Limiting the growth rate of Arkansas's government** by means of a constitutional amendment.  
 Support  Oppose  Undecided  No Answer
9. The original version of **HB 1425 of 2015**, which would have required private groups to publicly disclose the identities of their donors in some circumstances.  
 Support  Oppose  Undecided  No Answer
10. The **Americans for Tax Reform** tax pledge commits candidates to “oppose and vote against any and all efforts to increase taxes.” If elected, will you abide by this pledge during the next (two-year or four-year) term of office that you're pursuing?  
 Support  Oppose  Undecided  No Answer
11. **House Bill 1944 of 2015**, which required state agencies and public colleges and universities to report yearly about whether they use race, color, ethnicity, national origin, or other demographic preferences in employment or hiring.  
 Support  Oppose  Undecided  No Answer
12. **House Bill 1240 of 2015**, which increased the protections available to defendants who rightfully used force to defend themselves or a third party from civil liability, by requiring courts to award attorney fees, costs, and expenses in such a case.  
 Support  Oppose  Undecided  No Answer

# REPRESENTATIVE DISTRICT 1



Rusty Latham

Carol Dalby

Medicaid expansion / “private option”

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Regulation Freedom Amendment

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Anti-“runaway convention” legislation

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Amending the Arkansas Constitution to allow tort reform / court rules changes

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Requiring state legislative committee votes to be publicly recorded

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Requiring a criminal conviction prior to property forfeiture

S

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Requiring legislative approval of state agency rules and regulations

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Amending the Arkansas Constitution to limit the growth of state government

O

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Mandatory public reporting of certain charitable and educational donations and donors

U

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Pledge to oppose and vote against any effort to increase taxes

S

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Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.

U

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Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.

S

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# REPRESENTATIVE DISTRICT 7



Floyd M. Thomas, Jr.

Garry L. Smith

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT *11*



Bobby G. Ware

Rep. Mark D. McElroy

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 25



Richard Alvin Midkiff

Leslie Allen Warren

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 27



Andy Mayberry

Mike Creekmore

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 30



Fred Allen

Rep. Charles Armstrong

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 38



Kent Walker

Victoria Leigh

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 54



Wes Wagner

Johnny Rye

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 57



Ronnie C. Spence

Jimmy Gazaway

Shawn D. Strouss

	Ronnie C. Spence	Jimmy Gazaway	Shawn D. Strouss
Medicaid expansion / “private option”			
Regulation Freedom Amendment			
Anti-“runaway convention” legislation			
Amending the Arkansas Constitution to allow tort reform / court rules changes			
Requiring state legislative committee votes to be publicly recorded			
Requiring a criminal conviction prior to property forfeiture			
Requiring legislative approval of state agency rules and regulations			
Amending the Arkansas Constitution to limit the growth of state government			
Mandatory public reporting of certain charitable and educational donations and donors			
Pledge to oppose and vote against any effort to increase taxes			
Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.			
Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.			

# REPRESENTATIVE DISTRICT 63



Phillip Finch

Rep. James Sturch

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 66



Chris L. Steplock

Rep. Josh Miller

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 81



Bruce Coleman

Derek L. Goodlin

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 88



Clint Penzo

Philip Craig Humbar

Jonathan Isaac Foley

	Clint Penzo	Philip Craig Humbar	Jonathan Isaac Foley
Medicaid expansion / “private option”			
Regulation Freedom Amendment			
Anti-“runaway convention” legislation			
Amending the Arkansas Constitution to allow tort reform / court rules changes			
Requiring state legislative committee votes to be publicly recorded			
Requiring a criminal conviction prior to property forfeiture			
Requiring legislative approval of state agency rules and regulations			
Amending the Arkansas Constitution to limit the growth of state government			
Mandatory public reporting of certain charitable and educational donations and donors			
Pledge to oppose and vote against any effort to increase taxes			
Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.			
Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.			

# REPRESENTATIVE DISTRICT 89



Charles Gaines

Jeff Williams

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 90



Jana K. Starr

Rep. Jana DellaRosa

Randy Alexander

	Jana K. Starr	Rep. Jana DellaRosa	Randy Alexander
Medicaid expansion / “private option”			
Regulation Freedom Amendment			
Anti-“runaway convention” legislation			
Amending the Arkansas Constitution to allow tort reform / court rules changes			
Requiring state legislative committee votes to be publicly recorded			
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Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.			
Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.			

# REPRESENTATIVE DISTRICT 94



Debra M. Hobbs

Rep. Rebecca Petty

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 95



Austin McCollum

Rep. Sue Scott

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 98



John Arthur  
Hammerschmidt

Ron McNair

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# REPRESENTATIVE DISTRICT 99



Jack Fortner

Bruce Emerson

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



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Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# SENATE DISTRICT 7



Rep. Lance Eads

Sharon Lloyd

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



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Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# SENATE DISTRICT 29



Sen. Eddie Joe Williams

R.D. Hopper

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



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Pledge to oppose and vote against any effort to increase taxes



Requiring state colleges and universities, and other state agencies, to report whether they use affirmative action in admission or hiring.



Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# SENATE DISTRICT 34



Rep. Donnie Copeland

Sen. Jane English

Medicaid expansion / “private option”



Regulation Freedom Amendment



Anti-“runaway convention” legislation



Amending the Arkansas Constitution to allow tort reform / court rules changes



Requiring state legislative committee votes to be publicly recorded



Requiring a criminal conviction prior to property forfeiture



Requiring legislative approval of state agency rules and regulations



Amending the Arkansas Constitution to limit the growth of state government



Mandatory public reporting of certain charitable and educational donations and donors



Pledge to oppose and vote against any effort to increase taxes



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Creating “loser pays” protections for defendants sued for actions carried out in the course of exercising lawful self-defense.



# Afterword

This questionnaire asks candidates to take positions on many complex legislative issues. Although in many cases there is no substitute for reading the text of the proposal itself, we thought we'd provide brief explanations of the issues our twelve survey questions raise.

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1. The origin of the “private option” lies in the Obama Administration’s Affordable Care Act (popularly known as “Obamacare”). The United States Supreme Court, in its 2013 *NFIB v. Sebelius* decision, determined that each state could decide on its own whether to expand Medicaid to a new segment of its population, although this expansion was originally mandatory under Obamacare. Next year state budgeters will have to pay a portion of the costs of this expansion; that portion will increase to 10% gradually by 2021. The Arkansas version of Medicaid expansion known as the “private option” puts the new Medicaid population into taxpayer-funded insurance plans that deliver Medicaid benefits. It appears the “private option” will be rebranded as “Arkansas works” without any change to the essentials of the program – and, as people have realized this program extends benefits to a large class of working-age, non-disabled childless adults, it has become extremely unpopular. This program has been characterized by broken promises (such as the failure of its promised health savings accounts) and hilariously unrealistic cost estimates (in many states, including Arkansas, expansion enrollment burst through the maximum enrollment that had been predicted). Any advocate of limited government must concede that this program is a failure in multiple respects.
2. Our current system allows federal regulators enormous power but assigns them very little responsibility. Citizens across the country are concerned that increased federal regulation can hamper economic growth and job creation. Polling shows nearly two-thirds of American voters agree that federal regulators should be more accountable to elected officials. The Regulation Freedom Act would give Congress a modicum of control over federal regulators. As of this writing, legislatures in five states have endorsed the Regulation Freedom Amendment (Indiana, North Dakota, South Dakota, Utah, and Wyoming) and at least one house of the legislature in four other states have also endorsed the Regulation Freedom Amendment (Arkansas, Georgia, Missouri, and Tennessee). The Arkansas House passed a resolution in favor of the Regulation Freedom Amendment last year but our state Senate did not consider that resolution.
3. Under Article V of the Constitution, two-thirds of the states (34 states) can call a convention to amend the Constitution. Some have argued that such a convention is dangerous because it might become a “runaway convention” – that is, a convention in which delegates might propose amendments not related to the convention’s purpose. A law that would protect against a “runaway convention” would require the automatic and immediate replacement of any convention delegate who ignored state instructions to limit the convention to an up-or-down vote on just one amendment.
4. Amendment 80 of the Arkansas Constitution, as interpreted by our courts, has made it difficult or impossible for our legislature to reform our legal system. Section 3 of Amendment 80 has been understood to give our courts complete control of court practices and procedures, and it would likely need to be changed in order to establish such reforms as damage caps, “loser-pays” reforms, or good-government measures that protect the people from meritless lawsuits.
5. In Congress and some state legislatures, each legislator’s committee votes are publicly recorded; however, in Arkansas the default rule is that individual votes in committee are not recorded. This conceals individual accountability.
6. Civil forfeiture of property lends itself to abuse of government power. Unlike criminal forfeiture, which takes property from convicted criminals, under civil forfeiture property owners do not have to be convicted of a crime – or even charged with one – to lose their cash, cars, businesses, or homes. The unbalanced incentives of civil forfeiture allow government officials to pad their budgets with the property they seize. The injustice of the procedure has recently been reformed legislatively in several states but not in Arkansas, where a 2015 forfeiture reform bill failed to make it out of committee.

# Afterword

7. In early 2015 the United States Supreme Court decided that if a state legislature does not exercise “active supervision” over its regulatory bodies, those rules and regulations could be subject to an antitrust challenge – which means the state’s government and taxpayers could be vulnerable to significant antitrust liability. This problem could be solved by requiring the legislature to expressly approve all the rules and regulations the state agency produces. Some Arkansas legislators appear to believe that Act 1258 already accomplished this, but this belief is wrong. Act 1258 said that, if legislators seek to block a proposed rule or regulation (at, for instance, a Legislative Council meeting), they need to pass four separate majority votes in order to do so. The norm is that rules and regulations still acquire the force of law without a vote; it is likely the current procedure places state governments and taxpayers at risk of litigation which they will likely lose.
8. Colorado has written rules into its Constitution that put the brakes on government spending so it cannot rise any faster than inflation and population growth. Fiscal conservatives and advocates of limited government are generally sympathetic to such measures.
9. HB 1425 of 2015, at least in its original form, received wide criticism because of its overextensive nature and apparent willingness to regulate speech and conduct that many people saw as appropriately private and none of the government’s or public’s business. The bill created a new zone of regulations that it labeled as “electioneering communications,” even though such actions had nothing to do with election advocacy. (For example, such communications might apparently include discussion of a candidate’s past public record in a voter guide.) It also created large disclosure requirements for anyone who had donated \$250 or more to certain educational organizations, even if those donations were unconnected to the alleged “electioneering communications.” More generally, this disclosure would require nonprofit groups to create burdensome and mandatory public reports containing donors’ names, addresses, and donation amounts. Many critics noted that this measure appeared to threaten both First Amendment rights and individual privacy by requiring that private donor information be reported and disclosed to the government and to the public.
10. For many years the Americans for Tax Reform organization has circulated a document that allows candidates to take its pledge and thereby publicize their opposition to new tax burdens. Taking ATR’s tax pledge does not prohibit a candidate from supporting revenue-neutral tax reforms.
11. The constitutionality of various forms of affirmative action continues to be litigated and future Supreme Court decisions about affirmative action will likely continue to be a fact of life. These constitutional battles have regularly been embarrassing for states with universities regularly found to be out of compliance with constitutional standards. Currently, our public colleges, universities, and other institutions of higher education are not required to disclose the methods or metrics they use during the admissions process to give special consideration to various demographic groups. Transparency of such facts would allow citizens and policymakers to hold educational administrators responsible for the decisions they make – and, in particular, the decisions they make that are incompatible with constitutional guidelines.
12. House Bill 1240 was based on the Arkansas General Assembly’s judgment that, in a criminal context, our self-defense laws (and our laws that govern the use of force in defense of another person) are adequate. However, in a civil context the General Assembly found there is insufficient protection of those who lawfully use deadly force to defend themselves or others. In other words, the General Assembly decided to increase the protection of those who face lawsuits because of their attempts to defend themselves or others. House Bill 1240 created new protections by providing for immunity from lawsuits in such circumstances and by requiring courts to award reasonable attorney fees, costs, and other trial-related expenses to those with civil immunity.

# Directory

## REPRESENTATIVE DISTRICT 1

 **Rusty Latham**   
2706 E. 9th  
Texarkana, AR 71854

 **Carol Dalby**   
10 Brookside Drive.  
Texarkana, AR 71854

## REPRESENTATIVE DISTRICT 7

 **Floyd M. Thomas, Jr.**   
1615 Calion Road  
El Dorado, AR 71730

 **Garry L. Smith**   
600 Ouachita 31  
Camden, AR 71701

## REPRESENTATIVE DISTRICT 11

 **Bobby G. Ware**   
17 Reynolds Drive  
McGehee, AR 71654

 **Rep. Mark D. McElroy**   
2645 Highway 138 East  
Tillar, AR 71670

## REPRESENTATIVE DISTRICT 25

 **Richard Alvin Midkiff**   
107 Wedgewood Terrace  
Hot Springs, AR 71913

 **Leslie Allen Warren**   
191 Covey Rise Trail  
Hot Springs, AR 71901

## REPRESENTATIVE DISTRICT 27

 **Andy Mayberry**   
1222 Orchard Lake Lane  
Hensley, AR 72065

 **Mike Creekmore**   
8333 Sagebrush Circle  
Bauxite AR 72011

## REPRESENTATIVE DISTRICT 30

 **Fred Allen**   
19 Dover Dr.  
Little Rock, AR 72204

 **Rep. Charles Armstrong**   
9900 West 36th Street  
Little Rock, AR 72204

## REPRESENTATIVE DISTRICT 38

 **Kent Walker**   
5220 Lakeview  
North Little Rock, AR 72116

 **Victoria Leigh**   
2500 Cedar Creek  
North Little Rock, AR 72116

## REPRESENTATIVE DISTRICT 54

 **Wes Wagner**   
P.O. Box 909 787 Clubhouse  
Manila, AR 72442

 **Johnny Rye**   
1405 Easy St.  
Trumann, AR 72472

## REPRESENTATIVE DISTRICT 57

 **Ronnie C. Spence**   
615 N. 12th St.  
Paragould, AR 72450

 **Jimmy Gazaway**   
800 W. Court St.  
Paragould, AR 72450

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The Advance Arkansas Institute is a nonprofit research and educational organization committed to advancing public policy based on free markets, individual liberty, and limited, transparent government. Please contact **Dan Greenberg**, AAI's president, with any questions about this report. Contact him at [advancearkansas@gmail.com](mailto:advancearkansas@gmail.com) or 501-588-4245.



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