

Possible Amendments - as delivered to the press by Alderman John La Tour on 6/16/15

1. Section C of Definitions shall be amended to replace the last sentence thereof as follows: Gender identity corresponds to the readily observable biological and scientifically determinable fact of a person being either male or female at birth.
2. Section 1 shall be amended to provide that the entire ordinance be printed on the ballot. Further, the City of Fayetteville shall provide no summary statement or shortened description of the ordinance to the Washington County Clerk for printing on the ballot.
3. Section 1 shall be amended to provide that no City of Fayetteville resources shall, directly or indirectly, be used to promote the approval of the ordinance by the Fayetteville voters.
4. Section 1 shall be amended to provide that the scheduling of an election shall be held in abeyance until the Attorney General of the State of Arkansas has rendered an opinion as to whether the proposed ordinance violates A.C.A. § 14-1-401. If the Attorney General determines that the proposed ordinance is in violation of foregoing statute, then the ordinance shall be considered void ab initio and no election shall be held.
5. Section 2 shall be amended to provide that, if the ordinance is rejected by the voters of the City of Fayetteville, the City of Fayetteville shall not enact another ordinance concerning discrimination on the basis of sexual orientation and gender identity for a minimum of two (2) years from the date of the election which rejected the ordinance. This provision alone shall survive the rejection of the ordinance by the voters.
6. Section A of the Discrimination Offense shall be amended to provide that the observance or practice of gender identity or sexual orientation shall be subject to the same limitations as set forth in A.C.A. § 16-123-103b for religious observance or practice.
7. Section 1 shall be amended that the ordinance shall be put to a vote at the next regular general election in November 2016.
8. Complaint Procedures and Enforcement Section D shall be amended to provide that notice of the complaint be provided to the Respondent with notice in a similar manner as the service of a summons in a civil suit. Respondent shall have 30 days after service to respond in writing to the complaint. Any hearing shall be set not earlier than 60 days after the receipt by Civil Rights Commission of the written response by Respondent.
9. Complaint Procedures and Enforcement Section E shall be amended to provide that the Arkansas rules of evidence, including but not limited to the exclusion of hearsay

evidence, shall apply to the conduct of the hearing before the Civil Rights Commission.

10. Complaint Procedures and Enforcement Section E shall be amended to provide that the Respondent shall be presumed innocent of a violation until determined guilty beyond a reasonable doubt by the Civil Rights Commission.

11. Complaint Procedures and Enforcement Section E shall be amended to provide that the Respondent shall have the right afforded in the U.S. Constitution, Amendment 6, to confront each witness against her at the hearing.

12. Complaint Procedures and Enforcement Section E shall be amended to provide that the Respondent shall have the right to appeal any adverse decision against him to the State Circuit Court.

13. Complaint Procedures and Enforcement Section E shall be amended to provide that it shall be a defense to any alleged discrimination that the Respondent holds a good faith belief in traditional marriage and that her allegedly discriminatory acts were a reasonable expression of her belief in the sanctity of traditional marriage. For these purposes, "traditional marriage" is to be defined as a marriage of one man to one woman.

14. Complaint Procedures and Enforcement Section F shall be amended to provide that Fayetteville City Code § 10.99 General Penalty shall not apply to impose imprisonment on any once cited and fined under this ordinance.

(transcribed by Todd Gill, Fayetteville Flyer - www.fayettevilleflyer.com)