



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-110

November 4, 2025

Jennifer Waymack Standerfer
Via email only: jwaystand@gmail.com

Dear Ms. Standerfer:

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. In Opinion No. 2025-098, I rejected a prior version of your proposed initiated amendment to the Arkansas Constitution. You have now revised the language of your proposal and submitted it for certification.

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

The Clean and Healthy Natural Environment Amendment

Ballot Title

This measure amends the Arkansas Constitution. It protects "The Natural State" for Arkansans today and in the future. It preserves the outdoors and natural resources for Arkansans' recreation, economy, and public health. It gives Arkansans the fundamental right to a clean and healthy environment. The government will maintain and improve a clean and healthy environment. The government will protect the environment from unreasonable misuse. The legislature will make laws to implement and enforce the measure. This measure repeals all inconsistent state laws. This amendment is severable. If part of it is held invalid, the rest is still valid if it can stand on its own.

2. Rules governing my review. In Opinion No. 2025-098, issued in response to your first submission for review and certification, I explained the rules and legal standards that govern my

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review of popular names and ballot titles. I rely on those same rules and legal standards here and incorporate them by reference.

3. 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. The following problems in the *text of your proposed amendment* prevent me from (1) ensuring your ballot title is not misleading or (2) substituting a more appropriate ballot title:¹

- **“Governmental entities.”** Section 1(c)(2) places certain duties on “governmental entities.” It is unclear who—as a “governmental entity”—would have these mandated duties under the proposed amendment. Does it include all constitutional offices, judges, cities, counties, schools, state or local boards, and commissions? Such ambiguity would give voters “serious ground for reflection.” This lack of clarity prevents me from ensuring that the ballot title as submitted is not misleading, and it prevents me from ensuring that any substituted and certified ballot title would not be misleading.
- **“Fundamental right.”** The amendment creates a “fundamental right.” But as currently drafted, what is that fundamental right? This lack of clarity prevents me from ensuring that the ballot title as submitted is not misleading, and it prevents me from ensuring that any substituted and certified ballot title would not be misleading.

And as noted in 2025-085, it is unclear what obligations are placed upon “governmental entities” and the legislature in enforcing a “fundamental right to a clean and healthy natural environment.”

- **Impact on other laws.** As currently drafted, it is unclear how this proposed amendment impacts other laws. Does it amend takings laws, sovereign immunity, or impact private property rights? For example, the proposed amendment creates duties concerning the “natural environment,” which, as defined, would broadly include private real property. Do governmental entities have the duty to make the natural environment on private land available for recreational use, economic benefit, or public health? Or do they have the duty to limit the commercial use of private property to prevent “unreasonable depletion and degradation”? Such questions would give voters “serious ground for reflection,” and that ambiguity prevents me from ensuring that any substituted and certified ballot title would not be misleading.

¹ 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 v. Priest*, 341 Ark. 813, 825, 20 S.W.3d 376, 382 (2000). 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, 2001-074, 2001-397, 2001-129, 2000-084, 99-430.

4. Additional issues. While the foregoing defects are sufficient grounds for me to reject your submission, please note that your proposed measure contains several other issues that you may wish to correct or clarify.

- ***Partisan coloring in the popular name.*** In my opinion, a court could find your proposed popular name contains impermissible “partisan coloring” language when it uses the phrase “clean and healthy.” That is, such a phrase is “inviting,” and few would vote against something described as “clean and healthy” (as opposed to unclean and unhealthy). It gives voters only the impression that the proponents of the proposed amendment wish to convey.² I am identifying this issue here because if your proposal were at the stage where it could be certified, I would need to change the popular name to ensure it is not partisan. You may wish to provide an alternative name in a future submission.
- ***Legislative findings provision.*** Section 1(a) contains a legislative findings paragraph. Because the voters at the ballot box do not have access to the text of the proposed measure, which itself contains language concerning legislative findings, any such language would need to be included in the ballot title itself.
- ***Inconsistent provisions.*** Section 2 of the proposed measure provides that “All provisions of the Constitution, statutes, and common law of this State to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void.” That provision does not expressly reference rules or regulations while the ballot title states that “all inconsistent state laws” would be repealed. Voters would not know by reading the ballot title that inconsistent rules or regulations are not expressly repealed.
- ***Ballot title summary.*** The Arkansas Supreme Court has interpreted the Arkansas Constitution to require that sponsors include all material in the ballot title that qualifies as an “essential fact which would give the voter serious ground for reflection.”³ But your proposed constitutional amendment contains material provisions that do not appear in your ballot title. These provisions would likely give voters “serious ground for reflection,” and their absence from the ballot tile renders it misleading by omission:
 - Requiring “governmental entities” to “[p]rotect Arkansas’s natural environment from unreasonable depletion and degradation”;
 - Requiring “governmental entities” to “[p]reserve Arkansas’s natural environment for future recreational enjoyment, economic enhancement, and public health benefits”;

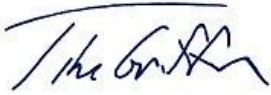
² See *Arkansas Women’s Pol. Caucus v. Riviere*, 283 Ark. 463, 468, 677 S.W.2d 846, 849 (1984).

³ *Bailey v. McCuen*, 318 Ark. 277, 285, 884 S.W.2d 938, 942 (1994).

- Requiring “governmental entities” to “[a]llow for the efficient, limited, and adequate use of Arkansas’s natural environment for current recreational enjoyment, economic enhancement, and public health benefits”; and
- Defining the phrase “natural environment” as “living and non-living things that occur naturally, without human creation or significant human alteration,” including without limitation “ecosystems, natural resources, wildlife, plant-life, and native species.”

Assistant Attorney General William R. Olson prepared this opinion, which I hereby approve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Griffin", with a horizontal line above it.

TIM GRIFFIN
Attorney General