



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-128

December 29, 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 Nos. 2025-098 and 2025-110, I rejected prior versions 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 Natural Environment Amendment

Ballot Title

This measure amends the Arkansas Constitution. It determines that the people's will is to protect "The Natural State" for Arkansans today and in the future. It determines that the people's will is to preserve the outdoors and natural resources for Arkansans' recreation, economy, and public health. It gives Arkansans the right to a clean and healthy natural environment. The government will maintain and improve a clean and healthy environment. The government will allow people to use the environment for recreation, economy, and public health. The government will preserve the environment for those uses in the future. The government will protect the environment from unreasonable misuse today. The measure defines "natural environment." The measure is not retroactive. The measure shall not be amended or repealed by the legislature. This measure repeals all inconsistent state laws. This

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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 Nos. 2025-098 and 2025-110, issued in response to your first two submissions for review and certification, I explained the rules and legal standards that govern my review of popular names and ballot titles. I rely on those same rules and legal standards here and incorporate them by reference.

3. Application to your ballot title. 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

- **Duties.** The proposed amendment imposes certain duties on executive and legislative governmental entities. In 2025-098 and 2025-110, I noted that the obligations imposed were unclear. That lack of clarity persists in your current submission. The proposed amendment requires executive and legislative governmental entities to:
 - (A) Protect Arkansas’s natural environment from unreasonable depletion and degradation;
 - (B) Preserve Arkansas’s natural environment for future recreational enjoyment, economic enhancement, and public health benefits; and
 - (C) Allow for the efficient, limited, and adequate use of Arkansas’s natural environment for current recreational enjoyment, economic enhancement, and public health benefits.

Each of these phrases is vague and undefined. Voters have no way to know what governmental actions would be compelled or constrained or how conflicts among these duties would be resolved. 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.

- **Amendment by General Assembly.** Section 1(f) states that the proposed measure, “once approved by a vote of the people, shall not be amended or repealed by the General Assembly.” But this language is ambiguous. It is unclear whether you intend solely to restrict the General Assembly’s authority to amend the measure under Article 5, § 1 of the

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.

Arkansas Constitution—which permits amendment or repeal of voter-approved measures by a two-thirds vote of each house—or whether you seek to also seek to limit the General Assembly’s power under Article 19, § 22 to refer a proposed constitutional amendment to the voters. This ambiguity 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.

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.

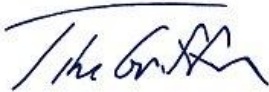
- ***Rights.*** The proposed amendment creates a “right” to a clean and healthy natural environment. In Opinion No. 2025-110, you used the phrase “fundamental right,” and I noted that the lack of clarity regarding that right prevented me from ensuring that the ballot title was not misleading. In this current submission, the word “fundamental” has been removed, but the core ambiguity remains: what does the “right to a clean and healthy natural environment” mean? How is this right measured or determined? Is it defined by objective standards, scientific benchmarks, or the subjective judgment of each individual voter?
- ***Inconsistent provisions.*** Section 2 of the proposed measures still states, “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.” As noted in 2025-110, this provision does not expressly reference rules or regulations, yet the ballot title states that “all inconsistent state laws” would be repealed. Voters reading only the ballot title would not know that inconsistent rules or regulations are not expressly repealed by the text.
- ***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.”² 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 title could render it misleading by omission:
 - The use of the phrase “executive and legislative governmental entities,” while the ballot title uses the broader term, “government”;
 - The requirement that those governmental entities “perform their duties under law”;
 - The duty to “[p]rotect Arkansas’s natural environment from unreasonable depletion and degradation”;

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

- The duty of to “[p]reserve Arkansas’s natural environment for future recreational enjoyment, economic enhancement, and public health benefits”;
- The duty 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”;
- The definition of “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”; and
- The nonretroactivity clause, which provides that “this amendment does not retroactively apply to legislation enacted, procurement or purchasing completed, or construction completed before this amendment becomes effective,” but does apply to previously enacted legislation that is “amended after the effective date of this amendment.”

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