



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2026-034

April 7, 2026

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. 2025-128, 2025-110, and 2025-098, 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 affirms the people's will to protect "The Natural State" for Arkansans today and in the future. It affirms the people's will 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 must maintain and improve a clean and healthy environment. If government makes a law or spends money, it must do three things. First, it must protect resources from elimination and for use. Second, it must preserve Arkansas's natural environment for future Arkansans to enjoy for pleasure, prosperity, and health. Third, it must allow today's Arkansans to use the natural environment for those same purposes. The "government" does not include the courts. The measure defines "natural environment". The Commissioner of State

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Lands will resolve disputes within government. Arkansans may appeal to the Commissioner or the courts. The measure is not retroactive. The measure can only be amended by vote of the people. The legislature cannot amend this amendment. This measure repeals all inconsistent state laws. This amendment is severable. If part of it is held invalid, the rest remains valid if it can stand on its own.

2. Rules governing my review. In Opinion Nos. 2025-128, 2025-110, and 2025-098, issued in response to your prior 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. Having reviewed the text of your proposed initiated amendment, as well as your proposed popular name and ballot title, I have concluded that, for reasons explained below, I must reject your proposed popular name and ballot title and instruct you to redesign them.

- ***Insufficient summaries.*** The proposed ballot title is misleading because it does not summarize the measure’s text in a way that complies with the law. As my predecessors and I have consistently noted, although the Attorney General is authorized to “modify a proposed ballot title to render it a more accurate summary” of the underlying measure, the Attorney General is “not authorized to craft a ballot title that amounts to an independent product.”¹ For example, your proposed constitutional amendment contains material provisions that do not appear in your ballot title, and 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 “governmental entities,” while the ballot title uses the broader term, “government”;
 - The “three things” that must happen if “the government makes a law or spends money” are not an accurate summary of the three requirements contained in the measure’s text;
 - The definitions of “economic enhancement,” “law or financial obligation,” “public health benefits,” “recreational enjoyment,” and “unreasonable depletion and degradation”;
 - The ballot title states that “The legislature cannot amend this amendment,” when the measure’s text provides that the measure “shall not be amended or repealed by two-thirds vote of the General Assembly”;
 - The definition of “natural environment” as “living and non-living things that occur naturally, without human creation or significant human alteration,” including

¹ See, e.g., Ark. Att’y Gen. Ops. 2024-031, 2023-098, 2018-112, 2013-112.

without limitation, “natural resources, ecosystems, wildlife, plant-life, and native species”;

- The provisions to appeal to the Land Commissioner and to circuit court—which may include notice, hearings, evidence, and the approval, denial, or modification of the rule, contract, or expenditure, and require decisions to be made within certain timeframes—while the ballot title says, “The Commissioner of State Lands will resolve disputes within government” and “Arkansans may appeal to the Commissioner or the courts”; 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.”

Even if I were to modify the ballot title to adequately summarize the measure’s text, the ballot title must still comply with Act 602. While the ballot title is currently at an eighth-grade reading level under the Flesch-Kincaid Level formula, a substitution and certification that adequately summarizes the measure’s text would far exceed that reading level and does not comply with Act 602.

- ***Unclear enforcement and appeal provisions.*** Although both a “governmental entity” and an “Arkansas resident” may appeal “any rule, contract, or expenditure alleged to violate this Amendment by filing a written request for review with the Commissioner of State Lands,” only an “Arkansas resident may appeal” an “act, ordinance, executive order, appropriation, or decision of the Commissioner of State Lands” to circuit court. The text does not clearly indicate whether a governmental entity is prohibited from appealing a decision of the Commissioner of State Lands to circuit court, creating uncertainty regarding the scope of available judicial review.

Additionally, the measure authorizes the Commissioner of State Lands to “[a]pprove, deny, or require modification of the rule, contract, or expenditure.” The measure does not clearly explain how this authority operates in relation to the constitutional powers of the Executive Branch or Legislative Branch, including whether the Commissioner may compel either branch to modify or abandon actions otherwise within its constitutional authority. These unresolved ambiguities would give voters “serious ground for reflection,” and they prevent 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 other issues that you may wish to correct or clarify.

- ***Constitutional concerns.*** As noted above, the measure’s text contains a legal appeal process by which the Commissioner of State Lands may “[a]pprove, deny, or require

modification of [a] rule, contract, or expenditure.” Under U.S. Const. Art. 1, § 10, “No State shall ... pass any ... law impairing the Obligation of Contracts[.]” While courts have not interpreted such constitutional language as an absolute prohibition, they apply a multi-part test that includes asking whether (1) there is an existing contractual relationship;² (2) the change in the law impairs that relationship;³ (3) the impairment is substantial;⁴ (4) the State has a “significant and legitimate public purpose behind the regulation”;⁵ and (5) the adjustment of “the rights and responsibilities of contracting parties [is based] upon reasonable conditions and [is] of a character appropriate to the public purpose justifying its adoption.”⁶ Although whether a law as applied to a particular contract violates the Constitution is a highly factual question, the question of whether the proposed measure’s text as applied to governmental contracts violates the Constitution likely would give voters “ground for serious reflection.” Without additional facts, it is unclear whether the proposed measure violates Act 154 of 2025, but a court could find that it does.

- ***Retroactivity.*** The measure’s text applies to contracts entered into by “governmental entities” except the judicial branch. But the nonretroactivity clause in the measure’s text only mentions “legislation enacted, procurement or purchasing completed, or construction completed before this amendment becomes effective,” and there are types of governmental contracts that do not fall under one of those categories. Is the measure retroactive—altering the past legal consequences of a past action—as to previously entered governmental contracts that don’t fit under the text’s nonretroactivity clause? The answer to this question likely would give voters “ground for serious reflection.”
- ***Inconsistent provisions.*** Section 2 of the proposed measure 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 Opinion Nos. 2025-110 and 2025-128, 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.

² *Gen. Motors Corp. v. Romein*, 503 U.S. 181, 186 (1992).

³ *Id.*

⁴ *Id.*

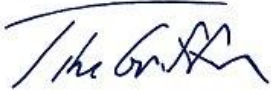
⁵ *Energy Rsrvs. Grp., Inc. v. Kansas Power & Light Co.*, 459 U.S. 400, 411–12 (1983).

⁶ *U.S. Tr. Co. of New York v. New Jersey*, 431 U.S. 1, 22 (1977).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Griffin". The signature is written in a cursive style with a prominent horizontal line above the first few letters.

TIM GRIFFIN
Attorney General