



October 11, 2023

It has become clear in recent years that it is critical to enshrine government transparency in Arkansas, regarding public records and public meetings, in our state constitution. Arkansas has been a national leader in government transparency since 1967, when Gov. Winthrop Rockefeller led the way for the enactment of the Arkansas Freedom of Information Act. We, the undersigned, believe strongly that Arkansas should maintain, and even strengthen, our position of leadership on this vital issue. We further believe that having an open and transparent government is a right, and rights belong in the constitution. For that reason, this group has come together—in spite of our varied, and in some cases fundamentally opposed, political perspectives—to propose the Arkansas Government Transparency Amendment.

In preparing this Amendment, our goals have been to:

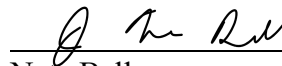
- 1) Enshrine the Arkansas Freedom of Information Act, as it existed on September 1, 2023 (before the September 2023 special session), into the state constitution;
- 2) Ensure that any further changes to the Arkansas Freedom of Information Act that reduce government transparency may only be approved by a vote of the people of Arkansas, while providing that laws that increase government transparency may be passed by the General Assembly;
- 3) Change as little as possible in the existing Arkansas Freedom of Information Act, with the primary exception being to provide a definition for “public meeting,” which has been a hole in the Arkansas Freedom of Information Act for some time;
- 4) Safeguard the ability of any citizen of Arkansas to enforce the Arkansas Freedom of Information Act by protecting their ability to recover attorney’s fees in the event that a Freedom of Information Act request is wrongfully denied;
- 5) Create a penalty for bad actors who knowingly violate the Arkansas Freedom of Information Act;
- 6) Account appropriately for the security of public officials and their minor children, balanced with the public’s right to know how our tax dollars are spent; and
- 7) Keep the amendment language as simple as possible, while taking into account the vast number of laws existing in the Arkansas Code affecting government transparency.

We would like to thank the many Arkansans who have already provided input to this process. We would like to extend our heartfelt appreciation to Jen Standerfer, for being the principal drafting attorney on this amendment and for lending her many years of expertise in drafting legislation and constitutional amendments to our cause.

Of course, our guiding principle throughout the drafting process has been to preserve and protect government transparency in Arkansas and to put its future in the hands of the people of Arkansas. We understand the importance of getting this language right and look forward to receiving feedback on the amendment. Even more, we look forward to government transparency in Arkansas being enshrined in its rightful place, as part of our state constitution.



Clarke Tucker
Chair, Drafting Committee



Nate Bell



David Couch



Jen Standerfer



Robert Steinbuch



John E. Tull III



Ashley Wimberley