



Early Voting: Oct. 23–Nov. 3  
Election Day: Nov. 7

# Proposition 1: Frequently Asked Questions

Proposition 1 is the Right to Farm and Ranch Constitutional Amendment

**Q.** Why do we need to protect farming and ranching in the Texas Constitution?

**A.** Food and fiber are two of our most basic daily needs. Those who produce that food and fiber need protection from regulatory overreach and the political agenda of activist groups. About 97% of farms and ranches in Texas—both large and small—are family operations. Prop 1 protects all of them. The state is expected to grow by another 18 million people over the next 20 years. It's important to ensure the ability to provide the food and fiber this growing state and nation needs.

**Q.** How does Prop 1 protect small farms and ranches?

**A.** Small farmers and ranchers are the most vulnerable to regulatory overreach. Their operations can't sustain the time or money it takes to challenge a bad regulation. Courts have set an extremely high standard to where it is almost impossible to overturn a regulation or be compensated for business losses caused by a regulation. This is why small farmers and ranchers need governmental entities to provide clear and convincing evidence a regulation is needed.

**Q.** Prop 1 protects "generally accepted" practices. What does "generally accepted" mean?

**A.** "Generally accepted" is a commonly used legal term and is used in the Penal Code to describe livestock practices that **are not animal cruelty**. In Prop 1, it simply means the normal day-to-day practices used by farmers and ranchers. Texas A&M AgriLife Extension also will develop a manual that describes those practices for cities to reference.

**Q.** Would Prop 1 allow a farmer or rancher to claim they do not have to comply with environmental regulations and expose the public to dangerous chemicals?

**A.** No. Environmental regulations enforced by state agencies are often based upon federal law, which supersedes state law, including the state constitution. Prop 1 recognizes the authority of the state or political subdivision to preserve or conserve the state's natural resources. Prop 1 also does not affect regulation of chemicals because these chemicals are regulated by the U.S. Environmental Protection Agency under federal law, which trumps the Texas Constitution and other state laws.

**Q.** Would a farmer or rancher be able to claim a constitutional protection from being charged with animal cruelty under Prop 1?

**A.** No. Prop 1 only protects "generally accepted" practices. Under the Penal Code, only "generally accepted" livestock practices are not animal cruelty. Anything outside of generally accepted practices would be animal cruelty and could be prosecuted.

**Q. What does it mean when Prop 1 requires regulations to provide “clear and convincing evidence” that there is an “imminent danger” to the public?**

**A.** It sets a clear standard for regulating a farm or ranch practice when there is an actual threat to the public. “Clear and convincing evidence” means there is a “firm belief or conviction” the regulation is needed. “Imminent danger” is a situation reasonably expected to cause death or serious physical harm.

For example, not properly maintaining a fence may allow livestock to escape and cause an accident. It is “clear and convincing” that it is an “imminent danger” to the public to allow livestock to escape. So, fencing regulations would meet this standard.

**Q. Why is it important to require a higher standard of evidence to prevent regulatory overreach?**

**A.** Courts give great leeway to government regulations. You have to prove they had no basis to adopt the regulation, which is extremely difficult. Governmental entities almost always can produce some reason for a regulation. Prop 1 will require they provide clear and convincing evidence.

**Q. Why does Prop 1 allow state agencies to adopt regulations to prevent a danger to animal health or crop production?**

**A.** Disease, pests and potential misuse of chemicals would be harmful, and in some circumstances devastating, to agriculture. Therefore, it needs to be clear that the rights under this constitutional amendment do not allow someone to engage in practices that could jeopardize agriculture. **It also ensures the state can prevent animal cruelty.**

**Q. Does naming “wildlife management” in Prop 1 interfere with wildlife regulations?**

**A.** No. Wildlife are a public resource owned by the state. Prop 1 provides a right to generally accepted practices on property owned or leased by the person. No person in Texas owns the state’s wildlife. In addition, the state has clear authority to regulate the use of its natural resources under the state constitution, and Prop 1 recognizes that authority.

**Q. Would someone be able to claim the right to not follow groundwater or surface water regulations that apply to using water for agricultural purposes?**

**A.** No. Prop 1 specifically recognizes the authority of a state agency or political subdivision to preserve or conserve the state’s natural resources under the Conservation Amendment of the state constitution. It is the basis of the authority to regulate the use of surface water and groundwater.

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