

1 HB9
2 160989-3
3 By Representative McMillan
4 RFD: Constitution, Campaigns and Elections
5 First Read: 14-JAN-14
6 PFD: 10/02/2013

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ENROLLED, An Act,

Relating to elections; to provide for The Alabama Informed Voter Act; to create a Fair Ballot Commission to approve statements that explain the effect of a vote for or against a proposed ballot question; to provide for membership and terms of the commission; and to require the commission's work to be posted on the Legislature's website.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as The Alabama Informed Voter Act.

Section 2. (a) (1) There is created the Fair Ballot Commission. The purpose of the commission is to provide to the public a fair and accurate explanation of what a vote for and what a vote against a statewide ballot measure represents.

(2) The commission shall consist of the following 18 members: The Governor, the Lieutenant Governor, the Commissioner of Agriculture and Industries, the Speaker of the House of Representatives, and the Secretary of State, or their designees, shall each serve as a member on the commission and shall each appoint to the commission one member who is an attorney licensed in the state and one member who is a private citizen of the state who is not an attorney. The Alabama State University School of Public Policy, the Samford University School of Public Policy, and the Miles College School of Law

1 shall each appoint a member to the commission. Other than the
2 Governor, the Lieutenant Governor, the Commissioner of
3 Agriculture and Industries, the Speaker of the House of
4 Representatives, and the Secretary of State, or their
5 designees, no public official, as that term is defined in
6 Section 36-25-1(27) of the Code of Alabama 1975, shall serve
7 on the commission. The Chair, Vice Chair, and Ranking Minority
8 Member of the House Constitution, Campaigns and Elections
9 Committee and the Chair, Vice Chair, and Ranking Minority
10 Member of the Senate Constitution, Campaign Finance, Ethics,
11 and Elections Committee shall serve as non-voting advisors to
12 the commission.

13 (3) The appointments shall reflect the geographic,
14 gender, racial, and ethnic diversity of the state with at
15 least one appointed member from each congressional district.

16 (4) The initial terms of the members appointed by
17 the Governor, the Speaker of the House of Representatives, and
18 the Lieutenant Governor shall be for two years while the
19 initial terms of the members appointed by the Commissioner of
20 Agriculture and Industries and the Secretary of State shall be
21 for four years. After the initial term, each subsequent member
22 shall be appointed to a four-year term. No appointed member of
23 the commission shall serve more than two full consecutive
24 terms.

1 (5) Members of the commission shall serve without
2 compensation. Members of the commission, except for the
3 Governor, the Lieutenant Governor, the Commissioner of
4 Agriculture and Industries, the Speaker of the House of
5 Representatives, and the Secretary of State, or their
6 designees, shall be reimbursed for travel expenses to
7 commission meetings in Montgomery, Alabama, at the same rate
8 as state employees receive, to be paid from funds provided
9 from the Legislature. The members of the commission who are
10 attorneys shall not be paid any fees other than travel
11 expenses at the same rate as state employees. The Legislative
12 Fiscal Office, the Legislative Reference Service, the Alabama
13 Law Institute, the Clerk of the House of Representatives, and
14 the Secretary of the Senate shall provide clerical assistance
15 to the commission as determined by the chair of the
16 commission.

17 (6) The commission may participate in a meeting of
18 the commission by means of telephone conference, video
19 conference, or similar communication equipment by means of
20 which all persons participating in the meeting may hear each
21 other at the same time. Participation by such means shall
22 constitute presence in person at a meeting for all purposes,
23 except for purposes of establishing a quorum. Non-voting
24 advisors to the commission may participate in meetings, but
25 their presence at a meeting shall not be used in determining

1 the existence of a quorum of the commission. The first
 2 commission meeting shall be held at the Capitol at the call of
 3 the Governor, at which time the commission, by majority vote,
 4 shall elect from their membership a chair and vice chair.

5 (b) No later than 60 calendar days prior to a vote
 6 on a statewide ballot measure, the commission shall post the
 7 following information, to be known as a Ballot Statement, in a
 8 conspicuous and publicly accessible location on the
 9 Legislature's website:

10 (1) The text of the statewide ballot measure,
 11 including sponsors, cosponsors, and the text of the question
 12 that will appear on the statewide ballot;

13 (2) A summary of and the text of any implementing
 14 legislation directly related to the statewide ballot measure;

15 (3) The placement of the statewide ballot measure on
 16 the statewide ballot; and

17 (4) A plain language summary of the statewide ballot
 18 measure, which shall include, at a minimum, the legal or
 19 constitutional authority for its passage, the effect of the
 20 statewide ballot measure if it is passed, including its cost
 21 and source of funding, and the effect of the statewide ballot
 22 measure if it is defeated.

23 (c) Ballot Statements shall be written in plain,
 24 nontechnical language and in a clear and coherent manner using
 25 words with common and every day meaning that are

1 understandable to the average reader. Ballot Statements shall
2 be true and impartial statements of the effect of a vote for
3 and a vote against the measure in language neither
4 intentionally argumentative nor likely to create prejudice for
5 or against the proposed measure. In addition, Ballot
6 Statements shall include language as to whether the measure
7 will increase, decrease, or have no impact on taxes, including
8 the specific category of tax.

9 (d) Ballot Statements may be approved only at
10 meetings of the commission and only by a majority of the
11 commission members present at the commission meeting. In the
12 event a majority of the commission cannot agree on a Ballot
13 Statement within the 60-day time frame prescribed in
14 subsection (b), the portion of the Legislature's website
15 containing the commission's Ballot Statements shall contain a
16 statement that a majority of the commission cannot agree on
17 the Ballot Statement as well as an explanation written by the
18 chair of the commission as to why the commission failed to
19 reach an agreement. Additionally, in the event a majority of
20 the commission cannot agree on a Ballot Statement within the
21 60-day time frame prescribed in subsection (b), those portions
22 of Ballot Statements which can be agreed upon by a majority of
23 the commission shall be posted on the portion of the
24 Legislature's website containing the commission's Ballot
25 Statements, along with links to other websites included

1 pursuant to subsection (f) and individual statements of
2 support and opposition included pursuant to subsection (g).

3 (e) Ballot Statements approved by the commission or,
4 in the event the commission does not approve a Ballot
5 Statement, those portions of Ballot Statements which can be
6 agreed upon by a majority of the commission, shall be printed,
7 posted, and distributed in the same manner and by the same
8 officials as sample ballots are printed, posted, and
9 distributed. Additionally, a printed copy of each Ballot
10 Statement approved by the commission or, in the event the
11 commission does not approve a Ballot Statement, those portions
12 of Ballot Statements which can be agreed upon by a majority of
13 the commission, not later than 55 calendar days prior to a
14 vote on a statewide ballot measure, shall be made available
15 for the purpose of public distribution at the office of the
16 Secretary of State or at the office of each judge of probate,
17 provided that these offices may cover their printing costs by
18 requiring that the person requesting a printed copy pay a
19 printing fee, the maximum amount of which shall equal the
20 costs of fulfilling each printing request.

21 (f) The chair of the commission shall allow the
22 portion of the Legislature's website containing the
23 commission's Ballot Statements to also include links to other
24 websites that discuss upcoming statewide ballot measures. This
25 portion of the Legislature's website shall clearly state that

1 members of the commission are not responsible for the content
2 of any linked website and that the linking of a website does
3 not represent the commission's endorsement of the website's
4 contents.

5 (g) Any member of the Legislature or their
6 designees, may post individual statements supporting or
7 opposing a statewide ballot measure on the portion of the
8 Legislature's website containing the commission's Ballot
9 Statements within 3 calendar days of receipt. Each of these
10 individual statements of support or opposition shall not
11 exceed 300 words, shall be provided to the chair of the
12 commission at least 10 calendar days prior to the vote on the
13 statewide ballot measure at issue, and shall be posted not
14 later than seven calendar days prior to the vote on the
15 statewide ballot measure at issue.

16 Section 3. The provisions of this act are severable.
17 If any part of this act is declared invalid or
18 unconstitutional, that declaration shall not affect the part
19 which remains.

20 Section 4. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-JAN-14, as amended.

Jeff Woodard
Clerk

Senate	<hr/> 20-MAR-14 <hr/>	Amended and Passed
House	02-APR-14 <hr/>	Passed, as amended by Conference Com- mittee Report
Senate	03-APR-14 <hr/>	Passed, as amended by Conference Com- mittee Report