

1 HB9
2 154043-1
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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8 SYNOPSIS: This bill would create The Alabama Informed
9 Voter Act.

10 This bill would create a Fair Ballot
11 Commission to approve statements that explain what
12 a vote for or what a vote against a proposed ballot
13 question represents.

14 The bill would provide for membership and
15 terms of the commission.

16 This bill would require the commission's
17 work to be posted on the Legislature's website.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 Relating to elections; to provide for The Alabama
24 Informed Voter Act; to create a Fair Ballot Commission to
25 approve statements that explain the effect of a vote for or
26 against a proposed ballot question; to provide for membership

1 and terms of the commission; and to require the commission's
2 work to be posted on the Legislature's website.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

10 (2) The commission shall consist of 15 members. The
11 Governor, the Lieutenant Governor, the Commissioner of
12 Agriculture and Industries, the Speaker of the House of
13 Representatives, and the Secretary of State, or their
14 designees, shall serve on the commission and shall each
15 appoint to the commission one attorney licensed in the state
16 and one private citizen of the state who is not an attorney.
17 Other than the Governor, the Lieutenant Governor, the
18 Commissioner of Agriculture and Industries, the Speaker of the
19 House of Representatives, and the Secretary of State, or their
20 designees, no public official, as that term is defined in
21 Section 36-25-1(27) of the Code of Alabama 1975, shall serve
22 on the commission. The Chair, Vice Chair, and Ranking Minority
23 Member of the House Constitution, Campaigns and Elections
24 Committee and the Chair, Vice Chair, and Ranking Minority
25 Member of the Senate Constitution, Campaign Finance, Ethics,
26 and Elections Committee shall serve as non-voting advisors to
27 the commission.

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

4 (4) The initial terms of the members appointed by
5 the Governor, the Speaker of the House of Representatives, and
6 the Lieutenant Governor shall be for two years while the
7 initial terms of the members appointed by the Commissioner of
8 Agriculture and Industries and the Secretary of State shall be
9 for four years. After the initial term, each subsequent member
10 shall be appointed to a four-year term. No appointed member of
11 the commission shall serve more than two full consecutive
12 terms.

13 (5) Members of the commission shall serve without
14 compensation. Members of the commission, except for the
15 Governor, the Lieutenant Governor, the Commissioner of
16 Agriculture and Industries, the Speaker of the House of
17 Representatives, and the Secretary of State, or their
18 designees, shall be reimbursed for travel expenses at the same
19 rate as state employees receive, to be paid from funds
20 provided from the Legislature. The members of the commission
21 who are attorneys shall not be paid any fees other than travel
22 expenses at the same rate as state employees. The Legislative
23 Fiscal Office, the Legislative Reference Service, the Alabama
24 Law Institute, the Clerk of the House of Representatives, and
25 the Secretary of the Senate shall provide clerical assistance
26 to the commission as determined by the chair of the
27 commission.

1 (6) The commission may participate in a meeting of
2 the commission by means of telephone conference, video
3 conference, or similar communication equipment by means of
4 which all persons participating in the meeting may hear each
5 other at the same time. Participation by such means shall
6 constitute presence in person at a meeting for all purposes,
7 except for purposes of establishing a quorum. Non-voting
8 advisors to the commission may participate in meetings, but
9 their presence at a meeting shall not be used in determining
10 the existence of a quorum of the commission. The first
11 commission meeting shall be held at the Capitol at the call of
12 the Governor, at which time the commission, by majority vote,
13 shall elect from their membership a chair and vice chair.

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

19 (1) The text of the statewide ballot measure,
20 including sponsors, cosponsors, and the text of the question
21 that will appear on the statewide ballot;

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

24 (3) The placement of the statewide ballot measure on
25 the statewide ballot; and

26 (4) A plain language summary of the statewide ballot
27 measure, which shall include, at a minimum, the legal or

1 constitutional authority for its passage, the effect of the
2 statewide ballot measure if it is passed, including its cost
3 and source of funding, and the effect of the statewide ballot
4 measure if it is defeated.

5 (c) Ballot Statements shall be written in plain,
6 nontechnical language and in a clear and coherent manner using
7 words with common and every day meaning that are
8 understandable to the average reader. Ballot Statements shall
9 be true and impartial statements of the effect of a vote for
10 and a vote against the measure in language neither
11 intentionally argumentative nor likely to create prejudice for
12 or against the proposed measure. In addition, Ballot
13 Statements shall include language as to whether the measure
14 will increase, decrease, or have no impact on taxes, including
15 the specific category of tax.

16 (d) Ballot Statements may be approved only at
17 meetings of the commission and only by a majority of the
18 commission members present at the commission meeting. In the
19 event a majority of the commission cannot agree on a Ballot
20 Statement within the 60-day time frame prescribed in
21 subsection (b), the portion of the Legislature's website
22 containing the commission's Ballot Statements shall contain a
23 statement that a majority of the commission cannot agree on
24 the Ballot Statement as well as an explanation written by the
25 chair of the commission as to why the commission failed to
26 reach an agreement. Additionally, in the event a majority of
27 the commission cannot agree on a Ballot Statement within the

1 60-day time frame prescribed in subsection (b), those portions
2 of Ballot Statements which can be agreed upon by a majority of
3 the commission shall be posted on the portion of the
4 Legislature's website containing the commission's Ballot
5 Statements, along with links to other websites included
6 pursuant to subsection (f) and individual statements of
7 support and opposition included pursuant to subsection (g).

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

26 (f) The chair of the commission shall allow the
27 portion of the Legislature's website containing the

1 commission's Ballot Statements to also include links to other
2 websites that discuss upcoming statewide ballot measures. This
3 portion of the Legislature's website shall clearly state that
4 members of the commission are not responsible for the content
5 of any linked website and that the linking of a website does
6 not represent the commission's endorsement of the website's
7 contents.

8 (g) The chair of the commission shall allow
9 individual statements supporting or opposing a statewide
10 ballot measure that have been written by any member of the
11 commission or any member of the Legislature, or their
12 designees, to be posted on the portion of the Legislature's
13 website containing the commission's Ballot Statements within 3
14 calendar days of receipt. Each of these individual statements
15 of support or opposition shall not exceed 300 words, shall be
16 provided to the chair of the commission at least 10 calendar
17 days prior to the vote on the statewide ballot measure at
18 issue, and shall be posted not later than seven calendar days
19 prior to the vote on the statewide ballot measure at issue.

20 Section 3. The provisions of this act are severable.
21 If any part of this act is declared invalid or
22 unconstitutional, that declaration shall not affect the part
23 which remains.

24 Section 4. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.