

1 SB68
2 147602-1
3 By Senators Pittman, Dial, Ward, Orr, Waggoner, Whatley,
4 Bussman, Glover, Taylor and Smith
5 RFD: Constitution, Campaign Finance, Ethics, and Elections
6 First Read: 05-FEB-13
7 PFD: 02/01/2013

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

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

5 (4) The initial terms of the members appointed by
6 the Governor, the Speaker of the House of Representatives, and
7 the Lieutenant Governor shall be for two years while the
8 initial terms of the members appointed by the Attorney General
9 and the Secretary of State shall be for four years. After the
10 initial term, each subsequent member shall be appointed to a
11 four-year term. No appointed member of the commission shall
12 serve more than two full consecutive 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 Attorney General, the
16 Speaker of the House of Representatives, and the Secretary of
17 State, or their designees, shall be reimbursed for travel
18 expenses at the same rate as state employees receive, to be
19 paid from funds provided from the Legislature. The members of
20 the commission who are attorneys shall not be paid any fees
21 other than travel expenses at the same rate as state
22 employees. The Legislative Fiscal Office, the Legislative
23 Reference Service, the Alabama Law Institute, the Clerk of the
24 House of Representatives, and the Secretary of the Senate
25 shall provide clerical assistance to the commission as
26 determined by the chair of the 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 Non-voting advisors to the commission may participate in
8 meetings, but their presence at a meeting shall not be used in
9 determining the existence of a quorum of the commission. The
10 first commission meeting shall be held at the Capitol at the
11 call of the Governor, at which time the commission, by
12 majority vote, shall elect from their membership a chair and
13 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. Each of
14 these individual statements of support or opposition shall not
15 exceed 300 words, shall be provided to the chair of the
16 commission at least 10 calendar days prior to the vote on the
17 statewide ballot measure at issue, and shall be posted not
18 later than seven calendar days prior to the vote on the
19 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.