

1 SB506
2 138329-1
3 By Senator Taylor
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 12-APR-12

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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, along with the Attorney
12 General, statements prepared by the Secretary of
13 State that explains what a vote for or what a vote
14 against a measure represents.

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

17 This bill would require the Secretary of
18 State to post the fair ballot language on the
19 Secretary of State's website and to make available
20 printed copies.

21 This bill would allow any citizen to
22 challenge the ballot language prepared by the
23 Secretary of State.

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25 A BILL
26 TO BE ENTITLED

1 AN ACT

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3 Relating to elections; to provide for the Alabama
4 Informed Voter Act; to create a Fair Ballot Commission to
5 approve, along with the Attorney General, statements that
6 explain what a measure being voted on represents; to provide
7 for membership and fees of the commission; to require the
8 Secretary of State to make available on its website certain
9 information; and to allow for court challenges.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 Section 2. (a) There is created the Fair Ballot
14 Commission. The purpose of the commission is to approve fair
15 ballot language statements prepared by the Secretary of State
16 that fairly and accurately explain what a vote for and what a
17 vote against a measure represents.

18 (b) The commission shall consist of eight members.
19 The Senate President Pro Tempore, the Senate Minority Leader,
20 the Speaker of the House of Representatives, and the House
21 Minority Leader shall each appoint one attorney licensed in
22 the state and one private citizen of the state who is not an
23 attorney. The initial terms of the members appointed by the
24 Senate President Pro Tempore and the House Minority Leader
25 shall be for two years while the initial terms of the members
26 appointed by the Speaker of the House of Representatives and

1 the Senate Minority Leader shall be for four years. After the
2 initial term, each subsequent member shall be appointed to a
3 four-year term. No member of the commission shall serve more
4 than two consecutive terms.

5 (c) The Secretary of State, within 20 days of
6 receiving a statewide ballot measure, shall prepare and
7 transmit to the Attorney General and the commission fair
8 ballot language statements that fairly and accurately explain
9 what a vote for and what a vote against the measure represent.

10 (d) The Attorney General and the commission, within
11 10 days, shall approve the legal content and form of the
12 proposed statements. All statements shall be approved by a
13 majority of the commission. If a statement is not approved,
14 the statement shall be returned to the Secretary of State with
15 an alternative statement approved by a majority of the
16 commission.

17 (e) Each statement shall be posted in each polling
18 place next to the sample ballot or otherwise made available in
19 sufficient numbers or in such a manner as to be easily
20 accessible to the electorate before casting their vote. Such
21 fair ballot language statements shall be true and impartial
22 statements of the effect of a vote for and against the measure
23 in language neither intentionally argumentative nor likely to
24 create prejudice for or against the proposed measure. In
25 addition, such fair ballot language shall include a statement
26 as to whether the measure will increase, decrease, or have no

1 impact on taxes, including the specific category of tax. Such
2 fair ballot language statements may be challenged in
3 accordance with Section 4.

4 (f) The time interval between the posting of the
5 official ballot language, and the vote on the referendum,
6 shall be no less than four months.

7 Section 3. (a) The Secretary of State shall maintain
8 a voter information section on the Secretary of State's
9 website. Within 20 days of receiving a statewide ballot
10 measure, the Secretary of State shall post under a section
11 entitled "Official Voter Information Guide" the fair ballot
12 language statements.

13 (b) The site shall contain a plain language summary
14 of what this legislation represents under the following
15 categories:

16 (1) Amendment's official title.

17 (2) Summary of the amendment.

18 (3) Constitutional authority for its passage.

19 (4) Analysis of the effects should the amendment be
20 passed and the effect should the amendment be defeated,
21 including its cost and source of funding.

22 (5) A section for arguments and rebuttals for those
23 legislators proposing and opposing the amendment.

24 (6) Text of the amendment listing the enabling
25 legislation including sponsors and cosponsors.

1 (7) A section for pros and cons whereby citizens may
2 post their response and comments electronically for or against
3 the amendment. The comments shall be posted within 24 hours of
4 receipt.

5 (c) The Secretary of State shall make available
6 printed copies of website information upon request.

7 Section 4. (a) Any citizen who wishes to challenge
8 the ballot language statements shall bring an action in the
9 circuit court of Montgomery County. The action shall be
10 brought within 10 days after the official statement is
11 released by the Secretary of State in accordance with this
12 act.

13 (b) The Secretary of State shall be named as a party
14 defendant in any action challenging the ballot language
15 statement.

16 (c) The petition shall state the reason why the
17 statement is insufficient and shall request a different
18 statement.

19 (d) The action shall be placed at the top of the
20 civil docket. The court shall consider the petition, hear
21 arguments, and in its decision certify a ballot language
22 statement to the Secretary of State.

23 (e) Any party may appeal to the Supreme Court within
24 10 days after a circuit court decision.

1 Section 5. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.