

1 HB95
2 147602-3
3 By Representative McMillan
4 RFD: Constitution, Campaigns and Elections
5 First Read: 05-FEB-13
6 PFD: 02/01/2013

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

12 (3) The appointments shall ~~be made with due~~
13 ~~consideration to~~ reflect the geographic, gender, racial, and
14 ethnic diversity of the state with at least one appointed
15 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 ~~Attorney General~~
20 Commissioner of Agriculture and Industries and the Secretary
21 of State shall be for four years. After the initial term, each
22 subsequent member shall be appointed to a four-year term. No
23 appointed member of the commission shall serve more than two
24 full consecutive terms.

25 (5) Members of the commission shall serve without
26 compensation. Members of the commission, except for the
27 Governor, the Lieutenant Governor, the ~~Attorney General~~

1 Commissioner of Agriculture and Industries, the Speaker of the
2 House of Representatives, and the Secretary of State, or their
3 designees, shall be reimbursed for travel expenses at the same
4 rate as state employees receive, to be paid from funds
5 provided from the Legislature. The members of the commission
6 who are attorneys shall not be paid any fees other than travel
7 expenses at the same rate as state employees. The Legislative
8 Fiscal Office, the Legislative Reference Service, the Alabama
9 Law Institute, the Clerk of the House of Representatives, and
10 the Secretary of the Senate shall provide clerical assistance
11 to the commission as determined by the chair of the
12 commission.

13 (6) The commission may participate in a meeting of
14 the commission by means of telephone conference, video
15 conference, or similar communication equipment by means of
16 which all persons participating in the meeting may hear each
17 other at the same time. Participation by such means shall
18 constitute presence in person at a meeting for all purposes,
19 except for purposes of establishing a quorum. Non-voting
20 advisors to the commission may participate in meetings, but
21 their presence at a meeting shall not be used in determining
22 the existence of a quorum of the commission. The first
23 commission meeting shall be held at the Capitol at the call of
24 the Governor, at which time the commission, by majority vote,
25 shall elect from their membership a chair and vice chair.

26 (b) No later than 60 calendar days prior to a vote
27 on a statewide ballot measure, the commission shall post the

1 following information, to be known as a Ballot Statement, in a
2 conspicuous and publicly accessible location on the
3 Legislature's website:

4 (1) The text of the statewide ballot measure,
5 including sponsors, cosponsors, and the text of the question
6 that will appear on the statewide ballot;

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

9 (3) The placement of the statewide ballot measure on
10 the statewide ballot; and

11 (4) A plain language summary of the statewide ballot
12 measure, which shall include, at a minimum, the legal or
13 constitutional authority for its passage, the effect of the
14 statewide ballot measure if it is passed, including its cost
15 and source of funding, and the effect of the statewide ballot
16 measure if it is defeated.

17 (c) Ballot Statements shall be written in plain,
18 nontechnical language and in a clear and coherent manner using
19 words with common and every day meaning that are
20 understandable to the average reader. Ballot Statements shall
21 be true and impartial statements of the effect of a vote for
22 and a vote against the measure in language neither
23 intentionally argumentative nor likely to create prejudice for
24 or against the proposed measure. In addition, Ballot
25 Statements shall include language as to whether the measure
26 will increase, decrease, or have no impact on taxes, including
27 the specific category of tax.

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

20 (e) Ballot Statements approved by the commission or,
21 in the event the commission does not approve a Ballot
22 Statement, those portions of Ballot Statements which can be
23 agreed upon by a majority of the commission, shall be printed,
24 posted, and distributed in the same manner and by the same
25 officials as sample ballots are printed, posted, and
26 distributed. Additionally, a printed copy of each Ballot
27 Statement approved by the commission or, in the event the

1 commission does not approve a Ballot Statement, those portions
2 of Ballot Statements which can be agreed upon by a majority of
3 the commission, not later than 55 calendar days prior to a
4 vote on a statewide ballot measure, shall be made available
5 for the purpose of public distribution at the office of the
6 Secretary of State or at the office of each judge of probate,
7 provided that these offices may cover their printing costs by
8 requiring that the person requesting a printed copy pay a
9 printing fee, the maximum amount of which shall equal the
10 costs of fulfilling each printing request.

11 (f) The chair of the commission shall allow the
12 portion of the Legislature's website containing the
13 commission's Ballot Statements to also include links to other
14 websites that discuss upcoming statewide ballot measures. This
15 portion of the Legislature's website shall clearly state that
16 members of the commission are not responsible for the content
17 of any linked website and that the linking of a website does
18 not represent the commission's endorsement of the website's
19 contents.

20 (g) The chair of the commission shall allow
21 individual statements supporting or opposing a statewide
22 ballot measure that have been written by any member of the
23 commission or any member of the Legislature, or their
24 designees, to be posted on the portion of the Legislature's
25 website containing the commission's Ballot Statements within 3
26 calendar days of receipt. Each of these individual statements
27 of support or opposition shall not exceed 300 words, shall be

1 provided to the chair of the commission at least 10 calendar
2 days prior to the vote on the statewide ballot measure at
3 issue, and shall be posted not later than seven calendar days
4 prior to the vote on the statewide ballot measure at issue.

5 Section 3. The provisions of this act are severable.
6 If any part of this act is declared invalid or
7 unconstitutional, that declaration shall not affect the part
8 which remains.

9 Section 4. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 05-FEB-13

Read for the second time and placed
on the calendar 4 amendments 06-FEB-13

Read for the third time and passed
as amended..... 07-FEB-13

Yeas 99, Nays 1, Abstains 1

Jeff Woodard
Clerk