

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