

1 SB68
2 147602-2
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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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to elections; to provide for The Alabama
12 Informed Voter Act; to create a Fair Ballot Commission to
13 approve statements that explain the effect of a vote for or
14 against a proposed ballot question; to provide for membership
15 and terms of the commission; and to require the commission's
16 work to be posted on the Legislature's website.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

24 (2) The commission shall consist of 15 members. The
25 Governor, the Lieutenant Governor, the Commissioner of
26 Agriculture and Industries, the Speaker of the House of
27 Representatives, and the Secretary of State, or their

1 designees, shall serve on the commission and shall each
2 appoint to the commission one attorney licensed in the state
3 and one private citizen of the state who is not an attorney.
4 Other than the Governor, the Lieutenant Governor, the
5 Commissioner of Agriculture and Industries, the Speaker of the
6 House of Representatives, and the Secretary of State, or their
7 designees, no public official, as that term is defined in
8 Section 36-25-1(27) of the Code of Alabama 1975, shall serve
9 on the commission. The Chair, Vice Chair, and Ranking Minority
10 Member of the House Constitution, Campaigns and Elections
11 Committee and the Chair, Vice Chair, and Ranking Minority
12 Member of the Senate Constitution, Campaign Finance, Ethics,
13 and Elections Committee shall serve as non-voting advisors to
14 the commission.

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

18 (4) The initial terms of the members appointed by
19 the Governor, the Speaker of the House of Representatives, and
20 the Lieutenant Governor shall be for two years while the
21 initial terms of the members appointed by the Commissioner of
22 Agriculture and Industries and the Secretary of State shall be
23 for four years. After the initial term, each subsequent member
24 shall be appointed to a four-year term. No appointed member of
25 the commission shall serve more than two full consecutive
26 terms.

1 (5) Members of the commission shall serve without
2 compensation. Members of the commission, except for the
3 Governor, the Lieutenant Governor, the Commissioner of
4 Agriculture and Industries, the Speaker of the House of
5 Representatives, and the Secretary of State, or their
6 designees, shall be reimbursed for travel expenses at the same
7 rate as state employees receive, to be paid from funds
8 provided from the Legislature. The members of the commission
9 who are attorneys shall not be paid any fees other than travel
10 expenses at the same rate as state employees. The Legislative
11 Fiscal Office, the Legislative Reference Service, the Alabama
12 Law Institute, the Clerk of the House of Representatives, and
13 the Secretary of the Senate shall provide clerical assistance
14 to the commission as determined by the chair of the
15 commission.

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

1 majority vote, shall elect from their membership a chair and
2 vice chair.

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

8 (1) The text of the statewide ballot measure,
9 including sponsors, cosponsors, and the text of the question
10 that will appear on the statewide ballot;

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

13 (3) The placement of the statewide ballot measure on
14 the statewide ballot; and

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

21 (c) Ballot Statements shall be written in plain,
22 nontechnical language and in a clear and coherent manner using
23 words with common and every day meaning that are
24 understandable to the average reader. Ballot Statements shall
25 be true and impartial statements of the effect of a vote for
26 and a vote against the measure in language neither
27 intentionally argumentative nor likely to create prejudice for

1 or against the proposed measure. In addition, Ballot
2 Statements shall include language as to whether the measure
3 will increase, decrease, or have no impact on taxes, including
4 the specific category of tax.

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

24 (e) Ballot Statements approved by the commission or,
25 in the event the commission does not approve a Ballot
26 Statement, those portions of Ballot Statements which can be
27 agreed upon by a majority of the commission, shall be printed,

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

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

24 (g) The chair of the commission shall allow
25 individual statements supporting or opposing a statewide
26 ballot measure that have been written by any member of the
27 commission or any member of the Legislature, or their

1 designees, to be posted on the portion of the Legislature's
2 website containing the commission's Ballot Statements within 3
3 calendar days of receipt. Each of these individual statements
4 of support or opposition shall not exceed 300 words, shall be
5 provided to the chair of the commission at least 10 calendar
6 days prior to the vote on the statewide ballot measure at
7 issue, and shall be posted not later than seven calendar days
8 prior to the vote on the statewide ballot measure at issue.

9 Section 3. The provisions of this act are severable.
10 If any part of this act is declared invalid or
11 unconstitutional, that declaration shall not affect the part
12 which remains.

13 Section 4. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Campaign Finance, Eth-
ics, and Elections..... 05-FEB-13

Read for the second time and placed on the calen-
dar 3 amendments..... 07-FEB-13

Read for the third time and passed as amended 19-FEB-13

Yeas 30
Nays 0

Patrick Harris
Secretary