

1 HB27
2 173092-1
3 By Representative McMillan
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-FEB-16
6 PFD: 01/28/2016

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8 SYNOPSIS: Under existing law, ballot statements of the
9 Fair Ballot Commission, explaining to the public
10 statewide ballot measures to be included on
11 upcoming statewide ballots, are required to be
12 posted on the legislative website 60 calendar days
13 before a vote is taken on the statewide ballot.

14 This bill would require that the ballot
15 statement be posted on the website of the Secretary
16 of State in lieu of the legislative website.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 17-6-81, Code of Alabama 1975,
23 relating to the Fair Ballot Commission; to require that the
24 ballot statement of the commission be posted on the website of
25 the Secretary of State in lieu of the legislative website.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-6-81 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§17-6-81.

4 "(a) (1) There is created the Fair Ballot Commission.
5 The purpose of the commission is to provide to the public a
6 fair and accurate explanation of what a vote for and what a
7 vote against a statewide ballot measure represents.

8 "(2) The commission shall consist of the following
9 18 members: The Governor, the Lieutenant Governor, the
10 Commissioner of Agriculture and Industries, the Speaker of the
11 House of Representatives, and the Secretary of State, or their
12 designees, shall each serve as a member on the commission and
13 shall each appoint to the commission one member who is an
14 attorney licensed in the state and one member who is a private
15 citizen of the state who is not an attorney. The Alabama State
16 University School of Public Policy, the Samford University
17 School of Public Policy, and the Miles College School of Law
18 shall each appoint a member to the commission. Other than the
19 Governor, the Lieutenant Governor, the Commissioner of
20 Agriculture and Industries, the Speaker of the House of
21 Representatives, and the Secretary of State, or their
22 designees, no public official, as that term is defined in
23 Section 36-25-1(27), shall serve on the commission. The Chair,
24 Vice Chair, and Ranking Minority Member of the House
25 Constitution, Campaigns and Elections Committee and the Chair,
26 Vice Chair, and Ranking Minority Member of the Senate
27 Constitution, Campaign Finance, Ethics, and Elections

1 Committee shall serve as non-voting advisors to the
2 commission.

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

6 "(4) The initial terms of the members appointed by
7 the Governor, the Speaker of the House of Representatives, and
8 the Lieutenant Governor shall be for two years while the
9 initial terms of the members appointed by the Commissioner of
10 Agriculture and Industries and the Secretary of State shall be
11 for four years. After the initial term, each subsequent member
12 shall be appointed to a four-year term. No appointed member of
13 the commission shall serve more than two full consecutive
14 terms.

15 "(5) Members of the commission shall serve without
16 compensation. Members of the commission, except for the
17 Governor, the Lieutenant Governor, the Commissioner of
18 Agriculture and Industries, the Speaker of the House of
19 Representatives, and the Secretary of State, or their
20 designees, shall be reimbursed for travel expenses to
21 commission meetings in Montgomery, Alabama, at the same rate
22 as state employees receive, to be paid from funds provided
23 from the Legislature. The members of the commission who are
24 attorneys shall not be paid any fees other than travel
25 expenses at the same rate as state employees. The Legislative
26 Fiscal Office, the Legislative Reference Service, the Alabama
27 Law Institute, the Clerk of the House of Representatives, and

1 the Secretary of the Senate shall provide clerical assistance
2 to the commission as determined by the chair of the
3 commission.

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

17 "(b) No later than 60 calendar days prior to a vote
18 on a statewide ballot measure, the commission shall post the
19 following information, to be known as a ballot statement, in a
20 conspicuous and publicly accessible location on the
21 ~~Legislature's~~ website of the Secretary of State:

22 "(1) The text of the statewide ballot measure,
23 including sponsors, cosponsors, and the text of the question
24 that will appear on the statewide ballot.

25 "(2) A summary of and the text of any implementing
26 legislation directly related to the statewide ballot measure.

1 "(3) The placement of the statewide ballot measure
2 on the statewide ballot.

3 "(4) A plain language summary of the statewide
4 ballot measure, which shall include, at a minimum, the legal
5 or constitutional authority for its passage, the effect of the
6 statewide ballot measure if it is passed, including its cost
7 and source of funding, and the effect of the statewide ballot
8 measure if it is defeated.

9 "(c) Ballot statements shall be written in plain,
10 nontechnical language and in a clear and coherent manner using
11 words with common and every day meaning that are
12 understandable to the average reader. Ballot statements shall
13 be true and impartial statements of the effect of a vote for
14 and a vote against the measure in language neither
15 intentionally argumentative nor likely to create prejudice for
16 or against the proposed measure. In addition, ballot
17 statements shall include language as to whether the measure
18 will increase, decrease, or have no impact on taxes, including
19 the specific category of tax.

20 "(d) Ballot statements may be approved only at
21 meetings of the commission and only by a majority of the
22 commission members present at the commission meeting. In the
23 event a majority of the commission cannot agree on a ballot
24 statement within the 60-day time frame prescribed in
25 subsection (b), the portion of the ~~Legislature's~~ website of
26 the Secretary of State containing the commission's ballot
27 statements shall contain a statement that a majority of the

1 commission cannot agree on the ballot statement as well as an
2 explanation written by the chair of the commission as to why
3 the commission failed to reach an agreement. Additionally, in
4 the event a majority of the commission cannot agree on a
5 ballot statement within the 60-day time frame prescribed in
6 subsection (b), those portions of ballot statements which can
7 be agreed upon by a majority of the commission shall be posted
8 on the portion of the ~~Legislature's~~ website of the Secretary
9 of State containing the commission's ballot statements, along
10 with links to other websites included pursuant to subsection
11 (f) and individual statements of support and opposition
12 included pursuant to subsection (g).

13 "(e) Ballot statements approved by the commission
14 or, in the event the commission does not approve a ballot
15 statement, those portions of ballot statements which can be
16 agreed upon by a majority of the commission, shall be printed,
17 posted, and distributed in the same manner and by the same
18 officials as sample ballots are printed, posted, and
19 distributed. Additionally, a printed copy of each ballot
20 statement approved by the commission or, in the event the
21 commission does not approve a ballot statement, those portions
22 of ballot statements which can be agreed upon by a majority of
23 the commission, not later than 55 calendar days prior to a
24 vote on a statewide ballot measure, shall be made available
25 for the purpose of public distribution at the office of the
26 Secretary of State or at the office of each judge of probate,
27 provided that these offices may cover their printing costs by

1 requiring that the person requesting a printed copy pay a
2 printing fee, the maximum amount of which shall equal the
3 costs of fulfilling each printing request.

4 "(f) The chair of the commission shall allow the
5 portion of the ~~Legislature's~~ website of the Secretary of State
6 containing the commission's ballot statements to also include
7 links to other websites that discuss upcoming statewide ballot
8 measures. This portion of the ~~Legislature's~~ website of the
9 Secretary of State shall clearly state that members of the
10 commission are not responsible for the content of any linked
11 website and that the linking of a website does not represent
12 the commission's endorsement of the website's contents.

13 "(g) Any member of the Legislature or their
14 designees, may post individual statements supporting or
15 opposing a statewide ballot measure on the portion of the
16 ~~Legislature's~~ website of the Secretary of State containing the
17 commission's ballot statements within 3 calendar days of
18 receipt. Each of these individual statements of support or
19 opposition shall not exceed 300 words, shall be provided to
20 the chair of the commission at least 10 calendar days prior to
21 the vote on the statewide ballot measure at issue, and shall
22 be posted not later than seven calendar days prior to the vote
23 on the statewide ballot measure at issue."

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