HB9

160989-3

By Representative McMillan

RFD: Constitution, Campaigns and Elections

First Read: 14-JAN-14

PFD: 10/02/2013
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(2) The commission shall consist of the following 18 members: The Governor, the Lieutenant Governor, the Commissioner of Agriculture and Industries, the Speaker of the House of Representatives, and the Secretary of State, or their designees, shall each serve as a member on the commission and shall each appoint to the commission one member who is an attorney licensed in the state and one member who is a private citizen of the state who is not an attorney. The Alabama State University School of Public Policy, the Samford University School of Public Policy, and the Miles College School of Law
shall each appoint a member to the commission. Other than the
Governor, the Lieutenant Governor, the Commissioner of
Agriculture and Industries, the Speaker of the House of
Representatives, and the Secretary of State, or their
designees, no public official, as that term is defined in
Section 36-25-1(27) of the Code of Alabama 1975, shall serve
on the commission. The Chair, Vice Chair, and Ranking Minority
Member of the House Constitution, Campaigns and Elections
Committee and the Chair, Vice Chair, and Ranking Minority
Member of the Senate Constitution, Campaign Finance, Ethics,
and Elections Committee shall serve as non-voting advisors to
the commission.

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

(4) The initial terms of the members appointed by
the Governor, the Speaker of the House of Representatives, and
the Lieutenant Governor shall be for two years while the
initial terms of the members appointed by the Commissioner of
Agriculture and Industries and the Secretary of State shall be
for four years. After the initial term, each subsequent member
shall be appointed to a four-year term. No appointed member of
the commission shall serve more than two full consecutive
terms.
(5) Members of the commission shall serve without compensation. Members of the commission, except for the Governor, the Lieutenant Governor, the Commissioner of Agriculture and Industries, the Speaker of the House of Representatives, and the Secretary of State, or their designees, shall be reimbursed for travel expenses to commission meetings in Montgomery, Alabama, at the same rate as state employees receive, to be paid from funds provided from the Legislature. The members of the commission who are attorneys shall not be paid any fees other than travel expenses at the same rate as state employees. The Legislative Fiscal Office, the Legislative Reference Service, the Alabama Law Institute, the Clerk of the House of Representatives, and the Secretary of the Senate shall provide clerical assistance to the commission as determined by the chair of the commission.

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

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

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

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

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

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

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

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

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

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

(g) Any member of the Legislature or their designees, may post individual statements supporting or opposing a statewide ballot measure on the portion of the Legislature's website containing the commission's Ballot Statements within 3 calendar days of receipt. Each of these individual statements of support or opposition shall not exceed 300 words, shall be provided to the chair of the commission at least 10 calendar days prior to the vote on the statewide ballot measure at issue, and shall be posted not later than seven calendar days prior to the vote on the statewide ballot measure at issue. 

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

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 23-JAN-14, as amended.

Jeff Woodard
Clerk

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<th>Senate</th>
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<tr>
<td>House</td>
<td>02-APR-14</td>
<td>Passed, as amended by Conference Committee Report</td>
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<tr>
<td>Senate</td>
<td>03-APR-14</td>
<td>Passed, as amended by Conference Committee Report</td>
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APPROVED April 9, 2014

TIME 1:00 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2014-399
Bill Num....: H-9
Recv'd 04/09/14 04:14pmSLF
HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 9

YEAS 73 NAYS 17

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

SENATE ACTION

DATE: 1-22

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amend(s) _ w/sub _ by a vote of

yeas _ nays _ abstain _

this _ day of _ 2014

Chairperson

DATE: 2-6

RF F A

RE-REFERRED RE-COMMITTED

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB

YEAS 30 NAYS 0

PATRICK HARRIS, Secretary