

1 HB481
2 141506-4
3 By Representatives McMillan, McClendon, Beckman, Davis, Gaston
4 and Fincher
5 RFD: Constitution, Campaigns and Elections
6 First Read: 06-MAR-12

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to elections; to provide for the Alabama
9 Informed Voter Act; to create a Fair Ballot Commission to
10 approve statements that explain what a measure being voted on
11 represents; to provide for membership and fees of the
12 commission; and to require the Secretary of State to make
13 available on its website certain information.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 Section 2. (a) (1) There is created the Fair Ballot
18 Commission. The purpose of the commission is to approve fair
19 ballot language statements prepared by the Secretary of State
20 that fairly and accurately explain what a vote for and what a
21 vote against a measure represents.

22 (2) The commission shall consist of 15 members. The
23 Governor, the Lieutenant Governor, the Attorney General, the
24 Speaker of the House of Representatives, and the Secretary of
25 State shall each serve and appoint one attorney licensed in
26 the state and one private citizen of the state who is not an
27 attorney.

1 (3) The appointments shall be made with due
2 consideration to 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, Speaker of the House of Representatives, and
7 Lieutenant Governor shall be for two years while the initial
8 terms of the members appointed by the Attorney General and the
9 Secretary of State shall be for four years. After the initial
10 term, each subsequent member shall be appointed to a four-year
11 term. No appointed member of the commission shall serve more
12 than two consecutive terms. Members shall serve until
13 successors are appointed.

14 (5) Members of the commission shall be reimbursed
15 for travel expenses at the same rate as state employees
16 receive to be paid from funds provided from the Secretary of
17 State. The members of the commission who are attorneys shall
18 not be paid any fees other than travel expenses at the same
19 rate as state employees. The Secretary of State shall provide
20 clerical assistance.

21 (6) The commission may participate in a meeting of
22 the commission by means of telephone conference, video
23 conference, or similar communication equipment by means of
24 which all persons participating in the meeting may hear each
25 other at the same time. Participation by such means shall
26 constitute presence in person at a meeting for all purposes.

1 (b) The Secretary of State, within five days of
2 introduction into the Legislature of a statewide ballot
3 measure, shall prepare and transmit to the commission fair
4 ballot language statements that fairly and accurately explain
5 what a vote for and what a vote against the measure represent.

6 (c) The commission, within five days, shall approve
7 the legal content and form of the proposed statements. All
8 statements shall be approved by a majority of the commission.
9 If a statement is not approved, the statement shall be
10 returned to the Secretary of State with an alternative
11 statement approved by a majority of the commission. The
12 Secretary of State shall promptly return the approved
13 statement to the Lieutenant Governor and the Speaker of the
14 House of Representatives for legislative approval. In the
15 event the Legislature has adjourned, the Secretary of State
16 shall submit the approved ballot statement to the legislative
17 counsel for approval, however, if the legislative counsel does
18 not approve the ballot statement it shall remain the same as
19 enacted by the Legislature.

20 (d) Each statement shall be posted in each polling
21 place next to the sample ballot or otherwise made available in
22 sufficient numbers or in such a manner as to be easily
23 accessible to the electorate before casting their vote. The
24 statements shall be written in plain, nontechnical language
25 and in a clear and coherent manner using words with common and
26 every day meaning that are understandable to the average
27 reader. Such fair ballot language statements shall be true and

1 impartial statements of the effect of a vote for and against
2 the measure in language neither intentionally argumentative
3 nor likely to create prejudice for or against the proposed
4 measure. In addition, such fair ballot language shall include
5 a statement as to whether the measure will increase, decrease,
6 or have no impact on taxes, including the specific category of
7 tax.

8 (e) The time interval between the posting of the
9 official ballot language, and the vote on the referendum,
10 shall coincide with the legally required publication of the
11 notice of election.

12 Section 3. (a) The Secretary of State shall maintain
13 a voter information section on the Secretary of State's
14 website. Within 20 days of receiving a statewide ballot
15 measure as passed by the Legislature, the Secretary of State
16 shall post under a section entitled "Official Voter
17 Information Guide" the fair ballot language statements.

18 (b) The ~~site~~ website shall contain a plain language
19 summary of what this legislation represents under the
20 following categories:

21 (1) Ballot questions.

22 (2) Summary of the ballot or ballot question.

23 (3) Legal or constitutional authority for its
24 passage.

25 (4) Analysis of the effects should the measure be
26 passed and the effect should the measure be defeated,
27 including its cost and source of funding.

1 (5) A section for arguments and rebuttals for those
2 legislators proposing and opposing the measure.

3 (6) Text of the measure listing the enabling
4 legislation including sponsors and cosponsors.

5 (7) A section for pros and cons whereby citizens may
6 post their response and comments electronically for or against
7 the measure. The comments shall be posted within 24 hours of
8 receipt.

9 (c) The Secretary of State shall make available
10 printed copies of website information upon request.

11 Section 4. The provisions of this act are severable.
12 If any part of this act is declared invalid or
13 unconstitutional, that declaration shall not affect the part
14 which remains.

15 Section 5. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the 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..... 06-MAR-12

Read for the second time and placed
on the calendar with 1 substitute
and 1 amendment..... 26-APR-12

Read for the third time and passed
as amended..... 02-MAY-12
Yeas 96, Nays 0, Abstains 0

Greg Pappas
Clerk