

1 HB481
2 138329-1
3 By Representatives McMillan, McClendon, Beckman, Davis, Gaston
4 and Fincher
5 RFD: Constitution, Campaigns and Elections
6 First Read: 06-MAR-12

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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, along with the Attorney
12 General, statements prepared by the Secretary of
13 State that explains what a vote for or what a vote
14 against a measure represents.

15 The bill would provide for membership and
16 terms of the commission.

17 This bill would require the Secretary of
18 State to post the fair ballot language on the
19 Secretary of State's website and to make available
20 printed copies.

21 This bill would allow any citizen to
22 challenge the ballot language prepared by the
23 Secretary of State.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to elections; to provide for the Alabama
3 Informed Voter Act; to create a Fair Ballot Commission to
4 approve, along with the Attorney General, statements that
5 explain what a measure being voted on represents; to provide
6 for membership and fees of the commission; to require the
7 Secretary of State to make available on its website certain
8 information; and to allow for court challenges.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 Section 2. (a) There is created the Fair Ballot
13 Commission. The purpose of the commission is to approve fair
14 ballot language statements prepared by the Secretary of State
15 that fairly and accurately explain what a vote for and what a
16 vote against a measure represents.

17 (b) The commission shall consist of eight members.
18 The Senate President Pro Tempore, the Senate Minority Leader,
19 the Speaker of the House of Representatives, and the House
20 Minority Leader shall each appoint one attorney licensed in
21 the state and one private citizen of the state who is not an
22 attorney. The initial terms of the members appointed by the
23 Senate President Pro Tempore and the House Minority Leader
24 shall be for two years while the initial terms of the members
25 appointed by the Speaker of the House of Representatives and
26 the Senate Minority Leader shall be for four years. After the
27 initial term, each subsequent member shall be appointed to a

1 four-year term. No member of the commission shall serve more
2 than two consecutive terms.

3 (c) The Secretary of State, within 20 days of
4 receiving a statewide ballot measure, shall prepare and
5 transmit to the Attorney General and the commission fair
6 ballot language statements that fairly and accurately explain
7 what a vote for and what a vote against the measure represent.

8 (d) The Attorney General and the commission, within
9 10 days, shall approve the legal content and form of the
10 proposed statements. All statements shall be approved by a
11 majority of the commission. If a statement is not approved,
12 the statement shall be returned to the Secretary of State with
13 an alternative statement approved by a majority of the
14 commission.

15 (e) Each statement shall be posted in each polling
16 place next to the sample ballot or otherwise made available in
17 sufficient numbers or in such a manner as to be easily
18 accessible to the electorate before casting their vote. Such
19 fair ballot language statements shall be true and impartial
20 statements of the effect of a vote for and against the measure
21 in language neither intentionally argumentative nor likely to
22 create prejudice for or against the proposed measure. In
23 addition, such fair ballot language shall include a statement
24 as to whether the measure will increase, decrease, or have no
25 impact on taxes, including the specific category of tax. Such
26 fair ballot language statements may be challenged in
27 accordance with Section 4.

1 (f) The time interval between the posting of the
2 official ballot language, and the vote on the referendum,
3 shall be no less than four months.

4 Section 3. (a) The Secretary of State shall maintain
5 a voter information section on the Secretary of State's
6 website. Within 20 days of receiving a statewide ballot
7 measure, the Secretary of State shall post under a section
8 entitled "Official Voter Information Guide" the fair ballot
9 language statements.

10 (b) The site shall contain a plain language summary
11 of what this legislation represents under the following
12 categories:

13 (1) Amendment's official title.

14 (2) Summary of the amendment.

15 (3) Constitutional authority for its passage.

16 (4) Analysis of the effects should the amendment be
17 passed and the effect should the amendment be defeated,
18 including its cost and source of funding.

19 (5) A section for arguments and rebuttals for those
20 legislators proposing and opposing the amendment.

21 (6) Text of the amendment listing the enabling
22 legislation including sponsors and cosponsors.

23 (7) A section for pros and cons whereby citizens may
24 post their response and comments electronically for or against
25 the amendment. The comments shall be posted within 24 hours of
26 receipt.

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

3 Section 4. (a) Any citizen who wishes to challenge
4 the ballot language statements shall bring an action in the
5 circuit court of Montgomery County. The action shall be
6 brought within 10 days after the official statement is
7 released by the Secretary of State in accordance with this
8 act.

9 (b) The Secretary of State shall be named as a party
10 defendant in any action challenging the ballot language
11 statement.

12 (c) The petition shall state the reason why the
13 statement is insufficient and shall request a different
14 statement.

15 (d) The action shall be placed at the top of the
16 civil docket. The court shall consider the petition, hear
17 arguments, and in its decision certify a ballot language
18 statement to the Secretary of State.

19 (e) Any party may appeal to the Supreme Court within
20 10 days after a circuit court decision.

21 Section 5. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.