HB27
173092-2
By Representative McMillan
RFD: Constitution, Campaigns and Elections
First Read: 02-FEB-16
PFD: 01/28/2016
ENROLLED, An Act,

To amend Section 17-6-81, Code of Alabama 1975, relating to the Fair Ballot Commission; to require that the ballot statement of the commission be posted on the website of the Secretary of State in lieu of the legislative website.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-6-81.

"(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), 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 of the Secretary of State:

"(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.

"(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 everyday 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 of
the Secretary of State 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 of the Secretary
of State 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 of the Secretary of State
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 of the
Secretary of State 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 of the Secretary of State 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 2. This act shall become effective on the
first day of the third month 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 17-FEB-16.

Jeff Woodard
Clerk

Senate 03-MAY-16 Passed

APPROVED 5-11-2016
TIME 3:30 PM

Governor

Alabama Secretary Of State
Act Num.: 2016-337
Bill Num.: H-27
Recy'd 05/12/16 09:06amSLF
REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on
Constitution, Campaign, Election was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be passed w/amend(s) w/sub

this 3 day of Feb., 2016.

Chairperson

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 NAYS

JEFF WOODARD, Secretary