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8 SYNOPSIS: This bill would create The Truth in
9 Balloting Act.

10 This bill would create a Fair Ballot
11 Commission to approve statements that explain what
12 a vote for or what a vote against a proposed ballot
13 question represents.

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

16 This bill would require the commission's
17 work to be posted on the Legislature's website.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 Relating to elections; to provide for The Truth in
24 Balloting Act; to create a Fair Ballot Commission to approve
25 statements that explain the effect of a vote for or against a
26 proposed ballot question; to provide for membership and terms

1 of the commission; and to require the commission's work to be
2 posted on the Legislature's website.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited
5 as The Truth in Balloting Act.

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

10 (2) The commission shall consist of 15 members. The
11 Governor, the Lieutenant Governor, the Attorney General, the
12 Speaker of the House of Representatives, and the Secretary of
13 State, or their designees, shall serve on the commission and
14 shall each appoint to the commission one attorney licensed in
15 the state and one private citizen of the state who is not an
16 attorney. Other than the Governor, the Lieutenant Governor,
17 the Attorney General, the Speaker of the House of
18 Representatives, and the Secretary of State, or their
19 designees, no public official, as that term is defined in
20 Section 36-25-1(27) of the Code of Alabama 1975, shall serve
21 on the commission. The Chairman, Vice-Chairman, and Ranking
22 Minority Member of the House Constitution, Campaigns and
23 Elections Committee and the Chairman, Vice-Chairman, and
24 Ranking Minority Member of the Senate Constitution, Campaign
25 Finance, Ethics, and Elections Committee shall serve as
26 non-voting advisors to the commission.

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

13 (5) Members of the commission shall serve without
14 compensation. Members of the commission, except for the
15 Governor, the Lieutenant Governor, the Attorney General, the
16 Speaker of the House of Representatives, and the Secretary of
17 State, or their designees, shall be reimbursed for travel
18 expenses at the same rate as state employees receive, to be
19 paid from funds provided from the Legislature. The members of
20 the commission who are attorneys shall not be paid any fees
21 other than travel expenses at the same rate as state
22 employees. The Legislative Fiscal Office, the Legislative
23 Reference Service, the Alabama Law Institute, the Clerk of the
24 House of Representatives, and the Secretary of the Senate
25 shall provide clerical assistance to the commission as
26 determined by the chair of the commission.

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

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

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

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

24 (iii) The placement of the statewide ballot measure
25 on the statewide ballot; and

26 (iv) A plain language summary of the statewide
27 ballot measure, which shall include, at a minimum, the legal

1 or constitutional authority for its passage, the effect of the
2 statewide ballot measure if it is passed, including its cost
3 and source of funding, and the effect of the statewide ballot
4 measure if it is defeated.

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

16 (d) Ballot Statements can be approved only at
17 meetings of the commission and only by a majority of the
18 commission members present at the commission meeting. It
19 shall be noted on the Legislature's website if a majority of
20 the commission cannot agree on a Ballot Statement. In the
21 event a majority of the commission cannot agree on a Ballot
22 Statement, members of the commission may publish individual
23 Ballot Statements, provided that the statements conform to and
24 are posted in a manner consistent with the provisions of
25 subsections (b) and (c) of this section.

26 (e) Ballot Statements approved by the commission,
27 or, in the event the commission does not approve a Ballot

1 Statement, any Ballot Statement written by a commission
2 member, shall be printed, posted, and distributed in the same
3 manner and by the same officials as sample ballots are
4 printed, posted, and distributed. Additionally, a printed copy
5 of each Ballot Statement approved by the commission, or, in
6 the event the commission does not approve a Ballot Statement,
7 any Ballot Statement written by a commission member, shall,
8 not later than 55 calendar days prior to a vote on a statewide
9 ballot measure, be made available at the office of the
10 Secretary of State or at the office of each Judge of Probate,
11 provided, however, that these offices may cover their printing
12 costs by requiring that the person requesting a printed copy
13 pay a printing fee, the maximum amount of which shall equal
14 the costs of fulfilling each printing request.

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

24 (g) The chair of the commission shall allow
25 individual statements supporting or opposing a statewide
26 ballot measure that have been written by any member of the
27 commission or any member of the Legislature to be posted on

1 the portion of the Legislature's website containing the
2 commission's Ballot Statements. Each of these individual
3 statements of support or opposition shall not exceed 300
4 words, shall be provided to the chair of the commission at
5 least 45 calendar days prior to the vote on the statewide
6 ballot measure at issue, and shall be posted not later than 30
7 calendar days prior to the vote on the statewide ballot
8 measure at issue.

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

13 Section 4. This act shall become effective on
14 January 1, 2014, following its passage and approval by the
15 Governor, or its otherwise becoming law.