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**ALABAMA FAIR BALLOT COMMISSION
NOVEMBER 21, 2019
ALABAMA STATE HOUSE
11 SOUTH UNION STREET
ROOM 200
MONTGOMERY, ALABAMA**

Commissioners present were:

The Honorable John L. Carroll, Chairman

Mr. Jason Isbell, Vice Chairman

Ms. Erika McKay, Deputy General Counsel for the Governor, and on behalf of Governor Ivey

Mr. Patrick Moody, Deputy Commissioner of Agriculture and Industries, and on behalf of
Commissioner Pate

Mr. David Brewer, Chief of Staff for the Secretary of State, and on behalf of Secretary of State Merrill

Mr. Jess Skaggs, Deputy Chief of Staff for the Lt. Governor, and on behalf of Lt. Governor Ainsworth

Mr. Andrew Westcott, Legal Counsel for the Speaker of the Alabama House of Representatives, and
on behalf of Speaker McCutcheon

Ms. Amy C. Marshall

Mr. Thomas J. Saunders

Ms. Renee Gentle Powers

Mr. Jordan Plaster

Ms. Casey Gay Williams

Mr. Myles Mayberry

The Honorable Chris Elliott, Member, Alabama State Senate

The Honorable Linda Coleman-Madison, Member, Alabama State Senate (who participated by
Teleconference)

Commissioners absent were:

Ms. Katherine Robertson

Ms. Caleigh M. Hart

Mr. Steve Dunn

Ms. Christy K. Truitt

The Honorable Matt Fridy, Member, Alabama House of Representatives

The Honorable Bob Fincher, Member, Alabama House of Representatives

The Honorable Juandalynn Givan, Member, Alabama House of Representatives

The Honorable Jimmy Holley, Member, Alabama State Senate

In attendance were:

Mr. Andrew A. Yerbey participated in the discussion, on behalf of Commissioner Robertson , but did
not act as a member

Ms. Brittany Hamilton, Special Assistant, Secretary of State

Mr. Clay Helms, Director of Elections, Secretary of State
Mr. Hugh Evans, III, Deputy Attorney General, Secretary of State
Ms. Grace Newcombe, Press Secretary, Secretary of State

WELCOME

Chairman Carroll called to order the meeting at 2:05 p.m. and welcomed everyone.

INVOCATION & PLEDGE OF ALLEGIANCE

Chairman Carroll gave the invocation and led the Commission in the Pledge of Allegiance to the United States of America.

ACKNOWLEDGMENT OF NOTIFICATION OF MEETING PURSUANT TO THE ALABAMA OPEN MEETINGS ACT

Chairman Carroll informed the Commission that today's meeting was posted on the Alabama Open Meetings Act website, compliant with applicable law.

ROLL CALL & ACKNOWLEDGMENT OF QUORUM

Chairman Carroll directed Commissioner Brewer to call the roll. Commissioner Brewer called the roll and advised Chairman Carroll that a quorum was present. With a quorum in attendance, the Commission transacted the following business, to-wit:

REVIEW AND APPROVAL OF THE MINUTES FROM THE SEPTEMBER 17, 2019 MEETING

Chairman Carroll asked the members if they had any changes to the September 17, 2019 meeting minutes at which no Commissioners voiced any revisions. Chairman Carroll asked for a motion to approve the minutes

MOTION BY COMMISSIONER PLASTER, SECONDED BY VICE CHAIRMAN ISBELL, TO APPROVE THE SEPTEMBER 17, 2019 MINUTES OF THE ALABAMA FAIR BALLOT COMMISSION.

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|-----------------|-----------|-----------------------|---|
| Ayes: | 13 | Commissioners: | Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Patrick Moody, Andrew Westcott, David Brewer, Jess Skaggs, Amy C. Marshall, Jordan Plaster, Renee Gentle Powers, Casey Gay Williams, Thomas J. Saunders & Myles Mayberry |
| No: | 0 | Commissioners: | (None) |
| Abstain: | 0 | Commissioners: | (None) |
| Absent: | 4 | Commissioners: | Katherine Robertson, Steve Dunn, Caleigh M. Hart & Christy Truitt |

MOTION PASSED.

**DISCUSSION AND PREPARATION OF THE BALLOT STATEMENT FOR THE 2020
PRIMARY ELECTION - STATEWIDE AMENDMENT NO. 1 – ACT. NO. 2019-345**

Chairman Carroll opened the business portion of the meeting by giving a concise briefing on the law that established the Commission for the benefit of all attendees and, thereafter, discussed the complaint that Alabama State Board of Education Member Jackie Zeigler issued to the Commission. Chairman Carroll directed each Commission member to find before them a copy of Ms. Zeigler's complaint.

Chairman Carroll preliminarily reviewed the ballot statement for Statewide Amendment No. 1 as previously discussed at the September 17, 2019 meeting and, thereafter, reviewed the updated version recently circulated by Vice Chairman Isbell before today's meeting.

Chairman Carroll directed Vice Chairman Isbell to lead the Commission in the review of the same. The Commissioners discussed revisions to the draft Ballot Statement that is below recited, as follows:

FAIR BALLOT COMMISSION

STATEWIDE CONSTITUTIONAL AMENDMENT

MARCH 3, 2020 BALLOT

BALLOT STATEMENTS

Approved Pursuant to Ala. Code 1975 § 17-6-81

BALLOT STATEMENT FOR STATEWIDE AMENDMENT 1:

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

Proposed by Act No. 2019-345 (Senate Bill 397, 2019 Regular Legislative Session)

Bill Sponsor: Senator Marsh

Cosponsors: Senators Orr, McClendon, Roberts, Chambliss, Albritton, Elliott, Livingston, Gudger, Price, Givhan, Shelnett, Stutts, Waggoner, Sessions, Williams, Whatley, Reed, Ward, Jones, and Melson

"Proposing an amendment to the Constitution of Alabama of 1901, to change the name of the State Board of Education to the Alabama Commission on Elementary and Secondary Education; to provide for the appointment of the members of the commission by the Governor, subject to confirmation by the Senate; to change the name of the State Superintendent of Education to the Secretary of Elementary and Secondary Education; to provide for the appointment of the secretary by the commission, subject to confirmation by the Senate; and to authorize the Governor to appoint a team of local educators and other officials to advise the commission on matters relating to the functioning and duties of the State Department of Education."

"Proposed by Act 2019-345."

This description shall be followed by the following language: "Yes () No ()."

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

If a majority of voters approve Amendment 1, a separate bill passed by the Legislature, Act 2019-510, will become law. This separate bill does two things. First, it requires the Governor to consult with members of the minority political party of the Legislature when appointing members of the Alabama Commission on Elementary and Secondary Education. Second, it requires the Secretary of Elementary and Secondary Education to report to the Legislature each year on state education policy objectives and methods to improve academic achievements.

(3) The placement of the statewide ballot measure on the statewide ballot:

This proposed Constitutional Amendment will appear on the Ballot after election of statewide and local offices and will be the first constitutional amendment for voter consideration. The proposed Constitutional Amendment will be listed as "Statewide Amendment 1."

(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.

Amendment 1 does three things. First, it renames the State Board of Education the "Alabama Commission on Elementary and Secondary Education" and provides that commission members are appointed for up to two terms by the Governor and approved by the Senate rather than elected by the public. Second, it changes the title of the top public education official in the state and provides that this official's appointment would be approved by the Senate. Third, it requires the Commission to adopt education standards in place of "common core."

There is no cost for Amendment 1.

The Constitutional authority for passage of Amendment 1 is set forth in Sections 284 and 285 of the State Constitution. These sections outline the way a constitutional amendment may be put to the people of the State for a vote.

After preparing the draft Ballot Statement, Chairman Carroll directed that the public in attendance have an opportunity to speak to render their views and opinions.

Mr. George Barry, of Madison, Alabama, rose to speak.

Mr. Larry Lee, of Montgomery, Alabama, rose to speak.

Dr. Lou Campomenosi, of Fairhope, Alabama, rose to speak.

After all public comments were made and considered, Chairman Carroll asked the Commission to consider the final draft ballot statement.

MOTION BY COMMISSIONER POWERS, SECONDED BY COMMISSIONER MAYBERRY, TO APPROVE THE FINAL BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 1 – ACT NO. 2019-345.

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|-----------------|-----------|-----------------------|---|
| Ayes: | 12 | Commissioners: | Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Patrick Moody, Andrew Westcott, David Brewer, Jess Skaggs, Amy C. Marshall, Jordan Plaster, Renee Gentle Powers, Casey Gay Williams & Myles Mayberry |
| No: | 0 | Commissioners: | (None) |
| Abstain: | 1 | Commissioners: | Thomas J. Saunders |
| Absent: | 4 | Commissioners: | Katherine Robertson, Steve Dunn, Caleigh M. Hart & Christy Truitt |

MOTION PASSED.

DISCUSSION ON VENUES TO INFORM THE PUBLIC OF THE BALLOT STATEMENT

Chairman Carroll directed Commissioner Brewer to provide an update on how the public will be informed of today's approved ballot statement. Commissioner Brewer stated that Secretary of State John Merrill was successful in obtaining the concurrence of the state's ballot production vendor to place the approved ballot statement on all of Alabama's sample ballots which will be available in paper form throughout Alabama and online at the Alabama Secretary of State's website. Commissioner Brewer also informed the Commission that certain information on the approved ballot statement would be available on social media prior to the March 3, 2020, Primary Election.

OTHER BUSINESS

There was no other business to be reviewed by the Commission.

ADJOURNMENT

With no other further business coming before the Commission, Chairman Carroll asked for a motion to adjourn the meeting.

MOTION BY COMMISSIONER SAUNDERS, SECONDED BY COMMISSIONER POWERS, TO ADJOURN THE NOVEMBER 21, 2019 MEETING OF THE ALABAMA FAIR BALLOT COMMISSION.

Ayes: 13 **Commissioners:** Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Patrick Moody, Andrew Westcott, David Brewer, Jess Skaggs, Amy C. Marshall, Jordan Plaster, Renee Gentle Powers, Casey Gay Williams, Thomas J. Saunders & Myles Mayberry

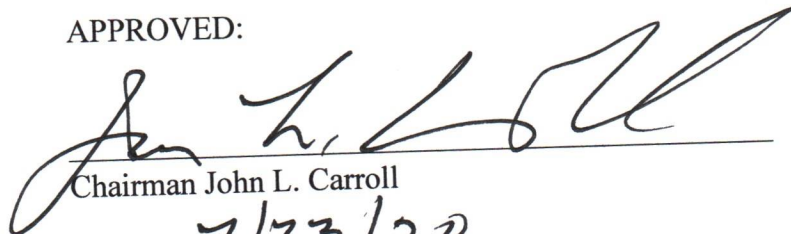
No: 0 **Commissioners:** (None)

Abstain: 0 **Commissioners:** (None)

Absent: 4 **Commissioners:** Katherine Robertson, Steve Dunn, Caleigh M. Hart & Christy Truitt

MOTION PASSED.

APPROVED:



Chairman John L. Carroll

7/23/20