



Alabama Fair Ballot Commission:

An Overview of the Role of the Commission

Prepared 2/2018



What is it?

- The Alabama Ballot Commission (hereinafter referred to as “Commission”) was formed by the Alabama Informed Voter Act (Act 2014-399; § 17-6-81 Ala. Code 1975.)
- The Commission consists of 18 voting members, including the Governor, Lieutenant Governor, Commissioner of Agriculture and Industries, Speaker of the House of Representatives, Secretary of State, and one member appointed each from the Alabama State University School of Public Policy, the Samford University School of Public Policy, and the Miles College School of Law.
- In addition, the Governor, Lieutenant Governor, Commissioner of Agriculture and Industries, Speaker of the House of Representatives, and the Secretary of State will each appoint a licensed attorney, and a private citizen who is not an attorney to be voting members of the Commission.



What is it?

- In addition to the 18 voting members of the Commission, there are 6 non-voting members.
- These non-voting members include:
 - Chair, House Constitution, Campaigns, and Elections Committee
 - Vice-Chair, House Constitution, Campaigns, and Elections Committee
 - Ranking Minority Member, House Constitution, Campaigns, and Elections Committee
 - Chair, Senate Constitution, Campaigns, and Elections Committee
 - Vice-Chair Senate Constitution, Campaigns, and Elections Committee
 - Ranking Minority Member, Senate Constitution, Campaigns, and Elections Committee



What is it?

- Commissioners receive no compensation, except for travel expenses incurred in Commission business.
- Each Commissioner is appointed to a four year term.
- Commissioners may not serve more than two full consecutive terms.



Commission Officers:

- The statute that creates the Commission provides for a Chair, and a Vice-Chair.
 - “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.”
- The Chair presides over all commission meetings. In the absence of the Chair, the Vice-Chair shall preside.



How does the Commission meet?

- Commissioners may attend meeting virtually by way of communication equipment that will allow commission members to hear one another. (Ex: Speakerphone, video conference, etc.)
- Virtual meeting attendance shall allow commissioners to participate, but will not be counted for the purposes of establishing a quorum.
- To establish a quorum for a meeting, there must be 10 members of the Commission physically present during the meeting.




What does the Commission do?

- 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 Secretary of State's website:
 - (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; and
 - (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.



Anatomy of a Commission Statement:



(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 2015-217](#) (House Bill 551 of the 2015 Regular Legislative Session)

Bill Sponsor: Representative Gaston

Cosponsors: None

“Proposing an amendment to the Constitution of Alabama of 1901, to establish procedures to ensure that no more than three of the members of the Auburn University Board of Trustees shall have terms that expire in the same calendar year and to add two additional at-large members to the board to enhance diversity on the board.”

“Proposed by Act [2015-217](#).”

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:

There is no implementing legislation for this statewide ballot measure.



(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 two things. First, it sets up a process to make sure that no more than three of the members of the Auburn University Board of Trustees will have terms that end in the same year. Second, it adds two more at-large members to the board who are intended to add diversity to the Board. This increases the size of the Board from 14 to 16 total members with 5 at-large members.

If the majority of the voters vote “Yes” on Amendment 1, no more than three of the members of the Auburn University Board of Trustees will have terms that end in the same year and two more at-large members will be added to the board.

If the majority of voters vote “No” on Amendment 1, the Auburn University Board of Trustees will not be able to limit the number of board member terms expiring in the same year and two more at-large members will not be added to the board.

There is no cost for Amendment 1.

The Constitutional authority for passage of Amendment 1 is set forth in Sections 284, 285 and 287 of the State Constitution. These sections outline the way a constitutional amendment may be put to the people of the State for a vote.



60-Day Deadlines: (2018)

- Statewide Primary Election:
 - The commission shall post a ballot statement no later than April 6, 2018, for the June 5, 2018 Statewide Primary Election.
- Statewide Runoff:
 - The commission shall post a ballot statement no later than May 18, 2018, for the July 17, 2018 Statewide Runoff Election.
- Statewide General:
 - The commission shall post a ballot statement no later than September 7, 2018, for the November 6, 2018 Statewide General Election.



What does the Commission do?

- Ballot Statements must be written in plain, clear, nontechnical language using common words with common meaning that is understandable to the average reader.
- Ballot Statements shall be true statements of the effect of a vote for and a vote against the measure in neutral language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure.
- 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.



What does the Commission do?

- In the event a majority of the commission cannot agree on a Ballot Statement within the 60–day time frame, the portions of ballot statements which can be agreed upon by a majority of the commission shall be posted on the portion of the website of the Secretary of State containing the commission's ballot statements, along with links to other websites that discuss upcoming statewide ballot measures.
- Additionally, the portion of the Secretary of State's website 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.



What does the Commission do?

- Members of the Legislature may also submit statements in support of or in opposition to statewide ballot measures to be published to the Secretary of State's website, provided that they are 300 words or less; they are provided to the Commission Chairman at least 10 days prior to the vote on the measure at issue; and are provided no later than seven calendar days prior to the statewide ballot measure vote.
- 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.



What does the Commission do?

- Also, 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.



What does the Commission do?

- The chair of the commission shall allow the portion of the 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 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.



Consideration of the Installation of Officers



Alabama Fair Ballot Commission:

Improving information flow to the electors

Prepared 2/2018



How the Commission currently conveys information:

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How the Commission could potentially increase information flow:

- Ask Probate Judges to add hyperlinks on their websites and social media accounts that lead web traffic to ballot statement information on the Secretary of State's website.
- Use social media platforms to drive traffic to the ballot statement information on the Secretary of State's website.
- Print ballot statements on sample ballots to better distribute to the public.



How the Commission could
potentially increase information
flow:

Other Suggestions?



Thank you for your attention!

Questions?