oooooooo0000000000000ooooooo

ALABAMA FAIR BALLOT COMMISSION
JULY 26, 2018
ALABAMA STATE CAPITOL
600 DEXTER AVENUE
OLD ARCHIVES ROOM
MONTGOMERY, ALABAMA

Commissioners present were:

The Honorable John L. Carroll, Chairman
Mr. Jason Isbell, Vice Chairman
Ms. Erica McKay, Deputy General Counsel for the Governor, and on behalf of Governor Ivey
Mr. David A. Z. Brewer, Chief of Staff for the Secretary of State, and on behalf of the Secretary of State
Mr. Jesse Skaggs, Governmental Relations Manager for the Commissioner of Agriculture and Industries, and on behalf of the Commissioner of Agriculture and Industries
Mr. Jim Entrekin, General Counsel for the Legislative Services Agency, and on behalf of the Speaker of the House of Representatives
Ms. Katherine Robertson
Ms. Amy C. Marshall
Mr. Kenneth Lamar Freeman
Mr. Myles Mayberry
Ms. Casey Gay Williams

Commissioners absent were:

Mr. Thomas J. Saunders
Mr. Steve Dunn
Mrs. Renee Gentle Powers
The Honorable Randy Davis
The Honorable Paul Beckman
The Honorable Richard J. Lindsey
The Honorable Bill Hightower
The Honorable Rodger Smitherman

Staff members present for the Secretary of State, and as staff of the Alabama Fair Ballot Commission (Commission), were:

Ms. Brittany Hamilton, Special Assistant, Secretary of State
Mr. John C. Bennett, Deputy Chief of Staff, Secretary of State
Mr. Brent Beal, Deputy Attorney General, Secretary of State

DRAFT

Mr. Edward Packard, Administrator of Elections, Secretary of State
Mr. Jason Houston, Communications Director, Secretary of State

WELCOME

Chairman Carroll called to order the meeting at 2:21 p.m. and welcomed everyone. Secretary of State John H. Merrill greeted all the members of the Commission and thanked them for their service.

INVOCATION & PLEDGE OF ALLEGIANCE

Vice Chairman Isbell gave the invocation and Commissioner Robertson led the Commission in the Pledge of Allegiance to the United States of America.

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

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

ROLL CALL & ACKNOWLEDGEMENT OF QUORUM

Chairman Carroll directed Commissioner Brewer to call the roll. Commissioner Brewer called the roll and advised Chairman Carroll that a quorum was not present as there were only nine members in attendance. Thereafter, Commissioner McKay entered the room and a quorum was present. With enough members in attendance, the Commission transacted the following business, to-wit:

REVIEW AND APPROVAL OF THE MINUTES FROM THE MARCH 1, 2018 MEETING

Chairman Carroll asked the members if they had any changes to the March 1, 2018 meeting minutes at which no Commissioners voiced any revisions. Chairman Carroll asked for a motion to approve the minutes

MOTION BY COMMISSIONER MAYBERRY, SECONDED BY COMMISSIONER FREEMAN, TO APPROVE THE MARCH 1, 2018 MINUTES OF THE ALABAMA FAIR BALLOT COMMISSION.

Ayes:	**10**	**Commissioners:**	**Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Jesse Skaggs, Jim Entrekin, David A. Z. Brewer, Katherine Robertson, Amy C. Marshall, Kenneth Lamar Freeman & Myles Mayberry**
No:	**0**	**Commissioners:**	**(None)**
Abstain:	**0**	**Commissioners:**	**(None)**
Absent:	**4**	**Commissioners:**	**Casey Gay Williams, Thomas J. Saunders, Steve Dunn & Renee Gentle Powers**

MOTION PASSED.

At this time, Commissioner Williams entered the room to attend the meeting as she was running late.

DISCUSSION AND PREPARATION OF THE BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 1 – ACT. NO. 2018-389

Chairman Carroll preliminarily reviewed the ballot statement for Statewide Amendment No. 1 and, thereafter, the Commissioners discussed revisions. After the discussion, Chairman Carroll asked for a motion to approve the final ballot statement as follows:

FAIR BALLOT COMMISSION

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 2018-389 (Senate Bill 181 of the 2018 Regular Legislative Session)
Bill Sponsor: Senator Dial
Cosponsors: None

"Proposing an amendment to the Constitution of Alabama of 1901, providing for certain religious rights and liberties; authorizing the display of the Ten Commandments on state property and property owned or administrated by a public school or public body; and prohibiting the expenditure of public funds in defense of the constitutionality of this amendment.

Proposed by Act 2018-389.

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.

Under current law, the state constitution contains no language related to the display of the Ten Commandments.

Amendment 1 does two things. First, it provides that a person is free to worship God as he or she chooses, and that a person's religious beliefs will have no effect on his or her civil or political rights. Second, it makes clear that the Ten Commandments may be displayed on public property so long as the display meets constitutional requirements, such as being displayed along with historical or educational items. Amendment 1 also provides that no public funds may be used to defend this amendment in court.

If a majority of voters vote "Yes" on Amendment 1, the state constitution will provide that a person is free to worship God as he or she chooses and that a person's religious beliefs will have no effect on his or her civil or political rights. It will also provide that the Ten Commandments can be displayed on public property so long as the display meets constitutional requirements, such as being displayed along with historical or educational items.

If a majority of voters vote "No" on Amendment 1, no language related to the display of the Ten Commandments would be included in the state constitution.

There is no cost for Amendment 1. No public funds may be used to defend this amendment in court.

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.

MOTION BY COMMISSIONER MAYBERRY, SECONDED BY COMMISSIONER WILLIAMS, TO APPROVE THE FINAL BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 1 – ACT NO. 2018-389.

Ayes:	**11**	**Commissioners:**	**Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Jesse Skaggs, Jim Entrekin, David A. Z. Brewer, Katherine Robertson, Amy C. Marshall, Kenneth Lamar Freeman, Myles Mayberry & Casey Gay Williams**
No:	**0**	**Commissioners:**	**(None)**
Abstain:	**0**	**Commissioners:**	**(None)**
Absent:	**3**	**Commissioners:**	**Thomas J. Saunders, Steve Dunn & Renee Gentle Powers**

MOTION PASSED.

DISCUSSION AND PREPARATION OF THE BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 2 – ACT. NO. 2017-188

Chairman Carroll preliminarily reviewed the ballot statement for Statewide Amendment No. 2 and, thereafter, the Commissioners discussed revisions. After the discussion, Chairman Carroll asked for a motion to approve the final ballot statement as follows:

FAIR BALLOT COMMISSION

BALLOT STATEMENT FOR STATEWIDE AMENDMENT 2:

(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 2017-188 (House Bill 98 of the 2017 Regular Legislative Session)
Bill Sponsor: Representative Fridy
Cosponsors: None

"Proposing an amendment to the Constitution of Alabama of 1901, as amended; to declare and otherwise affirm that it is the public policy of this state to recognize and support the sanctity of unborn life and the rights of unborn children, most importantly the right to life in all manners and measures appropriate and lawful; and to provide that the constitution of this state does not protect the right to abortion or require the funding of abortion.

Proposed by Act 2017-188.

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 second constitutional amendment for voter consideration. The proposed Constitutional Amendment will be listed as "**Statewide Amendment 2**".

(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.

Under current law, the state constitution does not include any language that directly relates to the importance of unborn life or the rights of unborn children, nor does it include any language that directly relates to abortion or the funding of abortions using state funds.

Amendment 2 provides that it would be the public policy of the state to recognize and support the importance of unborn life and the rights of unborn children, including the right to life; and to protect the rights of unborn children. Additionally, the amendment would make clear that the state constitution does not include a right to abortion or require the funding of an abortion using public funds.

The proposed amendment does not identify any specific actions or activities as unlawful. It expresses a public policy that supports broad protections for the rights of unborn children as long as the protections are lawful.

DRAFT

If a majority of voters vote "Yes" on Amendment 2, the public policy of this state will be to support and protect the importance of unborn life and the rights of unborn children. The state constitution would also not include a right to an abortion or to the funding of an abortion using public funds.

If a majority of voters vote "No" on Amendment 2, there would be no language in the state constitution related to the importance of unborn life or protecting the rights of unborn children, or to abortion or the funding of abortions using public funds.

There is no cost for Amendment 2.

The Constitutional authority for passage of Amendment 2 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.

MOTION BY COMMISSIONER ENTREKIN, SECONDED BY COMMISSIONER MAYBERRY, TO APPROVE THE FINAL BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 2 – ACT NO. 2017-188.

Ayes:	**11**	**Commissioners:**	**Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Jesse Skaggs, Jim Entrekin, David A. Z. Brewer, Katherine Robertson, Amy C. Marshall, Kenneth Lamar Freeman, Myles Mayberry & Casey Gay Williams**
No:	**0**	**Commissioners:**	**(None)**
Abstain:	**0**	**Commissioners:**	**(None)**
Absent:	**3**	**Commissioners:**	**Thomas J. Saunders, Steve Dunn & Renee Gentle Powers**

MOTION PASSED.

DISCUSSION AND PREPARATION OF THE BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 3 – ACT. NO. 2018-132

Chairman Carroll preliminarily reviewed the ballot statement for Statewide Amendment No. 3 and, thereafter, the Commissioners discussed revisions. After the discussion, Chairman Carroll asked for a motion to approve the final ballot statement as follows:

FAIR BALLOT COMMISSION

BALLOT STATEMENT FOR STATEWIDE AMENDMENT 3:

(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 2018-132 (Senate Bill 194 of the 2018 Regular Legislative Session)
Bill Sponsor: Senator Greg Reed
Cosponsors: Senators Waggoner and Allen

"Proposing an amendment to the Constitution of Alabama of 1901, relating to the Board of Trustees of the University of Alabama, to specify that the congressional districts from which members are appointed continue to reflect those as constituted on January 1, 2018, to remove the State Superintendent of Education from membership, and to delete the requirement that members vacate office at the annual meeting of the board following their seventieth birthday.

Proposed by Act 2018-132.

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 third constitutional amendment for voter consideration. The proposed Constitutional Amendment will be listed as "**Statewide Amendment 3**".

(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.

Under current law, the University of Alabama Board of Trustees is composed of 16 people: three members from the congressional district in which the Tuscaloosa campus is located, two members from each of the other six congressional districts in the state, the Governor, and the State Superintendent of Education. So, if the number of congressional districts in Alabama increased or decreased in the future, the number of trustees would also increase or decrease. Additionally, other than the Governor and the State Superintendent of Education, current law requires a trustee to retire from the board following his or her seventieth birthday.

Amendment 3 does three things. First, it provides that the board will be composed of members from congressional districts as those districts existed on January 1, 2018, meaning any future changes to the number of congressional districts in Alabama would not impact the number of board members. Second, it removes the State Superintendent of Education from automatically having a seat on the board. Third, it allows a trustee to serve after his or her seventieth birthday.

If a majority of voters vote "Yes" on Amendment 3, future changes to the number of congressional districts in Alabama will not impact the number of board members, the State Superintendent of Education will no longer automatically be a member of the board, and trustees will be allowed to serve on the board after their seventieth birthday.

If a majority of voters vote "No" on Amendment 3, future changes to the number of congressional districts in Alabama will impact the number of board members, the State Superintendent of Education

will continue to automatically have a seat on the board, and trustees will not be allowed to serve on the board after their seventieth birthday.

There is no cost for Amendment 3.

The Constitutional authority for passage of Amendment 3 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.

MOTION BY COMMISSIONER SKAGGS, SECONDED BY COMMISSIONER WILLIAMS, TO APPROVE THE FINAL BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 3 – ACT NO. 2018-132.

Ayes:	**11**	**Commissioners:**	**Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Jesse Skaggs, Jim Entrekin, David A. Z. Brewer, Katherine Robertson, Amy C. Marshall, Kenneth Lamar Freeman, Myles Mayberry & Casey Gay Williams**
No:	**0**	**Commissioners:**	**(None)**
Abstain:	**0**	**Commissioners:**	**(None)**
Absent:	**3**	**Commissioners:**	**Thomas J. Saunders, Steve Dunn & Renee Gentle Powers**

MOTION PASSED.

DISCUSSION AND PREPARATION OF THE BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 4 – ACT. NO. 2018-276

Chairman Carroll preliminarily reviewed the ballot statement for Statewide Amendment No. 4 and, thereafter, the Commissioners discussed revisions. After the discussion, Chairman Carroll asked for a motion to approve the final ballot statement as follows:

FAIR BALLOT COMMISSION

BALLOT STATEMENT FOR STATEWIDE AMENDMENT 4:

(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 2018-276 (Senate Bill 15 of the 2018 Regular Legislative Session)
Bill Sponsor: Senator Glover
Cosponsors: None

"Proposing an amendment to the Constitution of Alabama of 1901, to provide that, if a vacancy in either the House of Representatives or the Senate occurs on or after October 1 of the third year of a quadrennium, the seat would remain vacant until a successor is elected at the next succeeding general election.

Proposed by Act 2018-276.

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 fourth constitutional amendment for voter consideration. The proposed Constitutional Amendment will be listed as "**Statewide Amendment 4**".

(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.

Under current law, members of the state legislature are elected to four-year terms of office that begin and end on Election Day in November. This four-year period is known as a quadrennium. When a person who was elected to serve in the state legislature is unable to complete his or her term, a vacancy is created. When this vacancy occurs, the Governor is required to schedule a special election. The winner of the special election fills the vacancy for the rest of the term.

Amendment 4 provides that when a vacancy occurs in the state legislature on or after October 1 of year three of the four-year term, the seat will remain vacant until the next general election, which occurs in November of the fourth year of the term. The Governor would no longer have the power to schedule a special election to fill a vacancy in these circumstances, and public funds that would have been spent on the special election would be saved.

If a majority of voters vote "Yes" on Amendment 4, state legislative seats that become vacant within the final 14 months of the four-year term of office will remain vacant until the general election.

If a majority of voters vote "No" on Amendment 4, the Governor will continue to be required to schedule a special election whenever a vacancy occurs in the state legislature.

There is no cost for Amendment 4.

The Constitutional authority for passage of Amendment 4 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.

MOTION BY COMMISSIONER SKAGGS, SECONDED BY COMMISSIONER MARSHALL, TO APPROVE THE FINAL BALLOT STATEMENT FOR STATEWIDE AMENDMENT NO. 4 – ACT NO. 2018-276.

Ayes:	**11**	**Commissioners:**	**Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Jesse Skaggs, Jim Entrekin, David A. Z. Brewer, Katherine Robertson, Amy C. Marshall, Kenneth Lamar Freeman, Myles Mayberry & Casey Gay Williams**
No:	**0**	**Commissioners:**	**(None)**
Abstain:	**0**	**Commissioners:**	**(None)**
Absent:	**3**	**Commissioners:**	**Thomas J. Saunders, Steve Dunn & Renee Gentle Powers**

MOTION PASSED.

DISCUSS NEW VENUES TO INFORM THE PUBLIC OF STATEWIDE BALLOT MEASURES

Chairman Carroll asked Commissioner Brewer to discuss the venues that the Commission will use to inform the public of the approved Ballot Statements. Commissioner Brewer informed the Commission that the Commission website, hosted by the Secretary of State, will be updated with the new Ballot Statements. Further, that the approved Ballot Statements will be available to the public through the following social media venues: Twitter and Facebook. Lastly, that the approved Ballot Statements will be sent to the ballot production vendor for each to be placed on the back of the sample ballots for each county.

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 SKAGGS, SECONDED BY COMMISSIONER ENTREKIN, TO ADJOURN THE JULY 26, 2018 MEETING OF THE ALABAMA FAIR BALLOT COMMISSION.

Ayes:	**11**	**Commissioners:**	**Chairman John Carroll, Vice Chairman Jason Isbell, Erika McKay, Jesse Skaggs, Jim Entrekin, David A. Z. Brewer, Katherine Robertson, Amy C. Marshall, Kenneth Lamar Freeman, Myles Mayberry & Casey Gay Williams**
No:	**0**	**Commissioners:**	**(None)**

DRAFT

Abstain:	**0**	**Commissioners:**	**(None)**
Absent:	**3**	**Commissioners:**	**Thomas J. Saunders, Steve Dunn & Renee Gentle Powers**

MOTION PASSED.

APPROVED:

_____

Chairman John L. Carroll

DRAFT