

FAIR BALLOT COMMISSION

2013-2014 STATEWIDE CONSTITUTIONAL AMENDMENTS
BALLOT STATEMENTS

Approved with Commission Comment on September 2, 2014
Pursuant to Act 2014-399

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 2013-269 (Senate Bill 4 of the 2013 Regular Legislative Session)
Bill Sponsor: Senator Allen, Senate District 21
Cosponsors: None

Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the State of Alabama from giving full faith and credit to public acts, records, or judicial proceedings of another state that violate the public policy of the State of Alabama and to prohibit the application of foreign law in violation of rights guaranteed natural citizens by the United States and Alabama Constitutions, and the statutes, laws, and public policy thereof, but without application to business entities.

(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 proposes to add "the American and Alabama Laws for Alabama Courts Amendment" to the State Constitution. Amendment 1 would prohibit courts and other legal authorities from applying foreign law if doing so would violate rights guaranteed to citizens of Alabama. This Amendment applies to "any law, rule, or legal code system used outside of the

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United States or by any other people, group or culture different from the people of the United States or the State of Alabama.”

Amendment 1 would apply to contracts by individual citizens, but would not apply to business entities or to persons who willingly choose to give up the rights protected by this Amendment.

If Amendment 1 IS PASSED, Alabama will have in place a Constitutional provision that says Alabama citizens will not be subject to foreign law if application of the foreign law would violate Alabama law or result in a violation of their rights.

If Amendment 1 IS DEFEATED, courts and legal authorities may choose to refuse to apply foreign law if the foreign law would result in a violation of Alabama law and/or deprive a citizen of his or her rights, even though there is no statute or Constitutional Amendment requiring the court or legal authority to do so.

There is no cost for Amendment 1.

Amendment 1 will have no impact on taxes.

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.

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 2013-266 (Senate Bill 260 of the 2013 Regular Legislative Session)

Bill Sponsor: Senator Whatley, Senate District 27

Cosponsors: Senators Dial, Ward, Taylor, Holtzclaw, Williams, Brewbaker, and Blackwell

Proposing an amendment to the Constitution of Alabama of 1901, as amended, relating to the Capital Improvement Trust Fund, to increase the amount of the General Obligation Bonds authorized herein; to provide for additional payments from the Alabama Trust Fund to fund any bond issued; to provide for competitive bidding of the bonds; and to provide for the distribution of the proceeds for plans, construction, and maintenance of Alabama National Guard armories.

(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.

Amendment 2 proposes an amendment to the State Constitution to allow the State to borrow up to an additional \$50 million to provide plans, construction, and maintenance of National Guard armories in Alabama. The cost to the State may be matched by the Department of Defense. The State would raise the funds by issuing bonds that must be repaid within 20 years. These funds would be distributed to the Armory Commission of Alabama for Alabama National Guard armories.

Proceeds from the Alabama Trust Fund (ATF) would be used to repay the bonds. The ATF is funded by revenues generated by oil and gas production in the Gulf of Mexico.

If Amendment 2 IS PASSED, the State may borrow up to an additional \$50 million in bonds to be repaid within 20 years in order to fund plans, construction, and maintenance of Alabama National Guard armories.

If Amendment 2 IS DEFEATED, the State will not be authorized to borrow up to an additional \$50 million in bonds for construction and maintenance of Alabama National Guard armories.

The cost of Amendment 2 is not known at this time.

Amendment 2 will have no direct impact on taxes, but would redirect the distribution of income from the ATF. It is estimated that the cost to the ATF of repaying \$50 million in bonds that could be issued under this Amendment would be about \$3.7 million annually for 20 years, which could reduce interest income to the State General Fund and local governments.

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.

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 2013-267 (House Bill 8 of the 2013 Regular Legislative Session)

Bill Sponsor: Representative Jones, House District 92

Cosponsors: None

Proposing an amendment to the Constitution of 1901, to provide that every citizen has a fundamental right to bear arms and that any restriction on this right would be subject to strict scrutiny; and to provide that no international treaty or law shall prohibit, limit, otherwise interfere with a citizen's fundamental right to bear arms.

(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.

Amendment 3 provides that every citizen has the fundamental right under the State Constitution to bear arms in defense of himself or herself and the State. Amendment 3 also provides that this right would be entitled to the highest protection of the law.

Amendment 3 also protects a citizen from being compelled by any treaties or laws of another country to take an action which would prohibit, limit, or otherwise interfere with his or her right to bear arms if that treaty or law would violate the United States Constitution.

If Amendment 3 IS PASSED, the right to bear arms will be elevated under the State Constitution to a fundamental right and given the highest possible protection. This right will also be provided with additional protection from potential interference by international treaty or foreign law.

If Amendment 3 IS DEFEATED, the right to bear arms in Alabama will still exist in the State Constitution, but it will not be declared a fundamental right and may not be subject to the highest possible protection. The right to bear arms will also not be protected from potential interference by international laws and treaties.

There is no cost for Amendment 3.

Amendment 3 will have no impact on taxes.

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.

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 2014-185 (Senate Bill 7 of the 2014 Regular Legislative Session)
Bill Sponsor: Senator Brewbaker, Senate District 25
Cosponsors: None

Proposing an amendment to the Constitution of Alabama of 1901, to prohibit a general law, whose purpose or effect is to require a new or increased expenditure of at least \$50,000 of local funds annually, from becoming effective with regard to a city or county board of education without enactment by a two-thirds vote.

(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.

Amendment 4 increases the requirement to a two-thirds majority vote (over 66 percent), rather than a simple majority (over 50 percent), of the Alabama Legislature in order to pass a law that would require local boards of education to cumulatively spend over \$50,000 in local funds without providing the funds to pay for the increased expense. Separately, Amendment 4 would continue to provide that a simple majority vote would be required for unfunded mandates that address the compensation, benefits, or due process rights of any employee of a board of education.

If Amendment 4 IS PASSED, more votes will be required for the Alabama Legislature to pass unfunded mandates on local school boards, except for legislation that addresses compensation, benefits, or due process rights of any employee of a board of education.

If Amendment 4 IS DEFEATED, the Legislature could continue to pass bills that impose unfunded mandates on boards of education by a simple majority vote of the Legislature.

There is no cost for Amendment 4.

Amendment 4 will have no impact on taxes.

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.

BALLOT STATEMENT FOR STATEWIDE AMENDMENT 5:

(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 2014-286 (House Bill 322 of the 2014 Regular Legislative Session)

Bill Sponsor: Representative Tuggle, House District 81

Cosponsors: Representatives Williams (D), Butler, Roberts, Wood, Ball, Harper, Weaver, Sessions, Baughn, Vance, Wallace, Jones, Moore (B), Polizos, Drake, Lee, Hammon, Greer, Treadaway, Carns and Merrill

Proposing an amendment to the Constitution of 1901, to amend Amendment 597, now appearing as Section 36.02 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to clarify that the people have the right to hunt, fish, and harvest wildlife subject to reasonable regulations that promote conservation and management of fish and wildlife and preserve the future of hunting and fishing.

(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 fifth constitutional amendment for voter consideration. The proposed Constitutional Amendment will be listed as “**Statewide Amendment 5.**”

(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 5 proposes to add the “Sportsperson’s Bill of Rights” to the State Constitution.

If Amendment 5 IS PASSED, the State Constitution would be clarified to state that the people of Alabama have the right to hunt, fish, and harvest wildlife using traditional methods. This right would be subject to reasonable regulations to conserve wildlife and preserve the future of hunting and fishing. Amendment 5 would not affect current laws relating to eminent domain,

trespass, or property rights. It would also make hunting and fishing by the public the preferred means of managing and controlling wildlife in Alabama.

If Amendment 5 IS DEFEATED, the people of Alabama would still have the right to hunt and fish using traditional methods, but that right may be limited by existing or future laws and regulations. Also, the State Constitution would not state that hunting and fishing by the public is the preferred means of managing and controlling wildlife in Alabama.

There is no cost for Amendment 5.

Amendment 5 will have no impact on taxes.

The Constitutional authority for passage of Amendment 5 is set forth in Sections 284, 285, and 287 of the Constitution of Alabama of 1901. These sections outline the way a constitutional amendment may be put to the people of the State for a vote.