



# GUIDE TO THE ISSUES

## Election 2018: Proposed Constitutional Amendments

### Introduction

On Election Day, the people of Alabama will have the chance to cast their votes for a number of federal and state officials. In addition, voters will decide whether several proposed amendments should be added to the Alabama Constitution.

Proposed constitutional amendments can be confusing. Voters need an understanding of each amendment to confidently cast their ballots.

The purpose of this guide is to explain the statewide constitutional amendments in plain language to help voters make informed decisions.

#### How to Prepare to Vote

We recommend that you print out a sample ballot (see Appendix) and mark your selections directly on it as you read through this guide. You can take your sample ballot with you when you go to vote—this is absolutely allowed, and we highly encourage you to do so—saving time and safeguarding against lapses in memory (depending on your precinct, you could be voting on well over twenty different offices and amendments). Most importantly, by thinking through ballot decisions ahead of time, you will be ready to cast your votes with confidence.

### Statewide Amendments

There will be four statewide constitutional amendments on the ballot this election. Voters will be asked to answer either YES or NO for whether each amendment should be added to the Alabama Constitution.

#### SNAPSHOT

- Election Day is Tuesday, November 6, 2018.
- There will be four statewide constitutional amendments on the ballot in Alabama.
- The ballot language for these constitutional amendments can be confusing.
- Through the explanations and information provided in this guide, the people of Alabama will be able to confidently cast their votes on the constitutional amendments.

On the next page, each statewide amendment is explained. For reference, the actual ballot language is quoted at the beginning of each explanation.



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## Proposed Statewide Amendment No. 1

*“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 amendment enshrines in the state constitution that no person’s religion can affect his or her political or civil rights. Additionally, the amendment clarifies that the Ten Commandments may be displayed on public property—that is, if it meets other constitutional requirements.

Although the discussion surrounding religious liberty is certainly not resolved, the constitutionality of displaying the Ten Commandments on public property and in public schools is largely settled through multiple U.S. Supreme Court cases. In *McCreary County v. ACLU*, the Supreme Court ruled that the display of the Ten Commandments in a Kentucky courthouse was unconstitutional, although in *Van Orden v. Perry* the Court allowed the Ten Commandments to be displayed within a larger array of historical monuments and markers. Additionally, the Court ruled in *Stone v. Graham* that posting the Ten Commandments, as required by Kentucky law, served no secular purpose and was therefore unconstitutional.

Senator Gerald Dial (R-Lineville), the sponsor of this amendment, hopes that the amendment will embolden displays of the Ten Commandments under the legal protection of the state constitution, and that, ultimately, it will lead to a different ruling by the United States Supreme Court.

Importantly, however, the amendment specifies that no public funds can be used to defend its constitutionality. If there are legal challenges, Senator Dial suggests that a third party will fund the defense.

Since this amendment is subject to these precedents and

already-existing First Amendment protections, the approval of this amendment will have limited immediate impact on the display of the Ten Commandments and religious liberty in Alabama.

## Proposed Statewide Amendment No. 2

*“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)*

In 2000, the Tennessee Supreme Court ruled that their state constitution provided higher protection for abortion than the federal constitution. As a result, an array of the state’s pro-life measures were struck down by the court, which argued that they were unconstitutional on the state level.

This amendment is meant to stop this from happening in Alabama, according to its sponsor, Representative Matt Fridy (R-Montevallo). If it passes, it would be successful in that vein.

Amendment number two also establishes the State of Alabama as recognizing the rights of the unborn and acknowledging that these rights, like those of all persons, require state protection. Although abortion is currently legal in all fifty states as a result of the U.S. Supreme Court’s ruling in *Roe v. Wade*, this amendment proactively awaits changes by the nation’s highest court. Should those changes occur, the amendment would mandate that the state legislature pass pro-life policies.

The approval or rejection of this amendment by Alabama residents could have monumental effects on the lives of unborn children in the near future. The Alabama Policy Institute, as a Christian, pro-life organization, strongly



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supports this amendment.

## Proposed Statewide Amendment No. 3

*“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)

Currently, the Board of Trustees of the University of Alabama is composed of three members from the seventh congressional district (which includes Tuscaloosa), two members from each of the other six congressional districts, the Governor, and the State Superintendent of Education. This amendment affects the composition of the Board of Trustees of the University of Alabama in three ways.

First, this amendment states that the Board of Trustees will continue to be made up of members of congressional districts as drawn on January 1<sup>st</sup>, 2018. What does this mean? If Alabama gains or, more likely, loses a congressional seat in 2020, the makeup of the Board of Trustees would not be affected.

Second, this amendment removes the State Superintendent of Education from automatic membership on the Board.

Third, this amendment eliminates the requirement that members of the Board retire after their seventieth birthday.

It is worth mentioning that the bill that passed the Legislature allowing this amendment passed unanimously in both the Alabama House of Representatives and the Alabama Senate.

## Proposed Statewide Amendment No. 4

*“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)

Currently, Alabama state legislators are elected to coinciding four-year terms. These four-year terms are known as the quadrennium. This amendment, if approved, would disallow the Governor from calling special elections to fill legislative seats – if the vacancy occurs after September of the third year of the quadrennium. In other words, if a legislative seat is open late in the term, the Governor would no longer call a special election to fill it.

The purpose of this amendment is largely to save the state money from costly special elections that occur towards the end of a legislative term. According to amendment’s sponsor, Senator Rusty Glover (R-Semmes), this provision would have saved the state almost one million dollars in 2018 alone.

If approved, this amendment would stop special elections for these late open seats, elections that often determine a winner late in (or even after) the last legislative session of the quadrennium.

It is important to note that this amendment impacts state legislative positions only and would not apply to Alabama’s congressional seats in the U.S. House or U.S. Senate.



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## Appendix: Sample Ballots

The sample ballots for all sixty-seven counties in Alabama can be found at the links below. We recommend that you print out a sample ballot and mark your selections directly on it before you vote, especially as you read through this guide. Take it with you and vote with confidence.

To download your sample ballot, simply find the county where you are registered to vote and follow the link.

### Autauga County

<https://www.alabamapolicy.org/wp-content/uploads/2018/09/Autauga-Sample-Ballot-2018.pdf>

### Baldwin County

<https://www.alabamapolicy.org/wp-content/uploads/2018/09/Baldwin-Sample-Ballot-2018.pdf>

### Barbour County

<https://www.alabamapolicy.org/wp-content/uploads/2018/09/Barbour-Sample-Ballot-2018.pdf>

### Bibb County

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### Blount County

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### Bullock County

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### Butler County

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### Calhoun County

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### Chambers County

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### Cherokee County

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### Chilton County

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### Choctaw County

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### Clarke County

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### Clay County

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### Cleburne County

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### Coffee County

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### Colbert County

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## Conecuh County

<https://www.alabamapolicy.org/wp-content/uploads/2018/09/Conecuh-Sample-Ballot-2018.pdf>

## Coosa County

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## Covington County

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## Crenshaw County

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## Cullman County

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## Dale County

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## Dallas County

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## DeKalb County

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## Elmore County

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## Escambia County

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## Etowah County

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## Fayette County

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## Franklin County

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## Geneva County

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## Greene County

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## Hale County

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## Henry County

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## Houston County

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## Jackson County

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## Jefferson County

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## Lamar County

<https://www.alabamapolicy.org/wp-content/uploads/2018/09/Lamar-Sample-Ballot-2018.pdf>

## Lauderdale County

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## Lawrence County

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## Lee County

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## Limestone County

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## Lowndes County

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## Macon County

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## Madison County

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## Marengo County

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## Marion County

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## Marshall County

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## Mobile County

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## Monroe County

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## Montgomery County

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## Morgan County

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## Perry County

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## Pickens County

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## Pike County

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## Randolph County

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## Russell County

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## Shelby County

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## St. Clair County

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## Sumter County

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## Talladega County

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## Tallapoosa County

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## Tuscaloosa County

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## Walker County

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## Washington County

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## Wilcox County

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## Winston County

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