



Amendments on Alabama Ballots in 2018

Analysis and Recommendations from the League of Women Voters of Alabama

There are four proposed Constitutional amendments that will appear on ballots in Alabama on November 6, 2018. The following material reflects the position of the League of Women Voters of Alabama, based on adopted League positions.

AMENDMENT 1 RELATING TO DISPLAY OF THE TEN COMMANDMENTS

How it Appears on the Ballot

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.

Explanation

This would add language to the Constitution of Alabama that would:

1. Affirm that everyone has the right to worship God in his or her own way and that no one can be compelled to attend religious worship or contribute to a religious organization.
2. Allow the Ten Commandments to be displayed on property owned by the state, including public schools. This display must be "in accordance with Constitutional principles."
3. Forbid spending public moneys to defend the amendment from a legal challenge.

League Position

The League of Women Voters believes in the individual liberties guaranteed by the Constitution of the United States. The League is convinced that individual rights now protected by the Constitution should not be weakened or abridged. (Impact on Issues, P. 31)

The Fifth Amendment of the United States Constitution guarantees freedom of religion, as well as freedom from religious compulsion. This amendment would add nothing to those guarantees. What the amendment does add is an incentive to display the Ten Commandments on public property, at public expense. The drafters of this proposal recognize that this part of the amendment it is on questionable constitutional grounds, and seek to protect the state from additional expenditures to defend it from challenges.

Recommendation

We recommend a vote against this amendment.

AMENDMENT 2 RELATING TO ABORTION

How it Appears on the Ballot

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

Explanation

Currently the Alabama Constitution does not contain any language pertaining to abortion. This amendment would make the protection of unborn life, as far as existing laws allow, part of the state's public policy. It also states that public funds cannot be required to be spent for abortions

League Position

The League of Women Voters believes public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. (Impact on Issues, p. 35)

Currently, the right to abortion is protected by the Supreme Court decision in *Roe v. Wade*, although the states are permitted to impose certain restrictions on that right after the 20th week of gestation. This amendment would enshrine the rights of the unborn as public policy in Alabama and, should *Roe v. Wade* be weakened or reversed by the Court, would allow the state to enact further restrictions and even outlaw abortion in the state.

Recommendation

We recommend a vote against this amendment.

AMENDMENT 3 RELATING TO THE STRUCTURE OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA

How it Appears on the Ballot

"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."

Explanation

This would change the composition of the Board of Trustees of the University of Alabama. Currently, the board is comprised of the Governor, the Superintendent of Education, three members from the Congressional District in which Tuscaloosa is located, and two

members from each of the other Congressional Districts in the state. Except for the Governor and the Superintendent of Education, these trustees cannot serve after their 70th birthdays. If, after the census, Alabama's Congressional Districts are reconfigured, the number of Trustees could change, or the districts in which they are domiciled could change. This amendment would require the Trustees to be appointed from each of the current Congressional Districts. In addition, it would remove the Superintendent of Education as an automatically appointed member of the board and delete the requirement that board members retire after the age of 70 (which would comply with an amendment enacted in 2016 prohibiting age limits for most government officials).

League Position

There is no League position related to this amendment.

Recommendation

We make no recommendation about this amendment.

AMENDMENT 4
RELATING TO SPECIAL ELECTIONS

How it Appears on the Ballot

"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."

Explanation

Currently, when state legislators are unable to serve out their entire terms, the governor is required to hold a special election to fill these empty positions. This amendment would allow such positions to remain unfilled if the vacancy occurs on or after October 1 of the third year of a 4-year term, leaving a vacancy for as much as 14 months. This would save the state government the expense of holding a special election and possibly a run-off. On the other hand, it could also mean that the constituents of the vacant office would not be represented in the legislature.

League Position

Support for adequate representation of voters is a central tenant of League of Women Voters. This amendment would cause constituents in the affected district to be deprived of their voice for a significant period of time.

Recommendation

We recommend a vote against this amendment.