AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

TO: PUBLIC SAFETY AND ELECTIONS TASK FORCE MEMBERS
FROM: COURTNEY O'BRIEN, TASK FORCE DIRECTOR
DATE: APRIL 6, 2012
RE: 35 DAY MAILING—2012 SPRING TASK FORCE SUMMIT

The American Legislative Exchange Council will host its 2012 Spring Task Force Summit **May 11, 2012** at The Westin Charlotte Hotel in **Charlotte, North Carolina.** You may register for the meeting here. The full agenda for the Spring Task Force Summit is available here.

The Public Safety and Elections Task Force will meet on **Friday, May 11, 2012** from **12:45 – 5:15 PM.** From 12:45 – 2 PM, we will meet for a Task Force luncheon, followed by the full Task Force meeting from 2:00 – 5:15 PM. The luncheon will release the findings from a new bipartisan public opinion poll on voters' attitudes towards criminal justice policy.

The Task Force has an exciting agenda including model policy on the Sex Offender Registration and Notification Act, occupational licensing for ex-offenders, enhanced techniques for excise tax collection, plain ballot language, and the use of biometric information for identification purposes.

The Task Force will also consider a proposal for the establishment of a Special Advisory Committee for the Review of Model Policies. This Committee will review older model policies to provide recommendations to the Task Force on amendments, updates and/or repeals. Please find attached the draft proposal to be considered during the Task Force meeting. **If any member of the Task Force would like to participate on the subcommittee, please email Cara Sullivan at csullivan@alec.org.**

Please find the following materials enclosed:

- Public Safety & Elections Task Force 2012 Overview
- Spring Task Force Summit Agenda-at-a-Glance
- Public Safety & Elections Task Force Luncheon Invite
- Task Force Meeting Tentative Agenda
- 2011 States and Nation Policy Summit Minutes
- Draft Proposal for the Establishment of a Special Advisory Committee for the Review of Model Policies
- Draft Model Legislation
- STFS Registration Forms
- ALEC Mission Statement
- Scholarship Policies by Meeting
- ALEC Task Force Operating Procedures

I look forward to seeing all of you in Charlotte, North Carolina! If you have any questions or comments regarding the meeting, please do not hesitate to contact me at 202-742-8504 or by e-mail at cobrien@alec.org.

Sincerely,

Courtney O'Brien

Courtney O'Brien
Public Safety and Elections Task Force Director

COMMON CAUSE Holding Power Accountable

Public Safety and Elections Task Force
2012 Overview

www.alec.org/publicsafety

Task Force Mission Statement:
The Public Safety and Elections Task Force is dedicated to developing model policies that reduce crime and violence in our cities and neighborhoods; while also focusing on developing policies to ensure integrity and efficiency in our elections, and within our systems of government.

Public Sector Chair: Rep. Jerry Madden, *Texas*
Private Sector Chair: Ms. Stacie Rumenap, *Stop Child Predators*

Task Force Active Subcommittees:

- Overcriminalization
- Mental Health Diversion

Issue Areas:

- Bail
- Commercial Theft
- Courts and Sentencing
- Corrections and Reentry
- Child Safety
- Elections & Ethics
- Felons
- Firearms
- Overcriminalization
- Protecting Personal Information
- Prevention of Underage Drinking
- Vehicular Misconduct/Enforcement
- Victims' Rights

Recent Model Legislation:

Resolution in Support of Victim-Offender Mediation - Victim Offender Mediation is a face-to-face meeting, in the presence of a trained mediator, between the victim of a crime and the person who committed that crime. This Resolution encourages states to establish victim-offender mediation policies or to promote the availability and utilization of such an option if it already exists.

Swift and Certain Sanctions Act - For states to deliver swift, certain and proportionate responses to violations of probation and parole, they need an array of institutional and community-based sanctions as well as the authority to assign—and reassign—offenders to those sanctions. This Act requires community corrections agencies to adopt a set of graduated sanctions and rewards to respond to violations and compliance with the conditions of supervision. This Act also establishes authority for agencies to impose graduated sanctions and rewards through an administrative process.

COMMON CAUSE
Holding Power Accountable

Resolution in Support of Justice Reinvestment – Justice reinvestment has helped states around the nation cut costs dramatically through intervention, education, treatment, and intense supervision to identify those at the highest risk to commit crime. This resolution supports any policies which would use these proven methods to reduce spending on corrections and reduce recidivism.

Resolution in Support of the Citizens United Decision - This Resolution emphasizes the importance of first amendment protections of corporations', non-profit advocacy groups', and labor organizations' speech. The resolution warns that mandatory disclosure and disclaimer requirements, particularly relating to an organization's source of funding, can be intimidating to such organizations and inhibit free speech.

Future Direction for Task Force:

The future of the Task Force will be driven by our membership, the political climate, and the top policy issues of the day. Our subcommittees and working groups present an exciting opportunity within the Task Force to specialize in top issues for 2012: Commercial Bail, Corrections Costs, Offender Reentry, Victim Restitution, Overcriminalization, Forensic DNA Testing, Redistricting, the National Popular Vote, Ethics Laws, etc.

Task Force Publications:

Public Safety Issue (Inside ALEC, 2011, http://www.alec.org/AM/pdf/insidealec/InsideALEC_Feb2011_FINALpdf.pdf)
Public Safety and Elections Issue (Inside ALEC, 2010, http://www.alec.org/AM/PDF/InsideALEC/InsideALEC_June10_Final.pdf)
Criminals on the Street: A Citizen's Right to Know (State Factor, 2009)
A Plan to Reduce Prison Overcrowding and Violent Crime (State Factor, 2007)

Staff Contact Info:

Courtney O'Brien
Task Force Director
202-742-8504
cobrien@alec.org

Danielle Muckley
Manager of Member Relations
202-742-8529
dmuckley@alec.org

Michael Hough
Public Safety Resident Fellow
202-742-8530
mhough@alec.org

Cara Sullivan
Legislative Analyst
202-742-8513
csullivan@alec.org

COMMON CAUSE
Holding Power Accountable

Agenda

Thursday, May 10, 2012
Registration
3:00 p.m. – 7:00 p.m.

NC Welcome Reception
8:30 p.m. – 11:00 p.m.

Friday, May 11, 2012
Registration
7:30 a.m. – 2:00 p.m.

Task Force Subcommittee Meetings
8:00 a.m. – 9:45 a.m.
All Task Force members are welcome and encouraged to attend their Task Force's Subcommittee meetings.

Digital Learning Subcommittee
8:15 a.m. – 9:15 a.m.

Energy Subcommittee
8:15 a.m – 9:15 a.m.

Fiscal Policy Reform Working Group
8:15 a.m. – 9:15 a.m.

Other Subcommittees to be Determined

Workshop:
9:30 – 10:45
All ALEC members are welcome to attend.

Workshop:
11:00 a.m. – 12:15p.m
All ALEC members are welcome to attend.

Task Force Lunch Meetings
1:00 p.m. – 2:00 p.m.
Task Forces will each begin serving at 12:45 for luncheon.

Task Force Meetings
2:00 p.m. – 5:15 p.m.

- Civil Justice
- Commerce, Insurance, and Economic Development
- Communications and Technology
- Education
- Energy, Environment and Agriculture
- Health and Human Services
- Public Safety and Elections
- Tax and Fiscal Policy

Spring Task Force Summit Reception
6:30 p.m. – 8:30 p.m.

COMMON CAUSE
Holding Power Accountable

ALEC American Legislative Exchange Council

LIMITED GOVERNMENT • FREE MARKETS • FEDERALISM

The Public Safety and Elections Task Force cordially invites you to a Luncheon and Presentation

Friday, May 11, 2012
12:45 – 2:00 p.m.
Just prior to the Task Force Meeting
Tryon Room
The Westin Charlotte Hotel

The Public's Opinion: Criminal Justice Policy

Guest Speaker:
Adam Gelb, Director
Public Safety Performance Project, Pew Center on the States

How does the public really feel about "Justice Reinvestment"?
Mr. Gelb will present the findings of a recent national poll conducted by a bipartisan partnership of two political polling firms—Public Opinion Strategies and The Mellman Group—regarding public views on criminal justice policy.

COMMON CAUSE
Holding Power Accountable

ALEC American Legislative Exchange Council

LIMITED GOVERNMENT • FREE MARKETS • FEDERALISM

Public Safety and Elections Task Force
2012 Spring Task Force Summit
Friday, May 11, 2012
2:00 PM – 5:15 PM
Tryon Room

Tentative Agenda

1. **Call to Order** **2:00 PM**

   Attendance
   Approval of Minutes
   Introduction of New Members
   State Policy Network Updates

2. **Presentations and Model Legislation** **2:30 PM**

   Establishment of a Special Advisory Subcommittee for the Review of Model Policies
   Mr. Eli Lehrer, *The Heartland Institute*, Task Force Advisor

   "**Resolution on the Sex Offender Registration and Notification Act**"
   Mr. Marc Levin, *Texas Public Policy Foundation*

   "**The Provisional Licenses for Ex-Offenders Act**"
   Mr. Marc Levin, *Texas Public Policy Foundation*

   "**The Regulation and Use of Biometric Data Act**" **– DUAL REFER**
   Representative Lora Hubbel, *South Dakota*

   "**The State Sovereignty and Drivers License Protection Act**"
   Representative Lora Hubbel, *South Dakota*

   "**Resolution Supporting Enhanced Tobacco Tax Collection**"
   Ms. Mariam Ozaltin, *SICPA*

   "**The Plain Language in Ballot Titles Act**"
   Representative Libby Szabo, *Colorado*

3. **For the Good of the Order** **5:00 PM**

4. **Adjournment** **5:15 PM**

COMMON CAUSE Holding Power Accountable

American Legislative Exchange Council
Public Safety and Elections Task Force
2011 States and Nation Policy Summit
December 2, 2011

I. Preliminaries

The Task Force approved the minutes from Annual Meeting 2011 by a unanimous voice vote.

II. Subcommittee Reports

1. Overcriminalization Subcommittee – Mr. Marc Levin, *Texas Public Policy Foundation*

The Overcriminalization Subcommittee held a conference call on Friday, November 4th, 2011. Mr. Lee McGrath, *Institute for Justice*, presented on "Asset Forfeiture Process and Private Property Protection Act." Both the motion to repeal the existing "ALEC Comprehensive Asset Forfeiture Act" and the motion to adopt "Asset Forfeiture Process and Private Property Protection Act" passed the subcommittee by unanimous voice vote and were recommended to the Public Safety and Elections Task Force. Mr. Marc Levin, *Texas Public Policy Foundation*, discussed the "Resolution on Transparency and Accountability in Criminal Law." The Subcommittee held an advisory vote and the model resolution was unanimously recommended to the Public Safety and Elections Task Force.

2. Public Safety Working Group – Rep. Jerry Madden, *Texas*

The Public Safety Working Group held a conference call on Wednesday, November 9th, 2011. Mr. George Hittner, *American Traffic Solutions*, presented on the "Resolution in Support of the Use of Automated Enforcement Devices to Reduce Injuries and Fatalities on our Nation's Roads" as well as a repeal of the existing "ALEC Anti-Automated Enforcement Act." The motion to repeal was tabled unanimously by the private and public sector. "The Resolution in Support of Evidence-based Medical Treatment for Substance Use Disorders," presented by Dr. Robert Forman, *Alkermes*, passed both sectors unanimously and was recommended to the Public Safety & Elections Task Force. Mr. Marc Levin, *Texas Public Policy Foundation*, then presented the "Juvenile Offender Performance Incentive Funding Act." The model policy unanimously passed the subcommittee and was recommended to the Public Safety & Elections Task Force.

III. Consideration of Model Legislation

COMMON CAUSE
Holding Power Accountable

1. Emergency Vote: "Child Protection Reporting Requirement" – by Ms. Stacie Rumenap, *Stop Child Predators*

This Act requires that an individual representing the state or working for the state, in a position of authority over minors, who witnesses the physical or sexual abuse of a minor [as defined by the state] submits an oral or written report about the incident to local child protective services agency or the appropriate law enforcement agency, providing exceptions.

Motion to consider the model legislation as emergency model legislation; passed the public sector unanimously; passed the private sector unanimously; **Emergency Bill Considered.**

Motion to table the model legislation; passed the public sector unanimously; passed the private sector unanimously; **Bill Tabled.**

Amendments in order of introduction:

(1) Lines 20-23, strike: "each health practitioner, police officer, educator, employees of a county office of education or the State Department of Education, human service worker, probation and parole officer, coroner, medical examiner, correctional officer, court appointed special advocate or guardians ad litem acting in a professional capacity in this State:" and insert: "in the course of operations of entities which receive state funding, each individual in a position of authority over minors:"

(2) Lines 31-34, strike: "If acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution"

(3) Line 36, strike: "listed in this Section"

(4) Line 42, insert: "or written" after "An oral" and insert: "realistically" after "as soon as"

(5) Lines 51-58, strike: "A written report: (a) To the local department not later than 24 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and (b) With a copy to the local State's Attorney if the individual has reason to believe that the child has been subjected to abuse."

(6) Line 67-86, strike: "the following information: (1) The name, age, and home address of the child; (2) The name, address, and phone number of the reporter; (3) The name and home address of the child's parent or other person who is responsible for the child's care; (4) The whereabouts of the child; (5) The nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and (6) Any other information that would help to determine: (a) The cause of the suspected abuse or neglect; and (b) The identity of

COMMON CAUSE
Holding Power Accountable

any individual responsible for the abuse or neglect" and insert: "information that would aid law enforcement in the investigation. (E) A person is not required to provide notice under Subsection (A) of this Section: (1) In violation of attorney-client privilege the privilege; or (2) If the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or (3) In violation of any constitutional right to assistance of counsel. (F) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under Subsection (A) of this Section if the notice would disclose matter in relation to any communication under the protection of privilege and: (1) The communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and (2) The minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice. (G) Notification of other agency and cooperative agreements: (1) An agency to which a report of suspected abuse is made under Subsection (A) of this section shall immediately notify the other agency. (2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements."

(7) Lines 88-154, strike: Section 3
(8) Line 156, insert: ", Immunities and Reporting" after "Penalties"
(9) Lines 156-157, strike: "An individual who fails to comply with the criteria for reporting abuse or neglect as outlined in Sections 2 or 3 shall be charged with a misdemeanor" and insert: " (A) Except as otherwise specified, all reporting requirements, penalties, and immunities shall be identical to those imposed on other individuals mandated to report. (B) A person who reports abuse or neglect as required by this Act is immune from civil liability unless the report made is knowingly false.

Motion to approve amendments (1-9); passed the public sector unanimously; passed the private sector unanimously; **Amendments Passed.**

Motion to adopt the model legislation; passed the public sector unanimously; passed the private sector unanimously; **Bill Passed.**

2. "ALEC Resolution in Support of the Electoral College" – by Mr. Ray Haynes, *National Popular Vote*

Amendments in order of introduction:

(1) Line 2, strike: "national popular vote" and insert: "direct vote of the people"

COMMON CAUSE
Holding Power Accountable

(2) Lines 15-17, strike: "(insert state)'s electoral votes are awarded based on how the majority of the State's citizens vote" and insert: "each state's legislature determines the rules under which its electors will be appointed"
(3) Lines 18-24, strike: "under the National Popular Vote Interstate Compact, (insert state)'s electoral votes could be awarded to a candidate that a majority of the State's citizens did not vote for" and insert: "over the years, the state legislatures of the various states have maintained control of the process by which its electors have been appointed, and have changed that process many times based on the considered decisions of the various state legislature, including today, where the means by which electors are appointed are not uniform in the fifty states;"
(4) Line 35, strike: "popular vote" and insert: "direct vote of the people"
(5) Lines 36-38, strike: "WHEREAS, the constitutionality of the National Popular Vote Interstate Compact is questionable because Article I, Section 10 of the Constitution states that no state, without the consent of Congress, may "enter into any Agreement or Compact with another State."
(6) Lines 40 and 41, insert: ", which preserves control over the system of appointing electors by the state legislature"
(7) Lines 43-45, strike: "creates a multi-state compact for the purpose of dismantling its current Electoral College System" and insert: "attempts to take that power away from the state legislature, or remove control of elections from the states"
(8) Strike: "WHEREAS, the current Electoral College system ensures that (insert state)'s electoral votes are awarded based on how the majority of the State's citizens vote;"

Motion to pass Amendments (1-7); No second; **Amendments Failed.**

Motion to pass Amendment (8); Passed the public sector; Passed the private sector; **Amendment Passed.**

Motion to adopt the model legislation as amended; passed the public sector; passed the private sector; **Bill Passed as Amended.**

3. Repeal: "ALEC Resolution in Opposition to the National Popular Vote" – by Mr. Ray Haynes, *National Popular Vote*

Withdrawn by sponsor.

4. "Resolution in Support of the National Popular Vote Interstate Compact" – by Mr. Ray Haynes, *National Popular Vote*

COMMON CAUSE
Holding Power Accountable

Withdrawn by sponsor.

5. "Prescription for Pseudoephedrine Products" – by Representative Sue Tibbs, *Oklahoma.*

This bill classifies any compound, mixture, or preparation, including any preparation in liquid, liquid capsule, or gel capsule form that contains pseudoephedrine as a Schedule III drug, requiring a prescription.

Motion to adopt the model legislation; failed the public sector; **Bill Failed.**

6. "Resolution in Support of Evidence-based Medical Treatment for Substance Use Disorders" – by Dr. Suzanne Gelber, *Alkermes Inc.*

Substance use disorders often lead to a revolving door of arrest, incarceration, release to the streets untreated or undertreated, followed by rearrest and return to incarceration. Evidence-based medical treatment should be made available in the treatment of offenders with substance use disorders.

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously; **Resolution Passed.**

7. Amendments to "ALEC Consistency in Firearms Regulation Act" – by Mrs. Tara Mica, *National Rifle Association*

Motion to amend lines 82 and 83 by striking "Subsections" and inserting "Sections"; passed public sector unanimously; passed private sector unanimously; **Amendment Passed.**

Motion to adopt as amended; passed public sector unanimously; passed private sector unanimously; **Amendments Passed.**

8. "Juvenile Offender Performance Incentive Funding Act" –by Mr. Marc Levin, *Texas Public Policy Foundation*

The provisions of this act are intended to incentivize the reduction of juvenile re-offending, reduce costs to taxpayers, and increase victim restitution, by giving probation departments a share of the savings to the state in reduced incarceration costs when they lower recidivism and commitments of youths to the state.

COMMON CAUSE
Holding Power Accountable

Motion to amend on lines 57 – 59 by striking "committed to state incarceration by [that agency or agencies] as calculated in Section 3 paragraph (A) (1) of this title" and inserting "adjudicated for a new felony"; passed the public sector unanimously; passed the private sector unanimously; **Amendment Passed.**

9. "Resolution on Transparency and Accountability in Criminal Law" – by Mr. Marc Levin, *Texas Public Policy Foundation*

This resolution upholds the principles of transparency and accountability in government when it comes to the creation and enhancement of criminal laws. By requiring that legislation introduced which would create or enhance a criminal penalty so state in its caption, include a fiscal note that encompasses both state and local costs, and that all offenses be created and enhanced by democratically elected bodies rather than unelected bureaucrats, this resolution promotes a level of transparency and accountability that is proportionate to the serious consequences associated with criminal laws.

Motion to adopt both the "Juvenile Offender Performance Incentive Funding Act" as amended and the "Resolution on Transparency and Accountability in Criminal Law"; passed the public sector; passed the private sector; **Bills Passed.**

10. Amendments to "ALEC Anti-Automated Enforcement Act" – by Mr. George Hittner, *American Traffic Solutions*

Motion to amend on line 29 by striking "e) when law enforcement manpower is insufficient or difficult to deploy safely"; passed the public sector; passed the private sector; **Amendment Passed.**

Motion to adopt as amended; Failed public sector; **Resolution Failed.**

11. Repeal "ALEC Comprehensive Asset Forfeiture Act" – by Mr. Lee McGrath, *Institute for Justice*

Motion to repeal; passed public sector unanimously; passed private sector unanimously; **Bill Repealed.**

12. "Asset Forfeiture Process and Private Property Protection Act" – by Mr. Lee McGrath, *Institute for Justice*

This model improves and expands upon ALEC's "Comprehensive Asset Forfeiture Act" (2000). The "Asset Forfeiture Process and Private Property Protection Act" protects individual liberty and property rights by standardizing

COMMON CAUSE
Holding Power Accountable

forfeitures across all crimes, simplifying procedures, and addressing counterproductive incentives in the law that distort policing priorities. Importantly, this model does not change the authority of law enforcement to seize property suspected of being associated with crime or limit in any way prosecutors' ability to charge and prosecute suspected criminals. Moreover, it ensures that those individuals proven guilty of a crime do not keep the fruits of their crime. In doing so, it strikes the right balance between the individual property rights and public safety.

Motion to adopt the model legislation; passed the public sector; passed the private sector; **Bill Passed.**

IV. For the Good of the Order

V. Adjournment

COMMON CAUSE
Holding Power Accountable

DRAFT - Establishment of a Special Advisory Subcommittee for the Review of Model Policies

WHEREAS, The American Legislative Exchange Council (ALEC)'s Task Force on Public Safety and Elections has considered several hundred model proposals and;

WHEREAS, it is to the benefit of the Task Force to assure that these bills reflect the current policy, values, and interests of ALEC;

THEREFORE, the Public Safety and Elections Task Force adopts the following procedures for purposes of its internal operations:

SECTION 1. {Establishment, Charge, and Composition of Special Advisory Subcommittee}

(A) The American Legislative Exchange Council's Public Safety and Elections Task Force herby establishes a Special Advisory Subcommittee for the Review of Task Force Model Policies.

(B) The Special Advisory Subcommittee for the Review of Model Policies (hereafter "the Subcommittee") shall be an advisory body charged with reviewing Task Force model policy and making recommendations to the Task Force.

(C) The Subcommittee shall review and make recommendations to the Task Force on model policy approved by the Public Safety and Elections Task Force.

(D) The Subcommittee shall consist of:

(1) The Public Sector Task Force Chair

(2) The Private Sector Task Force Chair

(3) One member of the Task Force designated by the Public Sector Task Force Chair

(4) One member of the Task Force designated by the Private Sector Task Force Chair

(E) The Task Force Advisor and Task Force Director shall serve as ex officio members of the subcommittee but shall not vote.

SECTION 2. {Reports and Content of Reports}

(A) Immediately following the Task Force's approval of this proposal, the Task Force Advisor will present to the Task Force a list of bills to be considered in the first report of the Subcommittee.

COMMON CAUSE
Holding Power Accountable

(1) Within one week of the approval of this proposal the Task Force Director will send out a list of the models to be considered in the first report to the entire Task Force and initiate an "open commentary" period.

(2) During this period, Task Force members may send comments regarding the models directly to the Task Force Director for submission to the Subcommittee.

(B) The Subcommittee shall submit to the Task Force Director, at least forty five days prior to its next Task Force meeting following the meeting at which this proposal is approved, a report. The Task Force Director will then transmit to the Task Force, at least thirty five days prior to its next in-person meetings following the meeting at which this proposal is approved, that report.

(C) Each report shall contain a summary of each model bill considered, a subcommittee recommendation regarding that bill, and a brief description of the reasoning behind that recommendation.

(D) The Subcommittee shall make one of four recommendations regarding each bill. The recommendations shall be as follows:

(1) Retain: This represents the Subcommittee's recommendation that the model bill should be retained without modification.

(2) Repeal: This represents the Subcommittee's recommendation that the model bill should be repealed subject to the approval of the ALEC Legislative Board.

(3) Make Technical Amendments: The represents the subcommittees' recommendation that the fundamental principles, gist, and impact of the model legislation are and ought to be consistent with ALEC policy going forward but that certain minor modifications are necessary to bring the bill into conformity with current realities. When technical amendments are proposed, a specific list of such amendments shall be included in the report. Topics for technical amendments include but are not limited to updates to the titles of government agencies, changes to dates, and changes in terminology to reflect changes in technology, custom, and common usage as well as corrections to grammar and spelling.

(4) Further Review by a Subcommittee or the Task Force as a Whole: This represents the Subcommittee's recommendation that a particular subcommittee or the task force as a whole consider specific amendments and modifications to the model bill that have the impact of changing its fundamental principles, gist, or impact.

(E) Each report shall be approved by a majority of members of the subcommittee before it is submitted to the Task Force as a whole. Any member of the committee voting against the report or any portion of the report will be allowed to provide an advisory

COMMON CAUSE
Holding Power Accountable

"minority report" outlining reasons for dissent.

(F) Subsequent reports will be provided at the discretion of the Subcommittee's members.

(1) Subsequent to any additional report, the task force advisor shall present to the task force a list of bills to be reviewed.

(2) All subsequent report shall follow the procedures in sections (A), (B), (C), (D) and (E) above.

Section 3. {Procedures Relating to Reports and Models}

(A) Each report shall be voted on by the Task Force as a whole under special rules of procedure:

(1) Initial debate on the report shall be limited to 30 minutes.

(2) Approval of the report will require majority support by both the public and private sectors

(3) If a report is rejected by either the public sector or the private sector of the Task Force, any member of the Task Force may immediately make a privileged, non-debatable motion to consider any single model proposal mentioned in the report separately from the report as a whole.

(4) Such a motion, if successful, will require in an immediate vote by both public and private sectors on the recommendation in question.

(5) Subsequent to votes on motions described in (2) and (3) the task force shall vote on the report again, deleting all provisions that have been subject to such motions.

(B) Following the approval of a report, the Task Force Director shall prepare the following:

(1) A list of model proposals to be repealed that shall be forwarded to the ALEC Legislative Board for its approval.

(2) A list of model proposals to receive technical amendments to be forwarded to the ALEC Legislative Board for its approval.

(C) All model bills suggested for further review from subcommittees or the Task Force as a whole shall be scheduled for discussion in the appropriate forum.

COMMON CAUSE
Holding Power Accountable

(1) Any individual or group of individuals who are members of the Task Force may serve as sponsors of any piece of legislation being considered for further review.

(2) In the event that multiple groups or individuals wish to serve as a sponsor, the group with more members of the Task Force will be designated as the "lead" sponsor and others will be assured the ability to offer their proposals as amendments.

(3) In the event that no individual steps forward to serve as the sponsor of the model legislation being recommended for review, the Task Force Advisor will serve as the bill sponsor for purposes of debate and discussion and shall have an affirmative responsibility to work for the passage of the committee's recommendations but will not have a vote on the matters concerning it.

COMMON CAUSE
Holding Power Accountable

DRAFT Resolution on Sex Offender Registration and Notification Act (SORNA)

Summary

The American Legislative Exchange Council (ALEC) strongly supports the application of strong state laws and strict supervision of sex offenders. However, a federal mandate that conditions unrelated federal funding on states adopting a sex offender registry that meets restrictive federal requirements is inconsistent with principles of federalism and the Tenth Amendment and places an economic burden on the states. This resolution supports state flexibility to determine the parameters of their own registries to best achieve the goals of justice, public safety, and recidivism reduction.

Model Resolution

WHEREAS, in 2006, the federal government passed the Adam Walsh Child Protection and Safety Act (Walsh Act),which included the Sex Offender Registration and Notification Act (SORNA), in order to centralize standards and control of sex offender registries with the federal government, after mandating that states create sex offender registries in 1994; and

WHEREAS, SORNA requires states to include juvenile offenders in their registries if the juvenile was at least 14 years old and the offense was comparable to or more severe than aggravated sexual abuse, as defined in federal law; and,

WHEREAS, the federal government provided states three years to comply with SORNA's requirements or face cuts to federal grants, and the first state to be found compliant was Ohio in September of 2009, after which the federal government then extended the compliance deadline until 2010; and,

WHEREAS, as of July, 2011, only 14 states, one territory, and nine tribes had substantially implemented SORNA; and,

WHEREAS, the federal mandate requires certain classes of juvenile offenders to be in the state registry for their entire lifetime;

WHEREAS, the federal mandate requires that states classify individuals based on offense level without consideration of risk as many states currently do in conformity with research in the field;

WHEREAS, ALEC supports the intent behind the Walsh Act to protect the public from sex offenders; and,

WHEREAS, state efforts to protect the public and supervise sex offenders are preempted by the requirements in SORNA, which also creates an unfunded mandate upon the states as the Walsh Act does not include appropriations for implementation; and,

COMMON CAUSE
Holding Power Accountable

WHEREAS, in 2011, the Texas Legislative Budget Board determined that it would cost Texas more than $30 million to bring its registry in compliance with the federal mandate;

WHEREAS, if states do not comply with the provisions of SORNA, they face losing a share of the federal Byrne criminal justice grants that they would otherwise receive;

WHEREAS, it is essential that the states maintain authority over juveniles adjudicated in state courts, including circumstances and length of punishment, and defining the criteria for those juveniles who must register;

WHEREAS, consistent with the constitutional principles of federalism and the Tenth Amendment, state and local governments, not the federal government, should play the primary role in developing and implementing effective responses to criminal activity that does not involve international or homeland security issues, as states provide laboratories of innovation in which different approaches can be tested, adjusted, and replicated based on results; and,

WHEREAS, states should have the power to make and enforce their criminal laws, punishments, penalties, and supervisions in order to best protect their citizens; and,

NOW, THEREFORE BE IT RESOLVED, that ALEC supports proper deference to state authorities in SORNA and flexibility in the implementation of SORNA while achieving the goals of the Walsh Act.

COMMON CAUSE
Holding Power Accountable

DRAFT The Provisional Licenses for Ex-Offenders Act

Summary

This bill allows certain ex-offenders to obtain a provisional, or probationary, occupational license if they are otherwise qualified. Research indicates that a person who has been law abiding for at least five years is at a low risk of re-offending. Also, according to the Federal Bureau of Prisons, ex-offenders who are employed are three to five times less likely to re-offend.

Model Legislation

Section 1. {Provisional License}

(A) Notwithstanding any other law and unless the applicant has been convicted of an offense described by Section 2, a licensing authority shall issue to an otherwise qualified applicant who has been convicted of a nonviolent offense not less than two years ago or a violent offense not less than four years ago:

(1) The license for which the applicant applied; or

(2) A provisional license.

(B) The provisional license shall be valid for a term of between 90 and 360 days, as specified by agency rule.

(C) The licensing authority may revoke a provisional license if the provisional license holder:

(1) Commits a new offense;

(2) Commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or

(3) Violates the law or rules governing the practice of the occupation for which the provisional license is issued.

(D) The licensing authority shall issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if the provisional license holder does not engage in conduct described by Subsection (C) of this Section.

(E) If the licensing authority revokes a provisional license under Subsection (C) of this Section, the provisional license holder is not entitled to receive another provisional license or a regular license for which the applicant originally applied, even if otherwise

COMMON CAUSE
Holding Power Accountable

qualified. The ability of such a person to subsequently obtain another such license in the future is within the discretion of the issuing agency.

(F) An applicant who is on community supervision and who is issued a provisional license under this section shall provide to the licensing authority the name and contact information of the probation or parole department to which the person reports. The licensing authority shall notify the probation or parole department that a provisional license has been issued. The probation or parole department shall notify the licensing authority if the person's community supervision is revoked during the term of the provisional license. The court shall also notify the agency if the person is charged with a new offense.

(H) If the person was convicted of an offense that involved robbery, residential burglary, or a home invasion of any kind within the last ten years and if the occupation is one in which a licensee regularly enters private residences, the provisional license must include a condition that the person only work under the accompanying supervision of another licensed individual who has no criminal record in all home visits and the supervising individual must sign a verifying affidavit. If the offense occurred more than ten years ago, the condition is discretionary with the agency. The regular license may include this condition as long as the agency determines it is warranted. The agency may conduct reasonable enforcement activities to ensure this supervision condition is complied with over the course of the license term.

(I) Nothing herein shall be implicitly interpreted to preclude an agency from exercising its existing discretion to issue a license to individuals not covered under this statute, except where precluded by another law.

Section 2. {Exemptions}

(A) This Act does not apply to a person convicted of homicide, an aggravated violent felony offense, a felony sex offense, or kidnapping.

(B) This Act does not apply to a person convicted of an offense involving fraud if the licensed occupation is one in which the licensee owes a fiduciary duty to a client.

(C) This Act does not apply to any occupation where the licensee would be supervising children or individuals who lack mental capacity without another licensee in the same room at all times.

(D) This Act does not apply to any initial or renewal license application where the applicant was convicted of committing an offense in the course of performing the duties of the occupation or a substantially similar occupation.

(E) If the licensing agency believes another exemption not provided herein is necessary in a specific case to protect the public from a clear and imminent danger, the agency may

COMMON CAUSE
Holding Power Accountable

seek declaratory relief in district court through a judicial order finding that the applicant should not be issued a regular or provisional license because it would pose such a danger.

Section 3. {Severability clause}

Section 4. {Repealer clause}

Section 5. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT The Regulation and Use of Biometric Data Act

Summary

This Act protects an individual's privacy and personal identification information by providing specific guidance and regulations on how biometric identification data may be collected, used, and stored. Though the use of biometric data can be necessary to ensure proper identification in specific settings, it is imperative that this data neither be mishandled nor misused.

Model Legislation

Section 1. {Definitions}The following definitions apply in this Act:

(A) "Biometric data" means fingerprints, handprints, voices, facial mapping, iris images, retinal images, vein scans, hand geometry, or finger geometry.

(B) "Biometric information" means biometric data that is used in a biometric system for fingerprint recognition, hand geometry recognition, finger geometry recognition, voice recognition, facial recognition, iris scans, retinal scans, or vein recognition.

(C) "Biometric system" means an automated system capable of:

(1) Capturing biometric data from an individual's biometric information;

(2) Extracting and processing the biometric data captured under of this Subsection;

(3) Storing the biometric data extracted under Subsection (2) of this Subsection;

(4) Comparing the biometric data extracted under Subsection (2) of this Subsection with biometric data stored for the individual for use in future recognition of the individual; and

(5) Determining how well the extracted and stored biometric data match when compared under Subsection (4) of this Subsection, and indicating whether an identification or verification of identity has been achieved;

(D) "Collector" means a person who collects the biometric information of another individual.

(E) "Contractor" means a person who contracts with a collector to store the biometric information collected by the collector, and includes a person to whom the contractor sells the contractor's business and transfers the biometric information.

COMMON CAUSE
Holding Power Accountable

(F) "Facial mapping" means the use of digital technology to measure the features of an individual's face.

(G) "Facial recognition" means the use of facial mapping for recognition purposes.

(H) "Finger geometry recognition" means the use of the shape and dimensions of one or more fingers for recognition purposes.

(I) "Fingerprint recognition" means the use of the physical structure of an individual's fingerprint for recognition purposes.

(J) "Governmental entity" means a state agency, a municipality, and an agency of a municipality; in this Subsection, "state agency" means an agency of the executive, judicial, or legislative branch of state government.

(K) "Hand geometry recognition" means the use of the physical structure of an individual's hand for recognition purposes.

(L) "Iris scan" means the use of an image of the physical structure of an individual's iris for recognition purposes.

(M)"Retinal scan" means the use of the pattern of blood vessels in an individual's eye for recognition purposes.

(N) "Vein recognition" means the use of the veins in an individual's skin for recognition purposes.

Section 2. {Biometric information collection}

(A) A person may not collect the biometric information of another individual unless the person first:

(1) Notifies the individual in a clear manner that the biometric information is being collected, the specific purpose for which the biometric information will be used, and how long the biometric information will be kept; and

(2) Receives, in a written, electronic, or other form by which the consent can be documented, the individual's full consent to the collection of the biometric information, the specific purpose for which the biometric information will be used, and how long the biometric information will be kept.

(B) Unless the individual's biometric information was needed for a specific authorized law enforcement, security, or fraud prevention purpose, an individual may, at any time, revoke or amend the individual's consent provided under Subsection (A) of this Section.

COMMON CAUSE
Holding Power Accountable

(C) Any collection of a digital photo image with a pixel count exceeding the following perimeters is considered a biometric sample and accordingly is to be considered biometric information. Where the width of the head is forty-nine (49) pixels or more of resolution, which corresponds to a maximum full image width of eighty-five (85) pixels or more of resolution, and an image height of one hundred six (106) pixels or more of resolution

Section 3. {Disclosure of biometric information}

(A) A collector and a collector's contractor may not disclose, transfer, or distribute the biometric information of another individual, except to a contractor or to a person to authenticate the identity of the individual providing the biometric information.

(B) A disclosure, transfer, or distribution under Subsection (A) of this section may only be made for the original purpose for which the information was collected.

Section 4. {Sale of biometric information}

(A) A person may not sell biometric information, except that a contractor may sell the contractor's business to another person and transfer the biometric information to the buyer.

Section 5. {Alternate identification}

(A) If a person who administers an occupational examination requires an individual taking the examination to provide biometric information to the person for the purpose of identifying the individual taking the examination, the person may not require that the individual provide the biometric information if the individual provides the person with a valid state issued identification card including but not limited to a state driver's license or a valid federal identification card including but not limited to a U.S. passport to the person administering the occupational examination.

(B) In this section, "occupational examination" includes an examination required for admission to an institution of higher learning.

Section 6. {Disposal}

(A) When a collector no longer needs an individual's biometric information for the collector's original purpose, or if an individual requests in writing that the individual's biometric information be removed from all databases or other storage systems and be permanently destroyed, the collector and the collector's contractor, if any, shall, within 120 days and unless prohibited by other law, a regulation, or a court order, remove the individual's biometric information from all databases and storage systems and destroy the biometric information.

COMMON CAUSE
Holding Power Accountable

(B) Within 30 days after determining that the collector no longer needs an individual's biometric information for the collector's original purpose or that the individual has requested the removal and destruction, the collector shall notify the collector's contractor, if any, that the collector is to remove the individual's biometric information from all databases and storage systems and destroy the biometric information.

Section 7. {Use of biometric information}

(A) A collector may not use biometric information for marketing purposes or for general surveillance purposes, but a collector may use the biometric information for a specific authorized security or fraud prevention purpose in addition to the specific purpose for which the biometric information was collected.

Section 8. {Storage of biometric information}

(A) A collector and a contractor shall store an individual's biometric information in a secure manner, which may include encryption or another appropriate method, to ensure that the identity of the individual who provided the biometric information is protected.

Section 9. {Right of action}

(A) Except as provided in Subsection (B) of this Section, an individual may bring a civil action against a person who knowingly violates this Act. A person who violates this Act is liable to the individual for actual damages and a penalty of $5,000, except that, if the violation resulted in profit or monetary gain to the person, the penalty is $100,000.

(B) An action for damages, a penalty, or both may not be brought against the state, the agencies of the state, or the officers or employees of the state or the agencies of the state for violations of this Act or for other claims arising under this Act.

Section 10. {Exemptions}

(A) This Act does not apply to the collection, retention, analysis, disclosure, or distribution of:

(1) Biometric information for a law enforcement purpose provided a search warrant is issued for the purposes of the identification of perpetrators, or the investigation of crimes, the identification of a reported missing person, the identification of unidentified persons provided the unidentified person has committed an offense or violation of law for which would a physical custody arrest is required, or the identification of human remains; or

(2) Biometric information when authorized by a mandatory state or federal law.

(B) This Act does not apply to the retention of voices recorded for quality assurance purposes.

COMMON CAUSE
Holding Power Accountable

Section 11. {Severability clause}

Section 12. {Repealer clause}

Section 13. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT The State Sovereignty and Drivers License Protection Act

Summary

This Act protects an individual's personal information and privacy by ending the use of biometrics for all noncommercial driver licenses and identification cards, ending the retention of Social Security numbers by the agency responsible for driver license issuance and preventing the use of RFID devices for such ID documents.

Model Legislation

Section 1. {Definitions}The following definitions apply in this Act:

(A) "Biometric data," "biometric sample" or "biometric template" means, but is not limited to:

(1) Facial feature pattern characteristics;

(2) A computerized facial image, or a hard copy of a facial image that, when scanned by electronic means, may be used to create a computerized facial image, which exceeds an uncompressed photographic resolution where the width of the head is forty-nine (49) pixels or more of resolution, which corresponds to a maximum full image width of eighty-five (85) pixels or more of resolution, and an image height of one hundred six (106) pixels or more of resolution;

(3) Voice data used for comparing live speech with a previously created speech model of the voice of a person;

(4) Iris recognition data containing color or texture patterns or codes;

(5) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(6) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;

(7) Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;

(8) Keystroke dynamics, measuring pressure applied to key pads;

(9) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three dimensions; and

(10) Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

COMMON CAUSE
Holding Power Accountable

(B) “Non-Commercial Drivers License” (or “drivers license”) means an original, renewal, or replacement drivers license, a learner permit, or an intermediate drivers license issued by the Department of Motor Vehicles (“DMV”).

(C) "Identification card" means an original, renewal, or replacement identification card issued by the DMV.

Section 2. {Cessation of Biometric Data Comparison and Use}

(A) Upon the effective date of this Act, the DMV shall:

(1) Cease making biometric comparisons and shall be prohibited from making such comparisons thereafter, regarding the issuance of a drivers license or an identification card; and

(2) Cease collecting fingerprint images and shall be prohibited from collecting such images thereafter, regarding the issuance of a drivers license or an identification card.

(B) The DMV shall, on or before the date of implementation of this Act:

(1) Permanently delete from all active databases, archival, or backup storage databases of the DMV any fingerprint images or biometric data, biometric sample or biometric template relating to fingerprint images previously collected, obtained or retained from an applicant for a drivers license or identification card.

(2) Permanently delete from all active databases, archival, or backup storage databases of the DMV, any Social Security number that was previously collected, obtained or retained from an applicant for a drivers license or identification card applicant and thereafter, the DMV shall be prohibited from retaining the Social Security number of an applicant in any active database longer than seventy-two (72) hours or until such time the Social Security number is disclosed to the Department of Human Services; and

(3) Render inoperable all software capable of making biometric comparisons, regarding the issuance of a drivers license or identification card, and at such time when the DMV enters into any new, renewed or altered contract relating to equipment or computer software used in conjunction with the issuance of a drivers license or identification card, the DMV shall permanently remove all existing software capable of making biometric comparisons, even if such software was previously made inoperable. The DMV is further prohibited from installing software capable of making such biometric comparisons thereafter. Fingerprint imaging software and related equipment, used exclusively for the collection of fingerprints for hazardous material commercial driver license issuance, shall be excluded from the provisions of this subsection.

COMMON CAUSE
Holding Power Accountable

(C) Any facial image, collected by the DMV, for the issuance of a drivers license or an identification card, shall be collected and stored in compliance with this Section, and:

(1) Shall be collected in the format where the facial image collected does not exceed an uncompressed photographic resolution where the width of the head is forty-nine (49) pixels or more of resolution, which corresponds to a maximum full image width of eighty-five (85) pixels or more and a maximum image height of one hundred and six (106) pixels or more; and

(2) In a separate database that is not accessible by any other governmental or nongovernmental entity; and

(3)Shall be collected using a white background; and

(4) Shall not be collected using a blue background so that the image may be more readily distinguished from facial images collected at a higher resolution; and

(5) The DMV shall not retain at any time more than one facial image that was collected after the date of implementation of this act, and thereafter, the collection of any facial image for renewal or replacement of a drivers license or identification card shall cause any previous facial image, collected after the date of implementation of this act, to be permanently and immediately deleted. The Department of Public Safety shall allow an applicant to renew or replace a drivers license at any time for the purpose of submitting to the collection of a facial image that complies with the provisions of this section and all appropriate fees and issuance requirements shall be applicable at that time.

(D) The DMV shall be prohibited from issuing a drivers license or identification card which utilizes the technology known as "Radio Frequency Identification", "RFID", "Radio Frequency Technology", or "RFT", or similar technologies or devices that are capable of storing and transmitting personally identifiable information or unique numbers, codes, or algorithms which directly correlate to personal information held in another location, database, or device.

Section 3. {Exemptions}

(A)The provisions of this Section shall not be construed to prevent the following:

(1) The collection or retention of photographs or fingerprints, including for biometric comparisons, for the purpose of enforcing laws relating to serious traffic offenses including, but not limited to, driving while intoxicated, reckless driving, negligent homicide with the use of a motor vehicle, operating a motor vehicle after being declared a habitual motor vehicle offender, or any other offense for which a physical custody arrest is required;

COMMON CAUSE
Holding Power Accountable

(2) The collection of fingerprints for the Transportation Security Administration for the purpose of performing criminal record checks required under federal regulations governing the issuance of hazardous materials endorsements on commercial driver licenses and the taking, and retention, of fingerprints for that express purpose;

(3) The use, collection, storage or disclosure of a Social Security number relating to a commercial driver license;

(4) Requesting and receiving motor vehicle and driver license records or from having legal access to information in the possession of the DMV by law enforcement agencies, provided that such access and requests for facial images are specific to individual records and individual persons;

(5) The administration of the Sex Offenders Registration Act as it applies to the issuance of a drivers license or identification card;

(6) The collection of a facial image, complying to the provisions of this section, by a Driver Examiner, and the transmission of such a facial image to an agent of the DMV, to ensure that a person who has appeared before a Driver Examiner is the same person who appears before a motor license agency to obtain a driver license or identification card; or

(7) The performance of the duties of a motor license agent as required by a mandatory law.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT Resolution Supporting Enhanced Tobacco Tax Collections

Summary

This Resolution calls for state tax departments to improve tobacco supply chain security and state excise tax collection by implementing advanced technologies that decrease tax evasion, reduce smuggling between states, decrease the ability to counterfeit excise tax stamps and increase use of data or information technology.

Model Resolution

WHEREAS, cigarette and tobacco product tax increases have historically been subject to tax evasion increases and consumption declines; and

WHEREAS, a recent U.S. Government Accountability Office (GAO) study depicts how illegal trafficking operations can take advantage of weaknesses in the supply chain at multiple points to evade customs duties, federal and state/local excise taxes, and even tobacco settlement payments[1]; and

WHEREAS, counterfeiting is estimated to constitute 7% to 21% of total cigarette volume, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reports that an estimated $5 billion in tobacco tax revenue is lost on the black market[2]; and

WHEREAS, tobacco smuggling is a growing problem in U.S. that has turned into a lucrative business for criminals who trade cigarettes and other tobacco products on the black market; and

WHEREAS, taxes from tobacco products support smoking cessation programs, hospital services, health education, breast cancer research and prevention, and childhood development programs; and

WHEREAS, new anti-counterfeiting capabilities now exist to make it easier to see and distinguish and harder to counterfeit than cigarette tax stamps that do not utilize advanced technologies; and

WHEREAS, supply chain data and information tools provide greater visibility in cigarette and tobacco distribution, support required cigarette and tobacco tax reporting and tax payment, and support audit outcomes desired by state tax departments; and

WHEREAS, high-tech tax stamps, in particular, include encrypted codes and information that enforcement officials and others can read with portable scanners, making stamps nearly impossible to counterfeit; and

WHEREAS, high-tech tax stamps have helped state and federal governments reduce tobacco tax evasion, for example, the State of California recovers over $150 million in annual state tobacco taxes since 2005.

COMMON CAUSE
Holding Power Accountable

THEREFORE BE IT RESOLVED, that the American Legislative Exchange Council (ALEC) supports policies that improve tobacco supply chain security and state excise tax collection by:

(A) Implementing a secure tax collection system that utilizes advanced technologies, such as stamps that utilize multiple layers of security and information technology;

(B) Collecting supply chain information about excise tax eligible products;

(C) Providing data on product flow to states' then-current tax management system enabling correlation of this data with other tax types to promote increased efficiency of audit and inspection triggers; and

(D) Increasing tax compliance enforcement and auditing capabilities.

THEREFORE, BE IT FURHTER RESOLVED, that ALEC supports a distribution of funds to be made available to the state tax departments for enforcement and administration of this Act.

---

[1] United States Government Accountability Office. (March 2011). Illicit Tobacco: Various Schemes Are Used to Evade Taxes and Fees (GAO-11-313). Washington, DC: U.S. Government Printing Office.

[2] Bureau of Alcohol, Tobacco, Firearms, and Explosives. (April 23, 2010). Tobacco: The new commodity for criminals [Press release].

COMMON CAUSE
Holding Power Accountable

DRAFT The Plain Language in Ballot Titles Act

Summary

This Act ensures that voters fully understand ballot language by requiring that the titles of ballot measures are written, to the extent possible, in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Definitions}

(A) "Advisory board" refers to any state governmental body, commission, or board which oversees the ballot title process.

(B) "Title" refers to the language used to describe any proposed law or constitutional amendment to be included on a ballot for public vote.

Section 2. {Plain Language Requirement for the Title of a Proposed Law or Amendment}

(A) In setting a title for a proposed law or constitutional amendment, the advisory board shall:

(1) Consider the public confusion that might be caused by misleading titles; and

(2) Whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear.

(B) The title for the proposed law or constitutional amendment shall, to the extent possible:

(1) Be written in plain, nontechnical language and in a clear and coherent manner; and

(2) Use words with common and everyday meaning that are understandable to the average reader, and correctly and fairly expresses the true intent and meaning thereof.

(C) The title for the proposed law or amendment, together with the ballot title and submission clause, shall be completed within two weeks after the first meeting of the advisory board.

COMMON CAUSE
Holding Power Accountable

(D) Immediately upon completion, the Secretary of State shall deliver the title for the proposed law or amendment with the original to the designated representatives of the proponents, keeping the copy with a record of the action taken thereon.

(E) Ballot titles shall:

(1) Be brief;

(2) Shall not conflict with those selected for any petition previously filed for the same election; and

(3) Shall be in the form of a question which may be answered "yes" (to vote in favor of the proposed law or constitutional amendment) or "no" (to vote against the proposed law or constitutional amendment) and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

Section 3. {Plain Language Requirement for Ballot Titles of Referred Measures}

(A) Any person, including members of the state legislature and the office of legislative legal services, who prepares or proposes a ballot title of a statewide referred measure, or an amendment to the ballot title, shall ensure that, to the extent possible, the ballot title is written in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning that are understandable to the average reader.

(C) Adoption by the state legislature of the statewide referred measure creates a presumption that the ballot title included therein conforms to this section.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

COMMON CAUSE
Holding Power Accountable

2012 ALEC SPRING TASK FORCE SUMMIT

May 11, 2012

The Westin Charlotte Hotel
601 South College Street ● Charlotte, NC 28202

charlotte, north carolina
may 11, 2012
spring task force summit

ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: April 5, 2012
Housing cut-off date: April 5, 2012

Online
www.alec.org

Fax ***(credit cards only)***
202.331.1344

Phone / Questions
Registration 202.742.8538 (Mon-Fri, 9am-5:00 pm Eastern)
Housing 1.866.837.4148

ATTENDEE INFORMATION

Prefix *(required)* ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____

Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____

Title _____

Organization *(required)* _____

Primary Address ☐ Business ☐ Home _____

City _____ State/Province _____ Country _____ ZIP/Postal code _____

Daytime phone _____ Fax _____ Alternate phone _____

Email *(confirmation will be sent by email)* _____

Emergency Contact Name _____ Day Phone _____ Evening Phone _____

Dietary Restrictions _____

☐ This is my first time attending an ALEC event.

*Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form

REGISTRATION INFORMATION

Registration Fees

Note: Member fees are subject to verification

	Early Until April 5	*Onsite* Beginning April 6
☐ ALEC Legislative Task Force Member	$ 150	$ 150
☐ ALEC Private Sector Task Force Voting Member	$ 250	$ 250
☐ ALEC Non-Profit Task Force Voting Member	$ 250	$ 250
☐ ALEC Legislative Member/ Non-Task Force Member	$ 300	$ 400
☐ Private Sector Member/ Non-Task Force Member	$ 550	$ 650
☐ ALEC Non-Profit Member (501(c)(3) status required)/ Non-Task Force Member	$ 475	$ 575
☐ Legislative/ Non-Member	$ 400	$ 500
☐ Private Sector/ Non-Member	$ 675	$ 825
☐ Non-Profit Non-Member (501(c)(3) status required)	$ 625	$ 725
☐ Legislative Staff/ Government	$ 400	$ 500
☐ ALEC Alumni	$ 350	$ 450
☐ ALEC Legacy Member	$ 0	$ 0

REGISTRATION FEE : $_____

Note: Registration forms with enclosed payments must be received by April 5, 2012 to be eligible for early bird registration rates. Forms and/or payments received after April 5, 2012 will be subject to on-site registration rates.

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # _____

Cardholder *(please print)* _____

Exp Date *(mm/yy)* _____/_____ Signature _____

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5:00 pm Eastern April 5, 2012 are subject to a $100 cancellation fee. Registrations are non-refundable after 5:00 pm Eastern April 5, 2012. Registration fees may be transferred from one registrant to another. All refund requests must be made in writing and sent via email to meetings@alec.org or fax to 202-331-1344.

REGISTRATION CONFIRMATION INFORMATION Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

HOUSING — RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS April 5, 2012

☐ I do not require a reservation at this time.

Arrival Date _____ **Departure Date** _____

☐ Sharing room with _____

Room type

☐ Single	(1 Adult)	$ 139
☐ Double	(2 Adults)	$ 139
☐ Triple	(3 Adults)	$ 139
☐ Quad	(4 Adults)	$ 139

** All rates DO NOT include sales tax 15.25% (subject to change)*

Suites and upgraded accommodations are available upon request. Please call 1.866.837.4148 for additional information.

Special requests

☐ ADA room required:
____ Audio ____ Visual ____ Mobile

☐ Rollaway / crib: _____

☐ Other:

_____

_____

METHOD OF HOUSING PAYMENT

☐ Please use the same method of payment as above.

Credit Card: Credit Cards will be used to guarantee the reservation.

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # _____

Cardholder *(please print)* _____

Exp Date *(mm/yy)* _____/_____ Signature _____

Note: Cutoff for reservations at the ALEC rate is April 5, 2012. After April 5, 2012, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Please obtain a cancellation number when your reservation is cancelled.

COMMON CAUSE Holding Power Accountable

2012 ALEC SPRING TASK FORCE SUMMIT

May 11, 2012

The Westin Charlotte Hotel
601 South College Street ● Charlotte, NC 28202

SPOUSE/GUEST REGISTRATION FORM

charlotte, north carolina
may 11, 2012
spring task force summit

Online www.alec.org | **Fax** ***(credit cards only)*** 202.331.1344 | **Phone / Questions** ● Mon-Fri, 9am-5:30 pm Eastern Registration: 202.742.8538

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Last Name _____ First Name _____

Organization_____

Daytime phone_____

Email (*Confirmation will be sent by email)* _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES	***Number of Spouse/Guest(s)***	***Fee***	***TOTAL***
☐ Spouse / Guest *please note name(s) above*	_____	$ 50	$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT
Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express
☐ Visa
☐ MasterCard

Card # _____

Cardholder *(please print)* _____

Exp Date *(mm/yy)* _____/_____ Signature _____

REGISTRATION CONFIRMATION INFORMATION
Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION
Registrations are non-refundable after 5pm Eastern April 5, 2012.

COMMON CAUSE
Holding Power Accountable

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Mission Statement

The American Legislative Exchange Council's mission is…

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

COMMON CAUSE
Holding Power Accountable

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to $350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form***: Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form***: ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed $1,000.00 per person for a total of $2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form***: Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to $500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.

COMMON CAUSE
Holding Power Accountable

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

American Legislative Exchange Council
TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the **specific subject areas** of the Task Force.

B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.

C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:

- publications that express policy positions, including, but not limited to State Factors and Action Alerts;
- educational communication and correspondence campaigns;
- issue specific briefings, press conferences and press campaigns;
- witness testimony and the activities of policy response teams;
- workshops at ALEC's conferences; and
- specific focus events.

D. The Executive Director is to develop an **annual budget**, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

COMMON CAUSE
Holding Power Accountable

III. GENERAL PROCEDURES

A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the **jurisdiction** of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all **model bills and resolutions 35 days before** the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have **10 days after the 35-day mailer deadline** to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the **National Chair and the Private Enterprise Board Chair**. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-

COMMON CAUSE Holding Power Accountable

day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

B. **The National Chair and the Private Sector Board Chair** will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

C. **The Board of Directors** shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice

COMMON CAUSE Holding Power Accountable

should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.

D. The **operating cycle of a Task Force** is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.

E. If a Task Force is **unable to develop an operating budget**, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.

F. **The Board of Directors** shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.

B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in

COMMON CAUSE Holding Power Accountable

accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:

(1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
(2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
(3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and
(4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.

C. Each Task Force shall have an **Executive Committee** appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).

D. Each Task Force may have any number of **subcommittees**, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.

E. Each Task Force may have advisors, appointed in accordance with Section VI (G). **Advisors** shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official

COMMON CAUSE Making Power Accountable

Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

A. Each Task Force shall develop and operate a yearly budget to fund meetings.

B. The **operating budget** shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

C. The operating budget shall not be used to cover Task Force meeting expenses associated with **alternate task force members'** participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.

D. The **programming budget** shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS

COMMON CAUSE Holding Power Accountable

A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing **three legislative members and three alternates to the Task Force** who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the **appointment cannot be made earlier than thirty days** after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.

B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing **the Task Force Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the **Task Force Executive Committee**, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.

COMMON CAUSE Making Power Accountable

D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing **new private sector members** to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.

E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the **Task Force Private Sector Co-Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.

F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the **private sector members of the Task Force Executive Committee**, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as **advisors** to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

COMMON CAUSE
Holding Power Accountable

VII. REMOVAL AND VACANCIES

A. The National Chair may remove any Public Sector **Task Force Co-Chair** from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.

B. The Public Sector Task Force Co-Chair may remove any legislative member of an **Executive Committee or subcommittee** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.

C. The Chairman of the Private Enterprise Board may remove **any Private Sector Task Force Co-Chair** from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .

D. The Private Sector Task Force Co-Chair may remove any **private sector member of an Executive Committee or subcommittee** from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.

E. The Public and Private Sector Task Force Co-Chairs may remove an **advisor** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.

F. Any member or advisor may **resign** from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the

COMMON CAUSE
Holding Power Accountable

effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

G. All **vacancies** for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

A. **Task Force meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII (H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. **Executive Committee meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.

B. **At least forty-five days** prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or **amendment** of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).

C. **All Task Force meetings are open** to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions

COMMON CAUSE
Holding Power Accountable

and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.

D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the **appointment letter** sent pursuant to Section VI (D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of **Roberts Rules of Order**, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.

F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A **vote** on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. **No proxy, absentee or advance voting is allowed.**

G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a **Task Force vote by mail or any form of electronic communication** on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and

COMMON CAUSE Holding Power Accountable

policy statements be mailed or notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.

H. For purposes of Sections VIII(A), (B) and (G), an **emergency situation** can be declared by:

(1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or

(2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

I. Ten Task Force members shall **constitute a quorum** for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. *REVIEW AND ADOPTION PROCEDURES*

A. All Task Force policy statements, model bills or resolutions shall become **ALEC policy** either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, **a formal review by the Board of Directors**. General information about the adoption of a policy position may be announced upon adoption by the Task Force.

B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be

COMMON CAUSE Holding Power Accountable

formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.

C. A member of the Board of Directors may request a formal review by the Board of Directors. The **request must be in writing** and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.

D. The review process will **consist of key members of the Task Force**, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:

- **Notification of Committee**: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.

- **Staff Analysis**: Will be prepared in a neutral fashion. The analyses will include:
  - History of Task Force action
  - Previous ALEC official action/resolutions
  - Issue before the board
  - Proponents arguments
  - Opponents arguments

- **Standardized Review Format**: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.

COMMON CAUSE Holding Power Accountable

- All votes will be recorded for the official record.

- **Notification of Committee**: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. **The Board of Directors can**:

(1) Vote to affirm the policy or affirm the policy by taking no action, or
(2) Vote to disapprove the policy, or
(3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.

COMMON CAUSE
Holding Power Accountable