§ 4-108. Certification of proposed constitutional amendments and questions. 1. a. Whenever any proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote shall be submitted to the people for their approval, the state board of elections at least three months prior to the general election at which such amendment, proposition or question is to be submitted, shall transmit to each county board of elections a certified copy of the text of each amendment, proposition or question and a statement of the form in which it is to be submitted.

b. Whenever any proposal, proposition or referendum as provided by law is to be submitted to a vote of the people of a county, city, town, village or special district, at an election conducted by the board of elections, the clerk of such political subdivision, at least three months prior to the general election at which such proposal, proposition or referendum is to be submitted, shall transmit to each board of elections a certified copy of the text of such proposal, proposition or referendum and a statement of the form in which it is to be submitted. If a special election is to be held, such transmittal shall also give the date of such election.

c. Such certified copy shall set out all new matter in italics and enclose in brackets, [ ], all matter to be eliminated from existing law, and at the bottom of each page shall be appended the words:

Explanation: Matter in italics is new, to be added; matter in brackets [ ] is old law, to be omitted.

d. In addition to the text, such transmittal shall contain an abstract of such proposed amendment, proposition or question, prepared by the state board of elections in plain language.

2. The form in which the proposed amendment, proposition or question is to be submitted shall consist only of the following: a. a descriptive title of up to fifteen words, which describes the topic, goal, or outcome of the ballot question in plain language; b. a summary of the text ballot proposal of up to thirty words, written in plain language,

that describes the change in policy to be adopted and not the legal mechanism; and c. a statement of what a YES or NO vote means in up to thirty words written in plain language that identifies the practical outcome of each election result and not the legal mechanism. If more than one such amendment, proposition or question is to be voted upon at such election, each such amendment, proposition or question respectively shall be separately and consecutively numbered.

3. The attorney general shall advise in the preparation of such form of submission, and such recommendations shall be in plain language.

4. a. The state board of elections shall prominently publish on its website at least four months prior to the general election at which a ballot proposal shall appear, the proposed form of the ballot proposal and abstract. There shall be a public comment period of at least fifteen days subsequent to such publication. The state board shall review and consider public comments before adopting the final form of the ballot proposal and abstract.

b. The state board of elections shall also publish on its website the Automated Readability Index score calculated pursuant to subdivision six of this section for each form of question and abstract.

The score shall require no higher than an eighth grade reading level (a score of 8 on the Automated Readability Index), unless the state board of elections shall state the basis for its determination that the plain language requirements of this section are met.

5. For the purposes of this section, plain language shall mean the form of the ballot proposal and abstract:

a. shall be written in easily comprehended, concise language;

b. shall not contain more the one passive sentence;

c. shall not use semicolons, using multiple sentences as necessary; and

d. shall not contain double negatives.

6. To evaluate compliance with the plain language requirements of this section, the state board of elections shall calculate an Automated Readability Index score, separately, for each statewide form of ballot proposal and abstract.

The Automated Readability Index score shall be calculated according to the following formula:

a. Divide the number of characters (excluding spaces) by the number of words and multiply that number by 4.71;

b. Divide the number of words by the number of sentences and multiply that number by 0.5;

c. Add the results of paragraphs a and b of this subdivision.

d. Subtract 21.43 from the result of paragraph c of this paragraph and round to the nearest whole number.

7. No specific Automated Readability Index score shall be required; provided, however, the board shall use best efforts to score at an eighth grade reading level or below and meet the definition of plain language in subdivision five of this section. In addition, the board shall expend their best efforts not to exceed the word limits in subdivision two of this section but may do so when plain language clarity is improved thereby.

8. Notwithstanding any other provision of this chapter or other law to the contrary, the form in which a proposed amendment to the constitution shall be submitted, and the abstract thereof, may be determined as part of the concurrent resolution for the submission of such amendment, and abstract thereof, to the people, or the form of submission and abstract thereof may be determined in a separate concurrent resolution adopted by both houses of the legislature at least one hundred twenty days prior to

the general election at which such amendment shall be submitted. The legislature, in determining the form of submission and abstract under this subdivision, shall use best efforts to comply with the plain language requirements of subdivisions two and five, and shall further use best efforts for such submission and abstract to score at an eighth grade reading level or below as determined by the Automated Readability Index score as calculated under subdivision six of this section, or other comparable tool to evaluate reading levels. Provided, however, no specific Automated Readability Index score shall be required. Such form of submission and abstract determined in the manner provided for by this subdivision shall be transmitted by the state board of elections as otherwise provided in this chapter without amendment or alteration, except that the state board of elections may assign to such proposed amendment the ballot order number applicable thereto.