

Regular Session, 2012

SENATE BILL NO. 186

BY SENATOR CLAITOR

ELECTED OFFICIALS. Constitutional amendment to provide that any person who is appointed to fill a vacancy in an elected office shall not be eligible to be a candidate for election to that office. (2/3-CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article IV, Sections 15 and 16(A), Article VIII, Section 3(C), and
3 Article X, Section 27(A) of the Constitution of Louisiana, relative to state elected
4 officials; to provide relative to the eligibility; and to specify an election for
5 submission of the proposition to electors and provide a ballot proposition.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state, for
8 their approval or rejection in the manner provided by law, a proposal to amend Article IV,
9 Sections 15 and 16(A), Article VIII, Section 3(C), and Article X, Section 27(A) of the
10 Constitution of Louisiana, to read as follows:

11 ARTICLE IV. EXECUTIVE BRANCH

12 §15. Vacancy in Office of Lieutenant Governor

13 Section 15. Should a vacancy occur in the office of lieutenant governor, the
14 governor shall nominate a lieutenant governor, who shall take office upon
15 confirmation by a majority vote of the elected members of each house of the
16 legislature. If the unexpired term exceeds one year, such person shall serve as
17 lieutenant governor only until the office is filled as provided in Section 16(B) of this

1 Article. **The nominee who fills the vacancy in the office of lieutenant governor**
2 **shall be ineligible as a candidate at the election to fill the vacancy.**

3 §16. Vacancies in Statewide Elective Offices

4 Section 16.(A) A vacancy in a statewide elective office other than that of
5 governor or lieutenant governor shall be filled by the first assistant, **who shall be**
6 **ineligible as a candidate at the election to fill the vacancy.** If the unexpired term
7 exceeds one year, the first assistant shall serve only until the person elected as
8 provided in Paragraph (B) of this Section takes office.

9 * * *

10 ARTICLE VIII. EDUCATION

11 §3. State Board of Elementary and Secondary Education

12 Section 3.

13 * * *

14 (C) Vacancy. A vacancy in the office of an elected member, if the remaining
15 portion of the term is more than one year, shall be filled for the remainder of the term
16 by election, as provided by law. Other vacancies shall be filled for the remainder of
17 the term by appointment by the governor. **The appointee shall be ineligible as a**
18 **candidate at the election to fill the vacancy.**

19 ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES

20 §27. Filling of Vacancies

21 Section 27.(A) Gubernatorial Appointment; Election. If no other provision
22 therefor is made by this constitution, by statute, by local government charter, by
23 home rule charter or plan of government, or by ordinance, the governor may fill a
24 vacancy occurring in any elective office. When a vacancy occurs in the office and
25 the unexpired portion of the term exceeds one year, the vacancy shall be filled at an
26 election, as provided by law, and the appointment shall be effective only until a
27 successor takes office, **and the appointee shall be ineligible as a candidate at the**
28 **election to fill the vacancy.**

29 * * *

1 Section 2. Be it further resolved that this proposed amendment shall be submitted
2 to the electors of the state of Louisiana at the statewide election to be held on November 6,
3 2012.

4 Section 3. Be it further resolved that on the official ballot to be used at said election
5 there shall be printed a proposition, upon which the electors of the state shall be permitted
6 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
7 follows:

8 Do you support an amendment to provide that any person who is appointed
9 or otherwise designated to fill a vacancy in an elected office shall not be
10 eligible to be a candidate at the election to fill the vacancy in that office?

11 (Amends Constitution Article IV, Sections 15 and 16(A), Article VIII,
12 Section 3(C), and Article X, Section 27(A))

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Lauren Bailey.

DIGEST

Claitor (SB 186)

Present constitution provides that should a vacancy occur in the office of lieutenant governor, the governor is to nominate a lieutenant governor, who takes office upon confirmation by a majority vote of the elected members of each house of the legislature.

Present constitution provides that a vacancy in a statewide elective office other than that of governor or lieutenant governor is to be filled by the first assistant.

Present constitution provides that when a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, are to be assumed by the persons herein designated:

- (1) Sheriff, by the chief criminal deputy.
- (2) District attorney, by the first assistant.
- (3) Clerk of a district court, by the chief deputy.
- (4) Coroner, by the chief deputy.

Present constitution further provides that if there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes concerned are to appoint a qualified person to assume the duties of the office until filled by election.

Present constitution provides that a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a school district is to be filled by appointment by the particular governing authority of the local governmental subdivision

or school district in which the vacancy occurs, until it is filled by election as provided by law.

Present constitution provides that when a vacancy occurs in the office of tax assessor, the duties of the office, until filled by election as provided by law, are to be assumed by the chief deputy assessor.

Present constitution provides that a vacancy in the office of an elected member of the Board of Elementary and Secondary Education (BESE), if the remaining portion of the term is more than one year, is to be filled for the remainder of the term by election, as provided by present law. Other vacancies are to be filled for the remainder of the term by appointment by the governor.

Present constitution provides that if no other provision therefor is made by present constitution, present law, local government charter, home rule charter or plan of government, or ordinance, then the governor may fill a vacancy occurring in any elective office. When a vacancy occurs in the office and the unexpired portion of the term exceeds one year, the vacancy is to be filled at an election, as provided by present law, and the appointment is effective only until a successor takes office.

Proposed constitutional amendment provides that any person who is appointed or otherwise designated to fill a vacancy in an elected office shall not be eligible to be a candidate at the election to fill the vacancy in that office.

Proposed constitutional amendment provides that the prohibition of eligibility to be a candidate to fill the vacancy does not apply to elected officials in the judicial branch, local government and tax assessors.

Specifies submission of the amendment to the voters at the statewide election to be held on November 6, 2012.

(Amends Const. Art. IV, Sec. 15 and 16(A), Art. VIII, Sec. 3(C), and Art. X, Sec. 27(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Deletes provisions relative to the judicial branch, local government, tax assessors.