

Regular Session, 2011

HOUSE BILL NO. 359

BY REPRESENTATIVE FANNIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS: (Constitutional Amendment) Authorizes the appointment of a person to temporarily fill a vacancy in the legislature until the vacancy can be filled by election in the manner provided by law

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A JOINT RESOLUTION

Proposing to amend Article III, Section 4(D) and (F) of the Constitution of Louisiana, relative to vacancies in the legislature; to authorize the appointment of a person to temporarily fill a vacancy in the legislature; to require the legislature to provide by law for the manner of such appointment; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article III, Section 4(D) and (F) of the Constitution of Louisiana, to read as follows:

§4. Qualifications; Residence and Domicile Requirements; Term; Election Limitations; Vacancies; Temporary Successors; Salary

Section 4.

* * *

(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election by the electors of the respective district as provided by law; however, until filled by election, a vacancy in the legislature may be temporarily filled by appointment in the manner provided by law.

* * *

1 (F) Temporary Successors. (1) The legislature shall provide by law for the
2 prompt and temporary succession to the powers and duties of a member of the
3 legislature if the incumbent member is unavailable to perform his functions or duties
4 due to being ordered to active duty in the armed services of the United States.

5 (2) The legislature shall provide by law for the appointment of a person to
6 temporarily fill a vacancy in the legislature. If appointed, such a temporary
7 successor shall serve only until the office is filled by election as provided in
8 Paragraph (D) of this Section.

9 * * *

10 Section 2. Be it further resolved that this proposed amendment shall be submitted
11 to the electors of the state of Louisiana at the statewide election to be held on October 22,
12 2011.

13 Section 3. Be it further resolved that on the official ballot to be used at said election
14 there shall be printed a proposition, upon which the electors of the state shall be permitted
15 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
16 read as follows:

17 To authorize the appointment of a person to temporarily fill a vacancy in the
18 legislature, in the manner provided by law, until the vacancy is filled by
19 election. (Amends Article III, Section 4(D) and (F))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Fannin

HB No. 359

Abstract: Authorizes the appointment of a person to temporarily fill a vacancy in the legislature until the vacancy is filled by election and requires the legislature to provide by law for such an appointment.

Present constitution (Art. III, §4(C) and (D)) provides that a member of the legislature shall be elected for a four-year term and that a vacancy in the legislature shall be filled for the remainder of the term only by election by the electors of the respective district as provided by law. Present constitution (Art. III, §4(F)) further requires the legislature to provide by law for the prompt and temporary succession to the powers and duties of a member of the legislature if the incumbent member is unavailable to perform his functions or duties due to being ordered to active duty in the armed services of the U.S.

Proposed constitutional amendment retains present constitution and further provides that until filled by election, a vacancy in the legislature may be temporarily filled by appointment in the manner provided by law and further requires the legislature to provide by law for the appointment of a person to temporarily fill a vacancy in the legislature. Specifies that if appointed, such a temporary successor shall serve only until the office is filled by election as provided in present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 22, 2011.

(Amends Const. Art. III, §4(D) and (F))