

Regular Session, 2010

HOUSE BILL NO. 498

BY REPRESENTATIVE TALBOT

GOVERNOR/SUCCESSION: (Constitutional Amendment) Relative to vacancies in the office of governor, provides for filling of such vacancies and vacancies created by gubernatorial succession to the office of governor

1 A JOINT RESOLUTION

2 Proposing to amend Article IV, Section 14 of the Constitution of Louisiana, to provide
3 relative to vacancies in the office of governor; to provide for filling of such
4 vacancies and to require filling of such a vacancy by election when the remainder of
5 the unexpired term exceeds one year; to provide for vacancies created by
6 gubernatorial succession and the filling of such vacancies; to provide for submission
7 of the proposed amendment to the electors; and to provide for related matters.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state of
10 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
11 amend Article IV, Section 14 of the Constitution of Louisiana, to read as follows:

12 §14. Vacancy in Office of Governor

13 Section 14.(A) When a vacancy occurs in the office of governor, the order
14 of succession shall be (1) the elected lieutenant governor, (2) the elected secretary
15 of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding
16 officer of the Senate, (6) the presiding officer of the House of Representatives, and
17 then (7) as provided by law.

1 ~~(B)The~~ If the remainder of the term for which the governor was elected does
2 not exceed one year, the successor shall serve the remainder of the term for which
3 the governor was elected.

4 (C) If the unexpired term exceeds one year, the successor shall serve as
5 governor only until the office is filled by election. The election shall be held at the
6 time of the next regularly scheduled congressional or statewide election; however,
7 if no such election date is available within one year of the vacancy, the office shall
8 be filled by election at a special election held within one year of the vacancy and
9 called by the secretary of state for such purpose. When the office of governor is
10 filled by election pursuant to this Paragraph, the successor shall return to the office
11 in which he was serving prior to gubernatorial succession for the remainder of his
12 unexpired term.

13 (D) A vacancy in the office of the governor's successor created by
14 gubernatorial succession pursuant to this Section shall be filled in the manner
15 provided for filling a vacancy for which the remainder of the term does not exceed
16 one year. The person who fills such a vacancy shall serve only for the time the
17 governor's successor serves as governor.

18 Section 2. Be it further resolved that this proposed amendment shall be submitted
19 to the electors of the state of Louisiana at the statewide election to be held on November 2,
20 2010.

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

25 To provide for filling vacancies in the office of governor by election when
26 the remainder of the unexpired term exceeds one year and to provide for
27 filling the resulting vacancy in the office of an official who succeeds to the
28 office of governor while such official serves as governor. (Amends Article
29 IV, Section 14)

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)]

Talbot

HB No. 498

Abstract: Provides for filling vacancies in the office of governor by election when the remainder of the unexpired term exceeds one year. Provides for filling a vacancy created when an official succeeds to the office of governor and provides for the manner and duration of filling of such vacancies.

Present constitution provides that, when a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law.

Proposed constitutional amendment retains this order of gubernatorial succession.

Present constitution provides that the successor shall serve the remainder of the term for which the governor was elected.

Proposed constitutional amendment retains present constitution, but only when the remainder of the unexpired term does not exceed one year. Provides that if the unexpired term exceeds one year, the successor shall serve as governor only until the office is filled by election. Requires that the election be held at the time of the next regularly scheduled congressional or statewide election and, if no such election date is available within one year of the vacancy, that the office be filled by election at a special election held within one year of the vacancy and called by the secretary of state for such purpose. Also provides that, when the office of governor is so filled by election, the successor shall return to the office in which he was serving prior to gubernatorial succession for the remainder of his unexpired term.

Proposed constitutional amendment requires that a vacancy in the office of the governor's successor created by gubernatorial succession shall be filled as for a vacancy for which the remainder of the term does not exceed one year. Provides that the person who fills the vacancy in the office of the governor's successor shall serve only for the time the governor's successor serves as governor.

Present constitution, relative to filling of vacancies in the office of lieutenant governor, requires the governor to nominate a lieutenant governor, who takes office upon confirmation by a majority vote of the elected members of each house of the legislature. Provides that, if the unexpired term exceeds one year, such person shall serve as lieutenant governor only until the office is filled by election.

Present constitution, relative to filling of vacancies in statewide elected offices other than governor and lieutenant governor, provides that the office shall be filled by the first assistant appointed by such official. Provides that, if the unexpired term exceeds one year, the first assistant shall serve only until the office is filled by election.

Present constitution, relative to elections to fill a vacancy in the office of lieutenant governor or a statewide elected official when the remainder of the term exceeds one year, requires that the election be held at the next regularly scheduled congressional or statewide election, but if no such election date is available within one year of the vacancy, that the governor shall call a special election.

Present constitution, relative to legislative officers, makes no provision for vacancies but specifies that each house shall choose its own officers, including a permanent presiding officer from its membership. Provides that the presiding officers shall be the speaker of the House of Representatives and the president of the Senate.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. IV, §14)