

2020 Regular Session

SENATE BILL NO. 248

BY SENATOR CARTER

VOTERS/VOTING. Provides for initiative measures for use by the electorate to propose and adopt or reject laws and constitutional amendments. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to add Article XIII-A of the Constitution of Louisiana, to be comprised of
3 Sections 1 through 11, relative to the exercise of legislative power; to provide that
4 the electorate may propose and adopt or reject laws by initiative; to provide
5 procedures for implementing the initiative; to provide for the functions of the
6 legislature, governor, secretary of state, legislative fiscal officer, the Louisiana State
7 Law Institute, and registrars of voters in connection therewith; to provide for
8 disclosure of funds received to influence the passage of an initiative measure; and
9 to specify an election for submission of the proposition to electors and provide a
10 ballot proposition.

11 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
12 elected to each house concurring, that there shall be submitted to the electors of the state, for
13 their approval or rejection in the manner provided by law, a proposal to a proposal to add
14 Article XIII-A of the Constitution of Louisiana, to be comprised of Sections 1 through 11,
15 to read as follows:

16 ARTICLE XIII-A. THE INITIATIVE

17 §1. Definition of Initiative

1 Section 1. The initiative is the power of the electors to exercise the legislative
2 power of the state by proposing a new law, an amendment to an existing law, or an
3 amendment to this constitution, and voting to adopt or reject such propositions.

4 §2. Initial Submission to Secretary of State

5 Section 2. An initiative measure may be proposed by any elector or group of
6 electors by submitting a petition and filing fee to the secretary of state proposing the
7 text of a new law, an amendment to an existing law, or an amendment to this
8 constitution. The secretary of state shall, within seven days, submit the proposed text
9 to the Louisiana State Law Institute which shall, within forty-five days, prepare the text
10 and title for the measure and a ballot proposition summarizing its provisions. Any
11 ballot proposition prepared shall not exceed four hundred words in length. The
12 secretary of state shall, within seven days, submit the petition to the legislative fiscal
13 officer directing the preparation of a fiscal note based on the petition, as provided by
14 law or rule, which shall include an estimate of the fiscal effect of the proposed measure.

15 §3. Certification of Petition for Circulation; Certified Form; Petition
16 Commencement Date

17 Section 3. The secretary of state shall certify the form of the petition and return
18 it to the petitioning elector or group of electors. The certified form of the petition shall
19 include the title, the proposition, the ballot proposition language, the fiscal note, and
20 the petition commencement date. The petition commencement date shall be recorded
21 by the secretary of state as the date the certified form of the petition is transmitted to
22 the petitioning elector or group of electors. Copies of the certified form of the petition
23 may be circulated for the collection of signatures.

24 §4. Term of Petition Viability

25 Section 4. The petitioning elector or group of electors shall return the certified
26 petition to the secretary of state, with the signatures required in this Article, on or
27 before the one hundred eightieth day following the petition commencement date. If the
28 petition is not returned on or before the one hundred eightieth day following the
29 petition commencement date, then the secretary of state shall declare the petition null

1 and void.

2 §5. Signature Requirements; Verification

3 Section 5.(A) The signatures of electors on each copy of the circulating certified
4 petition shall be collected and grouped by parish. The registrar of voters in each parish
5 shall verify, within thirty days, the signatures of those qualified electors within their
6 respective jurisdiction and only the signature of qualified electors shall be counted to
7 satisfy the signature requirements of this Article. No signature of an elector shall be
8 added to, or removed from, a certified petition after it has been returned to the
9 secretary of state as provided by Section 4 of this Article.

10 (B) A certified petition proposing a new law or an amendment to an
11 existing law shall contain the verified signature of the number of qualified
12 electors which equals or exceeds eight percent of the total number of electors
13 voting in the state in the most recent general election at which a governor was
14 elected.

15 (C) A certified petition proposing an amendment to the constitution shall
16 contain the verified signature of the number of qualified electors which equals
17 or exceeds ten percent of the total number of electors voting in the state in the
18 most recent general election at which a governor was elected.

19 §6. Final Validation and Placement on the Ballot

20 Section 6. After completion of the process for the collection of signatures, the
21 signed petition shall be submitted to the secretary of state who shall review it to
22 determine whether it satisfies the requirements of this Article. Upon a determination
23 that the petition satisfies the requirements of this Article, the secretary of state shall
24 validate the petition and place the proposition on the ballot at the next regularly
25 scheduled statewide primary or general election which will occur at least one hundred
26 days following the date of validation.

27 §7. Publication

28 Section 7. The secretary of state shall publish once in the official journal of each
29 parish within not less than thirty nor more than sixty days preceding the election at

1 which the proposition is to be submitted to the electors, a notice including the
2 proposition and the statewide election date at which the proposition shall be submitted.

3 §8. Adoption Requirements; Effective Dates

4 Section 8. Any new law, an amendment to an existing law, or amendment to this
5 constitution which is proposed by initiative, under the provisions of this Article, shall
6 become effective only when approved by a majority of the electors voting in the state.
7 If approved by the voters, the governor shall proclaim its adoption and it shall take
8 effect ten days after the proclamation, unless the proposal provides otherwise.

9 §9. Conflict of Propositions

10 Section 9. If the provisions of two or more ballot proposals, whether placed on
11 the ballot by initiative or pursuant to legislative action or authorization, are
12 determined by the Louisiana State Law Institute to be in conflict, the secretary of state
13 shall place the propositions on the ballot as ballot alternative propositions, only one of
14 which may be voted on in the affirmative by an elector casting a vote.

15 §10. Prohibitions; Restrictions

16 Section 10. (A) No new law, amendment to a previously existing law, or
17 amendment to this constitution adopted pursuant to this Article shall:

18 (1) Impair the obligation of contracts.

19 (2) Impair the obligation of outstanding bonded indebtedness.

20 (3) Dedicate revenues.

21 (4) Impose or increase taxes or tax exemptions or remove or reduce any
22 taxes or tax exemptions.

23 (5) Make or repeal an appropriation of money for the operation of
24 government.

25 (6) Apportion or reapportion any entity of state or local government.

26 (7) Create any court.

27 (8) Amend or repeal any law or provision of this constitution relating to
28 state or local public retirement systems.

29 (9) Modify the initiative process.

1 (10) Amend or repeal any portion of the Declaration of Rights of this
2 constitution.

3 (11) Modify or repeal any item or matter, which would impact or alter
4 settlements contained in a federal court consent decree.

5 (12) Reduce the ability of the state or any entity of state government to
6 receive monies, funds, or appropriations from the federal government.

7 (B) Each initiative proposition shall be confined to one object in the same
8 manner as bills of the legislature under Article III, Section 15 of this
9 constitution.

10 (C) The governor's authority to veto bills under Article III, Section 18
11 of this constitution shall not apply to the enactment or adoption of a new law,
12 an amendment to an existing law, or an amendment to this constitution which
13 was adopted pursuant to this Article.

14 (D) No initiative proposition which is rejected by the electors nor any
15 other initiative proposition which is a substantially similar measure shall be
16 proposed to the electors pursuant to this Article until one year has elapsed from
17 the date of the election at which the initiative proposition failed to receive the
18 necessary vote.

19 §11. Procedures

20 Section 11.(A) The legislature may provide for the circulation of petitions under
21 the provisions of this Article.

22 (B) The secretary of state shall adopt rules specifying the form of the
23 petition and its requirements for verification. The rules shall include but shall
24 not be limited to provisions for the signature, address, and birth date of the
25 elector on the petition. The secretary of state shall also provide, by rule, for a
26 reasonable fee for the filing of petitions pursuant to this Article. Any rule
27 adopted by the secretary of state pursuant to this Article shall be subject to
28 legislative oversight by the appropriate standing committees of the legislature.

29 (C) Any elector or group of electors who receives or expends funds for

1 **the purpose of influencing the passage or defeat of a measure shall be subject**
 2 **to the reporting requirements contained in the Campaign Finance Disclosure**
 3 **Act.**

4 Section 2. Be it further resolved that this proposed amendment shall be submitted
 5 to the electors of the state of Louisiana at the statewide election to be held on November 3,
 6 2020.

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

11 Do you support an amendment to provide that the voters of Louisiana may
 12 propose and adopt or reject laws by the initiative and to provide procedures
 13 for implementing the initiative?

14 (Adds Article XIII-A, Sections 1-11)

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

DIGEST

SB 248 Original

2020 Regular Session

Carter

Proposed constitutional amendment establishes an initiative to allow voters to propose laws or constitutional amendments and to adopt or reject such proposals.

Proposed constitutional amendment requires an initiative measure to be submitted by any elector or group of electors to the secretary of state, prior to circulation for signatures and requires the secretary of state to submit the text to the La. State Law Institute which will prepare, within 45 days, the text and title of the measure and a ballot proposition not exceeding 400 words summarizing the measure. Requires the secretary of state to submit the petition within seven days to the legislative fiscal officer for preparation of a fiscal note. Requires the secretary of state to certify the petition form to include the title, the proposition, the ballot proposition language, the fiscal note, and the petition commencement date. Requires the secretary of state to return the petition to the elector or group for circulation. Provides that the date the secretary of state transmits the petition to the elector or group proposing the petition is the petition commencement date. Requires return of the petition to the secretary of state, with the required signatures, not less than 180 days after the commencement date.

Proposed constitutional amendment requires the secretary of state to adopt rules specifying the form of the petition and requirements for verification. Provides that the rules include but not be limited to the signature, address, and birth date of the elector on the petition. Additionally requires the secretary of state to adopt, by rule, a reasonable fee for the filing of petitions. Provides that any rule adopted by the secretary of state pursuant to proposed constitutional amendment be subject to oversight by the appropriate standing committees of

the legislature. Further authorizes the legislature to provide the manner in which petitions will be circulated.

Proposed constitutional amendment requires the petition signatures to be collected and grouped by parish. Requires that the registrar of voters in each parish verify the signatures of those qualified electors within their respective jurisdiction within 30 days, and provides that only the signature of qualified electors will be counted to satisfy signature requirements. Prohibits the addition or removal of signatures from a certified petition after it has been returned to the secretary of state.

Proposed constitutional amendment requires the petition to have been signed by the number of qualified electors equal to at least 8% of the total number of electors voting in the most recent gubernatorial general election to propose a new law or amend an existing law, and 10% to propose an amendment to the constitution.

Proposed constitutional amendment requires the secretary of state, after completion of the collection and verification process, to review the petition for compliance with the initiative requirements and, if valid, to place the proposition on the ballot at the next regularly scheduled statewide primary or general election which will occur at least 100 days after the determination of compliance. Requires the secretary of state to publish a notice containing the proposition and the election date in the official journal of each parish 30-60 days prior to the election.

Proposed constitutional amendment provides that if two or more ballot proposals, whether placed on the ballot by initiative or pursuant to legislative action, are determined by the La. State Law Institute to be in conflict, then the secretary of state is to place the propositions on the ballot as alternative proposals, only one of which may be voted on in the affirmative by an elector.

Proposed constitutional amendment requires, for passage of an initiative law or constitutional amendment, approval by a majority of the voters statewide. Requires the governor to proclaim the adoption of any initiative measure approved by the voters. Provides that the measure becomes effective 10 days after the proclamation unless the proposal provides otherwise.

Proposed constitutional amendment provides that any such law or constitutional amendment will not:

- (1) Impair the obligation of contracts.
- (2) Impair the outstanding bonded indebtedness.
- (3) Dedicate revenues.
- (4) Impose or increase taxes or tax exemptions or remove or reduce any taxes or tax exemptions.
- (5) Make or repeal an appropriation of money for the operation of government.
- (6) Apportion or reapportion any entity of state or local government.
- (7) Create a court.
- (8) Amend or repeal any law or constitutional provision relating to public retirement systems.
- (9) Modify the initiative process.

- (10) Amend or repeal the Declaration of Rights of the constitution.
- (11) Modify or repeal any item which would impact or alter settlements contained in a federal court consent decree.
- (12) Reduce the ability of the state or its entities to receive funds from the federal government.

Proposed constitutional amendment requires an initiative measure to be confined to one object.

Proposed constitutional amendment provides that the veto power of the governor will not extend to initiative measures. Provides that if any initiative measure is rejected, no initiative petition proposing the same, or substantially the same amendment will be submitted for at least one year after the date of the election on such proposal.

Proposed constitutional amendment requires any elector or group who receives or expends funds to influence the passage or defeat of an initiative measure to be subject to the reporting requirements of the Campaign Finance Disclosure Act.

Specifies submission of the amendment to the voters at the statewide election to be held on November 3, 2020.

(Adds Article XIII-A, Sections 1-11)