

Regular Session, 2010

SENATE BILL NO. 325

BY SENATOR HEBERT

LOCAL OFFICIALS. Constitutional amendment to provide that under certain circumstances a person who fills a vacancy in local elective offices shall not be an eligible candidate in next election held for such office. (2/3 - CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article V, Section 30, Article VI, Section 13(A), Article VII, Section 24(C), and Article X, Section 27(A) of the Constitution of Louisiana, relative to elected officials; to provide that certain persons shall not be eligible candidates in certain elections; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Section 30, Article VI, Section 13(A), Article VII, Section 24(C), and Article X, Section 27(A) of the Constitution of Louisiana, to read as follows:

ARTICLE V. JUDICIAL BRANCH

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§30. Vacancies

Section 30.(A) When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by the persons herein designated: (1) sheriff, by the chief criminal deputy; (2) district

1 attorney, by the first assistant; (3) clerk of a district court, by the chief deputy; (4)
2 coroner, by the chief deputy. If there is no such person to assume the duties when
3 the vacancy occurs, the governing authority or authorities of the parish or parishes
4 concerned shall appoint a qualified person to assume the duties of the office until
5 filled by election.

6 **(B) In the event the sheriff, district attorney, clerk of a district court, or**
7 **coroner voluntarily leaves such office prior to the expiration of the term, the**
8 **person assuming the office pursuant to Paragraph A of this Section shall not be**
9 **an eligible candidate for such office in the next election whether the next**
10 **election is to fill the unexpired term of office or for a new term.**

11 * * *

12 ARTICLE VI. LOCAL GOVERNMENT

13 * * *

14 §13. Vacancies

15 Section 13.(A)~~(1)~~ Vacancy; Appointment. Except as otherwise provided by
16 this constitution, a vacancy in any local office filled by election wholly within the
17 boundaries of a local governmental subdivision or a school district shall be filled by
18 appointment by the particular governing authority of the local governmental
19 subdivision or school district in which the vacancy occurs, until it is filled by
20 election as provided by law.

21 **(2) In the event the vacancy results from the elected official voluntarily**
22 **leaving office prior to the expiration of the term, the person appointed to fill the**
23 **office pursuant to Subparagraph (1) of this Paragraph shall not be an eligible**
24 **candidate for such office in the next election whether the next election is to fill**
25 **the unexpired term of office or for a new term.**

26 * * *

27 ARTICLE VII. REVENUE AND FINANCE

28 * * *

29 §24. Tax Assessors

1 Section 24.(A) Election; Term.

2 * * *

3 (C)(1) Vacancy. When a vacancy occurs in the office of tax assessor, the
4 duties of the office, until filled by election as provided by law, shall be assumed by
5 the chief deputy assessor.

6 **(2) In the event the assessor voluntarily leaves office prior to the**
7 **expiration of the term, the chief deputy assessor assuming the office pursuant**
8 **to Subparagraph (1) of this Paragraph shall not be an eligible candidate in the**
9 **next election for assessor whether the next election is to fill the unexpired term**
10 **of office or for a new term.**

11 ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES

12 * * *

13 §27. Filling of Vacancies

14 Section 27.(A)(1) Gubernatorial Appointment; Election. If no other
15 provision therefor is made by this constitution, by statute, by local government
16 charter, by home rule charter or plan of government, or by ordinance, the governor
17 may fill a vacancy occurring in any elective office. When a vacancy occurs in the
18 office and the unexpired portion of the term exceeds one year, the vacancy shall be
19 filled at an election, as provided by law, and the appointment shall be effective only
20 until a successor takes office.

21 **(2) In the event the elected official voluntarily leaves office prior to the**
22 **expiration of the term, the person appointed to the office pursuant to**
23 **Subparagraph (1) of this Paragraph shall not be an eligible candidate for that**
24 **office in the next election whether the next election is to fill the unexpired term**
25 **of office or for a new term.**

26 * * *

27 Section 2. Be it further resolved that this proposed amendment shall be submitted
28 to the electors of the state of Louisiana at the statewide election to be held on November 2,
29 2010.

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

5 To provide that when a vacancy occurs in the office of sheriff, district
6 attorney, clerk of a district court, coroner, tax assessor or in certain other
7 local elected offices as a result of the incumbent voluntarily leaving office
8 prior to the end of the term, the person who is appointed or otherwise
9 designated to fill such office shall not be an eligible candidate for that office
10 in the next election. (Amends Article V, Section 30; Article VI, Section
11 13(A); Article VII, Section 24(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 Dawn Romero Watson.

DIGEST

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.

Proposed constitution adds that if the sheriff, district attorney, clerk of the district court, or coroner voluntarily leaves office prior to the end of his term, the person assuming the office shall not be an eligible candidate in the next election to fill the office whether the next election is for the unexpired term of that office or for a new term.

Present constitution, regarding local government, provides that when a vacancy occurs in any local elected office wholly within the boundaries of a local government subdivision or a school district, it shall be filled by an appointment by the particular governing authority of the local governmental subdivision or school district until it is filled by election.

Proposed constitution adds that if the elected official voluntarily leaves office prior to the expiration of the term, the person appointed to fill such vacancy shall not be an eligible candidate for such office in the next election whether the next election is to fill the unexpired term of that office or for a new term.

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

Proposed constitution adds that in the event the assessor voluntarily leaves office prior to the expiration of the term, the chief deputy assessor shall not be an eligible candidate for assessor in the next election whether the next election is to fill the unexpired term of that office or for a new term.

Present constitution provides for the governor to make an appointment if there is a vacancy in an elected office for which no provision of present constitution, present law, local government charter or plan of government or ordinance provides for the filling of such vacancy.

Proposed constitution adds that if the elected official voluntarily leaves office prior to the expiration of the term, the governor's appointee shall not be an eligible candidate for such office in the next election whether the next election is to fill the unexpired term of that office or for a new term.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

(Amends Const. Art. V, Sec. 30; Art. VI, Sec. 13(A); Art. VII, Sec. 24(C); and Art. X, Sec. 27(A))