

Regular Session, 2003

HOUSE BILL NO. 576

BY REPRESENTATIVES LEBLANC, DEWITT, HAMMETT, AND  
MURRAY

LEGISLATIVE AUDITOR: (Constitutional Amendment) Prohibits certain political activities by the legislative auditor and his employees and prohibits a former legislative auditor from qualifying for elected public office for two years after he leaves the office

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A JOINT RESOLUTION

Proposing to amend Article III, Section 11 of the Constitution of Louisiana, relative to the legislative auditor; to prohibit certain political activities by the legislative auditor and his employees; to prohibit any former legislative auditor from qualifying for elected public office for a certain time period; 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 11 of the Constitution of Louisiana, to read as follows:

§11. Legislative Auditor; Prohibitions on Political Activities

Section 11.(A) There shall be a legislative auditor responsible solely to the legislature. He shall serve as a fiscal advisor to it and shall

1 perform the duties and functions provided by law related to auditing  
2 fiscal records of the state, its agencies, and political subdivisions. He  
3 shall be elected by the concurrence of a majority of the elected  
4 members of each house and may be removed by the concurrence of  
5 two-thirds of the elected members of each house.

6 (B) The legislative auditor and any employee in the office of the  
7 legislative auditor shall not participate or engage in political activity;  
8 be a candidate for nomination or election to public office; or be a  
9 member of any national, state, or local committee of a political party or  
10 faction; make or solicit contributions for any political party, faction, or  
11 candidate; or take active part in the management of the affairs of a  
12 political party, faction, candidate, or any political campaign. Nothing  
13 herein shall prohibit the legislative auditor or any employee in the  
14 office of the legislative auditor from exercising his right as a citizen to  
15 express his opinion privately, to serve as a commissioner at the polls,  
16 and to cast his vote as he desires. As used in this Paragraph, "political  
17 activity" means an effort to support or oppose the election of a  
18 candidate for political office or to support a particular political party in  
19 an election. The prohibitions contained in this Paragraph shall be  
20 administered and enforced by a board created to administer the code of  
21 ethics pursuant to Article X, Section 21 of this Constitution as provided  
22 by law.

23 (C) No former legislative auditor shall, for a period of two years  
24 following the termination of his service as legislative auditor, be  
25 eligible to qualify for elected public office.

1           Section 2. Be it further resolved that this proposed amendment shall be  
2 submitted to the electors of the state of Louisiana at the gubernatorial primary  
3 election to be held in 2003.

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

8                   To prohibit the legislative auditor and any employee of the  
9 office of the legislative auditor from engaging in political  
10 activities, becoming a candidate for public office, contributing  
11 to political campaigns, and soliciting campaign contributions;  
12 and to prohibit any former legislative auditor from qualifying for  
13 elected public office until a period of two years has passed  
14 following the termination of his service as legislative auditor.

15                   (Amends Article III, Section 11)

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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LeBlanc, et al.

HB No. 576

**Abstract:** Prohibits the legislative auditor and his employees from participating or engaging in certain specified political activity (similar to restrictions on classified civil servants) and provides that a former legislative auditor is not eligible to qualify for elected public office for a period of two years following the termination of his service as legislative auditor.

Present constitution provides that there shall be a legislative auditor responsible solely to the legislature and that he shall serve as a fiscal advisor to it. Requires that he perform the duties and functions provided by law related to auditing fiscal records of the state, its agencies, and political subdivisions. Present constitution provides that the legislative auditor shall be elected by the concurrence of a majority of the elected members of each house

and may be removed by the concurrence of two-thirds of the elected members of each house.

Proposed constitutional amendment retains present constitution and further prohibits the legislative auditor and any employee in the office of the legislative auditor from participating or engaging in political activity; being a candidate for nomination or election to public office; or being a member of any national, state, or local committee of a political party or faction; making or soliciting contributions for any political party, faction, or candidate; or taking active part in the management of the affairs of a political party, faction, candidate, or any political campaign. Specifies that the legislative auditor or any employee in the office of the legislative auditor is not prohibited from exercising his right as a citizen to express his opinion privately, to serve as a commissioner at the polls, and to cast his vote as he desires. Defines "political activity" as an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. Provides that these prohibitions shall be administered and enforced by the Louisiana Board of Ethics as provided by law.

Proposed constitutional amendment additionally provides that no former legislative auditor shall, for a period of two years following the termination of his service as legislative auditor, be eligible to qualify for elected public office.

Provides for submission of the proposed amendment to the voters at the gubernatorial primary election to be held in 2003.

(Amends Const. Art. III, §11)

#### Summary of Amendments Adopted by House

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

1. Provides that the prohibitions against certain political activity by the legislative auditor shall be administered and enforced by the Louisiana Board of Ethics as provided by law.