

Regular Session, 2006

HOUSE BILL NO. 716

BY REPRESENTATIVE BEARD

STATE OFFICIALS: (Constitutional Amendment) Provides for the filling of a vacancy in a statewide elective office other than the office of governor

A JOINT RESOLUTION

Proposing to amend Article IV, Sections 15 and 16 of the Constitution of Louisiana, to provide for the filling of a vacancy in a statewide elective office other than the office of governor; to provide for certain procedures and limitations; 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 IV, Sections 15 and 16 of the Constitution of Louisiana, to read as follows:

§15. Vacancy in Office of Lieutenant Governor

Section 15. Should a vacancy occur in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature. If the unexpired term exceeds one year, such person shall serve as lieutenant governor only until the office is filled as provided in Section 16(B) of this Article.

§16. Vacancies in ~~Other~~ Statewide Elective Offices

Section 16.(A) A vacancy in a statewide elective office other than that of governor or lieutenant governor shall be filled by the first assistant. If the unexpired

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 term exceeds one year, the first assistant shall serve only until the person elected as
2 provided in Paragraph (B) of this Section takes office.

3 (B) If the unexpired term exceeds one year, the office shall be filled by
4 election at the next regularly scheduled congressional or statewide election; ~~and the~~
5 ~~first assistant shall serve only until the person then elected takes office.~~ however, if
6 no such election date is available within one year of the vacancy, the office shall be
7 filled by election at a special election called by the governor for such purpose.

8 Section 2. Be it further resolved that this proposed amendment shall be submitted
9 to the electors of the state of Louisiana at the statewide election to be held on September 30,
10 2006.

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

15 To provide for the filling of vacancies in statewide elective offices other than
16 the office of governor; to provide that if more than one year remains in the
17 term of such a statewide elective office, the vacancy shall be filled by the
18 first assistant to such elected official and in the case of the lieutenant
19 governor, the person nominated by the governor and confirmed by the
20 legislature, only until such office can be filled by election, either at a regular
21 statewide or congressional election, or if such an election is not available
22 within a year of the vacancy, a special election called by the governor for
23 such purpose. (Amends Article IV, Sections 15 and 16)

DIGEST

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

Beard

HB No. 716

Abstract: Provides for the filling of vacancies in statewide elective offices other than the office of governor by providing that if more than one year remains in the term of such a statewide elective office, the vacancy shall be filled by the first assistant to such elected official and in the case of the lieutenant governor, the person nominated

by the governor and confirmed by the legislature, only until such office can be filled by election, either at a regular statewide or congressional election, or if such an election is not available within a year of the vacancy, a special election called by the governor for such purpose.

Present constitution provides that if a vacancy occurs in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of elected members of each house of the legislature.

Proposed constitutional amendment additionally provides that if the unexpired term exceeds one year, such person shall serve as lieutenant governor only until the office is filled by election as provided in proposed constitutional amendment below.

Present constitution provides that each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to confirmation by the Senate. Requires the first assistant to possess the qualifications required for election to office. Present constitution provides that to be eligible for a statewide elective office, a person by the time of qualifying as a candidate shall have attained the age of 25, be an elector, and have been a citizen of the state for at least the preceding five years. Further provides that the attorney general shall have been admitted to the practice of law for at least the five years preceding his election.

Present constitution additionally provides that a vacancy in a statewide elective office (other than that of governor or lieutenant governor) shall be filled by the first assistant. Provides that if the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

Proposed constitutional amendment specifies that if the unexpired term exceeds one year, the first assistant shall serve only until the person elected as provided in proposed constitutional amendment below takes office.

Proposed constitutional amendment provides that the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election; however, if no such election date is available within one year of the vacancy, the office shall be filled by election at a special election called by the governor for such purpose.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Sept. 30, 2006.

(Amends Const. Art. IV, §§15 and 16)