
DIGEST

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HB 4 Engrossed

2026 Regular Session

McMakin

Abstract:

Calls a constitutional convention to convene at noon on April 10, 2028. Provides the convention is composed of 93 delegates. Requires the convention to complete a new constitution by Oct. 15, 2028. Provides for the proposed constitution to be presented to the electors of the state at the open general election on Dec. 16, 2028.

Constitutional Convention

Proposed law provides for a constitutional convention as follows:

- (1) Calls the convention to convene at noon on April 10, 2028, to frame a new constitution for the state.
- (2) Provides for 93 delegates as follows: 83 elected delegates and 10 delegates appointed by the governor.
- (3) Excepts service of delegates and staff of the convention from dual employment/dual officeholding laws. Delegates and staff are subject to the La. Code of Ethics. Further, delegates and staff are considered public officers, public officials, public employees, or persons in a position of public authority for purposes of the application of the provisions of the La. criminal code. Provides that service of a judge as a delegate is not grounds for recusal. Attorney delegates and staff are entitled to continuance of cases in which they are counsel of record while attending sessions and committee meetings. Prohibits acceptance or deposit of campaign contributions and fundraisers by delegates during the time of the convention. Provides that records of the convention and delegates are subject to the Public Records Law to the same extent and limitations applicable to the legislature and legislators.
- (4) Provides for filling of vacancies through appointment. A vacancy in an elected office shall be filled by a person from the same district appointed by the governor. A vacancy in any other office shall be filled in the same manner as the original appointment.

Proposed law provides for the qualification and election of delegates at the spring 2028 open primary election by plurality vote. Provides that two delegates shall be elected from each Senate district. Provides that one delegate shall be elected from each Public Service Commission district. Provides for the method of qualifying for candidate and associated qualifying fees.

Proposed law grants to the convention the authority to frame a new state constitution. Provides that the proposed constitution shall provide that provisions of the Constitution of Louisiana of 1974, as amended, that are not included in the new constitution shall be continued as statutes in a statutory title of the Louisiana Revised Statutes of 1950 dedicated to that purpose. The proposed constitution shall provide that such provisions made statutory and contained in the dedicated statutory title, which shall be established as Title 57, may only be changed by law adopted by two-thirds of the elected members of each house of the legislature.

Proposed law provides that any action to determine a question of the construction or validity of proposed law, to determine the scope of authority of the convention, or to determine the conformity of any action of the convention with proposed law shall be brought in the 19th Judicial District Court subject to direct appeal to the supreme court. The matter shall be tried by preference over other matters, and the court shall render a decision as soon as practicable. If the action is to determine the validity or conformity of an action of the convention, such action shall be brought within 15 days of the action of the convention.

Proposed law provides for convention organization as follows:

- (1) Includes provisions for oath for delegates; election of chairman, vice chairman, and chief clerical officer; and election of an executive committee which shall include the chairman and vice chairman; and other actions necessary to organize.
- (2) Provides for the establishment of 15 committees, only: 14 committees, each dedicated to a single Article of the Constitution of La. of 1974, and one executive committee. Limits committee membership to 17 members. Provides for the appointment of members to the 14 committees. Provides for the election of the executive committee. Prohibits establishing subcommittees.
- (3) Provides for House Committee on House and Governmental Affairs and Senate Committee on Senate and Governmental Affairs, prior to the convention, to adopt rules of procedure for the convention based on the 1973 convention rules and a schedule for the convention and convention committees. Provides that action by the convention requires a favorable vote of a majority of the convention. Prohibits proxy voting.

Proposed law provides for the initial meeting of the convention at noon on April 10, 2028. Provides that after organizational activities are completed, the convention shall meet in committees according to the schedule adopted by the joint governmental affairs committees and each convention committee shall provide a report of its activities to the full convention no later than Sept. 15, 2028. Requires the full convention to convene beginning Sept. 16, 2028, to consider the report of each committee as a committee of the whole. The chairman and vice chairman of the convention shall serve as the chairman and vice chairman of the committee of the whole. The convention shall complete its work no later than Oct. 15, 2028.

Proposed law provides for convention staff, budget, committees, meeting site, and other assistance as follows:

- (1) Requires the executive committee to request the provision of professional, research, technical, and clerical staff from public or private sources as deemed necessary.
- (2) Provides that the attorney general or designee of the attorney general shall serve as legal advisor to the convention and that convention staff may include but not be limited to a research director, research assistants, personnel from the faculty of in-state law schools as requested by the executive committee, and such other staff as deemed necessary by the executive committee. Allows the staff of the convention to continue to receive compensation from the staff person's regular bona fide employment. Prohibits delegates and lobbyists from serving as convention staff.
- (3) Requires the executive committee to prepare a budget of anticipated expenses of the convention, based on the amount of the appropriation for the convention and any other funds available for expenditure.
- (4) Provides that the executive committee of the convention appoint the chairman, vice chairman, and membership of each committee of the convention.
- (5) Requires that the House and Senate Chambers and the legislative committee rooms in the state capitol be available for convention use, unless the legislature is in session. Authorizes the convention to meet elsewhere in Baton Rouge as determined by the chairman when state capitol facilities are not available or are insufficient.
- (6) Authorizes convention use of facilities and services of state departments and agencies and of political subdivisions and requires their cooperation in furnishing services, facilities, and employees.

Proposed law provides for compensation of delegates and payment of convention expenses as follows:

- (1) Delegates to the convention shall receive the same per diem and travel allowances provided for members of the legislature pursuant to present law (R.S. 24:31 and 31.1). Prohibits a delegate from accepting any compensation from any other source for work performed as a delegate to the convention, but allows a delegate to continue to receive compensation for the delegate's regular bona fide employment while a delegate.
- (2) Requires that the legislature make adequate appropriations to the convention for the payment of the necessary expenses of the convention such as supplies, materials, equipment, and printing for so long as the convention remains in existence and for so long thereafter as is necessary to pay the expenses of the convention. Prohibits used of funds from private sources to pay the expenses of the convention. Provides that the convention is not a state budget unit. Specifies that the convention is subject to audit by the legislative auditor. Authorizes the presiding officers to utilize funds appropriated to the legislature to defray expenses of the convention.

- (3) Requires that funds appropriated be withdrawn from the state treasury in accordance with warrants signed by the convention chairman and that checks be signed by the chairman and vice chairman, or the chairman or vice chairman and such other person as designated by the convention.

Submission to Voters/Effectiveness

Proposed law requires the convention, upon completion of its work to submit to the governor the proposed constitution by Oct. 15, 2028. Provides that the constitution proposed for submission shall be submitted to the people for their adoption or rejection at a special election. Requires the governor to call the election no later than Oct. 16, 2028, to be held at the same time as the 2028 open general election on Dec. 16, 2028. Provides for the election to be held and the results thereof promulgated in accordance with the La. Election Code and for costs to be paid as provided in the election code for elections in which a constitutional amendment appears on the ballot. Provides for the ballot language. Voters are allowed to vote without regard to party affiliation. Requires a majority vote to approve the constitution.

Proposed law provides that the provisions of the proposed revision of the constitution shall be severable and provides that if any provision is deemed null and void and of no effect by final judgment of a court of competent jurisdiction after adoption by the convention but prior to its submission to the electors, then the provision deemed null and void shall be removed from the proposed revision of the constitution by the secretary of state and the remainder of the proposed revision of the constitution shall be submitted to the electors in accordance proposed law. Further provides that if any provision of the revision of the constitution, or the application thereof, is deemed invalid after ratification by the electors, such invalidity shall not affect other provisions, items, or applications of the revision which can be given effect without the invalid provision, item, or application.

Proposed law requires, upon promulgation of the results of the election by the secretary of state if the constitution is ratified and adopted by the people, that the governor proclaim the constitution as adopted, to be the Constitution of La. Provides that the constitution shall become effective at midnight on Dec. 31, 2028, except as otherwise provided in the constitution.

Effective upon signature of governor or lapse of time for gubernatorial action.

Timetable of Events

<i>Action</i>	<i>Date</i>
Qualification period for delegate candidates	12/15/2027-12/17/2027
Election of delegates	3/25/2028 (open primary)
Convention to convene	4/10/2028 (noon)
Convention committees to submit reports to the full convention no later than	9/15/2028

<i>Action</i>	<i>Date</i>
Convention to submit draft constitution to the governor no later than	10/15/2028
Election for submission of proposed constitution	12/16/2028 (open general)
Constitution becomes effective if adopted	12/31/28 (midnight)

Summary of Amendments Adopted by House

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

1. Change the relevant dates for the convention and related elections as follows:

Action	Date - Original	Date – Amendment
Qualification period for delegate candidates	7/29/26-7/31/26	12/15/27-12/17/27
Primary election of delegates	11/3/2026	3/25/28
General election of delegates	12/12/2026	NONE
Convention to convene	12/29/2026 (noon)	4/10/28
Convention committees to submit reports to the full convention no later than	9/29/2027	9/15/28
Convention to submit draft constitution to the governor no later than	10/29/2027	10/15/28
Election for submission of proposed constitution	11/20/2027 (Gubernatorial general)	12/16/28 (Open general)
Constitution becomes effective if adopted	12/31/27 (midnight)	12/31/28 (midnight)

2. Provide that election delegates shall be elected by plurality at the spring primary election in 2028, instead of by majority vote at the fall primary and general elections in 2026.
3. Specifically provide that when calling the special election for delegates, the governor shall be subject to the procedures provided for in present law for calling a special election.
4. Provide the method for qualifying for candidates for delegate and associated

qualifying fees.

5. Provide for the house and senate committees on governmental affairs to meet and adopt rules and a schedule for the convention and committees of the convention, instead of legislative staff preparing rules for adoption by the convention.
6. Provide that on the day after he receives the proposed constitution, the governor shall call an election to submit the proposed amendment to the voters.