

2020 Regular Session

HOUSE BILL NO. 198

BY REPRESENTATIVE HORTON

CIVIL SERVICE/FIRE & POL: (Constitutional Amendment) Provides relative to the political activity restrictions applicable to classified employees of a fire and police civil system

1 A JOINT RESOLUTION

2 Proposing to amend Article X, Section 20 of the Constitution of Louisiana, to provide

3 relative to the political activities of classified members of the fire and police civil

4 service; to provide for prohibited and permitted political activities; to provide

5 relative to discipline for violations; to prohibit appointing authorities from engaging

6 in certain activity; to provide for the expiration of certain laws; to provide for

7 submission of the proposed amendment to the electors; and to provide for related

8 matters.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

10 elected to each house concurring, that there shall be submitted to the electors of the state of

11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to

12 amend Article X, Section 20 of the Constitution of Louisiana, to read as follows:

13 §20. Political Activities

14 Section 20. ~~Article XIV, Section 15.1, Paragraph 34 of the Constitution of~~

15 ~~1921 is retained and continued in force and effect.~~

16 (A) No employee in the classified service of a fire and police civil service

17 system shall:

18 (1) Be a candidate for nomination or election to public office except to seek

19 to be the classified employee member on the civil service board.

1           (2) Use official authority while engaged in political activity or to interfere  
2           with an election.

3           (3) Invite subordinate employees to political events or otherwise suggest that  
4           a subordinate employee engage in political activity.

5           (4) Solicit or discourage the political activity of any person with business  
6           before his agency.

7           (5) Make, solicit, accept, or receive contributions for political purposes.

8           (6) Engage in political activity while on duty, in the workplace, wearing a  
9           uniform or official insignia, in a public vehicle, or using public resources.

10          (B) An employee in the classified service of a fire and police civil service  
11          system may:

12           (1) Register and vote as he chooses.

13           (2) Assist in voter registration drives when off duty and out of uniform and  
14           using only private resources.

15           (3) Attend political rallies, meetings, and fundraisers when off duty and out  
16           of uniform.

17           (4) Join political groups.

18           (5) Sign nominating petitions.

19           (6) Participate in political campaigns when off duty and out of uniform and  
20           using only private resources.

21           (7) Express opinions about political groups and candidates while not at work,  
22           off duty, and not using official authority.

23          (C) In accordance with the laws, rules, and regulations of the civil service  
24          system, an appointing authority may suspend, dismiss from service, demote, or  
25          reduce the compensation of any employee found to be in violation of the prohibitions  
26          contained in Paragraph A of this Section.

27          (D) No appointing authority or agent or deputy thereof shall, directly or  
28          indirectly, demote, suspend, dismiss from service, or otherwise discipline or threaten  
29          to demote, suspend, dismiss from service, or otherwise discipline or discriminate

1 against any person in the classified service for the purpose of influencing his vote,  
2 support, or other political activity in any election. No appointing authority or agent  
3 or deputy thereof shall use his official authority or influence to directly or indirectly  
4 coerce the political action of any employee in the classified service.

5 (E) Any provision of law which is in conflict with the provisions of this  
6 Section shall expire upon the effective date of this Section.

7 Section 2. Be it further resolved that this proposed amendment shall be submitted  
8 to the electors of the state of Louisiana at the statewide election to be held on November 3,  
9 2020.

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

14 Do you support an amendment to allow classified members of a fire and  
15 police civil service system to engage in certain political activities and to  
16 prohibit them from engaging in other political activities; to provide for  
17 discipline for violations of specified prohibited political activities; to prohibit  
18 coercing political activity; and to provide for the expiration of conflicting  
19 laws? (Amends Article X, Section 20)

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 198 Original

2020 Regular Session

Horton

**Abstract:** Specifies types of political activities allowable for an employee in the classified fire and police civil service system.

Present constitution (Art. X, §20) provides that Article XIV, Section 15.1, Paragraph 34 of the Constitution of 1921 is retained and continued in force and effect.

Art. XIV, §15.1, Paragraph 34 of the Constitution of 1921 provides that employees in the classified fire and police civil service in certain municipalities, parishes, and fire protection districts are prohibited from participating in certain political activities. Provides for prohibitions pertaining to endorsements; membership in political parties, clubs, or organizations; contributions to political organizations or for political purposes; and political

speeches or public political statements on behalf of any candidate seeking to be elected to public office. Specifically allows a classified employee to privately express his opinion and cast his vote.

Proposed constitutional amendment removes the provisions of the present constitution and provides for prohibited and permissible political activities as follows:

- (1) Prohibits an employee in the classified service of a fire and police civil service system from:
  - (a) Being a candidate for nomination or election to public office except to seek to be the classified employee member on the civil service board.
  - (b) Using official authority while engaged in political activity or to interfere with an election.
  - (c) Inviting subordinate employees to political events or otherwise suggest that a subordinate employee engage in political activity.
  - (d) Soliciting or discouraging the political activity of any person with business before his agency.
  - (e) Making, soliciting, accepting, or receiving contributions for political purposes.
  - (f) Engaging in political activity while on duty, in the workplace, wearing a uniform or official insignia, in a public vehicle, or using public resources.
- (2) Allows an employee in the classified service of a fire and police civil service system to:
  - (a) Register and vote as he chooses.
  - (b) Assist in voter registration drives when off duty and out of uniform and using only private resources.
  - (c) Attend political rallies, meetings, and fundraisers when off duty and out of uniform.
  - (d) Join political groups.
  - (e) Sign nominating petitions.
  - (f) Participate in political campaigns when off duty and out of uniform and using only private resources.
  - (g) Express opinions about political groups and candidates while not at work, off duty, and not using official authority.

Proposed constitutional amendment provides that in accordance with the laws, rules, and regulations of the civil service system, an appointing authority may dismiss from service, demote, or reduce the compensation of any employee found to be in violation of the prohibitions against political activity.

Proposed constitutional amendment further prohibits an appointing authority or agent or deputy thereof from demoting, suspending, dismissing from service, or otherwise disciplining or threatening to do such things, or discriminating against any person in the classified service for the purpose of influencing his vote, support, or other political activity

in any election. Prohibits an appointing authority or agent or deputy thereof from using his official authority or influence to directly or indirectly coerce the political action of any employee in the classified service.

Proposed constitutional amendment further specifies that any provision of law which is in conflict with the provisions of the proposed constitutional amendment shall expire upon the effective date of the proposed constitutional amendment.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 3, 2020.

(Amends Const. Art. X, §20)