

2021 Regular Session

HOUSE BILL NO. 315

BY REPRESENTATIVE GOUDEAU

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE: (Constitutional Amendment) Provides for an exception to the prohibition on political activity by members of civil service systems

A JOINT RESOLUTION

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Proposing to amend Article X, Sections 9 and 20 of the Constitution of Louisiana, to authorize certain political activities on behalf of family members by commission members, classified employees, and officers of certain civil service systems; 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 X, Sections 9 and 20 of the Constitution of Louisiana, to read as follows:

§9. Prohibitions Against Political Activities

Section 9.(A) Party Membership; Elections. No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign;

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

1 (B) Activities Authorized. Notwithstanding Paragraph A of this Section, any
2 member of a civil service commission or officer or employee in the classified service
3 may: ~~except to exercise~~

4 (1) Exercise his right as a citizen to express his opinion privately, ~~to~~ serve
5 as a commissioner or official watcher at the polls, and ~~to~~ cast his vote as he desires.

6 (2) Support, during off duty hours, the election of a candidate for public
7 office who is his immediate family member. For purposes of this Subparagraph,
8 "immediate family" means a person's parent, his grandparent, his spouse and his
9 spouse's parent, his child and his child's spouse, his grandchild and his grandchild's
10 spouse, his brother and his brother's spouse, and his sister and his sister's spouse. For
11 purposes of this Subparagraph, "support" means attending campaign related events
12 and appearing in campaign advertisements and photographs.

13 (3) The provisions of Subparagraph (2) of this Paragraph shall not apply to
14 employees of the registrars of voters or employees of the elections division of the
15 Department of State who are in the classified service.

16 ~~(B)~~(C) Contributions. No person shall solicit contributions for political
17 purposes from any classified employee or official or use or attempt to use his
18 position in the state or city service to punish or coerce the political action of a
19 classified employee.

20 ~~(C)~~(D) Political Activity Defined. As used in this Part, "political activity"
21 means an effort to support or oppose the election of a candidate for political office
22 or to support a particular political party in an election. The support of issues
23 involving bonded indebtedness, tax referenda, or constitutional amendments shall not
24 be prohibited.

25 * * *

1 §20. Political Activities

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

3 1921 is retained and continued in force and effect, except that an employee in the

4 classified service may support the election of a candidate for public office who is his

5 immediate family member. For purposes of this Section, "immediate family" and

6 "support" have the meanings provided in Section 9 of this Article.

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 8,

9 2022.

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 civil service employees to

15 support the election to public office of members of their own families?

16 (Amends Article X, Sections 9 and 20)

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)]

HB 315 Engrossed 2021 Regular Session Goudeau

Abstract: Authorizes persons subject to civil service restrictions on political activities to support the election of a family member.

Present constitution prohibits employees in the classified service of the state, New Orleans, and the fire and police civil service systems and certain other officials associated with those systems from engaging in various political activities.

Proposed constitutional amendment provides an exception to the present constitution, to authorize such persons to support the election of an immediate family member. Defines immediate family to mean a person's parent, his grandparent, his spouse and his spouse's parent, his child and his child's spouse, his grandchild and his grandchild's spouse, his brother and his brother's spouse, and his sister and his sister's spouse. Defines support to mean attending events and appearing in campaign advertisements and photographs. Excludes employees of the registrars of voters or employees of the elections division of the Dept. of State who are in the classified service.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. X, §§9 and 20)

Summary of Amendments Adopted by House

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

1. Exclude employees of the registrars of voters or employees of the elections division of the Dept. of State who are in the classified service from the exception.