

2022 Regular Session

SENATE BILL NO. 226

BY SENATOR CLOUD

ELECTION OFFENSES. Constitutional amendment to allow the attorney general to institute, prosecute, or intervene in any criminal action or proceeding concerning a felony election offense. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article IV, Section 8 of the Constitution of Louisiana, relative to the
3 prosecution of certain election offenses; to provide for the powers and duties of the
4 attorney general; to grant the attorney general authority to institute, prosecute, or
5 intervene in any criminal action or proceeding concerning certain election offenses;
6 and to specify an election for submission of the proposition to electors and provide
7 a ballot proposition.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state, for
10 their approval or rejection in the manner provided by law, a proposal to amend Article IV,
11 Section 8 of the Constitution of Louisiana, to read as follows:

12 §8. Attorney General; Powers and Duties

13 Section 8. There shall be a Department of Justice, headed by the attorney
14 general, who shall be the chief legal officer of the state. The attorney general shall
15 be elected for a term of four years at the state general election. The assistant
16 attorneys general shall be appointed by the attorney general to serve at his pleasure.

17 As necessary for the assertion or protection of any right or interest of the

1 state, the attorney general shall have authority (1) to institute, prosecute, or intervene
 2 in any civil action or proceeding; (2) **to institute, prosecute, or intervene in any**
 3 **criminal action or proceeding concerning a felony election offense of the**
 4 **Louisiana Election Code;** (3) upon the written request of a district attorney, to
 5 advise and assist in the prosecution of any criminal case; and ~~(3)~~ (4) for cause, when
 6 authorized by the court which would have original jurisdiction and subject to judicial
 7 review, (a) to institute, prosecute, or intervene in any criminal action or proceeding,
 8 or (b) to supersede any attorney representing the state in any civil or criminal action.

9 The attorney general shall exercise other powers and perform other duties
 10 authorized by this constitution or by law.

11 Section 2. Be it further resolved that this proposed amendment shall be submitted
 12 to the electors of the state of Louisiana at the statewide election to be held on November 8,
 13 2022.

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

18 Do you support an amendment to authorize the attorney general to institute,
 19 prosecute, or intervene in any criminal action or proceeding concerning a
 20 felony election offense?

21 (Amends Article IV, Section 8)

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 226 Original 2022 Regular Session Cloud

Present constitution grants the attorney general the authority to:

- (1) Upon the written request of a district attorney, advise and assist in the prosecution of any criminal case.
- (2) For cause, when authorized by the court, institute, prosecute, or intervene in any criminal action or proceeding or supersede any attorney representing the state in any criminal action.

Proposed constitution grants the attorney general additional authority to institute, prosecute, or intervene in any criminal action or proceeding concerning a felony election offense of the La. Election Code.

Specifies submission of the amendment to the voters at the statewide election to be held on November 8, 2022.

(Amends Const. Art. IV, Section 8)