

Regular Session, 2008

HOUSE BILL NO. 103

BY REPRESENTATIVE ARNOLD

ELECTED OFFICIALS/TERMS: Provides, for a vacancy in an elective office abolished by law or constitutional amendment which occurs prior to the date the office terminates, that the person appointed to fill the vacancy or designated to assume the duties of the office shall serve for the remainder of the unexpired term

1 AN ACT

2 To enact R.S. 18:586, relative to filling of vacancies in elective offices that have been
3 abolished; to provide that the person appointed to fill the vacancy or who assumes
4 the duties of such an office when a vacancy occurs shall serve for the remainder of
5 the unexpired term and no election shall be held; to provide limitations and
6 exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:586 is hereby enacted to read as follows:

9 §586. Vacancies in abolished offices

10 Notwithstanding any provision of law to the contrary and except as
11 prohibited by the constitution, if an elective office is abolished by law or
12 constitutional amendment and a vacancy occurs in the abolished office during the
13 final term of the office prior to the date the office finally terminates, regardless of the
14 time remaining in the unexpired term, the person who is appointed to or assumes the
15 duties of the office as otherwise provided by law shall serve for the remainder of the
16 unexpired term, and no election shall be held to fill the office for the remainder of
17 the term.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

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)]

Arnold

HB No. 103

Abstract: Provides that no election shall be held to fill the unexpired portion of the final term of an elective office that has been abolished by law or constitutional amendment and that the person appointed to fill such vacancy or who assumes the duties of such an office when a vacancy occurs shall serve for the remainder of the unexpired term.

Present law and present constitution, relative to a number of elective offices particularly at the state level, provide for the filling of vacancies by designated successors or by appointment and provide that such persons filling the vacancy shall serve for the remainder of the term, unless the remainder of the term exceeds one year, in which case the vacancy must be filled by election for the remainder of the term. (Const. Art. IV, §15, lieutenant governor; Const. Art. IV, §16, statewide elective officials; Const. Art. V, §22(B) and R.S. 18:621, judges; Const. Art. VIII, §3, elected members of the State Board of Elementary and Secondary Education; R.S. 18:591, elective members of state boards and commissions) (Note: Const. Art. III, §4(D) and R.S. 18:601 provide for filling legislative vacancies only by election and Const. Art. IV, §14 provides that the successor filling a gubernatorial vacancy serves the remainder of the term.)

Present constitution for certain specified local officials provides for filling of vacancies by specified persons or by appointment and provides for such persons filling vacancies to serve until the office is filled by election as provided by present law. (Const. Art. V, §30, sheriff, district attorney, clerk of a district court, and coroner; Const. Art. VI, §13, local office filled by election wholly within municipal or parish boundaries; Const. VII, §24, assessors.) Present law provides for the method for filling of vacancies in these offices by specified persons or by appointment, generally for the remainder of the term unless it exceeds one year and until filled by election when the remainder of the term exceeds one year. (R.S. 18:602, members of parish or municipal governing authority, mayor, any other local or municipal office when filled wholly within parish or municipal boundaries, city or parish school board members, district attorney, clerk of a district court, coroner, sheriff, and tax assessor; R.S. 18:604, constable or marshal of a city or municipal court.)

Present constitution (Const. Art. X, §27) provides, if the constitution or any law, local government or home rule charter, or ordinance does not provide for filling a vacancy in elective office, that the governor may fill the vacancy. Provides that when the unexpired portion of the term exceeds one year, the vacancy shall be filled at an election, as provided by present law, and the appointment shall be effective only until a successor takes office.

Proposed law provides, if an elective office is abolished by law or constitutional change and a vacancy occurs in the abolished office during the final term of the office prior to the date the office finally terminates, that regardless of the time remaining in the unexpired term, the person who is appointed to or assumes the duties of the office as otherwise provided by present law shall serve for the remainder of the unexpired term, and no election shall be held

to fill the office for the remainder of the term. Proposed law specifies that it supersedes any provision of law to the contrary but is superseded by any constitutional prohibition.

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

(Adds R.S. 18:586)