



2022 CABL Recommendations for December Ballot

CONSTITUTIONAL AMENDMENTS

Amendment #1 Non-Citizens of U.S. Cannot Vote in Louisiana

Amendment #2 Require Senate Confirmation of Members of the State Civil Service Commission

Amendment #3 Require Senate Confirmation of Members of the State Police Commission

CABL has reviewed and analyzed each of the amendments, and here are our recommendations. Don't forget to cast your vote. Early voting runs from November 26-December 3. Election Day is December 10.



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COUNCIL FOR A BETTER LOUISIANA

Amendment #1 Non-Citizens of U.S. Cannot Vote in Louisiana

What It Does: Prohibits anyone who is not a citizen of the United States from registering and voting in an election in Louisiana.

Background: There is specific language in the Louisiana constitution which describes who has the right to vote. Basically, it says “every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote.” It includes exceptions for those who have been declared mentally incompetent by the courts and those in prison for conviction of a felony.

The state election code, which exists in statute, adds more clarity by requiring every person who registers to vote to sign an affidavit attesting that they are “a United States citizen.”

Passage of this amendment would put similar language into the constitution saying that “no person who is not a citizen of the United States shall be allowed to register and vote in this state.”

Comments: When this amendment was presented in committee, there was testimony that in some cities across the country, specifically New York and San Francisco, ordinances were adopted that allowed non-U.S. citizens to vote in school board elections. The rationale was that non-citizens still paid taxes and their kids were allowed to enroll in public schools, so they should have a voice in what happens in their school districts.

There were concerns that something like that could happen here and thus, they said, that’s why we need this amendment. They also argued that while the constitution gives the right to vote to “citizens” of Louisiana, there is no definition of what a citizen is. If I have lived here for 20 years and paid taxes that entire time, can I be considered a citizen of Louisiana even though I might have national citizenship in, say, France? This amendment is apparently designed to clarify that in the constitution.

Opponents brought up two points. One is that state election law as currently stated makes clear that to register to vote, you must be a U.S. citizen. That has not changed nor is it likely to. The other concern was that advancement of this type of legislation would promote the narrative that non-citizens are voting in Louisiana and that there are questions about election integrity in the state when none in fact exist.

From CABL’s perspective we don’t really see the need for this amendment. We are not aware of anyone who has ever suggested in any meaningful way that non-U.S. citizens should be able to vote in Louisiana. It has never been an issue and there is no new enforcement mechanism for this amendment if it ever were to become one. We also don’t like the idea that some might look at this amendment and infer that our elections have somehow been tainted by non-citizen voting. That’s ironic because elections are one of the things we actually do quite well in Louisiana.

But since the amendment is already on the ballot, we should use this opportunity to acknowledge the integrity of Louisiana’s election process and tamp down any suggestions that our election results should somehow not be trusted. While we are not big fans of adding unnecessary language to our constitution, this amendment simply reinforces something most believe and is already in state law and likely does no particular harm. **SUPPORT**

Amendment #2 and #3 Require Senate Confirmation of Members of Civil Service Boards

What It Does: Requires the appointees of the State Civil Service Commission and the State Police Commission be confirmed by the Louisiana Senate.

Background: The State Civil Service Commission is the body that administers the State Civil Service system. Its role is to serve as an impartial review board that enacts regulations and makes judgements about the State Civil Service rules as they pertain to personnel activities involving most state employees. The State Police Commission does basically the same thing for State Police which has its own civil service system.

Both commissions are established in the constitution which also sets them up almost identically. Each is made up of seven members – six appointed by the governor, with one from each congressional district, and one elected by members of the respective civil service. In selecting a member for either commission the governor must choose from a list of three people nominated by the president of one of six private colleges in the state. Passage of this amendment would require that those gubernatorial appointees be confirmed by the state Senate.

Comments: The Civil Service Commission and the State Police Commission are powerful bodies within the halls of state government. They were primarily designed to protect the large, classified workforce – those who are not political employees – from political retribution or pressure to engage in political activities to maintain their jobs or get promotions. Because of that, they have the authority to make rules about state employment and can reinstate workers who are fired, overturn disciplinary actions, and police workplace policies in the agencies they cover.

Both commissions are created in the constitution which does not require their members to be confirmed by the Senate. Other constitutionally created boards, like the Board of Regents and the boards that manage the state’s colleges and universities, are explicitly required to have their members confirmed. Many other executive branch agency leaders and the members of numerous boards and commissions not in the constitution are required by statute to be submitted for Senate approval. But since the civil service boards are in the constitution it requires a constitutional change for their members to be bound by that same requirement.

The idea that certain individuals appointed by the chief executive should only serve with the “consent of the Senate” dates back to the U.S. Constitution where some of the framers believed giving the president unlimited appointing power looked too much like a monarchy. Louisiana, like most states, has retained some vestige of appointment with consent of the Senate.

It’s interesting that members of somewhat obscure agencies like the Louisiana Manufactured Housing Commission, among others, require Senate confirmation, yet the civil service commissions do not. One agency that is somewhat analogous to the civil service commissions is the Louisiana Board of Ethics. Responsibilities are different, but its members are also appointed by the governor from a list provided by presidents of some of the state’s private colleges, and they must receive Senate confirmation.

While it is true the Senate confirmation process can be politicized, just like almost everything else in government, it seems reasonable to require Senate consent to serve on commissions as powerful as these.

SUPPORT