

Critics of Louisiana’s constitution have long complained that the state’s foundational document is too long, and larded up with amendments that can often seem trivial. This year is no exception, as the fall statewide ballot includes 11 proposed amendments - eight on the Nov. 8 primary elections, and another three on the Dec. 10 runoff ballot. They deal with weighty issues such as slavery, property taxes and voting rights, and less consequential ones such as which gubernatorial appointees should require confirmation by the state Senate. Few, if any, of the amendments will have any effect on most voters.

The Louisiana Budget Project has assembled this guide to help voters understand what they will be voting on and the potential impacts of these amendments.

## AMENDMENTS ON THE NOV. 8 BALLOT

**Amendment 1:** “Do you support an amendment to increase to 65% the cap on the amount of monies in certain state funds that may be invested in stocks?”

**What it does:** This amendment applies to seven state trust funds that hold a combined \$3.2 billion in state assets. It would allow the state Treasurer to invest up to 65% of the funds’ balances in the stock market, up from a current cap of 35%.

**Analysis:** Supporters say this change would allow for potentially higher investment returns, which would translate to more money for education, health care, college scholarships and other services supported by the funds. But stock market investments also carry greater risk than more conservative investments in instruments such as government bonds, which carry lower risk but produce lower yields. It also means more power for the Treasurer, who would be in charge of picking which stocks to invest in.

LOUISIANA TRUST FUND BALANCES
Artificial Reef Development Fund: \$20,658,000
Kevin P. Riley, Sr. Louisiana Education Quality Trust Fund: \$1,686,632,000
Medicaid Trust Fund for the Elderly: \$17,818,000
Millennium Trust Fund: \$1,682,647,000
Rockefeller Foundation Wildlife Refuge and Game Preserve Fund: \$83,450,000
Russell Sage or Marsh Island Refuge Fund: \$21,232,000
Lifetime License Endowment Trust Fund: \$25,119,000

Note: Trust fund balances are rounded up to the nearest 1000th dollar.

Source: Office of the Louisiana State Treasurer, “Louisiana Trust Fund Holdings, December 2021;” Constitution of the State of Louisiana

**Amendment 2:** “Do you support an amendment to expand certain property tax exemptions for property on which the homestead exemption is claimed for certain veterans with disabilities?”

**What it does:** All Louisiana homeowners are exempt from paying property taxes on the first \$75,000 of the value of their primary residence. Veterans who have been declared 100% disabled or are considered unemployable - and their spouses - are exempt from taxes on the first \$150,000 of home value, but only

if voters in a parish agree to adopt that change. This amendment would exempt fully disabled veterans and their spouses from all property taxes if they live in the home, and expand the property tax breaks available to veterans with lower service-related disabilities. The Legislative Fiscal Office notes that there are approximately 55,000 veterans in Louisiana who would be eligible for additional property tax breaks if the amendment passes.

**Analysis:** Property taxes are a critical source of revenue for cities and parishes and help support police, parks, public schools and other vital services. Veterans who are unable to work because of injuries they sustained while serving their country deserve our gratitude, and any financial help we can provide. Since property taxes are a source of revenue for local governments, not the state, it would make the most sense for these tax breaks to be decided at the local level and not by constitutional fiat.

**Amendment 3:** “Do you support an amendment to allow classified civil service employees to support the election to public office of members of their own families?”

**What it does:** The civil service system was set up to ensure that public servants are hired and promoted on merit, and remain insulated from political activities. Members of the civil service (“classified” state employees) are prohibited from engaging in political activities – including running for office, being a member of a political party committee, donating to or fundraising for a political party, or taking an active role in a political campaign. This amendment would create an exception: If a civil service employee or member of the state Civil Service Commission has an “immediate” family member running for office, they would be allowed to appear at campaign events or in advertisements. The definition of “immediate family” member is broad, and includes more than a dozen categories of people. Civil service employees would still be barred from making or soliciting political contributions, and the amendment would not affect employees in local registrars of voters or the elections division of the Secretary of State.

**Analysis:** The civil service protections exist for two reasons: To safeguard rank-and-file public servants from political influence, favoritism or retaliation; and to maintain public confidence in the government. While it’s understandable why public employees might want to help an immediate family member who is running for office, this amendment would undercut the time-honored separation between partisan politics and public service and potentially undermine the public’s faith in the system.

**Amendment 4:** “Do you support an amendment to allow local governments to waive water charges that are the result of damage to the water system not caused by the customer?”

**What it does:** The state constitution prohibits the state and local government agencies from loaning, pledging or donating things of value to people or corporations, with some exceptions. This has been interpreted to mean that municipal water companies are not allowed to credit or refund their customers for excessive charges that weren’t the customers’ fault - for example, if there is a broken pipe. This amendment would allow local governments to waive such charges.

**Analysis:** Louisiana has many municipal water systems that are financially struggling to provide services, and they need all the revenue they can get. While this amendment has the potential to worsen those financial woes, it is only permissive and does not require companies to issue refunds or waive charges. It only seems fair to let customers get some relief from inflated charges that aren’t their own fault.

**Amendment 5:** “Do you support an amendment to allow the levying of a lower millage rate by a local taxing authority while maintaining the authority’s ability to adjust to the current authorized millage rate?”

**What it does:** Louisiana’s constitution requires all property to be reassessed at least once every four years, and requires tax millages (charged as a percentage of a property’s assessed value) to be adjusted so that the tax brings in the same amount of revenue as before the reassessment. Taxing bodies are allowed to adjust (or “roll forward”) the millages to the maximum rate approved for the year prior to the reassessment with a two-thirds vote. If a taxing body does not roll forward its millage before the next reassessment, then the maximum rate drops to the adjusted rate. This amendment would allow taxing authorities (local governments that receive property taxes such as school boards, parish councils, fire districts, etc) to roll forward their millages to the maximum rate until the millage expires, instead of having to vote every four years .

**Analysis:** This amendment gives local governments more time to decide whether to adjust their property tax rates after reassessments, instead of making quick decisions out of fear that they will lose out on potential revenue. It will make it easier for local governments to plan for the future, and make property taxes more predictable for homeowners and others who pay property taxes.

**Amendment 6:** “Do you support an amendment to limit the value of an increase in the assessed value of residential property subject to the homestead exemption in Orleans Parish following reappraisal at ten percent of the property’s assessed value in the previous year?”

**What it does:** Property values have been rising quickly in New Orleans, which is the only Louisiana parish affected by this amendment. When home values rise, so does the amount that people owe in property taxes, which are based on assessed value. This amendment tries to cap these tax increases for homes that are subject to the homestead exemption, meaning they serve as their owners’ primary residence. It says the amount of property subject to tax could grow no more than 10% per year, no matter how fast home prices rise. It would not apply to homes that are sold or transferred to a new owner.

**Analysis:** This amendment has support from housing activists in New Orleans, who say it will protect longtime residents who may not be able to afford the sharp increases in property taxes that can accompany rising home values. But it will also result in a loss of revenue to local governments - money that supports public schools, police, libraries and other important public services. Louisiana already has a generous homestead exemption and generally low property taxes, which means local governments rely heavily on regressive sales taxes to pay for services.

**Amendment 7:** “Do you support an amendment to prohibit the use of involuntary servitude except as it applies to the otherwise lawful administration of criminal justice?”

**What it does:** Louisiana’s constitution (and the 13th Amendment to the U.S. Constitution) bans slavery and involuntary servitude, but allows involuntary servitude “as punishment for a crime.” This amendment would change the language to ban slavery and involuntary servitude “except as it applies to the lawful administration of criminal justice.”

**Analysis:** The original intent of this amendment was clear and noble: To strip Louisiana’s constitution of antiquated language, rooted in racism, that has been used to justify harsh prison labor and has contributed to the over-incarceration of Black men. In practice, there are different interpretations of

what this amendment would do, and whether it would have any practical effect at all.

What's also clear is this: The amendment was rewritten during the legislative process, and its original sponsor, Rep. Edmond Jordan, has said publicly that he plans to vote against it and come back in 2023 with a different version. Critics of the amendment say the rewritten language could be interpreted as expanding involuntary servitude in the criminal legal system, and that it is unnecessary because of the language in the 13th Amendment.

But it also carries symbolic weight, and by rejecting the amendment Louisiana voters would run the risk of sending a message that they are endorsing the antiquated language it is meant to replace. And some national advocates believe it could be an important steppingstone to making prison labor laws more humane.

**Amendment 8:** “Do you support an amendment to remove the requirement that homeowners who are permanently totally disabled must annually re-certify their income to keep their special assessment level on their residences for property tax purposes?”

**What it does:** Louisiana's constitution includes an array of property tax breaks - or “special assessments” - for people who meet certain qualifications because of their age, occupation or disability status. This amendment would remove a requirement that homeowners who have a property tax freeze on their primary residence because they've been declared permanently and totally disabled have to recertify their income each year to continue receiving the break. Homeowners must earn less than \$100,000 per year to qualify for the tax freeze.

**Analysis:** People who are permanently, totally disabled are likely to live on fixed incomes, and should be protected from property tax increases that result from rising home values. It also makes sense to limit this benefit to people earning below \$100,000 per year. While the annual income certification may seem unnecessary, as most people eligible for this benefit are unlikely to see a change in their financial circumstance, it also is not a very burdensome requirement.

## **AMENDMENTS ON THE DECEMBER 10TH BALLOT**

**Amendment 1:** “Do you support an amendment to provide that no person who is not a citizen of the United States shall be allowed to register and vote in this state?”

**What it does:** Louisiana's constitution currently says voting is open to anyone who is at least 18 years old and a citizen of the state. Federal law, meanwhile, says only U.S. citizens are allowed to vote. This amendment would bring the constitution in line with federal law by requiring American citizenship to vote in state and local elections.

**Analysis:** Louisiana's election code already requires people to attest their U.S. citizenship when they register, and there is no evidence that non-citizens are voting in state and local elections. So this amendment would have no practical effect. But non-citizens pay taxes and are affected by political decisions just like citizens, and some local jurisdictions, including the District of Columbia, are considering granting them voting rights in local elections. This amendment would preclude the state, or any local authorities, from granting such rights to non-citizens who live, work and pay taxes in Louisiana.

**Amendment 2:** “Do you support an amendment to make appointed members of the State Civil Service Commission subject to confirmation by the Louisiana Senate?”

**What it does:** The governor currently appoints the members of the state Civil Service Commission, which is a seven-member board that enforces the rules that govern rank-and-file civil servants and adjudicates personnel disputes. This amendment would require that these appointments receive confirmation by the state Senate.

**Analysis:** This amendment was motivated by the allegations that Louisiana State Police covered up the fatal beating of Ronald Greene. It would add a layer of oversight to the governor’s broad powers.

**Amendment 3:** “Do you support an amendment to make appointed members of the State Police Commission subject to confirmation by the Louisiana Senate?”

**What it does:** The State Police Commission is a seven-member board that enforces the rules and personnel policies governing the Louisiana State Police. This amendment would require state Senate confirmation of the governor’s appointees commission.

**Analysis:** As with Amendment 2, this one was motivated by the Ronald Greene scandal, and would add a layer of oversight to these political appointees that does not currently exist.

## SUMMARY

The midterm elections in Louisiana are often marked by low turnout, and many of the 11 amendments being put to a vote received very little input from voters. The Legislature has a long track record of making permanent and complex changes to our state constitution by placing amendments on ballots in very low-turnout elections. In 2021, for example, voters were asked to consider four amendments, for which a whopping 14% of registered voters weighed in. This should raise some serious questions about the legitimacy of the way in which we change our constitution.

Some legislators argue that the answer to our convoluted constitution is to call a constitutional convention to rewrite the document from scratch. Perhaps a better solution would be to give citizens a stronger voice in the ballot process by creating a system of ballot propositions and referendums. Louisiana could look to states like Arkansas, Florida, Missouri, and Oklahoma as a model.

Such reforms would allow the voters to choose for themselves what issues will be considered for the state constitution in upcoming elections, and provide an opportunity to begin the work of building a stronger, more accountable democracy in Louisiana.

Jan Moller, Executive Director

Voters can also view guides on the 2022 constitutional amendments from the [Public Affairs Research Council](#) and [Council for a Better Louisiana](#).