

LOUISIANA STATE SENATE

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BOB HENSGENS **State Senator - District 26**

March 25, 2019

The Honorable Jeff Landry
Attorney General
State of Louisiana
P.O. Box 94005
Baton Rouge, Louisiana 70804

Dear Attorney General Landry:

As the duly elected Senator representing District 26 of the State of Louisiana, I hereby request an opinion on matters impacting my constituents.

Recently, there was an election to amend the Home Rule Charter in Lafayette Parish. The descriptions and boundaries of the Lafayette Parish Council districts and the City of Lafayette Council Districts are established in the newly enacted Home Rule Charter, which was ratified by the voters on December 8, 2018 and promulgated by the Council on December 18, 2018. The districts are established in the amended Home Rule Charter by reference to existing precincts within the Parish and the City. Both the 30-day challenge and the 60-day periods for challenging the charter amendment have expired, and the election is now certified.

Unfortunately, after ratification of the charter amendment, it was discovered that some existing precincts were inadvertently omitted from the amended Home Rule Charter with the result that voters within the precincts that were omitted will not be permitted to vote in any elections called for the City, Parish, and/or consolidated City/Parish government. The voters who will be so disenfranchised are voters that I represent.

Section 8-01 of the amended Charter provides with respect to City and Parish Council Districts:
Council districts for the election of the first City Council members and Parish Council members for the elections authorized by Section 8-13(D) of this charter shall be as follows, and shall remain as follows until changed by reapportionment.

It is my understanding that the Lafayette City-Parish Council attempted to rectify the error in the precinct descriptions on March 12, 2019 by adopting Ordinance No. O-042-2019, which alters the precinct descriptions contained in the amended Home Rule Charter so as to include the previously omitted precincts and voters residing in those precincts. The subject ordinance is styled as a reapportionment ordinance in what appears to be an attempt to disguise its true purpose of correcting omissions from the district descriptions that were established in the amended Home Rule Charter.

The Lafayette City-Parish form of government was originally established as a post-1974 Constitution Home Rule Charter and is therefore, governed by Article VI, § 5 of the Louisiana Constitution of 1974.

It is also my understanding that when a similar issue arose in 1994, the Lafayette City-Parish Council determined that changes to district and precinct boundaries set in the charter required a home rule charter amendment upon a vote of the people of Lafayette Parish.

The amended Home Rule Charter promulgated on December 18, 2018 is attached as Appendix A. Ordinance No. O-42-2019 is attached as Appendix B.

The questions that I would like to pose are the following:

1. Under the circumstances described, can the newly amended Lafayette City-Parish Home Rule Charter be further amended and revised by ordinance to change City and Parish council district descriptions and boundaries for purposes of the first election of City and Parish council members?
2. Is it necessary for the Lafayette City-Parish Council to make the precinct and/or council district boundary changes required to remedy the referenced errors, omissions, and discrepancies by amendment to the Home Rule Charter in the manner prescribed by the terms of the charter and Article VI, § 5(C) of the Louisiana Constitution?

Because elections for City and Parish representatives are scheduled and a charter amendment may be required in advance of those elections, I would respectfully request expedited consideration of this opinion request.

Sincerely,

Bob Hensgens
Louisiana State Senator
District 26