



Language leads to flawed amendments Analysis

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BATON ROUGE Did voters approve the 13 constitutional amendments on Saturday's ballot because it was easier to vote yes or did they trust the Legislature to present only things that were good for the state?

Those are two theories espoused Monday by election observers with numerous years of experience but both agree the amendment process is flawed.

And now that two amendments with flawed language were approved No. 6 that inadvertently eliminates a property owner's heir's right to reclaim expropriated property and No. 9 that misstates whether school systems can ignore unfunded mandates the constitution is flawed until new amendments can be adopted, says Jim Brandt, president of the Public Affairs Research Council.

The school funding amendment sought to protect school systems from the state requiring additional work without giving them more money. The language, though, says: "No law requiring increased expenditures (by a school system) shall become effective within such school system only as long as the legislature appropriates funds ..."

Brandt says the Legislature meant to say "until" funds are provided. Instead, the language could do the opposite of what was intended and could prevent the Legislature from funding additional things required of schools.

The amendment specifically exempts the Minimum Foundation Program, the school funding formula, from any such provisions, so overall state funding is not affected.

Flawed or not, the amendments go into the constitution by Oct. 30, said Roderick Hawkins of the governor's office. The secretary of state's office expects to submit them to the governor for certification on Oct. 10 and the constitution gives her 20 days to complete that process.

Asked if she could refuse to certify amendments recognized as being flawed, Hawkins said Terry Ryder, the governor's top legal adviser, told him "she does not have that authority. Her role in this is purely ministerial."

Brandt said it will take two more constitutional amendments to clear up the flaws in the amendments just approved.

Frank Ransburg, political historian and retired Southern University professor, said "the way the machines are set up, it encourages people to vote for amendments." He said he believes people found it easier to "take the easy way out and vote for them all," especially since the only advertised campaign was for the first four amendments and no campaign opposed the others.

Brandt said he believes, judging by the close vote on the two flawed amendments, that many people paid attention to what they were voting on and took it seriously.

However, he said, since it was a small turnout — 20 percent of voters statewide went to the polls — "chronic voters decided the issue. Chronic voters (those who vote in almost every election) tend to be more trusting" of government and vote for amendments.

Ransburg supported that position by pointing out that the 1974 constitution "has been amended 140 times out of 202 attempts."

Both analysts said the state is not ready to draft a new constitution.

Brandt said the Legislature likes the current process and voters don't trust government enough, which is why the constitution is amended so often to put in more protections.

Besides the 13 amendments just approved, 8 more are on the Nov. 7 ballot.

Ransburg said the state needs "an amendment to amend the amendment process." Instead of placing amendments on the ballot with political races, the state should do like Texas and have one election a year dealing only with amendments.

"We shouldn't have had an election Saturday," he said. If the state would adopt an amendment allowing an appointee to serve out an unexpired term, even if more than one year is left, voters would be spared elections like Saturday's.

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Mike Hasten is a capitol bureau reporter Gannett News Services.