

# CONSTITUTION OF THE STATE OF LOUISIANA

Adopted in Convention July 31, 1852.

## PREAMBLE

We, the people of the State of Louisiana, do hereby declare and establish this Constitution:

## TITLE I. DISTRIBUTION OF POWERS.

ART. 1. The powers of the government of the State of Louisiana shall be divided into three distinct departments, each of which shall be committed to a separate body of magistracy, to-wit: those which are Legislative, those which are Executive, and those which are Judicial, subject to the following provisions:

ART. 2. No one of these Departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

## TITLE II. LEGISLATIVE DEPARTMENT.

ART. 3. The Legislative power of the State shall be vested in two distinct branches, the one to be styled the "House of Representatives," the other the Senate, and the "General Assembly" of the State of Louisiana.

ART. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general election.

ART. 5. Representatives shall be chosen on the first Monday in November every two years; and the election shall be by the people, and their sessions shall be held at the city of New Orleans.

ART. 6. Every duly qualified elector, under this Constitution, shall be eligible to a seat in the General Assembly, except in the case of a Representative or Senator, who shall be, at the time of his election, a duly qualified voter of the Representative or Senatorial District from which he is elected.

ART. 7. Elections for members of the General Assembly shall be held at the several election precincts established by law. The Legislature may, by law, provide for the holding of such elections at the parish or municipal authorities.

ART. 8. Representation in the House of Representatives shall be equal for every equal number of the several parishes of the State. Each parish shall have at least one Representative. No new parish shall be created, nor shall any territory be added to any parish, until the number of Representatives shall be increased or diminished by law.

ART. 9. The House of Representatives shall be composed of not more than one hundred and twenty-five members, nor shall the number exceed the number of Representatives in the House of Representatives of the United States.

ART. 10. Every male citizen who has attained the age of twenty years, and who has attained the age of twenty years next preceding the election, and the last six months thereof in the parish in which he claims his residence, shall be entitled to vote in the election of Representatives; but no voter shall be entitled to vote in more than one parish.

ART. 11. The Legislature shall provide by law that the names and residences of all qualified electors of the State of Louisiana shall be registered, in order that the names of the electors shall be the free of cost to the elector.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, and no person who is incapable of holding land, shall be entitled to vote at any election in this State.

ART. 13. No person shall be entitled to vote at any election held in the State of Louisiana, unless he shall be a resident in the parish in which he claims his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the Senate shall be chosen for the term of four years. The Senate, when assembled, shall have the power to choose its officers.

ART. 15. The Legislature, in every year in which they shall assemble, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District—the Parish of Orleans excepted. The number of Senators shall be thirty-two, and they shall be apportioned among the several Districts according to the number of Representatives in the several Districts—Provided, that no parish shall be entitled to more than five Senators.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deemed to be the population of the whole State, and the remainder of the population divided by the number of Representatives, (72) and the result produced by this division shall be the number of Representatives in each parish, and the result produced by this division shall be the number of Representatives in each parish, and the result produced by this division shall be the number of Representatives in each parish.

ART. 17. At the first session of the General Assembly after this Constitution takes effect, the Senators shall be equally divided by lot into two classes. The seats of the Senators of the first class shall vacate at the expiration of the second year; and the seats of the Senators of the second class, at the expiration of the fourth year; so that one-third shall be chosen every two years, and the rotation thereby kept up perpetually.

ART. 18. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives; and thereafter there shall be biennial elections to fill the places of those whose term of service may have expired.

ART. 19. Not less than a majority of the members of each house of the General Assembly shall form a quorum to do business, but a smaller number may, by law, be authorized to act in the absence of the members of the house.

ART. 20. Each house of the General Assembly shall judge of the qualification, election and returns of its members; and it shall have the power to determine in such manner as shall be directed by law.

ART. 21. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a Senator; and it shall have the power to suspend any member for any offense.

ART. 22. Each house of the General Assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question shall, if it be desired by any two of them, be entered on the journal.

ART. 23. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior in its absence, or for obstructing its proceedings. Such imprisonment shall not exceed thirty days for any one offense.

ART. 24. Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor for a longer time than that in which they may be sitting.

ART. 25. The members of the General Assembly shall be entitled to a salary, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses; the compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives, unless such alteration shall have been made, no session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution.

ART. 26. The members of the General Assembly shall, in all cases except treason, felony, breach of the peace, or conviction on impeachment, be privileged from arrest during their attendance at the session of their respective houses, and going or returning from the same, and any speech or debate in either house, they shall not be questioned in any other place.

ART. 27. The Senate shall have the sole and exclusive power of impeachment; and the members thereof shall be elected for one year, and shall be appointed or elected to any civil office of profit under this State, which shall have been increased during the time such Senator or Representative was in office, except in such cases as may be filled by the election of a new person.

ART. 28. No person who at any time may have been a collector of taxes, whether State, Parish or Municipal, or who may have been a collector of public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained the pardon of the Governor, or the pardon of the State, for all public moneys which may have been collected or received by him.

ART. 29. No bill shall have the force of a law until it shall have passed both houses of the General Assembly, and the bill shall be read three times in each house, and the yeas and nays shall be taken on each reading, and the bill shall be signed by the Governor, and the Governor shall sign and seal the bill, and the bill shall be published.

ART. 30. The free white men of the State shall be armed and disciplined for its defense; but those who belong to religious societies whose tenets prohibit the carrying of arms, shall be exempted therefrom, but all shall pay an equivalent for personal services.

ART. 31. The Militia of the State shall be organized in each parish as may be hereafter determined most expedient by the Legislature.

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