

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

CASE NO. DIVISION:

DARLENE JOSEPH JONES, DANIEL GINNETTY, ROBYN GUILLÉN, BRUCE
REILLY, CHECO YANCY, and VOICE OF THE EXPERIENCED

VS.

NANCY LANDRY, IN HER OFFICIAL CAPACITY AS LOUISIANA SECRETARY
OF STATE

FILED: _____
DEPUTY CLERK

PETITION FOR DECLARATORY JUDGMENT AND
PERMANENT INJUNCTIVE RELIEF

NOW INTO COURT, through undersigned counsel, comes Darlene Joseph Jones, Daniel Ginnetty, Robyn Guillén, Bruce Reilly, Checo Yancy, Voice of the Experienced (VOTE), who respectfully file this Petition for Declaratory Relief and a Permanent Injunction against Defendant Nancy Landry, in her official capacity. Specifically, this litigation requests intervention from this Honorable Court to stop the Defendant from placing two proposed constitutional amendments on the ballot for the March 29, 2025 election because they are unconstitutional and unlawful. In order for the Louisiana electorate to vote on proposed changes to the state’s Constitution, the State Legislature must first approve by two-thirds vote the language of any such change. *See* La. Const. Art. XIII, § 10. In fact the provisions of Art. XIII, § 10 “are not merely directory but are mandatory; and a strict observance of every substantial requirement is essential to the validity of the proposed amendment.” *See Forum for Equality PAC v. McKeithen*, 04-2477 at 11, 893 So.2d 715, 723 (quoting *Graham v. Jones*, 3 So.2d 761, 782 (La. 1941).

During the Third Extraordinary Session (“TES”), the Louisiana Legislature passed several unconstitutional and unlawful proposed constitutional amendments. For instance, the legality of Act 1 is currently being litigated in *Calhoun v. Landry*, Case No. C-759264 (E. Baton Rouge Dist. Ct.). This litigation seeks to remedy the constitutional violations and severe procedural deviations committed by the Louisiana Legislature in their passage of Act 2 and Act 3 during the 2024 TES. These explicit violations require immediate intervention by this Honorable Court to prohibit the Defendant from continuing her ongoing unconstitutional and unlawful action.

During the TES, the Louisiana Legislature unconstitutionally and unlawfully passed Act 2, which proposes to amend Art. V, §§ 5(B), 15(A), and 16(A) of the Louisiana Constitution. The proposed changes under Act 2 will be presented as Constitutional Amendment 1 (C.A.1) in the statewide election set for March 29, 2025. C.A.1 is unconstitutional and unlawful because 1) the Louisiana Legislature violated clear procedural mandates in the Louisiana Constitution that must be followed before proposed language changes are put on a statewide ballot; 2) Act 2 fails the Constitution's one object requirement and 3) fails the Constitution's Title Requirement.

Also during the TES, the Louisiana Legislature unconstitutionally and unlawfully passed Act 3, which proposes to amend Art. V, § 19 of the Louisiana Constitution. The proposed changes under Act 3 will be presented as C.A.3 in the statewide election set for March 29, 2025. C.A.3 is unconstitutional because it 1) fails the Constitution's requirement that any constitutional amendment must be "within the objects of the call of the [extraordinary] session" at which the amendment is to be considered, and 2) fails the Constitution's Title requirement.

Through this litigation, Petitioners seek the following declaratory judgments:

- Act 2 of the Louisiana Legislature's Third Extraordinary Session of 2024 is null and void because it was passed in violation of the legislative process for amending the Constitution set forth in Art. XIII, § 1(A)(1) of the Louisiana Constitution.
- Act 3 of the Louisiana Legislature's Third Extraordinary Session of 2024 is null and void because it was passed in violation of the legislative process for amending the Constitution set forth in Art. XIII, § 1(A)(1) of the Louisiana Constitution.
- The ballot language proposed by the Legislature for Act 2 is unlawful because it fails the Constitution's one object requirement.
- The ballot language proposed by the Legislature for Act 2 and Act 3 are unlawful because it fails the Constitution's Title Requirement.

In turn, an injunction is necessary to prohibit the Defendant from placing the unlawful and unconstitutional propositions for Act 2 and Act 3 on the March 29, 2025 ballot.

I. PARTIES

1. Petitioner, Darlene Joseph Jones, is a citizen of the United States of America, and a resident, domiciliary and registered voter of the Parish of Orleans, State of Louisiana.
2. Petitioner, Daniel Ginnetty, is a citizen of the United States of America, and a resident, domiciliary and registered voter of the Parish of Tangipahoa, State of Louisiana.
3. Petitioner, Robyn Guillén, is a citizen of the United States of America, and a resident, domiciliary and registered voter of the Parish of Jefferson, State of Louisiana.
4. Petitioner, Bruce Reilly, is a citizen of the United States of America, and a resident, domiciliary and registered voter of the Parish of Orleans, State of Louisiana.
5. Petitioner, Checo Yancy, is a citizen of the United States of America, and a resident, domiciliary and registered voter of the Parish of East Baton Rouge, State of Louisiana.
6. Petitioner, Voice of the Experienced (VOTE) is a membership-based Louisiana non-profit founded and directed by formerly incarcerated and criminally convicted people (“FIP”). VOTE’s staff, and hundreds of its members, are Louisiana citizens, voters and taxpayers who live throughout the state of Louisiana.
7. VOTE has standing to protect its membership’s franchise, to make certain that it is not diluted, diminished or negated in any manner, particularly as a result of the questionable proposed actions by the Defendant.
8. VOTE and its membership have vested economic and political interests in the democratic, public and constitutional process that regulates amendments to the State of Louisiana’s Constitution.
9. VOTE began in 1987 as the Angola Special Civics Project, a group at the Louisiana State Penitentiary at Angola run by incarcerated people who had become paralegals. When they discovered that convicted people who are not on probation, parole or serving time on a felony conviction could vote, they began to lobby their legislators and encourage their family and friends to vote. In 2003, several members were released, and took their efforts further, creating VOTE, an organization originally focused on voter registration for pre-trial detainees and those convicted of misdemeanors in the state of Louisiana.
10. Since 2003, VOTE has worked to further its mission to restore “the full human and civil rights of those most impacted by the criminal (in)justice system.”
11. VOTE and its members are civically engaged and work to find federal, state and local legislative solutions in support of VOTE’s mission.

12. For instance, in 2018, VOTE and its members took an active role in the Unanimous Jury Coalition, a statewide coalition that advocated in support of a constitutional amendment to end non-unanimous juries in Louisiana criminal trials.

13. Made **DEFENDANT** herein is Nancy Landry, in her official capacity, as the Secretary of State for Louisiana. The Secretary of State is the State's chief election officer. La. Const. Art. IV, § 7; La. R.S. § 18:421. In that capacity, she is responsible for preparing and certifying the ballots for all elections, promulgating all election returns, and administering the election laws. *Id.*

14. The Petitioners and Defendant are proper parties to this declaratory judgment action as they have or claim interests that would be affected by the declaration sought in this Petition. In addition, the injunctive relief the Petitioners seek would be properly issued against the Defendant.

II. JURISDICTION AND VENUE

15. This Court has jurisdiction over this matter pursuant to the Louisiana Constitution Article V, § 16 and La. Code of Civ. Proc. art. 2. Specifically, these authorities authorize jurisdiction to adjudicate Louisiana Constitutional matters that arise under Art. XIII, § 1 (Amendments).

16. The Court has jurisdiction to declare rights, status, and other legal relations pursuant to La. Code of Civ. Proc. arts. 1871 and 1875 and may issue injunctive relief under articles 3601-13.

17. This Court is the appropriate venue to adjudicate these claims pursuant to La. Code of Civ. Proc. art. 42 because the Defendant is domiciled in East Baton Rouge Parish.

18. Venue in this Court is also proper pursuant to La. R. S. § 13:5104, which provides that suits against the State of Louisiana, any state agency, and/or any officer or employee of the State “for conduct arising out of the discharge of his official duties or within the course and scope of his employment shall be instituted before the district court of the judicial district in which the state capitol is located” La. R. S. § 13:5104(A).

III. FACTUAL ALLEGATIONS

Relevant History of the Louisiana Constitution of 1974

19. In 1973 and 1974, a constitutional convention drafted Louisiana's currently-operative constitution.

20. Voters elected 105 of the convention's 132 delegates, and the governor appointed the remaining twenty-seven.¹

21. The governor's delegates were required by law to include representatives of a diverse group of interests, including industry, labor, education, wildlife and conservation, consumers, youth, and racial minorities.²

22. The delegates included "educators, physicians, an architect, labor leaders, ministers, lawyers, farmers, homemakers, accountants, retirees, insurance agents, sheriffs, tax assessors, district judges, clerks of court, and a sitting state supreme court justice."

23. They were old and young, libertarian and populist, urban and rural."³

24. The delegates "overwhelmingly approved" the final draft on January 19, 1974, and the Louisiana voters approved the proposal on April 20, 1974.⁴

25. The current Louisiana State Constitution took a three-year process to draft and approve, and involved a great deal of input from the public.

26. Article V of the Louisiana State Constitution controls the constitutional authority of the Judicial Branch of the government of Louisiana.

27. Section 5(B) of Article V vests original jurisdiction in the Louisiana Supreme Court over all disciplinary proceedings against attorneys practicing in Louisiana. The proposed changes to §5(B) under Act 2 explicitly clarifies that the Louisiana Supreme Court has original jurisdiction over disciplinary matters concerning attorneys who are not licensed in Louisiana but are practicing law in Louisiana.

28. Section 15(A) of Article V permits the Louisiana Legislature with a two-thirds vote to create and/or abolish trial courts of limited jurisdiction. The proposed changes to §15(A) under Act 2 would allow the Louisiana Legislature to create specialized trial courts with a two-thirds vote by that body.

29. Section 16(A) of Article V indicates that district courts "have exclusive original jurisdiction of felony cases and of cases involving title to immovable property." The proposed changes to §16(A) under Act 2 would allow the Louisiana Legislature to create

¹ John Stanton and Clancy DuBos, *All the Clownfish's Men: How Jeff Landry and his cronies are eroding democracy in Louisiana*, Gambit (May 5, 2024); see also Act 2 of the Regular Session of 1972, available online at <https://babel.hathitrust.org/cgi/pt?id=uc1.b3683203&seq=21>.

² Act 2 of the Regular Session of 1972, § 1(A)(1).

³ Jeremy Alford, *The Last Constitution* (2020), p. 363.

⁴ John Stanton and Clancy DuBos, *All the Clownfish's Men: How Jeff Landry and his cronies are eroding democracy in Louisiana*, Gambit (May 5, 2024); see also Act 2 of the Regular Session of 1972, available online at <https://babel.hathitrust.org/cgi/pt?id=uc1.b3683203&seq=21>.

speciality courts that could have jurisdiction over any kind of dispute, including criminal matters.

30. Section 19 of Article V contains an enumerated and exclusionary list of crimes for which children cannot be subjected to special juvenile proceedings, each of which has been approved by the electorate. If a child is charged with an offense that is not enumerated within that list of offenses, the Louisiana Constitution, as approved by the voters of this state, **requires** that that child be subject to special juvenile procedures.

31. If passed, the proposed changes to Art. V, § 19 would create a pathway for children of any age to be prosecuted in Louisiana’s adult criminal justice system for any felony approved by two-thirds of the Louisiana Legislature - thereby removing the authority of the voters of this state to decide which criminal charges subject our children to adult criminal proceedings.

The Louisiana Legislature Passed Act 2 in Violation of Louisiana’s Constitution and Law

A. Applicable Legal Authorities

32. The Louisiana Constitution mandates the process the Legislature must follow in order to put a proposed constitutional amendment to the state’s electorate. Specifically, Art. XIII, § 1(A)(1) states that

An amendment to this constitution may be proposed at any extraordinary session of the legislature **if it is within the objects of the call of the session** and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, **pursuant to all of the procedures and formalities required for passage of a bill** except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. **Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted.**

(emphasis added).

33. As indicated above, a proposed constitutional amendment must pass through the Legislature pursuant to all of the procedures and formalities required for the passage of a bill.

34. Art. III, § 15(D) of the Louisiana Constitution requires that any proposed constitutional amendment shall not be “considered for final passage unless a committee has held a public hearing **and reported on the bill.**” (emphasis added).

35. La. R. S. § 24:9 requires that each Legislative “house shall determine the rules of its procedure, not inconsistent with the provisions of the constitution.”

36. In turn and in line with Art. XIII, § 1 of the Louisiana Constitution, the Louisiana House of Representatives has promulgated rules that govern the “procedures and formalities required for passage of a bill.”

37. Specifically, House Rule 6.1 (HR 6.1) creates committees “whose duties respectively shall be to take into consideration all such subjects as properly pertain to the subjects and purposes assigned to each of them and which may be referred to them by the House.”

38. One of those committees is the Judiciary Committee. *See* HR 6.1(A)(10).

39. All bills, including proposed constitutional amendments, must be referred “to the appropriate standing committee according to the subject matter.” HR 6.5(A).

40. HR 6.6 outlines the subject matters that must be considered by the Judiciary Committee, as well as the Civil Law and Procedure Committee. The Judiciary Committee reviews bills and constitutional amendments concerning

(1) All matters relating to the Supreme Court, Courts of Appeal, District Courts, Family Courts, and Juvenile Courts, matters of the jurisdiction of said courts, matters relating to judges generally, including compensation, expenses, personnel, facilities and the like, except as pertains to retirement.

HR 6.6(J)(1). Likewise, the Civil Law and Procedure Committee must hold a public hearing on all “[p]roposed amendments to the state constitution, after initial consideration in committee of subject matter, if different from Civil Law and Procedure.” HR 6.6(D)(8).

41. HR 6.11(A) indicates that when “a legislative instrument is scheduled for public hearing, **a standing committee shall submit a written report** to the Clerk of the House as soon as possible after each committee meeting . . . **[t]he report of the committee on each legislative instrument which may be one, and only one**, of the following:

- (a) Reported favorably.
- (b) Reported unfavorably.
- (c) Reported with amendments.
- (d) Reported by substitute.
- (e) Reported either favorably, with amendments, by substitute, or without action with recommendation that it be recommitted to the Committee on _____.
- (f) If the legislative instrument was recommitted to the committee in accordance with Rule 6.8, reported without amendments.

42. In addition, HR 6.11(C) requires that “[t]he report of each committee made during a session shall be read to the House for information.”

43. HR 6.8(A)(1) requires that a “joint resolution proposing an amendment to the Louisiana Constitution . . . having been referred to a standing committee, other than the

Committee on Civil Law and Procedure, under the provisions of Rule 6.5, if reported, **shall be reported to the Clerk of the House in accordance with the requirements of Rule 6.11(A)**. However, after such report, any such House instrument ordered engrossed, immediately following the engrossment order, and any such Senate instrument reported favorably or with amendments, immediately following the reading of such report and action on any amendments reported, shall be recommitted by the speaker to the Committee on Civil Law and Procedure.

44. HR 6.9(A) states that “[n]o legislative instrument shall be reported by a committee unless an open, public hearing on the instrument has first been held by the committee **with due notice given** and opportunity provided for interested persons to appear to testify for or against the proposal.” (emphasis added).

45. As well, Art. XIII, § 1(B) of the state constitution requires that a proposed amendment “shall be confined to one object” unless it proposes “a revision of an entire article” of the constitution.

46. This provision “was adopted in the 1974 Constitution of Louisiana as a restatement of the theretofore existing ‘single object’ rule, which was partially a creature of the jurisprudence arising from the interpretation of various provisions of earlier state constitutions.” *Forum for Equality PAC*, 893 So. 2d at 729.

47. The “single object” rule requires that an amendment to the Constitution “embodies a single plan and that every provision therein is germane to that plan.” *Id.* at 732.

48. In other words, “the judiciary in determining whether the legislative action in submitting a constitutional amendment to the people is constitutional under the ‘single object’ requirement must examine all the provisions of an amendment to ascertain whether every provision relates or is germane to the main purpose or object of the amendment.” *Id.*

B. The Unconstitutional Passage of Act 2

49. On October 26, 2024, the Governor issued a call to convene a Third Extraordinary Session in the Louisiana Legislature. This call included Item 20, the purpose of which was to propose amendments to the Louisiana Constitution “relative to the judicial branch regarding specialty courts, the Supreme Court’s authority to regulate disciplinary proceedings and unethical practices, vacancies in judgeships, elections for vacancies in judgeships, and related matters.” *See Call and Convene the Legislature of Louisiana Into*

Extraordinary Session (Oct. 26, 2024), 73 JML 2024, available at <https://legis.la.gov/LegisDocs/243ES/call.pdf>.

50. On November 4, 2024, Senator Jay Morris prefiled Senate Bill 1 (SB1), which called for amendments to the Louisiana Constitution to permit 1) the Louisiana Supreme Court to have jurisdiction over out-of-state attorneys practicing law in this state; and 2) the Louisiana Legislature to create trial courts of specialized jurisdiction.

51. Between November 6 and November 14, 2024, SB1 moved through the Louisiana Senate, it was heard by the Judiciary A Standing Committee, and ultimately voted favorably by the Senate.

52. However, as SB1 moved through the Louisiana House of Representatives (House), this legislative body repeatedly disregarded the Louisiana Constitutional safeguards and requirements.

53. For instance, as required by HR 6.6, on November 14, 2024, the House heard the first reading of SB1, and referred it to the Judiciary Committee.

54. On November 18, 2024, the Judiciary Committee took up SB1. At the Bill's public hearing, Petitioner Bruce Reilly, VOTE's deputy director, testified in opposition to it. Then the Committee's members voted on the bill: five voted in favor of the bill, seven in opposition to it, and one member abstained from voting. *See* House Judiciary Committee Roll Call and Record Vote, https://house.louisiana.gov/H_CmteRecordRolCallVotes/RollCallVotes/JUD_11182024.pdf (last visited Feb. 26, 2025).

55. At this hearing, Committee Vice Chair Edmonston stated in reference to SB1 "that the bill doesn't pass." *See* House Archived Videos (Nov. 18, 2024), at 56:35, https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2024/nov/1118_24_JU.

56. However, upon information and belief, as required by HR 6.11(A), the Judiciary Committee then failed to submit a written report to the Clerk of the House about SB1. The Legislature's "Bill History" page for SB1 simply states that on November 18, 2024 that SB 1 was "discharged from Committee on Judiciary." *See* SB1 2024 Third Extraordinary Session, <https://www.legis.la.gov/legis/BillInfo.aspx?i=247856>.

57. "Discharged from Committee" is not one of the six reporting options under HR 6.11(A).

58. In addition, the November 18, 2024 Legislature’s Daily Legislative History states that SB1 was “[d]ischarged from the Committee on Judiciary [and] [r]ead by title, recommitted to the Committee on Civil Law and Procedure.” *See* <https://legis.la.gov/LegisDocs/243ES/lastlegs/h1118.pdf> (last visited Feb. 26, 2025).

59. Video archives of the House from November 18, 2024 further document that before the House recommitted SB1 to the Committee on Civil Law and Procedure, the body never received a report about SB1 from the Judiciary Committee that complies with HR 6.11(A). *See* House Archived Videos (Nov. 18, 2024), at 18:20 -30:10, https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2024/nov/1118_24_243ES_Day9 [18:20 -30:10].

60. In light of this evidence, it is clear that the Judiciary Committee failed to generate an acceptable report that complies with HR 6.11(A).

61. In addition, it is clear that at its second reading before the full House of Representatives, no Judiciary Report about SB 1 was read in compliance with HR 6.11(C).

62. As well, HR 6.8 requires that any proposed constitutional amendment that is referred to a standing committee obligates that committee to generate a report to the Clerk of the House that complies with HR 6.11(A).

63. Consequently, the House’s subsequent recommitment of SB1 to the Committee on Civil Law and Procedure violated several procedural requirements mandated by both the Louisiana Constitution and House Rules. Specifically, Art. XIII, § 1 of the Louisiana Constitution requires that any proposed constitutional amendment must comply with **all the procedures and formalities required for passage of a bill**.

64. Therefore, the House’s violation of HR 6.8, 6.11(A) and 6.11(C) contravenes Art. XIII, § 1’s requirements, which ultimately renders the ultimate passage of SB1 unlawful.

An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, **pursuant to all of the procedures and formalities required for passage of a bill**

65. On November 19, 2024, the House Committee on Civil Law and Procedure heard SB 1, where the bill was reported favorably with amendments by a vote of 11-3.

66. At its third reading, the House voted in favor of SB1 on November 22, 2024. The Senate then read and concurred on the House’s proposed amendments.

67. On November 25, 2024, the Speaker of the House signed SB1, which then became Act 2.

68. The full text of Act 2 can be found at: <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1391455>, and is scheduled to be placed on the ballot for the March 29, 2025 election.

C. Act 2 Fails the Single Object Test

69. Art. XIII, § 1(B) of the state constitution requires that a proposed amendment “shall be confined to one object” unless it proposes “a revision of an entire article” of the constitution.

70. This provision “was adopted in the 1974 Constitution of Louisiana as a restatement of the theretofore existing ‘single object’ rule, which was partially a creature of the jurisprudence arising from the interpretation of various provisions of earlier state constitutions.” *Forum for Equality*, 893 So. 2d at 729.

71. The “single object” rule requires that an amendment to the Constitution “embodies a single plan and that every provision therein is germane to that plan.” *Id.* at 732.

72. In other words, “the judiciary in determining whether the legislative action in submitting a constitutional amendment to the people is constitutional under the ‘single object’ requirement must examine all the provisions of an amendment to ascertain whether every provision relates or is germane to the main purpose or object of the amendment.” *Id.*

73. Here, the proposed amendment does not propose a revision of the entirety of Article V.

74. Rather it proposes three disparate changes to Article V that have no clear nexus and pertain to two completely different judicial functions. Item 20 of the Governor’s Call itself demonstrates that Act 2 is not about just one single object. *See Call and Convene the Legislature of Louisiana Into Extraordinary Session* (Oct. 26, 2024), 73 JML 2024, available at <https://legis.la.gov/LegisDocs/243ES/call.pdf> (stating the purpose of the TES is to propose amendments to the Louisiana Constitution “relative to the judicial branch regarding specialty courts, the Supreme Court’s authority to regulate disciplinary proceedings and unethical practices, vacancies in judgeships, elections for vacancies in judgeships, and related matters.”).

75. A review of the language as passed by Act 2 proposes the following three distinct and unrelated changes to the Louisiana Constitution: 1) expands the Louisiana Supreme

Court's original jurisdiction over attorney discipline cases; 2) provides new authority to the Louisiana Legislature to create speciality courts at the trial court level in Louisiana; and 3) authorizes the Louisiana Legislature to divest trial court's original jurisdiction over criminal proceedings and give speciality courts the jurisdiction to adjudicate such matters.

76. These changes have no clear nexus between them. It is foreseeable that a voter could support the proposed changes related to attorney discipline, while opposing the expanding the Legislature's power to create specialty courts, including courts that adjudicate criminal matters. This is precisely why there is a single object rule, so a person can either support or oppose an amendment in its entirety.

77. Consequently, these three proposals clearly violate the constitutional requirement that any proposed changes meet the "single-object" test.

D. Act 2 Fails the Title Requirement

78. The Constitution's Title Requirement states that any "proposed amendment shall have a title containing a brief summary of the changes proposed." Art. XIII, § 1(B) of the Louisiana Constitution.

79. The title requirement is not an empty formalism; it serves an important purpose – to "prevent surprise and fraud upon members of the Legislature." *Forum for Equality PAC* 893 So. 2d at 733, *quoting Cobb v. Louisiana Bd. of Institutions*, 111 So. 2d at 131.

80. This formalism is even more important during a two-week special extraordinary session when a Legislator may not have time to read every line of every bill, and cross reference it with other statutes, etc.

81. But if the title contained the required summary of the changes proposed, the legislator would be able to quickly tell broadly what changes to the constitution were involved.

82. That would prevent the situation here: where legislators voted on SB1 likely without understanding that the amendment would remove not only expand the Louisiana Supreme Court's jurisdiction in attorney discipline cases, but also expand the Louisiana Legislature's power to create and abolish specialty courts at the trial court level, and divest trial court's traditionally charged with jurisdiction over criminal cases.

83. In this case the Title for SB1 read as follows: "COURTS. Constitutional amendment to provide for jurisdiction of courts. (2/3 - CA13s1(A)) (Item #20)." *See* Original SB1, <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1390106> (last visited Mar. 5, 2025).

84. As written, this SB1 fails the Constitution’s Title Requirement. Here, SB1’s title is written like a bill’s title – it only points generally to topics, without any summary of changes. The Constitution’s standards for bill titles and amendment titles are different, and this title as written clearly fails the Constitutional Protections within Art. XIII, § 1(B).

**The Louisiana Legislature Passed Act 3 in Violation of
Louisiana’s Constitution and Law**

A. The Unconstitutional Passage of Act 3

85. On October 26, 2024, the Governor issued a call to convene a Third Extraordinary Session in the Louisiana Legislature. This call included Item 19, the purpose of which was to propose amendments to the Louisiana Constitution “relative to the constitution and legislate regarding the crimes that are **not subject** to special juvenile procedures and the legislature’s authority to make that determination” (emphasis added).

86. On November 4, 2024, Senator Heather Cloud prefiled Senate Bill 2 (SB2), which called for an amendment to the Louisiana Constitution to “provide relative to offenses to which special juvenile procedures are not applicable.”

87. On November 6, 2024, SB2 was introduced to the Louisiana Senate and assigned to the Senate Judiciary Committee C. On November 7, 2024, the Senate Judiciary Committee C had a hearing on SB2 and reported the bill favorably without amendments. On November 14, 2024, the full Senate passed SB2 and sent the bill to the House. On November 14, 2024, the Louisiana House introduced SB2 and referred the bill to the House Committee on the Administration of Criminal Justice (ACJ). On November 18, 2024, the ACJ committee had a hearing on SB 2 and reported the bill favorably without amendments. As required by the Louisiana Constitution, on November 18, 2024, the Louisiana House then recommitted SB2 to the House Committee on Civil Law and Procedure. On November 18, 2024, the Committee on Civil Law and Procedure reported SB2 with amendments. During the full House debate on November 22, 2024, the House passed SB2 with amendments. The bill was returned to the Senate, and passed with the proposed House amendments on November 22, 2024. Once passed through the two Legislative chambers, SB2 became Act 3 on November 25, 2024.

88. While the stated purpose of SB2 parrots the language of Item 19 in the Governor’s Call for the Third Extraordinary Session, the bill itself goes far beyond the object of the Governor’s Call. Instead of merely addressing the enumerated list of offenses to which

special juvenile procedures are constitutionally inapplicable in Art. V, § 19 of the Constitution, Act 3 **expands** the constitutional category of offenses to which special juvenile procedures are not applicable to “certain felony offenses provided by law.”

89. In other words, while the Governor’s Call contemplated treatment of those offenses already constitutionally excluded from special juvenile procedures, the Legislature has done the opposite, removing this constitutional protection for **all** felony crimes.

B. Act 3 Fails the Title Requirement

90. The Constitution’s Title Requirement states that any “proposed amendment shall have a title containing a brief summary of the changes proposed.” Art. XIII, § 1(B) of the Louisiana Constitution.

91. The title requirement is not an empty formalism; it serves an important purpose – to “prevent surprise and fraud upon members of the Legislature.” *Forum for Equality PAC* 893 So. 2d at 733, *quoting Cobb v. Louisiana Bd. of Institutions*, 111 So. 2d at 131.

92. This formalism is even more important during a two-week special extraordinary session when a Legislator may not have time to read every line of every bill, and cross reference it with other statutes, etc.

93. But if the title contained the required summary of the changes proposed, the legislator would be able to quickly tell broadly what changes to the constitution were involved.

94. That would prevent the situation here: where legislators voted on SB2 likely without understanding that the amendment would **expand** the constitutional category of offenses to which special juvenile procedures are not applicable to “certain felony offenses provided by law.” In other words, SB2 actually removes constitutional protection for children from criminal prosecution **for all felony crimes**.

95. In this case the Title for SB2 states: “JUVENILE JUSTICE. Constitutional amendment to provide relative to offenses to which special juvenile procedures are not applicable. (2/3 - CA13s1(A))(Item #19).”

96. As written, this SB2 fails the Constitution’s Title Requirement. Here, SB2’s title is written like a bill’s title – it only points generally to topics, without any summary of changes. The Constitution’s standards for bill titles and amendment titles are different, and this title as written clearly fails the Constitutional Protections within Art. XIII, § 1(B).

IV. CAUSES OF ACTION

First Cause of Action:
Act 2 is Null and Void Because the Louisiana Legislature Passed it in Violation of Article XIII, § 1(A) of the Louisiana State Constitution

97. Article XIII, § 1 of the Louisiana State Constitution regulates the procedure, form, and ratification of proposed amendments to the Constitution.

98. The Louisiana Supreme Court has held that provisions “of a constitution regulating its own amendment . . . are not merely directory but are mandatory; and a strict observance of every substantial requirement is essential to the validity of the proposed amendment.” *Forum for Equality PAC*, 893 So. 2d at 723.

99. Here, the passage of Act 2 violated Article XIII, § 1 of the Constitution in three ways.

100. First, it violates the Constitution’s requirement that a proposed amendment must be passed in “pursuant to all of the procedures and formalities required for passage of a bill.”

101. Second, it violates the Constitution’s requirement that a proposed amendment be limited to “one object” unless it is a full revision of an article.

A. Act 2 violates the Louisiana Constitution because the Louisiana Legislature passed it in violation of the constitutional procedures and formalities required for passage of a bill.

102. Pursuant to § 1(A)(1), a proposed amendment must be passed “pursuant to all of the procedures and formalities required for passage of a bill.”

103. Here, the Louisiana Legislature passed Act 2 in violation of Art. III, § 15(D) of the Louisiana Constitution, as well as House Rules 6.8(A)(1) and 6.11(A).

104. Specifically, the House Judiciary Committee that had jurisdiction over Act 2 (which was still SB 1 at the time) failed to properly report out the bill to the House Floor as required by both Art. III, § 15(D) of the Louisiana Constitution, as well as HR 6.8(A)(1).

105. Rather after SB 1 failed in the Judiciary Committee, instead of properly reporting the bill unfavorably to the House Floor, a legislator moved to have the bill “discharged” and recommitted to the Committee of Civil Law and Procedure.

106. However the Louisiana Constitution and the House Rules mandate that the Committee with subject matter jurisdiction over a proposed constitutional amendment, in this case the Judiciary Committee, **MUST REPORT** the committee decision to the House Floor.

107. This failure vitiates the procedures that must be followed in the Louisiana Legislature for a proposed constitutional amendment. Therefore Act 2 is unconstitutional, and should be declared null and void by this Honorable Court.

B. Act 2 violates the Constitution’s “one object” requirement.

108. Art. XIII, § 1(B) of the state constitution requires that a proposed amendment “shall be confined to one object” unless it proposes “a revision of an entire article” of the constitution.

109. This provision “was adopted in the 1974 Constitution of Louisiana as a restatement of the theretofore existing ‘single object’ rule, which was partially a creature of the jurisprudence arising from the interpretation of various provisions of earlier state constitutions.” *Forum for Equality*, 893 So. 2d at 729.

110. The “single object” rule requires that an amendment to the Constitution “embodies a single plan and that every provision therein is germane to that plan.” *Id.* at 735.

111. In other words, “the judiciary in determining whether the legislative action in submitting a constitutional amendment to the people is constitutional under the ‘single object’ requirement must examine all the provisions of an amendment to ascertain whether every provision relates or is germane to the main purpose or object of the amendment.” *Id.*

112. Here, the proposed amendment does not propose a revision of the entirety of Article V.

113. There are no revisions to Sections 1-4, 6-14, or 17-35.

114. But although the proposed amendment revises less than an entire article, it contains different objects.

115. First, the proposed amendment calls for an expansion of the authority of the Supreme Court, granting the judiciary constitutional authority over out-of-state attorney disciplinary matters.

116. Second, the proposed amendment calls for an expansion of the authority of the Legislature to create trial courts of specialized jurisdiction.

117. There is no “single plan” underlying all of these disparate changes, which expand the authority of two separate branches of Louisiana’s tripartite government.

118. These varied changes do not have any common object, and so Act 2 violates Art. XIII, § 1(B) of the Louisiana State Constitution because it is not “confined to one object.”

C. **Act 2 violates the “title containing a brief summary of the changes” requirement.**

119. Pursuant to Art. XIII, § 1(B), a “proposed amendment shall have a title containing a brief summary of the changes proposed.”

120. Here, when Act 2 moved through the Louisiana Legislature as SB1 it did not have a title that met the constitutional requirements of Art. XIII, § 1(B).

121. As described herein, SB1’s deficient summary did properly describe the proposed constitutional changes the bill proposed.

122. Therefore, Act 2 violates Art. XIII, § 1(B).

123. In turn, this Honorable Court should issue a declaratory judgment that Act 2 violates the Louisiana Constitution and is null and void. In turn, the Petitioners also respectfully request that this Honorable Court issue an injunction prohibiting placement of the unlawful proposition on the March 29, 2025 ballot.

Second Cause of Action:

Act 3 is Null and Void Because the Louisiana Legislature Passed it in Violation of Article XIII, § 1(A)(1) of the Louisiana State Constitution

A. **Act 3 violates the Louisiana State Constitution because the Louisiana Legislature passed a bill that does not comply with the language of the call for the third extraordinary session.**

124. Article XIII, § 1 of the Louisiana State Constitution regulates the procedure, form, and ratification of proposed amendments to the Constitution.

125. The Louisiana Supreme Court has held that provisions “of a constitution regulating its own amendment . . . are not merely directory but are mandatory; and a strict observance of every substantial requirement is essential to the validity of the proposed amendment.” *Forum for Equal. PAC*, 893 So. 2d at 723.

126. Here, the passage of Act 2 violated Article XIII, § 1 of the Constitution because it violates the Constitution’s requirement that a proposed amendment must be “within the objects of the call of the session.”

127. Item 19 in the Governor’s Call for the Third Extraordinary Session grants the Legislature authority “To propose amendments to the constitution and legislate regarding the crimes that **are not subject** to special juvenile procedures and the legislature's authority to make that determination.”

128. However, the Legislature exceeded this authority by passing Act 3, which removes constitutional protections for all felonies that currently **are subject** to special juvenile procedures by authorizing the legislature to remove offenses from the jurisdiction

of special juvenile procedures by a two-thirds vote of the Legislature - instead of requiring that those offenses be removed from the jurisdiction of special juvenile procedures by the voters of this state through the passage of a constitutional amendment to that effect.

129. By exceeding the authority granted to it by the object of the Governor's Call, the Legislature violated Article XIII, § 1 of the Constitution.

B. Act 3 violates the "title containing a brief summary of the changes" requirement.

130. Pursuant to Art. XIII, § 1(B), a "proposed amendment shall have a title containing a brief summary of the changes proposed."

131. Here, when Act 3 moved through the Louisiana Legislature as SB2 it did not have a title that met the constitutional requirements of Art. XIII, § 1(B).

132. As described herein, SB2's deficient summary did properly describe the proposed constitutional changes the bill proposed.

133. Therefore, Act 3 violates Art. XIII, § 1(B).

134. In turn, this Honorable Court should issue a declaratory judgment that Act 3 violates the Louisiana Constitution and is null and void. In turn, the Petitioners also respectfully request that this Honorable Court issue an injunction prohibiting placement of the unlawful proposition on the March 29, 2025 ballot.

RELIEF REQUESTED

WHEREFORE, Petitioners pray that after all due proceedings had in this case that this Honorable Court issue a declaratory judgment that the language of the proposition for proposed constitutional amendment 1, to revise Art. V, §§ 5(B), 15(A), and 16(A), does not meet the requirement for proposed constitutional amendments set forth in Article XIII, § 1 of the Louisiana State Constitution.

Petitioners further pray that this Court issue a declaratory judgment that the language of the proposition for proposed constitutional amendment 3, to revise Article V, Section 19 of the Louisiana State Constitution does not meet the requirement for proposed constitutional amendments set forth in Article XIII, § 1 of the Louisiana State Constitution.

Finally, Petitioners pray for the issuance of an injunction barring Defendant from submitting the unlawful propositions to voters at the March 29, 2025 election or preventing the proposals from taking effect if they are put to voters; all costs of these proceedings and attorneys' fees; and such other and further relief as this Court deems just and proper, including all general and equitable relief.

Respectfully Submitted,
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