

The Supreme Court of the State of Louisiana

WILLIE CALHOUN, JR. ET AL.

No. 2025-CD-00316

VS.

NANCY LANDRY

IN RE: Nancy Landry, in her official capacity as the Secretary of State for the State of Louisiana - Applicant Defendant; Elizabeth Murrill, in her official capacity as Attorney General of the State of Louisiana - Applicant Intervenor; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) C-759264;

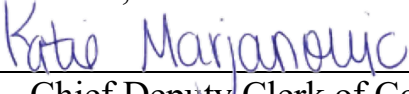
March 18, 2025

Writ application granted. See per curiam.

JDH
WJC
JBM
CRC

Weimer, C.J., dissents and assigns reasons.
Griffin, J., dissents for reasons assigned by Weimer, C.J. and Guidry, J.
Guidry, J., dissents and assigns reasons.
Cole, J., additionally concurs and assigns reasons.

Supreme Court of Louisiana
March 18, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-CD-00316

WILLIE CALHOUN, JR. ET AL.

VS.

NANCY LANDRY

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

PER CURIAM

Writ granted. In November of 2024 the Louisiana Legislature by Joint Resolution, with overwhelming majorities in both houses, proposed an amendment to revise Article VII of the Louisiana Constitution. A Joint Resolution of the Legislature is not law; the law will change only if the voters approve the proposed amendment. The measure is scheduled to appear on the March 29th ballot as proposed Amendment No. 2.

The wisdom of the proposed changes is not before the court. That will be decided after investigation, debate, and a vote of the people. The issue is whether the question has been legally presented to the voters.

Plaintiffs have filed a petition raising constitutional and statutory challenges to the proposed amendment, seeking declaratory and injunctive relief. Time is of the essence given that early voting commenced March 15 and is ongoing.

Considering the interests of judicial economy, the need to provide a definitive resolution of the issue, to prevent confusion or concern about infringement of the right to vote, or the effect of electoral choice, we elect to exercise our plenary supervisory authority under La. Const. Art. V, §5(a). See **Unwired Telecom Corp. v Parish of Calcasieu**, 2003-0732, p. 8 (La. 1/19/05), 903 So. 2d 392, 400 (explaining “the constitutional grant of supervisory authority to this court is plenary, unfettered by jurisdictional requirements, and exercisable at the complete discretion

of the court”); see also **Mellor v. Parish of Jefferson**, 2022-01713 (La. 9/1/23), 370 So. 3d 388, 391 (explaining this court may exercise its plenary authority “based on the possibility of constitutional infringement”).

The text of the enactment and constitutional and statutory provisions are clear, and the questions are all purely legal, therefore they are reviewed by the court *de novo*. There is no evidence to adduce and no reason to delay resolution of this important matter.

Constitutional Objections

Plaintiffs argue that the title to the amendment is inadequate. Article XIII, Section 1(B) provides that a “proposed amendment shall have a title containing a brief summary of the changes proposed”. This constitutional requirement differs from the statutory requirements for the language on the ballot. The title to the proposed amendment is “To provide with respect to the power of taxation including limitations thereon”. The title to Article VII is simply, “Revenue and Finance”. It is well-settled that the title of a legislative act is not dispositive, rather the substance controls. “[T]he provisions in the body of a law, which are germane to the object of the legislation need not be expressed in the title and the title is not required to be a complete index to every section of the statute. It is sufficient if the title in general terms directs attention to the purpose of the enactment. ... The title of an act is not to be strictly or technically construed. ... All that is required is that the title of a statute should be indicative of its object. The constitutional provision must be construed broadly with the view of effectuating not frustrating the legislative purpose.” **State v. Sliger**, 261 La. 999, 1006-07, 261 So. 2d 643, 646 (1972). We believe the same principle applies here. We find the title is adequate and therefore find no merit in this argument.

Plaintiffs also raise a “one object” argument. Article XIII, 1(B) of the constitution provides that a proposed amendment “shall be confined to one object”.

It further provides, however, that “the legislature may propose, as one amendment, a revision of an entire article of this constitution which may contain multiple objects or changes”. That is clearly the case here. The proposed amendment provides a robust overhaul of Article VII. The fact that Sections 12, 13, and 17 and some parts of other sections remain as they were is of no moment in the larger legislative objective. This argument also has no merit.

Statutory Objections

Plaintiffs claims that the language appearing on the ballot violates La. R.S. 18:1299.1, which provides in full:

A. The preparation of a question or proposition to be submitted to the voters at an election shall be the responsibility of the governing authority or other entity calling the election or submitting the question or proposition. The proposition shall be comprised of simple, unbiased, concise, and easily understood language and be in the form of a question. The proposition shall not exceed two hundred words in length and shall not include words that are struck through, underscored, or in boldface type.

B. The secretary of state shall be responsible for ensuring that the proposition complies with the requirements of this Section.

The legislature adopted the following ballot language, which is set to appear on the March 29 ballot:

Do you support an amendment to revise Article VII of the Constitution of Louisiana including revisions to lower the maximum rate of income tax, increase income tax deductions for citizens over sixty-five, provide for a government growth limit, modify operation of certain constitutional funds, provide for property tax exemptions retaining the homestead exemption and exemption for religious organizations, provide a permanent teacher salary increase by requiring a surplus payment to teacher retirement debt, and make other modifications? (Amends Article VII, Sections 1 through 28; Adds Article VII, Sections 29 through 42)

Plaintiffs argue that the word “modify” is misleading, because the funds in question are being deleted, not modified; that “retaining” tax exemptions for religious organizations is misleading because they are potentially more restrictive; and that providing a “permanent” teacher salary increase is misleading because the year to year salary stipends teachers have been receiving provide the same dollars.

The full text of the amendment is available to the public on the Louisiana Legislature's website: <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1390004>. We find the ballot language for the proposition at issue is framed in "simple, unbiased, concise, and easily understood language." There is no requirement that every detail of the proposition be stated on the ballot. The state's voters have access to the entire legislative bill giving all the details of the proposed constitutional amendments on the state legislature's website. The effect of the proposed changes is a subject for debate beyond the purview of this court.

This court has long recognized that: The publication gives voters information as to the contents or provisions of a proposed constitutional amendment. All that is required to be printed on the ballot is sufficient information to identify which proposed amendment the voters are voting for or against. **Hotard v. City of New Orleans**, 35 So.2d 752, 756 (La. 1948). Amendment 2 has been published on the legislature's website for over three months. The public is able to make itself aware of all contents of Amendment 2.

Plaintiffs also argue that the ballot language is biased; that it's "all dessert and no vegetables." Yet vegetables may be healthier than dessert. This too is a matter of opinion and for debate, beyond this court's analysis, and for the voters to decide. We do not find the ballot proposition misleading or biased in the manner the legislature sought to proscribe. Accordingly, we find no violation of La. R.S. 18:1299.1

Again, it is not the duty of this court to pass on the wisdom of the proposed changes to Article VII of the constitution. The voters rather than the courts should decide. We do find that the issue has been adequately and legally presented to the voters, and therefor dismiss the petition of Plaintiffs with prejudice.

JUDGEMENT RENDERED.