



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

OCT 18 2013
OPINION 13-0044

Mr. Bryan Haggerty
City Attorney
City of Slidell
P. O. Box 828
Slidell, LA 70459-0828

Dear Mr. Haggerty:

27 ELECTIONS – Candidates, nomination & eligibility

La. Const. art. VI, § 5
La. R.S. 33:1395

The Home Rule Charter of the City of Slidell defines a "term" as four years, and a "term limit" to be limited to not more than two consecutive terms; therefore, a candidate whom is elected to fill a vacancy and has not served a full four-year term is eligible to be elected for two full four-year consecutive terms without violating the "term limit" definition.

You have requested that this office advise you as to whether a candidate whom is elected to fulfill the unfinished term of another council member and subsequently is reelected to serve his first full four-year term is eligible to run for reelection.

First, you note that the City of Slidell presently operates under a Home Rule Charter which was proposed and adopted, and promulgated in accordance with Article VI, Section 5 of the Louisiana Constitution of 1974, and La. R.S. 33:1381, *et seq.* (now La. R.S. 33:1395, *et seq.*). According to La. Const. art. VI § 5, the provisions in the Home Rule Charter for the City of Slidell ("Charter") shall prevail subject to, and to the extent they are not inconsistent with, this constitution.

Next, you note that Article II, Section 2-01 of the Charter defines the composition of the city council, the qualifications of the council members, and the terms for which council members are to be elected.

Specific to your question, the Charter defines a "term" to be "four (4) years, to run concurrent with that of the mayor and shall be eligible for reelection." Additionally, the Charter defines a "term limit" to be "limited to not more than two (2) consecutive terms."

You advise this office that one council member was elected to fill a vacancy and served the remainder of the unfilled term from January 22, 2008 through June 30, 2010. He was then elected for a full four-year term and will serve from July 1, 2010 until June 30, 2014.

Additionally, you state that a Council Member-at-Large was elected to fill a vacancy and served from December 11, 2007 through June 30, 2010. He was then elected to a full four-year term and will serve from July 1, 2010 until June 30, 2014.

Finally, you note that another Council Member-at-Large was elected to fill a vacancy and served from April 14, 2009 through June 30, 2010. She was then elected for a full four-year term and will serve from July 1, 2010 until June 30, 2014.

These three council members inquired as to whether they may run for reelection for a second full four-year term without violating the "term limit" definition as stated in Article II, Section 2-01 of the Charter.

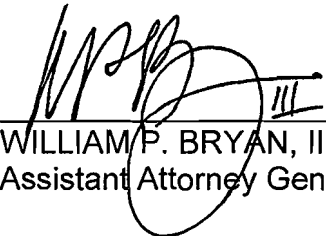
As the Charter defines a "term limit" as not more than two consecutive terms, and a "term" as four years, to run concurrent with that of the mayor, these three council members have not served two full consecutive four-year terms. It is therefore the opinion of this office that these three council members are eligible for reelection for a second full four-year term.

We hope this satisfactorily answers your question. Please feel free to contact our office should you need any further information.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By:


WILLIAM P. BRYAN, III
Assistant Attorney General

JDC/WPB, III/jv