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GOVERNOR

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STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

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FOR IMMEDIATE RELEASE

BATON ROUGE -- The Office of State Inspector General (OIG) has received complaints alleging that the Office of the Governor violated the Louisiana Constitution when it issued the following press release:

Gov. Jindal: Senator Paul Unsited to Be Commander-in-Chief

Today, Governor Jindal released the following statement after Senator Rand Paul commented this morning that ISIS exists because of hawkish foreign policy.

Governor Jindal said, "This is a perfect example of why Senator Paul is unsited to be Commander-in-Chief. We have men and women in the military who are in the field trying to fight ISIS right now, and Senator Paul is taking the weakest, most liberal Democrat position.

It's one thing for Senator Paul to take an outlandish position as a Senator at Washington cocktail parties, but being Commander-in-Chief is an entirely different job. We should all be clear that evil and Radical Islam are at fault for the rise of ISIS, and people like President Obama and Hillary Clinton exacerbate it.

American weakness, not American strength, emboldens our enemies. Senator Paul's illogical argument clouds a situation that should provide pure moral clarity. Islam has a problem. ISIS is its current manifestation. And the next President's job is to have the discipline and strength to wipe ISIS off the face of the earth. It has become impossible to imagine a President Paul defeating radical Islam and it's time for the rest of us to say it."

The above release was issued on May 27, 2015 by employees of the Governor's office, using the Governor's publicly funded and maintained website.

It is a matter of record that Senator Rand Paul has announced his candidacy for President of the United States and has a website (www.randpaul.com) through which he is raising money to support his campaign. However, as qualifying for the Louisiana Presidential Primary will not take place until December of 2015, it is unclear at this time whether Senator Paul is a “candidate” as contemplated by Article XI, Section 4 of the Louisiana Constitution.

Louisiana Constitution Article XI, Section 4 reads as follows:

§4. Prohibited Use of Public Funds

Section 4. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot.

The Louisiana Constitution does not define the word “candidate”, but Article XI, Section 1 directs the Louisiana Legislature to “adopt an election code, which shall provide for permanent registration of voters and for the conduct of all elections.” The Louisiana Election Code adopted by the Legislature is contained in Title 18 of the Louisiana Revised Statutes.

Louisiana Revised Statute 18:451 reads, in pertinent part, as follows:

§451. Qualifications of Candidates

A person who meets the qualifications for the office he seeks may become a candidate and be voted on in a primary or general election if he qualifies as a candidate in the election.

Further, Louisiana Revised Statute 18:1483(3)(a), the only provision in the election code that defines the word “candidate”, specifically excludes those seeking the Presidency of the United States from the definition. However, as that provision is in the Chapter dealing with Campaign Finance, it is unclear how broadly it applies in the context of Article XI, Section 4.

Notwithstanding any such legal analysis, it is clear that the language of Article XI, Section 4 is intended to protect public funds and therefore raises questions about the use of public funds in this instance that resulted in the complaints filed with this office. The Governor's office could have easily avoided such questions by issuing the statement through means that did not involve the use of public funds or employees.

Public officials, including the Governor, have the right to support or oppose candidates, parties or propositions, as long as public funds are not used. See *Godwin v. East Baton Rouge Parish School Board*, App. 1 Cir. 1979, 372 So.2d 1060, writ denied 373 So.2d 527. OIG therefore recommends that, in order to avoid confusion and any appearance of impropriety in the future, any such statements by the Governor be issued through non-publicly funded means, rather than through his publicly funded and maintained state website.

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