

2018 Regular Session

SENATE BILL NO. 31

BY SENATOR APPEL

ELECTED OFFICIALS. Constitutional amendment to provide for disqualification from holding an elective office. (2/3-CA13sl(A))

1 A JOINT RESOLUTION

2 Proposing to Add Article I Section 10.1 of the Constitution of Louisiana, relative to public  
3 office; to prohibit convicted felons from seeking or holding public office within a  
4 certain time period; and to specify an election for submission of the proposition to  
5 electors and provide a ballot proposition.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
7 elected to each house concurring, that there shall be submitted to the electors of the state, for  
8 their approval or rejection in the manner provided by law, a proposal to add Article I Section  
9 10.1 of the Constitution of Louisiana, to read as follows:

10 **§10.1. Disqualification from Seeking or Holding an Elective Office**

11 **Section 10.1.(A) Disqualification. The following persons shall not be**  
12 **permitted to qualify as a candidate for elective public office or take public**  
13 **elective office or appointment of honor, trust, or profit in this state:**

14 **(1) A person actually under an order of imprisonment for conviction of**  
15 **a felony.**

16 **(2) A person who has been convicted within this state of a felony and who**  
17 **has exhausted all legal remedies, or who has been convicted under the laws of**

1 any other state or of the United States or of any foreign government or country  
2 of a crime which, if committed in this state, would be a felony and who has  
3 exhausted all legal remedies and has not afterwards been pardoned either by  
4 the governor of this state or by the officer of the state, nation, government, or  
5 country having such authority to pardon in the place where the person was  
6 convicted and sentenced.

7 (B) Exception. Notwithstanding the provisions of Paragraph (A) of this  
8 Section, a person who desires to qualify as a candidate for or hold an elective  
9 office, who has been convicted of a felony and who has served his sentence, but  
10 has not been pardoned for such felony, shall be permitted to qualify as a  
11 candidate for or hold such office if the date of his qualifying for such office is  
12 more than five years after the date of the completion of his original sentence.

13 Section 2. Be it further resolved that this proposed amendment shall be submitted  
14 to the electors of the state of Louisiana at the statewide election to be held on November 6,  
15 2018.

16 Section 3. Be it further resolved that on the official ballot to be used at said election  
17 there shall be printed a proposition, upon which the electors of the state shall be permitted  
18 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
19 follows:

20 Do you support an amendment to prohibit convicted felons from seeking or  
21 holding public office within five years of completion of sentence and to  
22 provide for expressed restoration of that right by pardon?

23 (Adds Article I, Section 10.1)

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The original instrument was prepared by J. Ashley Mitchell Carter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tim Prather.

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Present constitution provides for suspension of right to register and vote while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment prohibits convicted felons who have exhausted all legal remedies from seeking or holding an elected office. Provides for restoration of certain rights by gubernatorial pardon.

Proposed constitutional amendment provides that a person who desires to seek or hold an elective office who has committed a felony and has served his sentence will be permitted to seek or hold such office within 5 years from the date of the completion of the original sentence to the date of qualifying for candidacy.

Specifies submission of the amendment to the voters at the statewide election to be held on November 6, 2018.

(Adds Const. Art I, Sec. 10.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Reduces the prohibition to run or hold office from 15 to 5 years.