

2016 Regular Session

HOUSE BILL NO. 415

BY REPRESENTATIVE HUNTER

VOTERS/VOTING: (Constitutional Amendment) Provides for disqualification from seeking or holding public office

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A JOINT RESOLUTION

Proposing to amend Article I, Section 10 of the Constitution of Louisiana, relative to public office; to prohibit a person who is convicted of a felony from qualifying for election to public office and from taking or being appointed to public office; to provide for exceptions; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 10 of the Constitution of Louisiana, to read as follows:

§10. Right to Vote; Disqualification from Seeking or Holding Public Office

Section 10.~~(A)~~ Right to Vote. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

1 (B) Disqualification. The following persons shall not be permitted to qualify
2 as a candidate for elective public office or take public elective office or appointment
3 of honor, trust, or profit in this state:

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

11 (2) A person actually under an order of imprisonment for conviction of a
12 felony.

13 (C) Exceptions.(1) Notwithstanding the provisions of Paragraph (B) of this
14 Section, a person who desires to qualify as a candidate for or hold an elective office,
15 who has been convicted of a felony for which the person was incarcerated and who
16 has served his sentence, but has not been pardoned for such felony, shall be
17 permitted to qualify as a candidate for or hold such office if the date of his qualifying
18 for such office is more than fifteen years after the date of the completion of his
19 original sentence.

20 (2) Notwithstanding the provisions of Paragraph (B) of this Section, a person
21 who desires to qualify as a candidate for or hold an elective office, who has been
22 convicted of a felony for which the person was not incarcerated but who received
23 probation for such felony shall be permitted to qualify as a candidate for or hold such
24 office after successful completion of the probation period.

25 Section 2. Be it further resolved that this proposed amendment shall be submitted
26 to the electors of the state of Louisiana at the statewide election to be held on November 8,
27 2016.

28 Section 3. Be it further resolved that on the official ballot to be used at the election,
29 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
2 follows:

3 Do you support an amendment to prohibit a person convicted of a felony
4 from qualifying for election to public office and from taking or being
5 appointed to public office within fifteen years of the completion of the
6 person's sentence and to exclude from the prohibition a person who is
7 pardoned and a person who was not incarcerated but who received probation
8 for the felony and who has successfully completed the probation? (Amends
9 Article I, Section 10)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 415 Original

2016 Regular Session

Hunter

Abstract: Prohibits a person who has been convicted of a felony from qualifying for or taking public elective office or appointment of honor, trust, or profit in this state. Provides certain exceptions for persons pardoned by appropriate officer, persons for whom more than 15 years have passed after completion of sentence, and persons who receive probation for the felony in lieu of incarceration.

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

Proposed constitutional amendment retains present constitution and further prohibits the following from qualifying as a candidate for elective public office or taking public elective office or appointment of honor, trust, or profit in this state:

- (1) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the U.S. or of any foreign government or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment authorizes a person to qualify as a candidate for or hold elective office if the date of qualifying for such office is more than 15 years after the date of the completion of his original sentence.

Proposed constitutional amendment further authorizes a person to qualify as a candidate for or hold elective office if the person was not incarcerated but received probation for the felony and the person has successfully completed the probation.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2016.

(Amends Const. Art. I, §10)