

2016 Regular Session

SENATE BILL NO. 66

BY SENATOR APPEL

ELECTED OFFICIALS. Constitutional amendment to provide for disqualification from holding an elective office. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Section 10 and add Section 10.1 of Article I of the Constitution of Louisiana, relative to the right to vote; to provide for the right to vote; to prohibit convicted felons from seeking or holding public office within a certain time period; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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, for their approval or rejection in the manner provided by law, a proposal to amend Section 10 and add Section 10.1 of Article I of the Constitution of Louisiana, to read as follows:

~~§10. Right to Vote; Disqualification from Seeking or Holding an Elective 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.  
~~(B) Disqualification. The following persons shall not be permitted to qualify as a candidate for elective public office or take public elective office or appointment~~

1 of honor, trust, or profit in this state:

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

9 ~~(2) A person actually under an order of imprisonment for conviction of a~~  
10 ~~felony.~~

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

17 **§10.1. Disqualification from Seeking or Holding an Elective Office**

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

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

23 **(2) A person who has been convicted within this state of a felony and**  
24 **who has exhausted all legal remedies, or who has been convicted under the laws**  
25 **of any other state or of the United States or of any foreign government or**  
26 **country of a crime which, if committed in this state, would be a felony and who**  
27 **has exhausted all legal remedies and has not afterwards been pardoned either**  
28 **by the governor of this state or by the officer of the state, nation, government**  
29 **or country having such authority to pardon in the place where the person was**

1           **convicted and sentenced.**

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

8           Section 2. Be it further resolved that this proposed amendment shall be submitted  
 9           to the electors of the state of Louisiana at the statewide election to be held on November 8,  
 10          2016.

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

15                   Do you support an amendment to prohibit convicted felons from seeking or  
 16                   holding public office within fifteen years of completion of sentence and to  
 17                   provide for expressed restoration of that right by pardon?

18                   (Amends Article I, Section 10; adds Article I, Section 10.1)

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Tim Prather.

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DIGEST

SB 66 Original

2016 Regular Session

Appel

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.

Present constitution 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.

Present constitution 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 15 years from the date of the completion of the original sentence to the date of qualifying for candidacy.

The provisions of 1997 La. Acts 1492, which amended La. Const. Art. I, § 10, of the present constitution have been held null and void for technical and procedural purposes. (Derrick

*Shepherd v. Thomas Schedler, et al. 2015-CA-1750*

Proposed constitutional amendment reiterates the provisions of the present constitution as adopted by the electorate at the congressional primary election held in 1998.

Specifies submission of the amendment to the voters at the statewide election to be held on November 8, 2016.

(Amends Const. Art I, Sec. 10; adds Const. Art I, Sec. 10.1)