
DIGEST

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HB 275 Reengrossed

2016 Regular Session

Gregory Miller

Abstract: Prohibits a person who has been convicted of a felony from qualifying for or holding elective office or being appointed to or holding appointive office. Provides certain exceptions for persons pardoned by the appropriate officer and persons for whom more than 15 years have passed after completion of sentence.

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 prohibits the following persons from qualifying for election for or holding elective office or being appointed to or holding appointive office:

- (1) A person who has been convicted within this state of a felony or convicted under the laws of another state, the U.S., or a foreign government of a crime which, if committed in this state, would be a felony. "Convicted", as used in proposed constitutional amendment, means a conviction that is final and for which all appellate review of the original trial court proceedings has been exhausted.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment provides that a conviction may not be used to disqualify a person pursuant to proposed constitutional amendment if any of the following applies:

- (1) 15 or more years have elapsed from the completion of the sentence for the conviction.
- (2) The person has been pardoned for the conviction either by the governor of this state or by the officer of the government having such authority to pardon in the place where the person was convicted and sentenced.

Proposed constitutional amendment provides that for purposes of proposed constitutional amendment "appointive office" means any office in any branch of government or other position on an agency, board, or commission or any executive office of any agency, board, commission, or department which is specifically established or specifically authorized by the constitution or the laws of La. or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body

composed of such officials of La. or of a political subdivision thereof.

Proposed constitutional amendment provides that for purposes of proposed constitutional amendment, "elective office" means any position which is established or authorized by the constitution or the laws of La. or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens of La. or of a political subdivision thereof.

Proposed constitutional amendment repeals conflicting constitutional provisions proposed by Acts 1997, No. 1492, which were held by the La. Supreme Court to be null in the case of *Shepherd v. Schedler*, 2015-CA-1750.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2016, unless the La. Supreme Court, prior to July 15, 2016, reverses or vacates its decision of Jan. 27, 2016, in the *Shepherd* case wherein it found Acts 1997, No. 1492 to be null and void, and instead finds that the amendments to Art. I, §10 made by that Act are effective. If this occurs, proposed constitutional amendment would be repealed, the amendment to the constitution proposed in proposed constitutional amendment would be withdrawn, and the secretary of state would be ordered not to include the proposition contained in proposed constitutional amendment on the ballot.

(Adds Const. Art. I, §10.1; Repeals Const. Art. I, §10(B) and (C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add provisions repealing conflicting constitutional provisions proposed by Acts 1997, No. 1492, which was held by the La. Supreme Court to be null in the case of *Shepherd v. Schedler*, 2015-CA-1750.
2. Add provisions that provide that proposed constitutional amendment will be repealed and will not be presented to the people for ratification if the La. Supreme Court, prior to July 15, 2016, reverses or vacates its decision of Jan. 27, 2016, in the *Shepherd* case wherein it found Acts 1997, No. 1492 to be null and void, and instead finds that the amendments to Art. I, §10 made by that Act are effective.