

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 44

BY REPRESENTATIVE GREGORY MILLER

LEGISLATIVE AGCY/LAW INST: Provides relative to the printing of certain constitutional provisions regarding disqualification from holding public office that were held to be unconstitutionally adopted

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to direct the printer of the  
3 Constitution of Louisiana to stop printing unconstitutionally adopted provisions  
4 relative to disqualification from seeking or holding an elective office.

5 WHEREAS, the legislature enacted Act No. 1492 of the 1997 Regular Session of the  
6 Legislature, disqualifying certain convicted felons from seeking or holding an elective office  
7 for a certain period of time; and

8 WHEREAS, on October 3, 1998, by a majority vote, the electorate approved Act No.  
9 1492 of the 1997 Regular Session of the Legislature, which was not enrolled to include all  
10 amendments enacted by the legislature; and

11 WHEREAS, in *Shepherd v. Schedler*, 209 So.3d 752 (La. 2016), the Louisiana  
12 Supreme Court held that Act No. 1492 of the 1997 Regular Session of the Legislature  
13 "which attempted to amend La. Const. Art. I, §10, is null and void because it was not  
14 constitutionally adopted"; and

15 WHEREAS, Act No. 719 of the 2018 Regular Session of the Legislature was  
16 approved by the voters and provides new provisions regarding the disqualification of persons  
17 seeking or holding elective public offices; and

18 WHEREAS, the printer of the Constitution of Louisiana continues to print the  
19 constitutional provisions as adopted by the electorate and continues to print footnotes  
20 indicating that the affected provisions are null and void; however, the printing of those

1 provisions causes confusion on the present status of qualifications for being elected to public  
2 office.

3       THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
4 authorize and direct the Louisiana State Law Institute to direct the printer of the Constitution  
5 of Louisiana to stop printing the language added by adoption of Act. No. 1492 of the 1997  
6 Regular Session of the Legislature to Article I, Section 10 of the Constitution of Louisiana  
7 and to direct the printer to print Article I, Section 10 of the Constitution of Louisiana as  
8 follows:

9       "§10. Right to Vote

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

14       BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge  
15 and request that the printer of the Constitution of Louisiana stop printing the footnote  
16 regarding *Shepherd v. Schedler*, 209 So.3d 752 (La. 2016) that appears at Article I, Section  
17 10 of the Constitution of Louisiana.

18       BE IT FURTHER RESOLVED that two copies of this Resolution be transmitted to  
19 the Louisiana State Law Institute and that the Louisiana State Law Institute forward one such  
20 copy to the printer of the Constitution of Louisiana.

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#### 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)]

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HCR 44 Engrossed

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Directs the La. State Law Institute to direct the printer of the La. Const. to stop printing the language added by Act. No. 1492 of the 1997 R.S., which disqualified certain convicted felons from seeking or holding an elective office for a certain period of time and which the La. Supreme Court held was unconstitutionally enacted.