SLS 10RS-683 ENGROSSED

Regular Session, 2010

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SENATE BILL NO. 185

BY SENATOR N. GAUTREAUX

ELECTION CODE. Constitutional amendment to provide that a person convicted of a felony under the laws of another state or of the United States or of a foreign government or country and who has not been pardoned cannot be permitted to qualify as a candidate for elective public office. (2/3-CA13s1(A))

A JOINT RESOLUTION

2 Proposing to amend Article I, Section 10(B) of the Constitution of Louisiana, relative to disqualifications from seeking or holding elective office; to prohibit a person 3 convicted of a felony under the laws of another state or under the laws of the United 4 5 States or under the laws of a foreign government or country, and who has exhausted all legal remedies and has not been pardoned, from qualifying as a candidate for 6 7 elective public office; and to specify an election for submission of the proposition 8 to electors and provide a ballot proposition. 9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members 10 elected to each house concurring, that there shall be submitted to the electors of the state, for 11 their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 10(B) of the Constitution of Louisiana, to read as follows: 12 ARTICLE I. DECLARATION OF RIGHTS 13 14 §10. Right to Vote; Disqualification from Seeking or Holding an Elective Office Section 10.(A) 15 (B) Disqualification. The following persons shall not be permitted to qualify 16 17 as a candidate for elective public office or take public elective office or appointment

of honor, trust, or profit in this state:

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2	(1) A person who has been convicted within this state of a felony and who
3	has exhausted all legal remedies and has not been pardoned by the governor of
4	this state.
5	(2) A person or who has been convicted of a felony under the laws of any
6	other state or of the United States or of any foreign government or country, or who
7	has been convicted of a crime which, if committed in this state, would be a felony
8	and who has exhausted all legal remedies and has not afterwards been pardoned
9	either by the governor of this state or by the officer of the state, nation, government
10	or country having such authority to pardon in the place where the person was
11	convicted and sentenced.
12	(2) (3) A person actually under an order of imprisonment for conviction of
13	a felony.
14	* * *
15	Section 2. Be it further resolved that this proposed amendment shall be submitted
16	to the electors of the state of Louisiana at the statewide election to be held on November 2,
17	2010.
18	Section 3. Be it further resolved that on the official ballot to be used at said election
19	there shall be printed a proposition, upon which the electors of the state shall be permitted
20	to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
21	read as follows:
22	To prohibit a person convicted of a felony under the laws of another state or
23	the United States or a foreign government or country and who has exhausted
24	all legal remedies has not been pardoned from qualifying as a candidate for
25	elective public office.
26	(Amends Article I, Section 10(B))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

N. Gautreaux (SB 185)

<u>Present constitution</u> provides that 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 United States 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, is prohibited from qualifying as a candidate for elective public office, from taking public elective office, and from being appointed to any position of honor, trust, or profit in this state.

<u>Proposed constitutional amendment</u> retains this provision of <u>present constitution</u> and adds that a person who has been convicted of a felony under the laws of any other state or of the United States or of any foreign government or country, 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, is prohibited from qualifying as a candidate for elective public office, from taking public elective office, and from being appointed to any position of honor, trust, or profit in this state.

Specifies submission of the <u>proposed constitutional amendment</u> to the voters at the statewide election to be held on November 2, 2010.

(Amends Const. Art. I, Sec. 10(B))