

Regular Session, 2010

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))

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A JOINT RESOLUTION

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 convicted of a felony under the laws of another state or under the laws of the United 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 elective public office; 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 Article I, Section 10(B) of the Constitution of Louisiana, to read as follows:

ARTICLE I. DECLARATION OF RIGHTS

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

Section 10.(A) * * *

(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 **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 and has not been pardoned from qualifying as a candidate
25 for elective public office.

26 (Amends Article I, Section 10(B))

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Christopher D. Adams.

DIGEST

N. Gautreaux (SB 185)

Present constitution 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.

Proposed constitutional amendment retains this provision of present constitution 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 proposed constitutional amendment to the voters at the statewide election to be held on November 2, 2010.

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. A technical Legislative Bureau amendment