

Regular Session, 1997

SENATE BILL NO. 321

BY SENATOR MALONE AND REPRESENTATIVE BRUN

VOTERS/VOTING. Constitutional amendment to provide for disqualification from holding an elective office.

1 A JOINT RESOLUTION

2 Proposing to amend Article I, Section 10 of the Constitution of Louisiana,
3 relative to the right to vote; to prohibit convicted felons from seeking
4 or holding public office; and to specify an election for submission of
5 the proposition to electors and provide a ballot proposition.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of
7 the members elected to each house concurring, that there shall be submitted
8 to the electors of the state, for their approval or rejection in the manner
9 provided by law, a proposal to amend Article I, Section 10 of the Constitution
10 of Louisiana, to read as follows:

11 §10. Right to Vote; Disqualification from seeking or holding an
12 elected office

13 Section 10. (A) Right to Vote. Every citizen of the state, upon
14 reaching eighteen years of age, shall have the right to register and vote, except
15 that this right may be suspended while a person is interdicted and judicially

1 declared mentally incompetent or is under an order of imprisonment for
2 conviction of a felony.

3 **(B) Disqualification. The following persons shall not be**
4 **permitted to qualify as a candidate for elected public office or take**
5 **elected office or appointment of honor, trust, or profit in this state:**

6 **(1) Those persons who have been convicted within this state**
7 **of a felony and who have exhausted all legal remedies, or who have**
8 **been convicted under the laws of any other state or of the United**
9 **States or of any foreign government or country of a crime and who**
10 **have exhausted all legal remedies which, if committed in this state,**
11 **would be a felony, and have not afterwards been pardoned either by**
12 **the governor of this state or by the officer of the state, nation,**
13 **government or country having such authority to pardon in the place**
14 **where the person was convicted and sentenced.**

15 **(2) Those actually under an order of imprisonment for**
16 **conviction of a felony.**

17 **(3) A person who desires to seek or hold an elective office who**
18 **has committed a felony and has served his sentence shall be**
19 **permitted to seek or hold such office within fifteen years from the**
20 **date of the completion of the original sentence to the date of**
21 **qualifying for candidacy.**

22 Section 2. Be it further resolved that this proposed amendment shall be
23 submitted to the electors of the state at the congressional primary election to
24 be held in 1998.

25 Section 3. Be it further resolved that on the official ballot to be used at
26 the election there shall be printed a proposition, upon which the electors of the
27 state shall be permitted to vote FOR or AGAINST, to amend the Constitution

1 of Louisiana, which proposition shall read as follows:

2 To prohibit convicted felons from seeking or holding public
 3 office and to provide for expressed restoration of that right by
 4 a gubernatorial pardon. (Amends Article I, Section 10)

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

Malone (SB 321)

DIGEST

Present constitutional law 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.

Proposed constitutional amendment prohibits convicted felons who have exhausted all legal remedies from seeking or holding an elected office. Provides for restoration of certain right by gubernatorial pardon. Specifies submission of the amendment to the voters at the congressional primary election in 1998.

Proposed constitutional amendment provides that a person who desires to seek or hold an elective office who has committed a felony and has served his sentence shall 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.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Deletes references to disqualification of voting rights.
2. Requires that a convicted felon must have exhausted all his legal remedies.
3. Adds a provision which allows a person convicted of a felony to seek or hold an elective office once 15 years has lapsed from date of the conviction to the date of qualification for candidacy.