

2017 Regular Session

HOUSE BILL NO. 256

BY REPRESENTATIVE EDMONDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC OFFICIALS: (Constitutional Amendment) Prohibits certain persons from running for elective office or holding elective or certain appointed offices

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A JOINT RESOLUTION

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Proposing to add Article I, Section 10(B) and (C) of the Constitution of Louisiana, to

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prohibit a person who is convicted of a felony or who pleads guilty or nolo

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contendere to or is convicted of a misdemeanor crime of violence from qualifying

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for elective public office or holding such office or appointment of honor, trust, or

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profit; to provide for exceptions; to provide for submission of the proposed

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amendment to the electors; and to provide for related matters.

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Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

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elected to each house concurring, that there shall be submitted to the electors of the state of

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Louisiana, for their approval or rejection in the manner provided by law, a proposal to add

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Article I, Section 10(B) and (C) of the Constitution of Louisiana, to read as follows:

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

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Certain Appointive Offices

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Section 10.

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(B) Disqualification. The following persons shall not be permitted to qualify

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as a candidate for elective public office or hold elective public office or appointment

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of honor, trust, or profit in this state:

1           (1) A person who has been convicted within this state of a felony or been  
2           convicted under the laws of any other state or of the United States or of any foreign  
3           government or country of a crime which if committed in this state would be a felony,  
4           who has exhausted all legal remedies, and who has not afterwards been pardoned  
5           either by the governor of this state or by the officer of the state, nation, government,  
6           or country having such authority to pardon in the place where the person was  
7           convicted and sentenced.

8           (2) A person actually under an order of imprisonment for conviction of a  
9           felony.

10           (3) A person who has entered a plea of guilty or nolo contendere to or been  
11           convicted of a crime of violence as defined by law at the misdemeanor level.

12           (C) Exceptions. (1) The provisions of Subparagraph (B)(1) of this Section  
13           shall not prohibit a person convicted of a felony from qualifying as a candidate for  
14           elective public office or holding such office or appointment of honor, trust, or profit  
15           if more than fifteen years have elapsed since the completion of his original sentence  
16           for the conviction.

17           (2) The provisions of Subparagraph (B)(3) of this Section shall not prohibit  
18           a person who has entered a plea of guilty or nolo contendere to or has been convicted  
19           of a crime of violence as defined by law at the misdemeanor level from qualifying  
20           as a candidate for elective public office or holding such office or appointment of  
21           honor, trust, or profit if the conviction was set aside and the prosecution dismissed  
22           or if at least five years have elapsed since the completion of his original sentence for  
23           the conviction.

24           Section 2. Be it further resolved that this proposed amendment shall be submitted  
25 to the electors of the state of Louisiana at the statewide election to be held on November 6,  
26 2018.

27           Section 3. Be it further resolved that on the official ballot to be used at the election,  
28 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
2 follows:

3 Do you support an amendment to prohibit the following persons from  
4 qualifying as a candidate for elective public office or holding such office or  
5 appointment of honor, trust, or profit: (1) a person convicted of a felony  
6 within fifteen years of the completion of his sentence unless he is pardoned  
7 and (2) a person who pleads guilty to or is convicted of a crime of violence  
8 as defined by law at the misdemeanor level within five years of the  
9 completion of his sentence? (Adds Article I, Section 10(B) and (C))

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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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HB 256 Original

2017 Regular Session

Edmonds

**Abstract:** Prohibits certain persons from running for elective office or holding elective or certain appointed offices.

Act No. 1492 of 1997 R.S. proposed constitutional provisions that were ratified by the citizens of the state. Prohibited the following persons from qualifying as a candidate for elective public office or taking public elective office or appointment of honor, trust, or profit in this state:

- (1) 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 U.S. 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.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Provided further that a person who desired to qualify as a candidate for or hold an elective office, who had been convicted of a felony and who had served his sentence, but had not been pardoned for such felony, was permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office was more than 15 years after the date of the completion of his original sentence.

The La. Supreme Court in the case of *Shepherd v. Schedler*, 2015-CA-1750, held Act No. 1492 of 1997 R.S. to be null and void because it was not constitutionally adopted.

Proposed constitutional amendment reestablishes the prohibitions nullified in the *Shepherd* case in prohibiting the following persons from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit in this state:

- (1) A person who has been convicted within this state of a felony or been convicted under the laws of any other state or of the U.S. or of any foreign government or country of a crime which, if committed in this state, would be a felony, who has exhausted all legal remedies, and who 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.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment additionally prohibits the following persons from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit in this state:

- (3) A person who has entered a plea of guilty or nolo contendere to or been convicted of a crime of violence as defined by law at the misdemeanor level.

Proposed constitutional amendment provides that proposed constitutional amendment shall not prohibit a person convicted of a felony from qualifying as a candidate for elective public office or holding such office or appointment of honor, trust, or profit if more than 15 years have elapsed since the completion of his original sentence for the conviction.

Proposed constitutional amendment provides that proposed constitutional amendment shall not prohibit a person who has entered a plea of guilty or nolo contendere to or has been convicted of a crime of violence as defined by law at the misdemeanor level from qualifying as a candidate for elective public office or holding such office or appointment of honor, trust, or profit if the conviction was set aside and the prosecution dismissed or if at least five years have elapsed since the completion of his original sentence for the conviction.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2018.

(Adds Const. Art. I, §10(B) and (C))