Guns & Governance Notes

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Every felon in Connecticut—violent and non-violent alike—loses the right to bear arms upon conviction. But felons convicted of public corruption offenses in Connecticut and fifteen other states have nothing between them and the ballot once their sentences expire. Why is that? Why do these states limit a black-letter right so broadly but leave unregulated the implied “right” to hold office? Additionally, why is it that in thirteen of these states lifetime disqualification from office follows impeachment but not conviction? This Note would have Connecticut and the fifteen similarly situated states foreclose these questions with laws prohibiting corrupt politicians from holding office.
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I. INTRODUCTION

Convicted in 2003 of felony racketeering and bribery charges, Joe Ganim is legally prohibited from possessing a firearm. The state limits his right to bear arms because, as a felon, he is considered a "presumptively dangerous" person in the eyes of the law, one who "may not be trusted to possess a firearm without becoming a threat to society." Mayor of Bridgeport, Connecticut, from 1991–2003, Ganim's administration has been described as the "QVC of graft," a caricature of corruption in which Ganim conditioned city contracts on his receipt of hundreds of thousands of dollars in "cash, diamonds, expensive wine, tailored clothing, high-priced meals, and home renovations."

On Nov. 3, 2015, Ganim won re-election as mayor of Bridgeport. "Are you kidding me?" commented one state politico. "Joe Ganim stole from the public trough because he wanted a Mercedes, and not a Lexus[] and now he's in charge[?]"

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* University of Connecticut School of Law, J.D. Candidate 2017; University of Scranton, B.A. 2010. I would like to thank the following: The members of the Connecticut Law Review for their diligent editing; Professor Douglas Spencer, University of Connecticut School of Law, for his guidance with this Note; and my parents, Maura and Denis O'Malley, who instilled in my brothers and me a love and pride of our hometown, Bridgeport, CT, from the first. This Note is dedicated to the city of Bridgeport, its residents, and all those who recognize the inaccuracy of its current reputation.

1 Brief for the United States of America at 4, United States v. Ganim, 510 F.3d 134 (2d Cir. 2007) (No. 03–1448–cr.), 2006 WL 6171633.


3 U.S. CONST. amend. II ("A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."); CONN. CONST. art. I, § 15 ("Every citizen has a right to bear arms in defense of himself and the state.").


8 Id.

9 Id. (quoting J.R. Romano, chairman of the Connecticut Republican Party). Romano's quote
Yes, indeed. Connecticut, like only fifteen other states, lacks any laws that would disqualify corrupt politicians from holding office beyond the expiration of their criminal sentences. So, while Joe Ganim cannot walk into a local sports outfitter and purchase a firearm, he is entirely within his rights to serve as mayor of the largest city in Connecticut.

This Note argues that, like a firearm, public office should be treated as a potentially dangerous instrument. Once a person uses public office to effect harm, state law should bar their future possession of the criminal instrument in the same way that persons convicted of gun-violence offenses—or, for that matter, any felony at all—are barred from possessing the instrument of their crimes. Each instrument inflicts injury. Those injuries are decidedly different, but the harm suffered by cities and states stigmatized by public corruption should be prevented in the same way states seek to prevent physical violence inflicted by firearms: by prohibiting those who have used office for illicit purposes from possessing it in the future.

This is not to say that gun violence and political corruption pose equivalent dangers. They certainly do not. The limitation on eligibility for office proposed in this Note reflects this fact: only that small class of persons previously convicted of a public corruption offense while in office should be prohibited from ever again holding office. Compare this with the approach to felon-in-possession limitations on firearms—a more substantial risk is accordingly addressed more broadly. One need not commit an offense involving a gun or even physical violence in order to lose his or her Second Amendment right to bear arms. Under the approach advocated by this Note, one would only lose his or her ability to

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10 Where not otherwise defined by sources cited, "public corruption" can be understood to imply the "traditional definition stressing commission of an illegal act, an act that violates the formal standards of a public role for private gain." Susan Welch & John G. Peters, Attitudes of U.S. State Legislators Toward Political Corruption: Some Preliminary Findings, 2 LEGIS. STUD. Q. 445, 446 (1977).

11 See CONN. GEN. STAT. § 9-46a (2016) (disqualifying felons from voting and holding office through the completion of their sentences, short any probation period, without providing specifically for felonies involving public corruption); infra Appendix, Part A (discussing the sixteen states that lack corrupt-candidate disqualification provisions).

12 See, e.g., 18 U.S.C. § 922(g) (2012) (prohibiting a wide class of offenders from possessing firearms as opposed to limiting the prohibition to those convicted of offenses related to firearms); CONN. GEN. STAT. § 53a-217(a) (2015).

13 In Connecticut, for example, General Statutes section 53a-217 prohibits all felons from possessing a firearm. § 53a-217(a). Among the felony offenses in the Connecticut General Statutes are several inherently non-violent crimes, such as stamp forgery, CONN. GEN. STAT. § 53-347a (2016), and residential mortgage fraud, CONN. GEN. STAT. § 53-379a(b) (2016).
hold office upon conviction of exactly those offenses the prohibition aims to prevent. The basic point being that if we are convinced a person can no longer be trusted with a gun by virtue of a felony conviction entirely unrelated to the use of a firearm, why do we not exercise such caution with respect to the indispensable instrument of the corrupt politician’s offense: public office?

Some states do. Nine prohibit all felons from holding office.\textsuperscript{14} Twenty-five provide for candidate disenfranchisement in cases of public corruption offenses.\textsuperscript{15} Connecticut too has waded into these waters, though as of last year’s session the legislature apparently did not find them to be quite the right temperature.\textsuperscript{16} Connecticut legislators should take note of a wave of support for this approach swelling in the distance. In the last decade, three states—California, Michigan, and Tennessee—created laws barring corrupt politicians from holding office in response to circumstances similar to those in Connecticut following the Ganim conviction and that of former Governor John Rowland.\textsuperscript{17}

Additionally, among the sixteen states that do not disenfranchise candidates previously convicted of crimes related to public office, thirteen of them do disqualify impeached officials from holding office again.\textsuperscript{18} This incongruence explains why ex-Governor Rowland, now twice convicted of offenses related either to corruption of office or the electoral system, will nonetheless be eligible to hold office upon the conclusion of his current sentence.\textsuperscript{19}

\textsuperscript{14} For a discussion of these states’ approaches, see infra Appendix, Part C.
\textsuperscript{15} For a discussion of these states’ approaches, see infra Appendix, Part B.
\textsuperscript{16} In the January 2015 session, the Committee on Judiciary considered Raised Bill No. 7052, which would have prevented the candidacy for office of any public official who has been convicted of or pleaded guilty or nolo contendere to any state or federal offense—felonies and misdemeanors alike—related to state, municipal, or federal office. Raised Bill No. 7052, 2015 Gen. Assembly Judiciary Comm., January Sess. (Conn. 2015). The proposed bill would have extended this candidate disenfranchisement to any person who has been convicted of or pleaded guilty or nolo contendere to a felony offense “committed as a candidate for nomination for election or election to any municipal, state or federal office . . . or any other felony offense related to such candidate’s campaign.” Id.


\textsuperscript{18} Infra Appendix., Part A.
\textsuperscript{19} Infra notes 185–87 and accompanying text.
This Note takes the position that Connecticut should render the plurality of states the majority by enacting legislation or amending its constitution so as to disqualify persons convicted of public-corruption offenses from holding office. This Note is not concerned with voter disenfranchisement of such persons, though the construction of Connecticut’s and many states candidate-eligibility laws necessitates some discussion of their various approaches to that disqualification as well. This Note also does not take the position that all felons ought to lose their privilege to hold office. Rather, the best approach is the particularized one. This approach would require that corrupt politicians serve their time and any attendant period of parole and/or probation and that the state return such persons’ voting rights to them thereafter but permanently bar them from holding office. Fool me once, more or less.

II. CANDIDATE DISENFRANCHISEMENT ACROSS THE COUNTRY

A. Connecticut’s Approach

Connecticut and fifteen other states currently take what might be called a “forgive and forget” approach to voter and, by extension, candidate disenfranchisement and re-enfranchisement. Under Connecticut General Statutes § 9-46, persons convicted of a felony and committed to a correctional institution forfeit their right to vote and the privileges that right entails. Such persons only become eligible to hold office again once they take the appropriate steps to regain that privilege. In order to regain franchise privileges, a convicted felon must complete his or her prison sentence and any period of parole. A period of probation need not elapse before one regains the right to vote, however. Section 9-46a additionally

20 CONN. GEN. STAT. § 9-46 (2016).
22 infra Appendix., Part A.
23 CONN. GEN. STAT. § 9-46 (2016) (emphasis added):

(a) A person shall forfeit such person’s right to become an elector and such person’s privileges as an elector upon conviction of a felony and committal to the custody of the Commissioner of Correction for confinement in a correctional institution or facility or a community residence, committal to confinement in a federal correctional institution or facility, or committal to the custody of the chief correctional official of any other state or a county of any other state for confinement in a correctional institution or facility or a community residence in such state or county.

(b) No person who has forfeited and not regained such person’s privileges as an elector, as provided in section 9-46a, may be a candidate for or hold public office.

24 Id.
25 See id. Connecticut, California, Colorado, and New York are the only states that allow felony probationers to vote but disenfranchise both felony inmates and parolees.
requires the individual to pay all criminal fines associated with their conviction.26 Once this has been accomplished, the individual regains the right to vote, is given a document certifying their release from prison and discharge from parole, and has their privileges as an elector restored so long as they reside in the same municipality within which they resided at the time of their conviction.27 If the person was not an elector at the time of their conviction or if they reside in a different municipality upon their release and/or discharge, they must also “submit[] to an admitting official satisfactory proof of the person’s qualifications to be admitted as an elector.”28

This scheme puts Connecticut in a roughly one-third minority of states that do not disenfranchise candidates who have been convicted of felonies involving public corruption once they have completed their sentences.29

B. The Constitutionality of Imposing Qualifications for Public Office

It is well settled that Connecticut’s legislature can impose qualifications on holding office. Such qualifications for voting and/or holding office are comfortably within the bounds of ballot-access restrictions permitted by the federal Constitution. The United States Supreme Court has never addressed candidate qualification specifically in the context of felon disenfranchisement, but it has “held that states can impose procedural limitations on who can appear on a ballot” in order to ensure the orderly operation of elections.30 While state laws regulating elections—including candidate qualifications, voter registration procedures, and the voting process itself—may “inevitably affect[]” one’s right to vote and his or her “right to associate with others for political ends,” a state’s interest in conducting orderly elections is “generally sufficient to justify reasonable,

FELONY DISENFRANCHISEMENT LAWS IN THE UNITED STATES (April 2014), http://sentencing.project.org/doc/publications/fd_Felony%20Disenfranchisement%20Laws%20in%20the%20US.pdf [https://perm.cc/XZD6-JEAB]. South Dakota had also taken this approach to voter disenfranchisement but in 2012 amended the relevant statute to disenfranchise felony probationers as well. Compare S.D. CODIFIED LAWS § 12-4-18 (2015), with 2012 S.D. Sess. Laws Ch. 82 (HB 1247). South Dakota house bill 1247 changed the language of § 12-4-18 to require that “[a]ny voter identified as deceased or who is serving a sentence for a felony conviction . . . be removed from the voter registration records” from its previous version, which required only that those “voter[s] identified as deceased or who receive[] a felony sentence to the adult state penitentiary system including a suspended execution of a sentence shall be removed from the voter registration records.” 2012 S.D. Sess. Laws Ch. 82 (HB 1247).

26 CONN. GEN. STAT. § 9-46a(a) (2016).
27 § 9-46a(b).
28 Id.
29 Infra Appendix, Part A (discussing the sixteen states that lack such provisions).
nondiscriminatory restrictions." The question cannot be reduced to a "litmus-paper test." Rather, courts must weigh the injury to the disqualified candidate’s rights under the First and Fourteenth Amendments against the interests identified by the state as justifications for "the burden imposed by its rule." Additionally, courts must consider the necessity of the burden before deciding "whether the challenged provision is unconstitutional."

State courts have interpreted Supreme Court precedent in this area "to mean that states can preclude convicted felons from running for office." As Andrea Steinacker points out in *The Prisoner’s Campaign: Felony Disenfranchisement Laws and the Right to Hold Public Office*, the West Virginia Supreme Court of Appeals provided one example of this interpretation in *State ex rel. Maloney v. McCartney*. There, the court contrasted ballot restrictions that serve a valid public purpose and result only in "incidental limitations on the franchise" against ballot restrictions that do not serve a valid public purpose and thus effect an unconstitutional "simple restriction" of the franchise.

Though the *Maloney* case concerned limitations on successive gubernatorial terms, the court identified the requirement that candidates for office "not be under conviction for a felony" as one example of a constitutional limitation imposed "in a valid attempt to insure wisdom, dignity, responsiveness, and competence in public officials." Following the West Virginia Supreme Court of Appeals’ issuance of a writ of mandamus to preclude Governor Arch A. Moore, Jr. from seeking a third consecutive term, the U.S. Supreme Court tellingly dismissed Moore’s appeal "for want of [a] substantial federal question."

The constitutionality of candidate disenfranchisement is further underscored by the Supreme Court’s upholding of voter

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31 *Anderson*, 460 U.S. at 788; see also *Bullock v. Carter*, 405 U.S. 134, 143 (1972) ("In approaching candidate restrictions, it is essential to examine in a realistic light the extent and nature of their impact on voters.").

32 *Id.*

33 *Id.*

34 *Id.*


37 *Maloney*, 223 S.E.2d at 611.

38 *Id.*

39 *Id.* at 610. As it happens, a few years later Moore did return to the governor’s office for a non-consecutive third term, after which he pleaded guilty to charges that he used the office to extort $573,000 from a coal company receiving refunds from the state’s black lung fund. Associated Press, *Ex-West Virginia Governor Admits Corruption Schemes*, N.Y. TIMES (Apr. 13, 1990), http://www.nytimes.com/1990/04/13/us/ex-west-virginia-governor-admits-corruption-schemes.html [https://perma.cc/Y8SL-PP24].

disenfranchisement laws, as "the rights of voters and the rights of candidates do not lend themselves to neat separation; laws that affect candidates always have at least some theoretical, correlative effect on voters."41

Moreover, the question of whether such limitations are legally valid on the state level is answered definitively by the state of these laws across the country. A total of thirty-four states currently impose candidate disenfranchisement either on felons generally or specifically on persons convicted of offenses related to public corruption.42 Whether and to what extent legislatures can impose such qualifications for office depends on the construction of a given state’s constitution. This legal hurdle is overcome by passing a constitutional amendment effecting the disqualification or empowering the legislature to do so, as at least two states have done in the candidate and voter disenfranchisement contexts in the last sixteen years.43

The necessity of this process is exemplified by Minnesota, where in


But felon candidate disenfranchisement would not have such an effect. It is an unflattering commentary on this country, but the racial makeup of each level of government presents no significant risk of disparate impact on persons of color by candidate disenfranchisement laws. As of 2012, ninety-two percent of the nation’s governors were white, the state legislatures of the country’s five most diverse states contained an underrepresentation of persons of color, only sixty-one percent of local government executives in the nation’s eighteen most diverse counties were identified as people of color, and city councils in the nation’s most diverse cities had underrepresentations of people of color as well. NAT’L URBAN FELLOWS, DIVERSITY COUNTS: RACIAL AND ETHNIC DIVERSITY AMONG PUBLIC SERVICE LEADERSHIP 5 (2012), http://www.nuf.org/sites/default/files/Documents/NUF_diversitycounts_V2FINAL.pdf [https://perma.cc/T223-Q85U].

42 See infra Appendix, Parts B, C.

43 For example, in 2010, Michigan passed just such an amendment in order to disqualify corrupt politicians from office. See infra Appendix, Part B. Massachusetts passed an amendment in 2000 to disqualify incarcerated felons from voting. Id.
1979 the state Supreme Court struck down a statute, later repealed, that barred persons whose elections had been annulled due to a violation of the state’s Fair Campaign Practices Act from running for office during the term for which they had run in the annulled election. The court there found that such a qualification for office violated the state’s constitution by adding to the qualifications set forth in Article VII, section 6. The court’s application of that section had “consistently held that, as a guarantee of universal eligibility for public office, its standards may not be made more restrictive by legislative action unless expressly authorized by another constitutional provision.” Minnesota’s constitution lacked a provision expressly authorizing the legislature to impose stricter standards of eligibility for public office by statute, which was the dispositive factor in the court’s constitutional analysis of the qualification for office.

Where such provisions are contained in state constitutions, though, legislatures are free to prescribe qualifications for office so long as they are in accord with the constitutional grant of power. New Jersey provides one such example. In a suit against the Bergen County Supervisor of Elections, a state resident whose conviction subjected him to lifetime supervision challenged the accordant lifetime suspension of his voting rights under state statute. The court found the statute’s application proper and in accordance with the Constitution’s grant of power to the legislature.

Connecticut’s legislature need not jump any constitutional hurdles to pass such a law either. Article VI, Section 3 of the Connecticut

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44 Pavlak v. Growe, 284 N.W.2d 174, 176 (Minn. 1979). The statute in question provided that:

A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in sections 210A.01 to 210A.44, shall not, during the period fixed by law as the term of such office, be appointed or elected to fill any vacancy which may occur in such office. A candidate or other person who is convicted of any offense mentioned in sections 210A.01 to 210A.44, shall not, during the period fixed by law as the term of the office with respect to which the election was held and said offense was committed, be appointed or elected to fill any vacancy in such office. Any appointment or election to an office made in violation of or contrary to the provisions of this section shall be void. Minn. Stat. § 210A.39 (Repealed by Laws 1988, c. 578, art. 2, § 12).

45 Id. (citing MINN. CONST. art. VII, § 6) (limiting qualifications for office to those imposed by the state or federal constitution).

46 Pavlak, 284 N.W.2d at 176 (emphasis added).

47 See MINN. CONST. art. VII, § 6 (providing all qualified voters are eligible to hold office “except as otherwise provided in this constitution, or the constitution and law of the United States”) (emphasis added).


49 Hunt, 2005 WL 2978737, at *1 (“The New Jersey Constitution Art. II, § 1, ¶ 7, provides that the Legislature may pass laws to deprive persons of the right to suffrage who shall be convicted of such crimes as it may designate.”) (emphasis added).
Constitution expressly empowers—if not requires—the General Assembly to “by law prescribe the offenses on conviction of which the right to be an elector and the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.” This language came from two amendments—passed in 1948 and 1974—to Article VI, Section 3 of Connecticut’s Constitution. The previous language provided specifically that conviction of “bribery, forgery, perjury, dueling, fraudulent bankruptcy, theft, or other offense for which an infamous punishment is inflicted” forfeited one’s privileges as an elector. The amended language provided the legislature with the authority necessary to impose the state’s criminal voting disenfranchisement statute, which extends the disqualification from the few offenses provided by the previous constitutional language to conviction of any felony—federal or state.

Since then, the statute has only once been challenged on the basis of its effect on eligibility for office. In Sweeney v. Burns, the plaintiff had been elected to the town of Trumbull’s board of finance for a four-year term in November 1975. The following February, the plaintiff was indicted in federal court on a felony offense of possession of an unregistered firearm. He pleaded guilty in July of 1976. His sentence was limited to a fine of $2,500, which he paid in October 1976.

The plaintiff sought a permanent injunction to prevent the town’s registrar of voters from removing his name from the town’s list of electors pursuant to section 9-46, which would have rendered him ineligible to continue his term of office. What is interesting about this case is that the plaintiff’s criminal sentence—a fine—had already been “completed” (paid) by the time the registrar of voters received official notice of his conviction from the secretary of state in January of 1977. While section 9-46 triggered forfeiture of the plaintiff’s right to vote and its attendant

50 CONN. CONST. art. VI, § 3.
51 CONN. CONST. amend. Art. XLVI; CONN. CONST. amend. Art. VII; WESLEY W. HORTON, THE CONNECTICUT STATE CONSTITUTION 158 (2d ed. 2012) (“Article XLVI of the amendments, adopted in 1948, completely rewrote [Article VI, Section 3] to read as it is today, except that the phrase, ‘the right to be an elector and,’ was added in 1974 by Article VII of the amendments to the 1965 constitution.”).
53 CONN. GEN. STAT. § 9-46 (2015) (removing the privileges of an elector upon felony conviction for the duration of sentence).
54 377 A.2d 338 (Conn. C.P. 1977).
55 Id. at 338.
56 Id.
57 Id.
58 Id.
59 Id. at 339.
60 Id. at 338–39
privileges—including holding office upon his guilty plea in July 1976, section 9-46a required that they be restored to the plaintiff and his name returned to the list of electors upon completion of his sentence. The defendant completed his sentence in October 1976, before the registrar even became formally aware of the conviction.

The constitutional issue that "troubled" Judge Kinney of the Court of Common Pleas at Bridgeport was the "total failure of s 9-46 to provide any procedural safeguards in the nature of notice and a right to a hearing before the loss of such valuable rights as electoral privileges." While town registrars of voters were and remain statutorily obligated to issue "written notice . . . by certified mail" before removing the names of convicts from voter registries, that procedure applied "only to felony convictions in a state court." The plaintiff in Sweeney had pleaded guilty and been sentenced in federal court, a conviction that did not then and still does not trigger notice under section 9-45.

While "troubled" by the due process implications of this gap in the statutory regime, the court stopped short of declaring section 9-46 unconstitutional. In noting that "a statute forfeiting electoral rights of convicted felons may be constitutionally authorized," Judge Kinney observed that this does not free the legislature "of all constitutional restraints on how that forfeiture may be accomplished," pointing specifically to the requirement of notice and an opportunity to be heard. Ultimately, after identifying section 9-46 as "clearly penal in nature," the court limited its holding to a requirement that the statute be strictly construed, which in the circumstances of that case precluded removal of the plaintiff from the town's voter registry and the forfeiture of his office that would have resulted.

Despite this gap in notice provisions prior to voter—and, by extension, candidate—disenfranchisement, the Connecticut legislature has yet to close up the void in the statutory regime with respect to federal convicts and, for that matter, persons convicted of felonies in other states. Nearly forty years

61 CONN. GEN. STAT. § 9-46(b) (2015).
63 Sweeney, 377 A.2d at 339.
64 CONN. GEN. STAT. § 9-45 (2015).
65 Sweeney, 377 A.2d at 339.
66 Id. at 338.
67 See CONN. GEN. STAT. § 9-45 (2015) (requiring the state Commissioner of Correction to transmit to the Secretary of State "a list of all persons who . . . have been convicted in the Superior Court of a felony" and for the secretary to in turn transmit such lists to the proper town's registrar of voters who, after sending notice by certified mail, must remove such persons' names from the proper voter registry lists). The statute does not contain any such notice procedure for persons convicted of felonies in federal court.
69 Id. at 340 (citing Dental Comm'n v. Tru-Fit Plastics, Inc., 269 A.2d 265, 267 (Conn. 1970)).
after Judge Kinney’s opinion in *Sweeney*, the statutes it implicates have not changed with respect to providing federal convicts with pre-deprivation notice of their imminent removal from voter registries. It is not a case of which the state’s legislature is unaware, one would at least assume. The case is cited in the General Statutes beneath sections 9-45, 9-46a, and 9-46, where the citation is accompanied by the statement that the “[s]ection fails to provide any procedural safeguards in the nature of notice and right to hearing before loss of such valuable rights as electoral privileges,” an explanatory note that overlooks *Sweeney*’s distinction between state and federal convictions.70

The Connecticut Supreme Court has also upheld the constitutionality of section 9-46, though on different grounds. *State v. Kreminski*71 did not directly address the effect of a felony conviction on the convict’s eligibility for office. Rather, the court held that although the “felony classification given to the crimes committed by the defendant may also have involved a forfeiture of his rights as an elector until payment of the fines and completion of the period of probation,” that “additional consequence” did not “render the sentence so grossly disproportionate to the offense as to breach the constitutional prohibition against cruel and unusual punishment.”72

C. Recent Examples of States that Responded to Public Corruption Scandals with Candidate Disenfranchisement Laws

Not only are laws limiting candidates’ office-holding franchise constitutional, recent history demonstrates their relevance. In just the last nine years, at least three states did what Connecticut should have done in the wake of the Ganim and Rowland convictions. In response to similar circumstances, Tennessee, Michigan, and California each responded to corruption scandals with laws or constitutional amendments effecting some measure of disqualification from office upon conviction of an offense related to public office.

1. Tennessee

Prior to 2007, Tennessee law did not distinguish between ordinary citizens and office-holders in terms of disqualifying felons from holding office.73 Under the relevant state statute, a person convicted of a felony was only then ineligible to vote or hold office until their citizenship rights had

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70 CONN. GEN. STAT. §§ 9-45, 9-46, 9-46(a) (2015); see *Sweeney*, 377 A.2d at 339 (noting that the section 9-45 notice provision applies only to felony convictions in a state court).
71 422 A.2d 294 (Conn. 1979).
72 Id. at 298 (internal quotation marks omitted).
73 TENN. CODE ANN. § 40-20-114 (West 2006), amended by TENN. CODE ANN. § 40-20-114 (West 2007).
been restored, similar to Connecticut’s current approach.\textsuperscript{74} The statute also made no mention of removal from office upon conviction.\textsuperscript{75}

Enter “Operation Tennessee Waltz,” a state and federal investigation that resulted in the arrests of seven lawmakers on bribery charges in addition to four other arrests.\textsuperscript{76} Among those arrested was then-Tennessee State Senator John Ford, a thirty-one-year veteran of the state’s legislature who was convicted of taking $55,000 in bribes and sentenced to five and a half years in prison.\textsuperscript{77} Surreptitiously recorded video caught Ford accepting a $5,000 bribe.\textsuperscript{78} A wiretap captured Ford telling an undercover agent posing as a lobbyist to “send [him] a little money” in return for his influence.\textsuperscript{79}

In the fallout from the “Waltz” scandal, Tennessee’s legislature passed a slew of ethics reforms.\textsuperscript{80} These included an amendment to the above-mentioned statute,\textsuperscript{81} a measure that its architect would later describe as a “bill . . . aimed at any SOB that disgraced his office. . . . Democrat or Republican, past or future.”\textsuperscript{82} The amended statute, which came into effect on July 1, 2007, provides that any person convicted of a felony while in office on or after that date will be removed from office.\textsuperscript{83} Additionally, if the felony was committed “in the person’s official capacity” or in a way involving their official duties, they are forever disqualified from holding office regardless of whether their rights are restored.\textsuperscript{84} The voting rights of a sitting official convicted of such an offense are not affected beyond their suspension for the duration of the sentence, including parole.\textsuperscript{85} If a felony was not related to one’s official duties—or, if the offender was not holding office—the offender is still only disqualified from holding office until their

\begin{itemize}
  \item \textsuperscript{74} Id.; Conn. Gen. Stat. §§ 9-46, 9-46a (2015).
  \item \textsuperscript{75} Tenn. Code Ann. § 40-20-114 (West 2006), amended by Tenn. Code Ann. § 40-20-114 (West 2007).
  \item \textsuperscript{76} George Poague, Vigilance Can Defeat Corruption, Leaf-Chronicle, Dec. 11, 2008, at 2B; Bonna Johnson, As Ford Goes to Prison, Ethics Laws on Trial, Tennessean, Aug. 29, 2007.
  \item \textsuperscript{77} Johnson, supra note 76.
  \item \textsuperscript{79} Id. The Ganim investigation in Bridgeport, CT—“Operation Hardball”—included a similarly bald utterance: “Lennie,” Ganim was recorded saying to an associate also prosecuted in the case, “you are making all of this money because of me, and you can not make it because of me.” Brief for the United States of America at 3, 8, United States v. Ganim, 510 F.3d 134 (2007) (No. 03-1448-cr.), 2006 WL 6171633 (emphasis added).
  \item \textsuperscript{80} Johnson, supra note 76.
  \item \textsuperscript{81} Id.
  \item \textsuperscript{83} Tenn. Code Ann. § 40-20-114 (West 2007).
  \item \textsuperscript{84} Id.
  \item \textsuperscript{85} Id.; Tenn. Code Ann. § 2-19-143 (West 2016).
\end{itemize}
citizenship rights have been restored, as had been the case prior to the amendment. Like that of Connecticut, the Tennessee Constitution provides the state’s legislature with power to make this law. What is particularly interesting about Tennessee’s approach is its (attempted) appeasement of the retroactivity issue. Politicians previously convicted of a felony related to office prior to the law’s effective date who were again in office when the law came into effect in July 2007 would have been permitted to serve out their ongoing term and only then would they become disqualified from future office-holding. A clever if superfluous provision, it likely could have been successfully challenged by an affected office holder—one convicted of a felony related to their office prior to July 2007 yet nonetheless currently sitting in office again—as a retrospective or ex post facto law in violation of the state constitution.

2. Michigan

Michigan’s Constitution had long taken an office-by-office approach to candidate qualifications. In the case of legislators, it provided for a twenty-year ban on holding office for state representatives or senators convicted of a felony “involving a breach of public trust.” Then came the Kwame Administration. In 2008, then-Detroit Mayor Kwame Kilpatrick pleaded guilty to two counts of obstruction of justice committed while in office. Kilpatrick also pleaded no contest to an

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88 Compare Tenn. Const. art. IV, § 2 ("Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes."); with Conn. Const. art. VI, § 3 ("The general assembly shall by law prescribe the offenses on conviction of which the right to be an elector and the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.").
89 Tenn. Const. art. I, § 20 ("[N]o retrospective law, or law impairing the obligations of contracts, shall be made."); Tenn. Const. art. I, § 11 ("[L]aws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free Government; wherefore no Ex post facto law shall be made."). There has not been a case on this point in Tennessee. Though, at least with respect to a retrospective law challenge, the decision would ultimately turn on whether §40-20-114(c) is considered procedural, remedial, or neither of the two. Comm’rs of Powell-Clinch Util. Dist. v. Util. Mgmt. Review Bd., 427 S.W.3d 375, 384 (Tenn. Ct. App. 2013) ("[T]he retrospective application of a law that is procedural or remedial in nature is not prohibited unless application of that law would impair a contract obligation or a vested right."). One could argue that office holding is not a vested right and so this provision, while retrospective in a sense, is not prohibited.
90 Mich. Const. art. IV, § 7 (barring state legislators convicted of a felony involving “a breach of the public trust” within the preceding twenty years from holding office).
assault charge. A city council member and members of Kilpatrick's administration were also convicted of offenses committed while in office. Kilpatrick resigned as part of a plea deal to settle a total of ten felony charges against him. As part of the deal, Kilpatrick also agreed to repay $1 million to the city, forfeit his law license, and abstain from running for office for five years. On the night he resigned, Kilpatrick proclaimed: "Y'all done set me up for a comeback."

Next came the "Kwame Amendment," proposed in 2010 as a response to the Kilpatrick administration's downfall—a “seven-month political soap opera that consumed the city.” In November 2010, Michigan voters approved the Kwame Amendment to create Article 11, § 8, which took the existing twenty-year ban on legislators from holding office following certain felony convictions and widened it. The twenty-year ban now applies to all state, local, and federal offices as well as state and local jobs in which the individual has discretionary authority over public assets. Felonies that trigger the twenty-year disqualification are those "involving dishonesty, deceit, fraud, or a breach of the public trust...related to the person's official capacity...[in] elective office or position of employment in local, state, or federal government."

3. California

The California Constitution has long disqualified candidates convicted of having given or received bribes specifically to win election or receive an

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95 Williams & White, supra note 93.

96 Id.

97 Elrick et al., supra note 92.

98 Id.


101 Elrick et al., supra note 92.

102 The inclusion of federal office in Michigan’s disqualification of certain felons from holding office almost certainly violates the U.S. Constitution. See, e.g., U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 783 (1995) (“Allowing individual States to adopt their own qualifications for congressional service would be inconsistent with the Framers’ vision of a uniform National Legislature representing the people of the United States. If the qualifications set forth in the text of the Constitution are to be changed, that text must be amended.”).

103 MICH. CONST. art. XI, § 8.

104 Id.
appointment to state office. A statute passed in 2012 extended this prohibition to persons convicted of offering or receiving a bribe, regardless of the context. It also includes as disqualifying offenses "embezzlement of public money, extortion or theft of public money, perjury, [and] conspiracy to commit any of those crimes." 107

The disqualifying statute—termed the "Elective Office Felony Conviction Law"—came as a reaction to the 2012 election, which put voters in one legislative district "between a rock and a hard place" as they chose between one candidate facing felony charges related to voter fraud and another who stood accused (by his opponent in the election) of insider trading to obtain an interest-free loan from the City of Los Angeles. An additional six legislators seeking re-election that year also had recent arrest records, including one charged with perjury and voter fraud. 109

III. CONNECTICUT AND THE FIFTEEN STATES WITH SIMILAR APPROACHES TO CANDIDATE DISENFRANCHISEMENT SHOULD IMPOSE LIMITATIONS ON CORRUPT POLITICIANS’ ELIGIBILITY FOR OFFICE

If Connecticut and the fifteen additional states that do not disenfranchise corrupt candidates can do so, the question becomes why should they.

Three reasons: First, Connecticut, the federal government, and each of the fifteen additional states in question impose felon-in-possession limitations on gun ownership—a black-letter Constitutional right—for reasons that just as readily support disqualifying corrupt politicians from holding office, which might be more accurately characterized as a privilege. 10

Second, Connecticut and another twelve states that lack provisions effecting disqualification upon a criminal conviction for public corruption offenses contradictorily impose permanent disqualification from office upon impeachment.

And third, lawmakers should pass such laws to prevent the economic

105 CAL. CONST. art. VII, § 8 (disqualifying from holding "any office of profit in this State . . . [anyone] convicted of having given or offered a bribe to procure personal election or appointment").
107 Id.
109 Id. at 639.
110 Stolberg v. Caldwell, 175 Conn. 586, 608 (1978) ("There is no express constitutional provision guaranteeing any individual the right to become a candidate for public office."); JOHN MARTINEZ, 2 LOCAL GOVERNMENT LAW § 10:1 (2015) (footnotes omitted) (observing that some courts have characterized "office holding as a privilege rather than a right"). But see Anderson v. Celebrezze, 460 U.S. 780, 787 (1983) (citing Williams v. Rhodes, 393 U.S. 23, 30–31 (1968)) (including "the right of individuals to associate for the advancement of political beliefs" as a fundamental right that, like the right to vote, is "among our most precious freedoms").
damage that public corruption inflicts on states and municipalities where it occurs.

A. The Logic Supporting Felon-in-Possession Limitations on Firearms Supports Corrupt-Candidate Disenfranchisement

Connecticut and federal statutes provide that a person convicted of a felony cannot ever again possess a firearm. The purpose of Connecticut's felon-in-possession statute is "to keep all firearms ... away from felons." In discussing the analogous federal statute, the United States Supreme Court has permitted this deprivation of a constitutional right because, in committing their crime, the felon or violent misdemeanant reveals his or her self to be a "presumptively dangerous" person who "may not be trusted to possess a firearm without becoming a threat to society."

In justifying these limitations, the Court relied on the legislative history of a predecessor statute to what is now codified at U.S.C. § 922(g). That statute was an attempt "to bar possession of a firearm [by] persons whose prior behaviors have established their violent tendencies." In arguing for the law, Senator Russell B. Long laid out a logical basis for felon-in-possession limitations on firearms. Connecticut legislators ought to keep this logic in mind when considering particularized candidate disenfranchisement:

[T]his amendment is based on the theory in law that every dog is entitled to one bite. A person who is not a lawyer might say, "How could you arrive at that conclusion?"

That is based on the old theory that if one owns a dog and the dog attacks his neighbor, the owner is not liable if he did not know that the dog was dangerous. But if the dog

114 U.S. CONST. amend. II ("A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."); CONN. CONST. art. 1, § 15 ("Every citizen has a right to bear arms in defense of himself and the state.").
117 114 CONG. REC. 14773 (daily ed. May 23, 1968) (statement of Sen. Long). This reasoning is consistent with the Connecticut Supreme Court's discussion of the state's felon-in-possession statute. Connecticut legislators may impose such limitations on the right to bear arms contained in article first, § 15 of the state Constitution so long as the law is reasonable. Benjamin v. Bailey, 234 Conn. 455, 465 (1995) (reaffirming notion that "reasonable regulation of the right to bear arms" does not violate article first, § 15). This ability arises from the state's "police power to protect the health, safety and morals of the citizenry." Id. at 467.
attacks one neighbor, and it is a serious injury, and thereafter attacks someone else, the owner is on notice that the dog is dangerous.

This amendment would proceed on the theory that every burglar, thief, assassin, and murderer is entitled to carry a gun until the commission of his first felony; but, having done that, he is then subject to being denied the right to use those weapons again.

SEVERAL SENATORS: Vote! Vote!

Sen. Long argued that felons are one category of persons who "have demonstrated that they are dangerous, or that they may become dangerous. Stated simply, they may not be trusted to possess a firearm without becoming a threat to society." Sen. Long cited the assassination of Martin Luther King Jr. by a convicted felon to demonstrate the absurdity of allowing felons to lawfully possess firearms upon release from prison, enabling them to "kill again."

In the sense of prior instances of unlawful use motivating future restrictions on possession, the same logic that applies to guns should also apply to public office. Just as Sen. Long sought to protect against murderers who might kill again, Connecticut law should protect against politicians who would corrupt again, so to speak. Put another way, if felons are considered "presumptively dangerous" and not to be trusted with firearms by virtue of their violent history, we should consider politicians with convictions related to their office as "presumptively corrupt" and so not to be trusted with office.

This reasoning is not entirely novel. In applying a provision of its state constitution that specifically disenfranchises corrupt candidates, the Supreme Court of Delaware emphasized that these "character provision[s]" are grounded in the idea that conviction of a felony involving corruption of office is "irreversible evidence that the offender does not possess the requisite character for public office. . . . [w]ithout question, . . . a demanding norm." It is a demanding norm and it should be, for reasons

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119 Id. at 14773.
120 Id.
121 DEL. CONST. art. II, § 21 (“No person who shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.”). "Infamous crime” here does not include all felonies. Infra, Appendix, Part B, Section 4.
122 State ex rel. Wier v. Peterson, 369 A.2d 1076, 1080–81 (Del. 1976) (emphasis added) (describing DEL. CONST. art. II, § 21 as “essentially a character provision[,]” the purpose of which is to “mandate[e] that all candidates for State office possess high moral qualities.”). If this reasoning sounds somehow anachronistic, note that the Delaware Supreme Court directly quoted this language to make
well-articulated by the Supreme Court of Pennsylvania in its analysis of a similar provision.\textsuperscript{123}

Elected public officials are entrusted with the public welfare and are duty-bound to treat that trust with the highest standards of care, honesty, and informed independence of judgment. They are charged to act in the interest of the public only, not themselves, and they are obligated to maintain the reality and the appearance of personal disinterestedness in matters affecting their public duties.\textsuperscript{124}

Public officials are “charged to act in the interest of the public only, not themselves.”\textsuperscript{125} Once one reveals his or herself to lack the requisite dedication to this maxim, he or she ought not to be trusted with office again.

To adopt Sen. Long’s dog bite analogy, the public official is the dog and the constituency and its representatives in the legislature are the dog’s owners. Just as the dog biting a neighbor reveals its violent nature, the official’s bribery or like offense reveals that person’s corrupt nature. No one can really blame the dog’s owner for the first bite, but thereafter the owner is on notice and ought to take preventative measures. So too should voters and legislatures following instances of public corruption. Where the dog owner should invest in a muzzle, legislatures should impose laws specifically disenfranchising corrupt politicians, just as Tennessee, Michigan, and California have.\textsuperscript{126}

The reason Connecticut should apply restrictions on office like its restrictions on gun possession is that both guns and public office inflict injuries that we should avoid. Guns inflict physical injury and death. Government corruption injures state and local economies.\textsuperscript{127} This is not to say that these injuries are equivalent. But then neither are the rights to possess the instruments that inflict these injuries. One need look no further than the U.S. or Connecticut Constitutions to find the text providing the right to bear arms.\textsuperscript{128} The right to hold office, though? That takes a bit more digging.

No right to hold public office appears alongside the right to vote in the

\textsuperscript{123} PA. CONST. art. II, § 7 (disqualifying from holding office persons “convicted of embezzlement of public moneys, bribery, perjury or other infamous crime”). This provision is broader than the nearly identical provision in Delaware, as Pennsylvania courts take “infamous crime” to include all felonies. \textit{Infra} Appendix, Part C, Section 8.

\textsuperscript{124} \textit{In re Petition of Hughes}, 516 Pa. 90, 99 (1987).

\textsuperscript{125} \textit{Id.} (emphasis added).

\textsuperscript{126} \textit{See supra} Part II.C.

\textsuperscript{127} \textit{See infra} Part III.C.

\textsuperscript{128} U.S. CONST. amend. II; \textit{CONN. CONST.} art. 1, § 15.
Rather, the right to hold office is viewed more as a logical consequence of the right to vote. That said, the Supreme Court has identified holding office—or, at least, "the right of individuals to associate for the advancement of political beliefs"—as a "fundamental" right which "rank[s] among our most precious freedoms."

The Connecticut Constitution also does not attach any explicit right to hold office to its provision of the right to vote or its guarantee of free suffrage. The Connecticut Supreme Court has said as much: "[t]here is no express constitutional provision guaranteeing any individual the right to become a candidate for public office." Rather, as in the federal Constitution, under Connecticut's Constitution the right to hold office is viewed as a corollary of the right to vote: "[T]he inherent powers of government reside in the people. This is given expression in the right to vote[] . . . and the correlative right of citizens to aspire to public office and serve therein if so chosen.

If the argument against limiting the right to hold office is a

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129 U.S. CONST. amend. I; U.S. CONST. amend. XV; U.S. CONST. amend. XIX; U.S. CONST. amend. XXIV; U.S. CONST. amend. XXVI.
130 In remarks made during floor debates on the Fifteenth Amendment in the House of Representatives, Congressman Butler presented a sort of inverse reasoning whereby including an explicit right to hold office in that amendment would actually have the effect of limiting the right rather than preserving it. CONG. GLOBE, 40th Cong., 3d Sess. 1426 (1869). As he explained, an explicit right to hold office, not to be deprived on the basis of "race, color, or previous condition of servitude," in the Amendment would "give color to the conclusion that there are other classes which may be deprived of the right to hold office." Id. (emphasis added). This, he said, nearly compelled him to vote against the Amendment, because the right to hold office could only be ensured by omitting it from the text. Id. "If there was anything which was inherent as a principle in the American system and theory of government of equality of all men before the law, and the right of all men to a share in the Government, it was this: that the right to elect to office carries with it the inalienable and indissoluble right to be elected to office." Id. For a fuller discussion of the passage of the Fifteenth Amendment and its implications on voter and candidate enfranchisement, see Akhil Reed Amar, The Fifteenth Amendment and "Political Rights", 17 CARDOZO L. REV. 2225 (1996).
132 CONN. CONST. art. VI, § 1; CONN. CONST. art. VI, § 4. Additionally, constitutional provisions ensuring all men be equal in rights and prescribing qualifications for electors do not mention any explicit right to office. CONN. CONST. art. I, § 1; CONN. CONST. art. VI, § 10.
134 Bysiewicz v. Dinardo, 298 Conn. 748, 766 (2010) (emphasis added) (quoting Cannon v. Gardner, 611 P.2d 1207, 1211 (Utah 1980)). The court's language here, though all of it quoted from a Utah case, is strikingly similar to that of Article 1, Section 2 of the Connecticut Constitution: "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient." CONN. CONST. art. I, § 2. The Connecticut Supreme Court in 1921 took this provision to mean that "[i]t is because [government] is their own and instituted by themselves for their own benefit that they have the right to alter it." State v. Sinchuk, 115 A. 33, 35 (Conn. 1921). Taken together, this provision rings somewhat reminiscent of Congressman Butler's arguments in favor of the omission of a "right to hold office" from the Fifteenth Amendment, Amar, supra note 130, at 2227, a right perhaps strengthened by statutory silence—as in, it is a right so fundamental to the republican form of government that it need not be expressly provided.
constitutional one, that should not be particularly convincing. Even conceding that there is a right to hold office on par with the right to bear arms, there is no question that either can be limited. In D.C. v. Heller, the U.S. Supreme Court explicitly said that, subject to certain considerations, limiting the right to bear arms is constitutional—"[l]ike most rights, the right secured by the Second Amendment is not unlimited." Thus, as the Connecticut Supreme Court had said twenty years earlier, "[i]t is beyond serious dispute that the legislature has the authority to place reasonable restrictions on a citizen's right to bear arms."

With respect to holding office, the U.S. Supreme Court has made plain that "not all restrictions imposed by the States on candidates' eligibility for the ballot impose constitutionally-suspect burdens on voters' rights to associate or to choose among candidates." Absent discriminatory intent, states' limitations on the right to hold state or local office are outside the scope of the Fourteenth Amendment, the Fifteenth Amendment, and federal law generally, including the Voting Rights Act.

In Connecticut, the constitutionality of laws imposing qualifications for office is subject to the balancing test articulated by the U.S. Supreme Court. 

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136 Id. at 626 (emphasis added). The Connecticut Supreme Court acknowledged the validity of this statement in State v. DeCiccio, 315 Conn. 79, 109–10 (2014). In imposing limitations on the Second Amendment, though, Congress must provide a rational basis to avoid due process concerns. Lewis v. United States, 445 U.S. 55, 65 (1980).
139 See, e.g., Washington v. Davis, 426 U.S. 229, 241 (1976) ("A statute, otherwise neutral on its face, must not be applied so as invidiously to discriminate on the basis of race."); see also JOHN MARTINEZ, 2 LOCAL GOVERNMENT LAW § 10:1 (2015) ("[I]t is now the law that persons cannot be barred from holding public office or employment by criteria forbidden by the Constitution.").
140 Oregon v. Mitchell, 400 U.S. 412, 125–26 (1970) ("Amendment[ ] Fourteen . . . assumed that the States had general supervisory power over state elections . . . ."); Snowden v. Hughes, 321 U.S. 1, 7 (1944) ("[A]n unlawful denial by state action of a right to state political office is not a denial of a right of property or of liberty secured by the due process clause.").
141 City of Mobile v. Bolden, 446 U.S. 55, 67 (1980) ("The Court explicitly indicated in Washington v. Davis that th[e] principle [requiring proof of intent] applies to claims of racial discrimination affecting voting just as it does to other claims of racial discrimination.").
142 Mitchell, 400 U.S. at 125 ("No function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices . . . .").
143 Id. at 118 ("[T]he 18-year-old vote provisions of the Voting Rights Act Amendments of 1970 are constitutional and enforceable insofar as they pertain to federal elections and unconstitutional and unenforceable insofar as they pertain to state and local elections."). But see Baker v. Cuomo, 58 F.3d 814, 825 (2d Cir. 1995), vacated in part on reh'g en banc sub nom. Baker v. Pataki, 85 F.3d 919 (2d Cir. 1996) (noting that the Mitchell Court "said nothing to indicate that Congress would be similarly limited if [a state] were acting to enforce the Civil War Amendments").
Court in *Anderson v. Celebrezze*. The legislature’s power to impose qualifications for office extends to municipal office in Connecticut as well.

Connecticut law already limits both the right to bear arms and the "right" to hold office to varying extents. What is puzzling, though, is that each right’s statutory limitations are inversely correlated to that right’s representation in the state Constitution. The textually explicit right—to bear arms—is limited very broadly. Nonviolent felons who could hardly be described as dangerous are nonetheless barred from possessing firearms. But the textually absent, "correlative" right—to hold office—is hardly limited at all. Both inflict some type of injury. While the injuries inflicted by guns are far more immediate and direct than those inflicted by corruption of office, that is not to say the latter do not exist. So, if we are willing to limit the black-letter right in a way so broad as to not really be tied to its purpose in all instances, surely we should be willing to limit an arguably nonexistent right in a way that is specifically limited to preventing the illicit use of that right’s instrument: public office. Shouldn’t we?

Those who would argue against disenfranchising the corrupt candidate might do so by reference to the voters’ right to elect the candidates of their choice. That is a legitimate argument. Indeed, “[t]he right to vote freely

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144 Gonzalez v. Surgeon, 284 Conn. 573, 588 (2007) (quoting Anderson v. Celebrezze, 460 U.S. 780, 788–89 (1983)) (“[I]n resolving a challenge that pits a [s]tate’s power to regulate its elections against the rights secured by the [f]irst [a]mendment, we cannot resort to any litmus-paper test that will separate valid from invalid restrictions.”). For a restatement of the *Anderson* test, see supra notes 31–34 and accompanying text.

145 In response to an argument that the state constitution prohibits the legislature from imposing any qualifications for office beyond the requirement in CONN. CONST. art. VI, § 4 that candidates be electors, the Supreme Court of Errors of Connecticut said such an interpretation was “not reasonable nor in accordance with the law as generally received” and also that the power to impose qualifications extended to local office. Hackett v. City of New Haven, 130 A. 121, 125 (Conn. 1925).

146 See supra note 13 and accompanying text.

147 CONN. GEN. STAT. § 9-46a(a) (2016) (returning the right to vote and office eligibility to all felons upon completion of sentence, excluding probation).

148 Infra Part III.C.

149 Prior to announcing his bid for the Bridgeport, CT, mayor’s office, Ganim made just such an argument as quoted in an article on the bill proposed last year to effect corrupt-candidate disenfranchisement. Jordan Fenster, *Lawmakers to Consider Preventing Convicted Politicians from Running Again*, CT NEWS JUNKIE (Mar. 30, 2015, 4:30 AM), http://www.ctnewsjunkie.com/archives/entry/lawmakers_to_consider_preventing_convicted_politicians_from_running_again%5B11/15/2015 [https://perma.cc/79AT-SR8M] (“To try to pass a law to ban anybody from a second chance is wrong. It’s against the entire basis of democracy. We should let the voters decide. To take the vote away from the public is wrong.”).

A co-chairman of the General Assembly’s Judiciary Committee, the body that considered the bill last year, felt similarly. “I’m generally inclined not to support such a concept,” said state Sen. Eric Coleman, D-Bloomfield, co-chairman of the Legislature’s Judiciary Committee. . . . ‘Oftentimes, we don’t give voters enough credit . . . Past behavior, even things that are less than a criminal conviction, I believe are just fair issues to be discussed in a campaign for re-election.’” Lockhart, supra note 16.
for the candidate of one’s choice is of the essence of a democratic society.”\textsuperscript{150} and, as “the rights of voters and the rights of candidates do not lend themselves to neat separation[,] laws that affect candidates always have at least some theoretical, correlative effect on voters.”\textsuperscript{151}

Laws disqualifying all felons from office likely go too far, effectively “depriv[ing] the voters of the opportunity to support the candidate of their choice.”\textsuperscript{152} But states do have broad power to regulate elections.\textsuperscript{153} Where such laws are “reasonably necessary to the accomplishment of legitimate state objectives,” they would “pass constitutional muster.”\textsuperscript{154} The Supreme Court in \textit{Williams v. Rhodes}\textsuperscript{155} held that an Ohio law was so restrictive of third-party candidates’ ability to get on the ballot that it violated the Equal Protection Clause by “plac[ing] substantially unequal burdens on both the right to vote and the right to associate.”\textsuperscript{156} “[T]he right to vote is heavily burdened if that vote may be cast only for one of two parties at a time when other parties are clamoring for a place on the ballot.”\textsuperscript{157}

But the ballot restriction at issue in \textit{Williams} was far more restrictive than laws specifically prohibiting the candidacy of corrupt politicians. In the latter case, it seems fairly uncontroversial to say that a state’s interest in maintaining the integrity of office is sufficiently compelling to justify the resultant limitation on voters’ “First Amendment freedoms,”\textsuperscript{158} particularly in light of the limited class of would-be candidates affected. This is supported by the overwhelming number of states that already disqualify persons convicted of public corruption offenses from holding office.\textsuperscript{159} Among those states, nine extend the disqualification to all felons.\textsuperscript{160} As Steven Snyder proposes in \textit{Let My People Run}, there may not be a constitutionally sufficient justification for the curtailment of political participation effected by the every-felon approach.\textsuperscript{161} This Note advocates only for corrupt-candidate disenfranchisement. It is worth noting, though,

\begin{itemize}
\item \textsuperscript{150} Reynolds v. Sims, 377 U.S. 533, 555 (1964).
\item \textsuperscript{151} Bullock v. Carter, 405 U.S. 134, 143 (1972).
\item \textsuperscript{153} Williams v. Rhodes, 393 U.S. 23, 34 (1968).
\item \textsuperscript{154} Bullock, 405 U.S. at 144.
\item \textsuperscript{155} 393 U.S. 23 (1968).
\item \textsuperscript{156} \textit{Id.} at 31–34 (“[T]he totality of the Ohio restrictive laws taken as a whole imposes a burden on voting and associational rights which we hold is an invidious discrimination, in violation of the Equal Protection Clause.”).
\item \textsuperscript{157} \textit{Id.} at 31.
\item \textsuperscript{158} \textit{Id.}
\item \textsuperscript{159} See Appendix, Parts B, C. A total of thirty-four states impose some measure of disqualification from office on felons after they have completed their sentence. The specific approaches taken by each state belie any uniformity beyond this general function. Each state’s approach is described in turn in the Appendix.
\item \textsuperscript{160} See Appendix, Part C.
\item \textsuperscript{161} Snyder, supra note 152, at 545.
\end{itemize}
that the every-felon approach is alive and well. Just last year, Arkansas extended the provision of its constitution concerning office eligibility to include all felons and some misdemeanants. 162

Connecticut is in a one-third minority of states that do not take either of these approaches. 163 One reason these states do not take such an approach is likely a preference simply to let the voters decide, 164 the idea that “[d]emocracy legitimizes governance by introducing systematic accountability.” 165 But this overlooks the fundamental idea of corrupt-candidate disenfranchisement.

Our electoral process demands an incredible amount of trust from voters. It asks them to place that trust in peers who do nothing more than promise to serve the public’s interests. Once convicted, corrupt politicians should lose this immense privilege—not by virtue of their offense per se, but by virtue of the underlying violation of the public trust. To leave this question—to trust or not to trust—for the polls is to put the gun back in the shooter’s hand. By the time the voters reach the polls it is too late. The corrupt politician’s advantage has been taken, the public has been duped. That is why a categorical prohibition on corrupt politicians’ candidacies is the vehicle for safeguarding public office.

To put it in literary terms, there is a certain “willing suspension of disbelief” 166 in democracy. Our electoral system requires a certain indulgence on the part of voters; it “requires the acceptance of fictions, requires the willing suspension of disbelief, requires us to believe that the emperor is clothed even though we can see that he is not.” 167 Some go so far as to count lies among the “tools in the arsenal of political action” and

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162 Ark. Const. art. V, § 9. This provision had always disqualified candidates convicted of “embezzlement of public money, bribery, forgery or other infamous crime.” Id. A 2015 amendment added a definition of “infamous crime” to that provision so that it now expressly incorporates all felonies. 2015 Arkansas Laws Act 1027 (“As used in this section, ‘infamous crime’ means: (1) A felony offense . . . (4) A misdemeanor offense in which the finder of fact was required to find, or the defendant to admit, an act of deceit . . .”).

163 See Appendix, Part A. A total of sixteen states do not disqualify any felons from holding office once their sentences have been completed.

164 A co-chairman of the Connecticut General Assembly’s Judiciary Committee cited this in voicing his disinclination to pass such a law last year. Lockhart, supra note 16.


166 Michael Tomko, Politics, Performance, and Coleridge’s “Suspension of Disbelief”, 49 Victorian Stud. 241, 241 (2007). The term was coined by Samuel Taylor Coleridge and has been explained as the practice of fiction readers “suspend[ing] [their] disbelief so as to go along in imagination with express judgments and doctrines from which he would ordinarily dissent[.]” Id. at 242.

truth as something "on rather bad terms" with politics.  

It seems reasonable—if a touch cynical—to concede that citizens will stomach some measure of sophistry before they start to reconsider their support of a candidate. Perhaps this patience for outsize pronouncements is conscious, perhaps not. Put another way, as then-candidate Abraham Lincoln supposedly said in response to what he perceived as sophistry on the part of Stephen Douglas, "[y]ou can fool all the people some of the time, you can fool some of the people all the time, but you can't fool all the people all the time."  

Political scientists have observed something similar to this concept. "Discounting Theory" holds that when politicians take extreme positions they win the support of voters not because voters believe a candidate will accomplish everything they promise, but because the "discounted" version of the candidate’s platform—what they may realistically accomplish—is still enough to satisfy the voters’ interests. At least in the context of Congressional elections, the voter "knows that no [candidate] will be able to do everything it says it will do.... [The voter] must estimate in his own mind what the [candidates] would actually do if they were in power."  

As it concerns corrupt-candidate disenfranchisement, the point is this: candidates are afforded a certain level of willfully ignorant faith from the electorate. Voters may not believe every word said by someone running for office, but they believe enough of the campaign rhetoric to support them. Politicians who have been convicted of an offense against the public trust should not be entitled to this faith. These individuals reveal themselves to be “politicians” in the worst sense of the word: "schemer[s] or plotter[s]," “self-interested manipulator[s].” Once so revealed, corrupt politicians should be prevented from again possessing the pulpits they have used to manipulate the public rather than serve its interests. In the same way that a violent offense vitiates our faith that a person will only use firearms for lawful purposes, a public-corruption offense should vitiate our faith that a

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170 See James Adams et al., Representation in Congressional Campaigns: Evidence for Discounting/Directional Voting in U.S. Senate Elections, 66 J. POL. 348, 349 (2004) (describing studies “explo[ring] the possibility that voters evaluate the candidates not according to their actual policy declarations but according to the voters’ projections of the policies that elected candidates could successfully implement, where these projected policies are typically discounted versions of the candidates’ proposals”).
171 Id. The “suspended disbelief” in the context of the Adams article does not concern voters’ judgment of a candidate’s veracity per se. Rather, the study focused exclusively on elections for seats in the U.S. Senate, “where candidates can be expected only modestly to influence government policies.” Id. at 350. Specifically, the study analyzed data on the 1988, 1990, and 1992 Senate elections. Id.
172 Politician, OXFORD ENGLISH DICTIONARY (3d ed. 2006).
politician will only use office to serve the public’s interests and not their own. We have laws observing the former. We need laws observing the latter.

B. The Impeachment Contradiction

Another reason why Connecticut should expressly disqualify persons convicted of public corruption offenses from again holding office can be stated simply, if obtusely: *We kind of already do.* Connecticut is one of thirteen states that permanently disqualify one from office following impeachment but do not permanently disqualify one from office following a criminal conviction of public corruption offenses.173

With respect to “the governor[,] and all other executive and judicial officers” in Connecticut, if one is impeached they are both removed from office and disqualified from holding “any office of honor, trust or profit under the state.”174 But if one is convicted in a criminal court of an impeachable offense, the disqualification only extends through the duration of his or her sentence.175 On its face, this presents a pretty glaring contradiction: if a governor is tried and convicted of bribery in Hartford Superior Court, he can seek and hold office once his sentence is completed. But if said governor is called to task for his crimes in a different room just a few hundred feet away—the state Senate chamber—and is impeached, he may never again hold office.

This hypothetical should sound familiar to Connecticut residents. This is exactly the loophole through which then-Governor John Rowland slipped when he resigned from office in 2004. In the months following Joe Ganim’s 2003 conviction, revelations of Governor Rowland’s own improprieties consumed the state.176 In January 2004, the state House of Representatives convened a Committee of Inquiry to investigate Rowland’s misconduct in office.177 The testimony there made clear that Rowland had given about as much thought to subtlety as Ganim had: state contractors paid for the installation of a $14,000 kitchen, cathedral ceiling,

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173 These states are Connecticut, Arizona, Hawaii, Florida, Idaho, Illinois, Maine, New Hampshire, New Mexico, North Carolina, Texas, Utah, and Vermont. For a discussion of each state’s particular laws on office eligibility and impeachment, see Appendix, Part A.

174 **CONN. CONST. art. IX, § 3.**

175 **CONN. GEN. STAT. §§ 9-46, 9-46a (2015).**


and a $3,600 hot tub at Rowland’s lakeside summer cottage and bought him “thousands of dollars’ worth of champagne, Cuban cigars and a Mustang convertible.” The politics of the situation were equally unmasked: “State leaders in both political parties acknowledged that a consensus was building for an impeachment vote.”

When the Committee of Inquiry subpoenaed Rowland to testify, he sought an injunction on the basis of immunity under the Connecticut Constitution’s separation of powers provision. Denied by the trial court, Rowland’s appeal was expedited to the state Supreme Court. In a decision issued on Friday, June 18, 2004, the Supreme Court affirmed the trial court. Rowland would have to testify.

Saturday, Sunday, Monday: standing beside his wife on the patio of the governor’s residence, Rowland gave a five-minute speech before reporters and resigned from office. Because of this maneuver, even though Rowland later pleaded guilty to various federal offenses related to his time as governor and has now again been sentenced to prison for offenses related to electoral improprieties, there will be no legal barricade between him and the ballot once he completes his current sentence.

Why is that? What is it about the impeachment process that warrants this additional consequence? What is it about the criminal justice system that precludes a conviction from having the same effect?

The two Connecticut Supreme Court cases that have addressed the state’s impeachment process do not answer these questions. The history of the Connecticut Constitution is no help either. Article IX was not the subject of any (recorded) debate at the Connecticut Constitutional Convention of 1818. The convention’s journal provides only that “[t]he

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178 Powell, supra note 176.
179 Id.
180 Office of Governor, 271 Conn. at 543–44.
181 Id. at 546–47.
182 Id. at 544–45.
183 Powell, supra note 176.
184 See Cowan, supra note 17 (stating that Rowland, several months after his resignation, pleaded guilty to conspiring to commit tax fraud).
186 Rowland’s sentence of two and a half years in prison followed by three years of probation was scheduled to begin in June 2015. Id. This would have rendered him eligible for office at about the start of 2021. Conn. Gen. Stat. § 9-46a (2016). Rowland has since appealed this conviction and the District Court granted him bail pending appeal. Brief for Appellant at 23, United States v. Rowland, No. 15-00985 (2d Cir. Apr. 2, 2015).
Ninth Article, *Of Impeachments*, was read and approved." The convention’s debates were not transcribed, though in 1991 Attorney Wesley W. Horton sought to build a makeshift record by compiling newspaper accounts of the convention. Unfortunately, his quite successful effort was of no avail on the impeachment question. The reporter covering the convention had gone home sick during an afternoon recess and did not return for the evening session in which Article IX was approved. The Connecticut Constitutional Convention of 1965 approved an identical version of Article IX without any discussion.


Fearful of the monopolistic tendencies of a strong executive, the colonists incorporated impeachment power into the U.S. Constitution to prevent the executive from usurping "the powers that the people had reserved to themselves or vested with the legislature, the branch most immediately responsive to their wishes." States adopting their own impeachment procedures took after the federal example. Connecticut’s impeachment provisions differ from the federal government’s only in that they do not enumerate which offenses may give rise to impeachment.

"Thus," the *Kinsella* court said, "the Connecticut [C]onstitution’s impeachment and removal provisions[... ] may be understood in light of those federal provisions and the intent of the founding fathers in adopting them."

And the founding fathers had politics in mind. Alexander Hamilton described impeachment as a political endeavor undertaken by politicians to call other politicians to task for political misdeeds—"offenses which proceed from the misconduct of public men, or, in other words, from the

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188 *Journal of the Constitutional Convention of Connecticut, Held at Harford, in 1818* (1873) (available at the Connecticut State Library, subsequent printing available online at http://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t18k7bh0x;view=1up;seq=9 [https://perma.cc/9392-8P7H]).


192 Id. at 717–18.

193 Id. at 719 (citing U.S. CONST. art. I, §§ 2, 3; U.S. CONST. art. II, § 4).

194 Id. at 720. Actually, this alone may explain why disqualification accompanies impeachment but not conviction. One impetus for the federal impeachment provisions was the inability to criminally prosecute a sitting president. Amar, *supra* note 130, at 292. State officials do not enjoy the same immunity and thus can be convicted or impeached, either of which ought to effect disqualification.


196 Id. at 720.
abuse or violation of some public trust." The political nature of impeachment and the partiality it inspires presents "the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt." Faced with these realities, Hamilton felt the best arbiter of impeachments would not be the courts but the Senate, a body that could "preserve, unawed and uninfluenced, the necessary impartiality between an INDIVIDUAL accused, and the REPRESENTATIVES OF THE PEOPLE, HIS ACCUSERS[.]"

Hamilton found the Supreme Court inferior in this for two reasons: its members might lack "so eminent a portion of fortitude" to execute "so difficult a task" and its decision might lack the necessary "credit and authority" to "reconcil[e] the people to a decision that should happen to clash with an accusation brought by their immediate representatives." Fundamentally, though, Hamilton favored the Senate in this for its size, a superior safeguard against error than criminal procedure would be:

This can never be tied down by such strict rules, either in the delineation of the offense by the prosecutors, or in the construction of it by the judges, as in common cases serve to limit the discretion of courts in favor of personal security. There will be no jury to stand between the judges who are to pronounce the sentence of the law, and the party who is to receive or suffer it. The awful discretion which a court of impeachments must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community, forbids the commitment of the trust to a small number of persons.

Ultimately, then, Hamilton favored the Senate because one, it would be less partial than judges, and two, because a task so monumental could not be entrusted to just a few people in robes. The need for such safeguards, of course, arises from the likelihood that "the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

With these considerations in mind, Congress—or, in the state context, state legislatures—seems a strange choice. Today, "impartial" and "non-partisan" are likely among the last words most would choose to describe legislators. And, for lack of determinate law on a process as infrequently

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197 THE FEDERALIST NO. 65 (Alexander Hamilton).
198 Id.
199 Id.
200 Id.
201 Id.
undertaken as impeachment, "one inevitably finds some other factor—namely politics, broadly defined—determining outcomes."\(^{202}\)

This Note ultimately is not concerned with choosing the right body to conduct impeachments. The question here is why disqualification from office follows impeachment, but not conviction.

One argument in favor of limiting disqualification to impeached officials could be to let the people decide (through their representatives) if an official should be impeached and thus disqualified from office. As Hamilton noted, entrusting courts with impeachment puts a big question in the hands of just a few people.\(^{203}\) If disqualification followed from a criminal conviction—which is to say, a decision made by at most twelve jurors with the guidance of a judge and the competing arguments of counsel—one could argue that not enough of the people have spoken as to whether or not the accused ought to hold office again. In the impeachment setting, though, it is the legislature, the "branch most immediately responsive to [the people's] wishes,"\(^{204}\) making that determination.

In the latter case, disqualification could be justified in terms of efficiency—there's no need to have voters go out to the polls in a subsequent election to tell an impeached official they don't want them in office, they already told them so by and through their legislators in the impeachment setting.

Perhaps the best argument for limiting disqualification to the impeachment setting over criminal courts is simple political accountability.

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\(^{202}\) Michael J. Klarman, Essay, *Constitutional Fetishism and the Clinton Impeachment Debate*, 85 VA. L. REV. 631, 651 (1999). The likelihood that politics and not law will determine outcomes in impeachments is also used to justify the legislature's role as the impeaching body. The reasoning goes that impeachment does not concern definite offenses fit for judicial review, it concerns complicated questions of "fitness for office" that are inherently prudential in nature. John O. McGinnis, *Impeachment: The Structural Understanding*, 67 GEO. WASH. L. REV. 650, 650 (1999). Thus, such questions must go to legislatures, "the repositories of prudential judgment." Id.

This notion arose in Connecticut in *Office of Governor v. Select Comm. of Inquiry*, though the question there was not what body should impeach but whether a court could rule on the legitimacy of a subpoena issued against the governor in proceedings preliminary to impeachment. 271 Conn. 540, 576 (2004). The Connecticut Supreme Court ultimately rejected the select committee's argument that the issue presented a nonjusticiable political question. Id. at 573–74. In doing so, the Court noted that "simply because the case has a connection to the political sphere [is not] an independent basis for characterizing an issue as a political question." Id. at 573.

In a dissenting opinion calling upon the framers' conception of impeachment as "inherently political in nature and hence committed to the complete discretion of the most political branch, the legislature[,]" Justice Zarella argued that the question was indeed political and so nonjusticiable. Id. at 603, 608 (Zarella, J., dissenting) (internal quotation marks and citations omitted). "When the constitution clearly commits a function to the legislative branch, [w]e must resist the temptation . . . to enhance our own constitutional authority by trespassing upon an area clearly reserved as the prerogative of a coordinate branch of government . . . . The majority has succumbed to that temptation in the present case . . . [and] eviscerate[d] the political question doctrine[,]" Id. at 603–04.

\(^{203}\) *THE FEDERALIST NO. 65* (Alexander Hamilton).

Federal or state prosecutors who fail to bring charges against an official will not be voted out of a job come November.\textsuperscript{205} Legislators who fail to move for impeachment of a corrupt governor “will pay at election time,”\textsuperscript{206} and so it behooves them to impeach and, in so doing, disqualify from office those officials the public would like to see ousted.

But there are two imperfections with this approach. First, there is the issue of partisanship in politics. Though Hamilton viewed the Senate as less partial than courts, that feels somewhat less certain today. Second, there is the confounding experience of the Clinton impeachment, during which some argued against Congress acting in response to public opinion—i.e., the people—and instead thought Congress should simply rely on the law, never mind the relative lack of law in the impeachment context.\textsuperscript{207}

Additionally, there is the Kinsella court’s characterization of impeachment—and, by extension, disqualification from office—as a means of protecting the state rather than punishing the offender.\textsuperscript{208} There, the court relied on the Texas Supreme Court’s 1924 decision in Ferguson v. Maddox.\textsuperscript{209} The Ferguson court said that to the extent an impeached party suffers, that is only an “incident[] of a remedy necessary for the public protection.”\textsuperscript{210} This appears to put the gravity of a criminal conviction above that of an impeachment. If an impeachment is meant to protect the public by removing “unfaithful official[s]” and deny them an opportunity to “sin against [the people] a second time,”\textsuperscript{211} then so should a criminal conviction. Such a law would not be “penal in nature,” as Judge Kinney viewed Connecticut’s limited candidate eligibility provisions in Sweeney,\textsuperscript{212} it would simply be a procedural nuance to ballot access meant to protect the public.

The Ferguson court’s discussion of this point is particularly relevant to the Rowland story. In Ferguson, an impeached governor challenged the disqualifying effect of the action, in part, on the grounds that he resigned from office before the impeachment became final. The court found this

\textsuperscript{205} Amar, supra note 130, at 294.
\textsuperscript{206} Id.
\textsuperscript{207} In a letter to the House Judiciary Committee published in the Wall Street Journal, “[ninety-six] scholars, lawyers, and former government officials argued, in part, that ‘[i]f we would not allow polls to silence unpopular speech, neither must we allow polls to excuse and ratify impeachable offenses[,]’” Klarman, supra note 202, at 653 n.83 (citing Editorial, Don’t Let the President Lie with Impunity, WALL ST. J., Dec. 10, 1998, at A22). “In fulfilling their constitutional duties, neither the courts nor Congress should be deflected by public opinion polls,” the letter said. Don’t Let the President Lie with Impunity, supra.
\textsuperscript{208} Kinsella, 192 Conn. at 721 (citing Ferguson v. Maddox, 114 Tex. 85, 98 (1924)).
\textsuperscript{209} Ferguson v. Maddox, 114 Tex. 85 (1924).
\textsuperscript{210} Id. at 98.
\textsuperscript{211} Id. at 99.
\textsuperscript{212} Supra notes 68–69 and accompanying text.
argument unavailing: "[t]he purpose of the constitutional provision may not be thwarted by an eleventh-hour resignation." Though that case concerned a completed impeachment, state officials who, like Rowland, resign earlier in the proceedings only to be convicted criminally should not be permitted to dodge the disqualifying bullet either. If the purpose of disqualifying impeached officials is to keep out of office "[d]emagogues" who, despite impeachment, "might be popular because they [tell] the people what they want[,] to hear," then the same protection should attend a criminal conviction of offenses for which one could also have been impeached.

Finally, if the divergence in consequences for impeached versus convicted corrupt politicians does not appear contradictory, look to Connecticut’s law on corrupt politicians’ disqualification from working as registered lobbyists. Under Connecticut General Statutes § 1-101a, no public official or state employee who is convicted or pleads guilty or nolo contendere to a "crime related to state or quasi-public agency office," can seek or accept employment as a lobbyist. Those crimes are defined as embezzling state funds, theft, bribery, and receiving a bribe—the corrupt politician’s greatest hits collection.

Section 1-101a came into effect in 2005, two years after the Ganim conviction and one year after Rowland’s guilty plea. The obvious motivation for the law would be to keep the demonstrably corrupt out of lobbying, an arena in which they could ply their illicit trade to the detriment of the public. But Connecticut does not have any laws disqualifying corrupt politicians from office. So, are we to understand that the legislature does not believe such a threat exists when corrupt politicians are entrusted to serve the public’s interest in elected office?

C. Public Corruption’s Effect on Local Economies Highlights the Damage These Laws Would Mitigate

Finally, legislatures should prevent corrupt politicians from repeating their offenses for the same reason they seek to prevent the repetition of any crime. Crimes result in harm. Here, the harm is to the economies of affected locales.

Look at Bridgeport. The “comeback” storyline defined Ganim’s 2015 mayoral campaign. “Everybody loves a comeback story,” one supporter

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213 Ferguson, 114 Tex. at 99.
214 McGinnis, supra note 202, at 660.
216 Id. § 1-101a(a)(1).
217 An Act Concerning Government Administration, P.A. No. 05-287, 2005 Conn. Legis. Serv. P.A. 05-287 (S.S.B. 96) (codified as amended at CONN. GEN. STAT. § 1-84b(a)).
said, a refrain that grew common over the course of the 2015 election season. "Some will call this a comeback story. For me it is a city that I never left," Ganim said following his election in November. In one published statement, a Ganim supporter took the second-chance narrative a step further, justifying Ganim's comeback on the idea that his crimes "didn't hurt anybody but himself." "He was just one of the ones that got caught," said the sixty-year Bridgeport resident after casting her vote for Ganim in the Democratic primary election, which Ganim won. "He didn't take anything from me. . . . He was just getting kickbacks, getting work done for other favors. So he didn't do it to us. He just stepped out of bounds, you know, that's all." No, that's not all. Ganim's crimes did not only result in his receipt of hundreds of thousands of dollars in "cash, diamonds, expensive wine, tailored clothing, high-priced meals, and home renovations," his crimes cast a cloud of corruption over the city, chilling economic development and providing anecdotal evidence for an unflattering reputation with which the city has long been saddled.

Contrary to the comment made by the Ganim voter, this is where public corruption offenses do hurt more than the offender—they indirectly injure every resident of municipalities and states who would have benefitted from job growth and economic expansion created by developers who pass over locales regarded as corrupt. In fact, "[c]orruption is generally regarded as one of the most serious obstacles to development." This has been documented by economists. "Most theoretical and empirical evidence shows that public officials' corruption has a negative impact on national economic variables . . . . [C]orruption reduces the amount of capital investment." Construction project kickback schemes in particular

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219 Keating & Hladky, supra note 7 ("Time and again, Ganim's supporters said that he deserved a second chance.").
220 Id.
222 Id.
223 Keating & Hladky, supra note 7.
224 See Paolo Mauro, Corruption and Growth, 110 QUART. J. ECON. 681, 681 (1995) ("Many economists argue that malfunctioning government institutions constitute a severe obstacle to investment, entrepreneurship, and innovation.").
have a "statistically significant" impact on per capita state construction expenditures in states with higher levels of corruption. Such states also tend to have lower expenditures on public welfare, health, and hospitals.

Evidence of specific instances of this phenomenon is largely limited to the anecdotal, but observations of it have been made in Connecticut. In his comments to the state legislature’s judiciary committee in support of a corrupt-candidate disenfranchisement bill proposed last year, the then-head of the Bridgeport Regional Business Council noted the deleterious effect of the state’s "'Corrupticut' perception" on its economy:

[O]ne reason why our state has not advanced quickly enough in terms of job growth and economic expansion[] is because potential investors, developers, and business leaders, in general, lack sufficient confidence in the State of Connecticut. They lack that confidence for a number of reasons; not the least of which are the troubles we have had over the last five to ten years in terms of corrupt politicians. Far too many of our elected officials have ended up as convicted felons. This state of things has, in our opinion, resulted in a lack of investor confidence. Investors, developers and business leaders like political stability, they like political ability, and they like above board dealings with political decision makers. To have an environment where so many of our elected officials, frankly, have ended up in jail over the last ten years, or so, has helped to diminish confidence in our state.

IV. PROPOSED APPROACH FOR CORRUPT-CANDIDATE DISENFRANChISEMENT IN CONNECTICUT

In light of the foregoing, Connecticut should adopt an approach to candidate disenfranchisement that permanently disqualifies officials who have been convicted of offenses involving a breach of the public trust. With respect to persons not holding office when convicted of offenses involving corruption of another’s office, an additional ten-year disqualification from office should trigger at the conclusion of their sentence.

This approach differs only slightly from the legislation proposed in

227 Id. at 353.
228 Id. at 354.
230 Id.

The approach proposed here would only add the ten-year disqualification for private individuals following the completion of any sentence imposed for public corruption offenses. These individuals should not be permanently disqualified due to the possibility that their offenses were borne of something close to necessity. Sitting officials or running candidates who commit public corruption offenses unequivocally reveal themselves to be undeserving of the trust inherent in public office. But those individuals who offer or give bribes to officials may do so for lack of alternative options in obtaining government contracts in cities and states where “pay-to-play” is the order of the day. Still, the buffer period between sentence completion and restored eligibility would ideally outlast an individual’s connections in the pay-to-play arena and thus mitigate the risk of their corrupting the office sought.

This approach is sufficiently limited to pass constitutional muster under the test set forth in \textit{Anderson}.\footnote{Supra notes 31–34 and accompanying text.} Here, the state’s interest is in safeguarding the integrity of public office by screening out those who would compromise it. The injury is limited to disqualified candidates who commit a specific type of offense, as opposed to a sweeping disqualification of all felons. If states are to safeguard the integrity of public office and the economic viability of both the state and its municipalities, such an approach is necessary. As the approach would not condition disqualification on anything other than the type of offense for which one is convicted and whether the offender held office at the time of the offense, it would not have a discriminatory impact on any social demographic. This scheme would “advance[] the compelling interest for honesty, integrity and confidence of the public in government, which is greater than the convicted person’s interest in the office.”\footnote{Lubin v. Wilson, 232 Cal. App. 3d 1422, 1429 (1991). The \textit{Lubin} court did not cite \textit{Anderson} in its analysis of a provision disqualifying persons from office pending appeal of a felony conviction, though the factors considered mirror those articulated in \textit{Anderson}. See Heitz, supra note 108, at 643.}

Like similar provisions in states that already take the corrupt-candidate disenfranchisement approach, this would “essentially be a character provision.”\footnote{State \textit{ex rel.} Wier v. Peterson, 369 A.2d 1076, 1080–81 (Del. 1976).} This provision, like those of other states, would not be intended as a punishment, though undoubtedly persons affected would view it this way. Rather, the provision would be an acknowledgement by the state that “conviction of an infamous crime . . . is irreversible evidence that the offender does not possess the requisite character for public
office." But it is a norm demanded by the nature of public office and the trust the public invests in those who hold it. To borrow the words of a supporter of the bill proposed last year, "[t]he public trust is something that is incredibly important, not just to the integrity of the system but to our viability as a democracy."  

APPENDIX: STATE-BY-STATE SURVEY OF APPROACHES TO PUBLIC CORRUPTION OFFENSE CONVICTIONS AND DISQUALIFICATION FROM OFFICE

There is hardly uniformity amongst states’ approaches to candidate disenfranchisement, but each state’s approach tends to fall into one of three general categories: states that lack any laws specifically disenfranchising candidates who have been convicted of public corruption offenses; states that take a particularized approach, disenfranchising only those candidates who have been convicted of such offenses; and states that simply disenfranchise any candidate with a felony conviction.

Below are descriptions of each state’s approach to candidate disenfranchisement. The states are organized first by category and then alphabetically within each category. A handful of states that have approaches combining elements of more than one category are reflected below with an asterisk.

A. States that Lack Laws Specifically Disenfranchising Candidates Previously Convicted of Bribery or Like Offenses

1. Alaska

Alaska requires that one seeking candidacy in a primary election “execute and file a declaration of candidacy” which includes a declaration that “the candidate is a qualified voter as required by law." Following conviction for a “felony involving moral turpitude,” one may only regain status as a qualified voter upon their “unconditional discharge.” Felonies involving moral turpitude are defined as “those crimes that are immoral or wrong in themselves” and include various violent and sexual offenses as well as bribery and receiving a bribe. A person is unconditionally discharged once they are “released from all disability arising under a

235 Id.
236 Id.
238 ALASKA STAT. § 15.25.030 (2016).
239 Id.
240 ALASKA STAT. § 15.80.010 (2016).
sentence, including probation and parole," at which point they regain their right to vote and the eligibility for office.242 

Alaska statutes prohibiting bribery, receiving a bribe, and failing to report bribery do not include provisions extending candidate disenfranchisement beyond that which follows all felonies.243 Moreover, even officials impeached from office are spared any extension of their disqualification from office.244 Yet, Alaska law does provide for the revocation of an official’s state pension upon their conviction of certain offenses related to public corruption, including bribery and perjury.245

2. Arizona

Convicted felons cannot vote in Arizona.246 In order to hold office, one must first be a qualified elector.247 As such, Arizona disqualifies all felons from holding office until their civil rights are restored, the process for which varies based on the number of felony convictions.248 Civil rights are automatically restored to first-time offenders upon completion of sentence and payment of any fines.249 If convicted of two or more felonies, one can petition to the sentencing court for the restoration of that person’s civil rights two years after their discharge from prison or after their discharge from parole.250

Arizona’s bribery statute does not contain any additional restrictions on eligibility for office beyond those triggered by the offense’s felony classification.251 Yet, among the offenses which subject a state official to impeachment is “malfeasance in office.”252 One so impeached—regardless of their status as a felon or non-felon—would be removed from office and forever disqualified from holding office.253

3. Connecticut

Persons convicted of a felony and committed to a correctional institution forfeit their right to vote and the privileges that right entails.254 Such persons become eligible to hold office again once they complete their

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242 ALASKA STAT. § 15.25.030 (2016).
243 ALASKA STAT. §§ 11.56.100, 11.56.110, 11.56.124 (2016).
244 ALASKA CONST. art. II, § 20 (“The judgment may not extend beyond removal from office.
245 ALASKA STAT. § 37.10.310 (2016).
246 ARIZ. CONST. art. VII, § 2.
247 ARIZ. CONST. art. VII, § 15.
251 ARIZ. REV. STAT. ANN. § 13-2602 (West 2016).
252 ARIZ. CONST. art. 8, pt. 2, § 2.
253 Id.
254 CONN. GEN. STAT. § 9-46 (2016).
prison sentence and any period of parole. Connecticut’s statutes prohibiting bribery involving a public official do not contain any provisions for additional candidate disenfranchisement. However, an official convicted of an offense related to “state or quasi-public agency office” may not later work as a registered lobbyist. Additionally, state officials and employees convicted of offenses related to state or municipal office are subject to possible reduction or revocation of their pension benefits.

If a state official is impeached from office, though, they are permanently disqualified from again holding office under the state constitution.

4. Florida

Florida disqualifies all felons from voting and holding office until their civil rights have been restored. To have civil rights restored, one must petition the state Board of Executive Clemency. The ultimate decision is the governor’s.

While a public official convicted of certain offenses forfeits his or her public retirement benefits, there is no lifetime disqualification for holding office specific to corrupt officials as prescribed by statute. But, if a public official is impeached, the state senate may, in its discretion, permanently disqualify the impeached official from ever again holding office.

5. Hawaii

For purposes of candidate disenfranchisement, Hawaii treats all felonies the same, only disqualifying felons from holding office for the duration of his or her incarceration. A public official convicted of a felony forfeits office upon conviction. Hawaii’s bribery statute does not contain any provision for candidate disenfranchisement specific to that

255 Id.
256 CONN. GEN. STAT. §§ 53a-147, 53a-148 (2016).
257 CONN. GEN. STAT. § 1-101a (2016).
258 CONN. GEN. STAT. § 1-110a (2016).
259 CONN. CONST. art. IX, § 3.
260 FLA. CONST. art. VI, § 4; FLA. STAT. § 97.041 (2016).
261 FLA. CONST. art. IV, § 8; FLA. STAT. § 940.05 (2016).
262 FLA. CONST. art. IV, § 8.
263 FLA. STAT. § 112.3173(3) (2016).
264 See FLA. STAT. § 838.015 (2016) (bribery statute lacks any provision relating to candidate disenfranchisement).
265 FLA. CONST. art. III, § 17.
266 HAW. REV. STAT. § 831-2 (2016).
267 Id.
offense. If a state official is impeached, though, they are then forever disqualified from holding office.

6. Idaho

Upon conviction of a felony, one forfeits his or her right to vote and his or her eligibility to hold office until their civil rights have been restored, which generally occurs upon completion of their sentence. While conviction of public corruption offenses by a sitting official would forfeit their office, it would have no greater effect on their future eligibility to hold office. But, if a sitting official is impeached, they are forever disqualified from holding office.

7. Illinois

Illinois’ Constitution disqualifies from holding office any person convicted of “a felony, bribery, perjury or other infamous crime” but also allows that “[e]ligibility may be restored as provided by law.” The state’s legislature did just that, providing that persons convicted of any felony are only ineligible to hold office until the completion of their sentence. However, the state may refuse to restore the right to hold office if “the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest.” A sitting official convicted of official misconduct forfeits their office. An impeached official is forever disqualified from holding office.

8. Maine

Maine requires candidates seeking office to be registered to vote in the locality they seek to represent, but does not suspend the voting rights of convicted felons, allowing incarcerated persons to both vote and—theoretically, at least—run for office. What is confusing, though, is that sentencing judges have the power to remove convicted persons from office.

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268 HAW. REV. STAT. § 710-1040 (2016).
269 HAW. CONST. art. 3, § 19.
270 IDAHO CONST. art. VI, § 3; IDAHO CODE § 18-310 (2016).
271 IDAHO CODE § 18-1360 (2016).
272 IDAHO CONST. art. V, § 3.
273 ILL. CONST. art. 13, § 1.
274 730 ILL. COMP. STAT. 5/5-5-5 (2016).
275 Id.
276 720 ILL. COMP. STAT. 5/33-3(c) (2016).
277 ILL. CONST. art. 4, § 14.
279 ME. REV. STAT. ANN. tit. 21-A, § 112(14) (2016); see ME. REV. STAT. ANN. tit. 21-A, § 333 (lacking any consideration of incarceration’s effect on candidate eligibility).
While Maine’s bribery statute does not include any provision for candidate disenfranchisement, an impeached state official is forever disqualified from holding office.

9. New Hampshire

A person convicted of a felony in New Hampshire loses their right to vote during their incarceration, is barred from holding office until their full sentence has been completed, and, if in office at the time of the conviction, forfeits their office. New Hampshire’s bribery statute does not contain any provision for additional candidate disenfranchisement specific to that offense. If a sitting official is impeached—one offense exposing officials to impeachment being bribery—they are permanently disqualified from holding office. In cases of a conviction for bribery or corruption related to an election or appointment, however, New Hampshire’s constitution, in emphatic terms, permanently disqualifies such persons from holding office.

10. New Mexico

In order to hold office, one must first be eligible to vote. Felons lose the right to vote until their political rights are restored. A felon’s voting rights are restored upon completion of their sentence. In order to regain eligibility to hold office, though, one must present the governor with “a certificate verifying the completion of the sentence” and receive from the governor a “pardon or certificate” restoring their rights.

Therefore, while New Mexico does not have any provisions specifically disqualifying corrupt politicians from office, this procedure for regaining political rights after conviction of any felony could act as a de facto ban on all felons from holding office if a particular governor was so

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286 N.H. CONST. pt. 2, art. 96.
287 N.M. CONST. art. 7, § 2.
288 N.M. STAT. ANN. § 31-13-1(A) (West 2015) (describing several avenues in which one can have their political rights restored).
289 Id. § 31-13-1(A)(1).
Impeachment permanently disqualifies state officials from again holding office.\(^2\)

11. **North Carolina**

In order to hold office, one must be an eligible voter for the office they seek.\(^2\) Persons convicted of a felony lose their right to vote until their citizenship rights are restored.\(^2\) Such rights are automatically restored when an offender either receives a pardon or is unconditionally discharged from incarceration, probation, or parole.\(^2\)

North Carolina’s bribery statutes do not contain provisions for candidate disenfranchisement beyond that triggered by the felonious nature of the offense.\(^2\) North Carolina does provide for forfeiture of retirement benefits (except that which the member contributed, plus interest) upon a public official’s conviction for certain enumerated offenses related to corruption of office.\(^2\) Impeachment does disqualify a state official from ever holding office again.\(^2\)

12. **Oregon**

Oregon presents a strikingly permissive approach to corrupt politicians’ eligibility for office. Oregon bars felons from voting and holding office upon a sentence to incarceration.\(^2\) The right and privilege are automatically restored upon completion of the sentence.\(^\) Officials convicted of an “infamous crime” or who violate their oath of office vacate their office.\(^\)

With respect to state legislators, a felony conviction during the term in office or the period between election and the start of term forfeits the office.\(^\) Additionally, one cannot be elected as a state legislator unless their full sentence—inclusive of probation and monetary fines—has been completed and/or paid by the time they would take office if again

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\(^{291}\) See N.M. STAT. ANN. § 31-13-1 (West 2015) (requiring person seeking restoration of the privilege to obtain a pardon or certificate from the governor, but stopping short of explicitly mandating the governor to provide such a document).

\(^{292}\) N.M. CONST. art. 4, § 36.

\(^{293}\) N.C. CONST. art. VI, § 8.

\(^{294}\) N.C. CONST. art. VI, § 2(3).


\(^{296}\) N.C. GEN. STAT. §§ 14-217, 14-218 (2016).

\(^{297}\) N.C. GEN. STAT. §§ 128-38.4, 128-38.4A (2016).

\(^{298}\) N.C. CONST. art. IV, § 4.

\(^{299}\) OR. REV. STAT. § 137.281 (2015).

\(^{300}\) OR. REV. STAT. § 137.281(7) (2015).

\(^{301}\) OR. REV. STAT. § 236.010(1)(c).

\(^{302}\) OR. CONST. art. IV, § 8(3).
elected. However, one can run for legislative office before completing their sentence and, if elected, they can take office so long as their sentence, and thus, the term in which they were ineligible, is completed by the time their term begins.

Oregon’s constitution does not contain an impeachment provision. A provision for expelling legislators does not include provisions for disqualification from office.

13. Rhode Island*

Rhode Island is one state whose approach to candidate disenfranchisement does not fit comfortably in one category. A three-year disqualification follows the completion of a felony sentence but no disqualification specific to corruption-related offenses exists. Persons convicted of a felony or a misdemeanor which resulted in a jail sentence of six months or more are disqualified from seeking or holding office until three years after the completion of their sentence, including probation and parole.

Once the three-year period has elapsed, there is no further disqualification from office for persons convicted of bribery. Rhode Island does, however, revoke or reduce the retirement benefits of officials convicted of crimes “related to his or her public office or public employment.” Rhode Island’s provisions for impeachment of executive or judicial officers only result in removal from office.

14. Texas

Texas has a de facto waiting period similar to Rhode Island’s. All felons are disqualified from holding office until they receive a pardon or are “otherwise released from the [felony’s] resulting disabilities.” Absent a pardon, this would require waiting two years following discharge

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303 OR. CONST. art. IV, § 8(4).
304 OR. CONST. art. IV, § 8(6).
306 R.I. CONST. art. III, § 2. The constitutional provision arose in 1985 and was passed by statewide vote. State ex rel. Webb v. Cianci, 591 A.2d 1193, 1202 (R.I. 1991). The legislature also repealed a then-conflicting statute that had permanently disqualified from voting or holding office any person who had been convicted to more than one year in prison. Id. at 1202–03.
307 11 R.I. GEN. LAWS §§ 11-7-3, 11-7-4, 11-7-5 (2016).
308 36 R.I. GEN. LAWS § 36-10.1-3 (2016).
309 R.I. CONST. art. XI, § 3.
310 TEX. ELEC. CODE ANN. § 141.001 (West 2016).
from prison or completion of probation.  

Persons convicted of offering or giving a bribe to procure election or appointment are permanently disqualified from holding office, but such a disqualification does not extend to bribery unrelated to elections. A conviction of the latter type would nonetheless forfeit one’s office. Texas does permanently disqualify impeached officials from holding office again.

15. Utah*

Utah does not fit flush into one category. While there are no provisions for disenfranchisement specific to public corruption offenses, all felons must nonetheless wait for various periods of years before they may again hold office.

Felons and persons convicted of any crime related to elections are ineligible to vote or hold office until such rights or privileges are restored to them. One is again eligible to hold office when they receive a pardon or expungement or once ten years have passed since their most recent felony conviction. But one is not eligible for expungement until a certain period of time has passed since the completion of their sentence. The length of that period varies depending on the type of offense, ranging from ten years in the case of driving under the influence, seven years for felonies in general, and three years for any misdemeanor or infraction.

Office holders convicted of bribery are discharged from office but are not further disqualified than they are due to the offense’s felony status, which triggers a ten-year waiting period following the completion of the sentence, or, if the conviction is expunged, a seven-year waiting period from the date of expungement—presumably whichever comes first. Impeachment disqualifies an executive or judicial official from ever again holding office.

16. Vermont

Vermont neither limits one’s eligibility to hold office nor their right to

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312 TEX. CONST. art. 16, § 5.
313 TEX. PENAL CODE ANN. § 36.02 (West 2016).
314 TEX. CONST. art. XVI, § 41.
315 TEX. CONST. art. XV, § 4.
316 UTAH CONST. art. IV, § 6.
318 UTAH CODE ANN. § 77-40-105 (West 2016).
319 Id.
321 UTAH CONST. art. VI, § 19.
vote upon conviction of a felony. Vermont’s Constitution does render any candidate who bribes a voter during an election ineligible to hold office for one year. Only one class of state official—state’s attorneys—is barred from holding any office again upon conviction of bribery generally. Otherwise, Vermont’s bribery statute does not provide for disqualification from office for any other state official convicted thereunder. However, a bribery conviction may result in forfeiture of a state official’s retirement benefits. An executive or judicial official who is impeached is resultantly disqualified from ever again holding office.

B. States that Take a Particularized Approach, Disenfranchising Candidates with Convictions for Public Corruption Offenses

1. Alabama*

Alabama is one of several states that effectively disqualify all felons from holding office and also have provisions specifically disqualifying persons convicted of public corruption offenses.

Persons who are not qualified electors cannot hold office in Alabama. Felons lose their right to vote through the completion of their sentence, at which point they must seek a certificate of eligibility to register to vote from the state Board of Pardons and Parole. Absent receipt of such a certificate or a pardon, a felon cannot vote and thus cannot hold office.

Alabama presents something of a catch-all approach to candidate disenfranchisement, disqualifying—in the same statutory provision—all persons convicted of “treason, embezzlement of public funds, malfeasance in office, larceny, [or] bribery,” as well as all persons convicted of “any other crime punishable by imprisonment in the state or federal penitentiary,” which would implicate all felons. The effect is to cover all malfeasors in office and bribers, despite their avoiding imprisonment in the penitentiary.

Alabama’s constitution also disqualifies from public office any person

322 VT. STAT. ANN. tit. 28, § 807 (West 2016) (permitting felons to vote by absentee ballot); VT. STAT. ANN. tit. 17, § 2353 (West 2016) (requiring only a candidate’s submission of a petition containing the requisite number of signatures to have their name printed on the ballot).
323 VT. CONST. ch. II, § 55.
324 VT. STAT. ANN. tit. 24, § 365 (West 2016).
325 VT. STAT. ANN. tit. 13, § 1102 (West 2016).
326 VT. STAT. ANN. tit. 32, § 623 (West 2016).
327 VT. CONST. ch. II, § 58.
328 ALA. CODE § 36-2-1 (2016).
"convicted of embezzlement of the public money, bribery, perjury, or other infamous crime."331

2. California

Felons serving prison sentences or periods of parole are disqualified from voting.332 Persons not qualified to vote are disqualified from holding office.333 California’s Constitution has long disenfranchised candidates who gave or received bribes specifically to win election or receive an appointment to state office.334 A statute passed in 2012 extended this disqualification to persons convicted of offering or receiving a bribe, regardless of the context.335 It also includes as disqualifying offenses “embezzlement of public money, extortion or theft of public money, perjury, [and] conspiracy to commit any of those crimes.”336

In addition to the disqualification on office-holding by proven corrupt officials, California also disqualifies public employees convicted of those same offenses from holding a public job for five years following completion of their sentence.337

3. Colorado

Only those qualified as electors may hold office.338 Convicts cannot vote until the completion of their sentence.339 Colorado’s Constitution effects lifetime candidate disenfranchisement for persons convicted of bribery, embezzlement of public moneys, perjury, solicitation of bribery, and subornation of perjury.340 Persons convicted of any other felony regain the privilege to hold office upon completion of their sentence.341 Colorado’s Constitution also provides a broad definition of bribery as applied to the state’s legislators and those who would attempt to buy their influence.342 The definition includes direct and indirect receipt or solicitation of money or favor in exchange for votes, influence, or action,

331 ALA. CONST. art. IV, § 60.
333 CAL. ELEC. CODE § 201 (2016).
334 CAL. CONST. art. VII, § 8 (disqualifying from holding “any office of profit in this State” anyone “convicted of having given or offered a bribe to procure personal election or appointment”).
335 CAL. ELEC. CODE § 20 (2016). For a discussion of the events—including an election in which California voters had no choice but to elect persons charged with offenses against the public trust—which led to the enactment of § 20, see Heitz, supra note 108, at 640.
337 CAL. GOV’T CODE § 1021.5 (2016).
339 COLO. CONST. art. VII, § 10.
340 COLO. CONST. art. XII, § 4.
341 COLO. REV. STAT. § 18-1.3-401(3) (2016).
342 COLO. CONST. art. XII, § 7.
or the forbearance of the same.\textsuperscript{343} Vote-bartering amongst state legislators is also termed bribery, though the disqualification for such an offense extends only to state legislative office.\textsuperscript{344}

4. Delaware

Delaware’s constitution disqualifies from holding office all persons “convicted of embezzlement of the public money, bribery, perjury or other infamous crime.”\textsuperscript{345} This definition of “bribery” includes offering a bribe to an official.\textsuperscript{346} Even upon a pardon, persons convicted of bribery or like public corruption offenses remain disqualified from holding office.\textsuperscript{347} Despite the inclusion of “infamous” crimes, not all felonies are necessarily included in this class of offenses.\textsuperscript{348} The governor also has the power to remove public officials who do not “behave themselves well,” or those who are “convicted of misbehavior in office or of any infamous crime.”\textsuperscript{349}

5. Georgia*

Georgia is another state that does not fit comfortably into one of these categories. While Georgia law all but disenfranchises persons convicted of any felony lest they receive a pardon, a state statute additionally extends that disqualification to persons convicted of public corruption offenses specifically.

Once convicted of a “felony involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary,” one may not hold office unless both ten years have passed since the completion of their sentence and their civil rights have been restored.\textsuperscript{350} Only a pardon will restore a person’s eligibility for office and can only be granted by the state Board of Pardons.\textsuperscript{351}

The Supreme Court of Georgia has taken “felony involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary” to mean an offense that is both a felony—or, punishable by imprisonment in the penitentiary—and that also “involve[s] moral turpitude,” though the Court’s interpretation of this latter phrase has found

\textsuperscript{343} \textit{Id.}
\textsuperscript{344} \textit{COLO. CONST.} art. V, § 40.
\textsuperscript{345} \textit{DEL. CONST.} art. II, § 21.
\textsuperscript{346} \textit{DEL. CONST.} art. II, § 22; \textit{DEL. CODE ANN.} tit. 11, § 1201 (West 2016).
\textsuperscript{347} \textit{DEL. CODE ANN.} tit. 11, § 4364 (West 2016).
\textsuperscript{348} \textit{In re} Request of Governor for Advisory Opinion, 950 A.2d 651, 653 (Del. 2008) (“[N]ot every felony is necessarily an ‘infamous crime’ within the meaning of Section 21. Rather, ‘the totality of the circumstances in each case must be examined before a determination may be made that a specific felony is infamous.’”) (citations omitted).
\textsuperscript{349} \textit{DEL. CONST.} art. XV, § 6.
\textsuperscript{350} \textit{GA. CONST.} art. II, § 2, ¶ 3; \textit{GA. CODE ANN.} § 45-2-1(3) (West 2016).
\textsuperscript{351} \textit{GA. CONST.} art. IV, § 2, ¶ 2; \textit{GA. CODE ANN.} §§ 42-9-54, 45-2-1 (West 2016).
all felonies to necessarily involve moral turpitude. 352

A Georgia statute ensures that crimes related to corrupting one’s office trigger this disqualification. Persons convicted of “fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude” cannot hold office for ten years and only after their civil rights are restored.353

6. Kansas

Upon conviction of any felony, one loses both their right to vote and their eligibility to hold office, but only for the duration of their sentence.354 Sitting officials convicted of a felony forfeit their office.355 Public officials convicted of soliciting or receiving bribes are forever disqualified from holding office, as are those persons who bribed them.356

7. Maryland

Maryland disqualifies all felons from voting until they complete their sentence.357 One must be registered to vote in order to run for office.358 Persons convicted of “buying or selling votes” are permanently disqualified from voting and therefore from holding office.359 Persons convicted of offering or giving a bribe to a public official or employee and public officials and public employees convicted of demanding or receiving a bribe are permanently disqualified from both holding office and voting.360

8. Massachusetts

Massachusetts had not limited the voting rights of convicted felons until 2000, when voters approved a statewide referendum by a roughly sixty percent vote to amend the state’s constitution to disqualify felons from voting while incarcerated.361 The state legislature amended the

352 See Ramsey v. Powell, 262 S.E.2d 61, 62 (Ga. 1979) (analyzing an offense’s effect on office-holding with both parts considered separately); Lewis v. State, 254 S.E.2d 830, 832 (Ga. 1979) (indicating that “any crime designated as a felony and punishable by imprisonment would be a crime involving moral turpitude”).
353 GA. CODE ANN. § 21-2-8 (West 2016).
354 KAN. STAT. ANN. § 21-6613 (West 2016).
356 KAN. STAT. ANN. § 21-6001 (West 2016).
357 MD. CODE ANN., ELEC. LAW § 3-102 (West 2015).
358 MD. CODE ANN., ELEC. LAW § 5-203 (West 2015).
359 MD. CONST. art. I, § 6; MD. CODE ANN., ELEC. LAW § 3-102 (West 2015).
360 MD. CODE ANN., CRIM. LAW § 9-201 (West 2015) (“A person who violates this section ... may not vote; and may not hold an office of trust or profit in the State.”).
relevant statute to the same effect in 2001.\textsuperscript{362}

Massachusetts does not explicitly tie voting rights to eligibility for office, but its constitution does disqualify from holding office anyone who has been convicted of bribery or corruption in obtaining election or appointment.\textsuperscript{363} That disqualification is extended by statute to all persons convicted of intentionally engaging in a "\textit{quid pro quo}" bribe in exchange for influence over an official action.\textsuperscript{364} Public officials convicted of a felony forfeit their office at the time of sentencing.\textsuperscript{365}

9. \textit{Michigan}

Michigan conditions eligibility for office on candidates’ having the right to vote, which is suspended upon a felony conviction for the duration of incarceration.\textsuperscript{366} Michigan’s constitution had long contained a provision that imposed a twenty-year disqualification from holding certain state offices on persons convicted of a public corruption offense. A 2010 Amendment to Michigan’s constitution widened that limitation to include all state, local, and federal offices, and state and local jobs in which the individual has discretionary authority over public assets.\textsuperscript{367} The felonies included are those “involving dishonesty, deceit, fraud, or a breach of the public trust . . . related to the person’s official capacity . . . (in) elective office or position of employment in local, state, or federal government.”\textsuperscript{368}

10. \textit{Minnesota}

Persons convicted of “treason or felony” are disqualified from voting until their civil rights are restored.\textsuperscript{369} In order to hold office, one must be an eligible voter.\textsuperscript{370} Voter eligibility is restored upon discharge of sentence,
including probation and parole. 371

Minnesota permanently disqualifies “public officers” convicted of bribery offenses from holding public office. 372 “Bribery” is defined as directly or indirectly offering a bribe to a public officer in order to influence them, as well as a public officer’s receipt or request of the same. 373

11. Mississippi*

Mississippi could be included in the particularized approach category or the category of states that disqualify all felons from holding office in a way similar to Georgia.

Persons convicted of “infamous crimes”—including, specifically, bribery and embezzlement—are disqualified from voting and holding office unless they receive a pardon. 374 The term “infamous crimes” includes all felonies save for certain offenses enumerated in article 4, section 44 of the Mississippi Constitution. 375 If convicted of either offering a bribe to a public official or receiving one as a public official, such persons are permanently disqualified from holding office. 376

12. Missouri

A felony conviction or a conviction of a crime “connected with the right of suffrage” disqualifies one from voting. 377 In order to hold state office, one must be a “qualified voter for two years.” 378

One holding either elected or appointed office who is convicted or pleads guilty or nolo contendere to any felony or a crime “involving misconduct in office or dishonesty” forfeits their current office. 379 Upon completion of their sentence—including probation—one regains their eligibility for office unless their crime was a “felony connected with the exercise of the right of suffrage,” in which case they are “forever disqualified” from holding any office in the state and from voting. 380

However, under the state’s constitution, state legislators must take an oath which includes a promise not to “knowingly receive, directly or
indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to [their] office, other than the compensation allowed by law." Refusing to take the oath or violating it—including its proscription against bribery—"forever disqualifie[s] [the offender] from holding any office of trust or profit in [the] state."  

13. Montana

Upon conviction of a felony, an individual forfeits their voting rights until they complete their sentence. One must be an eligible voter to hold office and the disqualification during a felony sentence is specifically extended to holding office. Both disqualifications cease upon completion of the sentence. Any person who gives or accepts a bribe in consideration of official influence is forever disqualified from holding office.

14. Nevada*

Nevada is similar to Mississippi and Georgia in its disenfranchisement of candidates upon conviction of any felony, though the permanent "any felony" disqualification is tied to persons convicted while in office and the disqualification imposed on those not holding office at the time of conviction lasts only four years following the completion of his or her sentence.

In order to be eligible to hold office in Nevada, one must first be a qualified elector. Nevada disqualifies felons from voting until their civil rights are restored. While voting rights are restored immediately upon completion of sentence—including parole—there is an additional four-year disqualification before one regains eligibility to hold office. An office holder convicted of any felony or a crime involving "malfeasance in office" forfeits their current office and is disqualified from ever again holding office. Any person convicted of embezzlement, offering or receiving a bribe in order "to procure his election or appointment to office," or receiving a bribe to "aid in the procurement of office for any other person" is also disqualified from holding office.

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381 MO. CONST. art. III, § 15.
382 Id.
383 MONT. CONST. art. IV, § 2.
384 MONT. CONST. art. IV, § 4.
385 MONT. CONST. art. II, § 28.
386 MONT. CODE ANN. § 45-7-101 (West 2016).
387 NEV. REV. STAT. § 281.040 (2016).
388 NEV. CONST. art. II, § 1.
391 NEV. CONST. art. IV, § 10.
15. New Jersey

To be eligible for state legislative office, one must be eligible to vote.\(^{392}\) The same requirement does not expressly extend to the office of the governor.\(^{393}\) One loses their right to vote upon conviction of a crime for the duration of incarceration, parole, and/or probation.\(^{394}\)

One convicted of a crime involving public corruption—or, an offense “involving or touching on [public] office”—is permanently disqualified from holding office.\(^{395}\) Such crimes are defined generally as those “related directly to the person’s performance in, or circumstances flowing from, the specific public office, position or employment held by the person.”\(^{396}\)

16. New York

One in prison or on parole for a felony in New York may nonetheless pursue public office, though they cannot vote during that time.\(^{397}\) Under a state statute, one is forever disqualified from holding office upon their conviction of any of the following felonies: giving or receiving a bribe as a public servant,\(^{398}\) corrupting the government or public corruption,\(^{399}\) or defrauding the government while a public servant.\(^{400}\)

If one is convicted of a misdemeanor under any of these statutes, he or she is only disqualified from holding office for five years from the date of the conviction.\(^{401}\) If that misdemeanor conviction results from plea agreements made to avoid a felony conviction, they are banned for ten years.\(^{402}\)

Upon conviction of a felony or a crime involving a violation of the oath of office, a public official forfeits the office.\(^{403}\)

17. North Dakota

A felony conviction in North Dakota disqualifies one from voting, running for office, or holding office until the period of their incarceration ends, at which point the rights are automatically restored.\(^{404}\) If in office at

\(^{392}\) N.J. CONST. art. 4, § 1, ¶ 2.

\(^{393}\) N.J. CONST. art. 5, § 1, ¶ 2.

\(^{394}\) N.J. STAT. ANN. § 2C:51-3(a) (West 2015).


\(^{396}\) Id.

\(^{397}\) N.Y. CONST. art. 3, § 7; N.Y. CONST. art. 4, § 2; N.Y. ELEC. LAW § 5-106 (McKinney 2015).

\(^{398}\) E.g., N.Y. PENAL LAW § 200.00 (McKinney 2015).

\(^{399}\) E.g., N.Y. PENAL LAW § 496.05 (McKinney 2015).

\(^{400}\) N.Y. PENAL LAW § 195.20 (McKinney 2015); N.Y. PUB. OFF. LAW § 3(1-a)(i)-(ii) (McKinney 2015).

\(^{401}\) Id.

\(^{402}\) Id.

\(^{403}\) N.Y. PUB. OFF. LAW § 30(1)(c) (McKinney 2015).

the time of the conviction, the offender forfeits their office.\textsuperscript{405}

North Dakota's constitution contains several provisions specific to particular state offices providing for permanent candidate disqualification for certain offenses, which can be described generally as receiving a bribe for official action or offering official influence or action in exchange for benefit or a \textit{quid pro quo} for another official's action, forbearance, or influence.\textsuperscript{406} Persons convicted of "infamous crimes," bribery, or perjury are also ineligible for state legislative office.\textsuperscript{407} A city official's bribery conviction will also forfeit their office.\textsuperscript{408}

The state's judiciary—as well as the governor—are liable for impeachment if found guilty of offenses including crimes, corrupt conduct, or malfeasance in office, resulting in lifetime disqualification from office.\textsuperscript{409}

18. \textit{Ohio}

Ohio also stands out as a state which at once takes the particularized approach but also provides for sweeping candidate disenfranchisement of all felons. A person convicted of a felony loses their right to vote until the completion of their sentence.\textsuperscript{410} Such persons are also permanently disqualified from holding office unless they receive a pardon.\textsuperscript{411} If a public official or employee is found guilty of bribery, they are forever disqualified from holding office.\textsuperscript{412} If one is convicted of embezzling public funds they are permanently disqualified from holding office.\textsuperscript{413} A public servant convicted of soliciting "improper compensation"—as distinct from a bribe, \textit{per se}—for their service is disqualified from holding office for seven years following their conviction.\textsuperscript{414}

\textsuperscript{405} Id.
\textsuperscript{406} N.D. CONST. art. V, § 10 (relating to the governor); N.D. CONST. art. IV, § 9 (relating to state legislators but limiting the prohibited acts to vote trading).
\textsuperscript{407} N.D. CONST. art. IV, § 10.
\textsuperscript{408} N.D. CENT. CODE § 40-06-06 (2015).
\textsuperscript{409} N.D. CONST. art. XI, § 10.
\textsuperscript{410} OHIO REV. CODE ANN. § 2961.01 (West 2015).
\textsuperscript{411} Id.
\textsuperscript{412} OHIO REV. CODE ANN. § 2921.02 (West 2015).
\textsuperscript{413} OHIO CONST. art. II, § 5.
\textsuperscript{414} OHIO REV. CODE ANN. § 2921.43 (West 2015). The improper compensation statute has been interpreted to prohibit teachers from accepting compensation for tasks ancillary to their position, such as mentoring student teachers or hosting students completing field work, Ohio Ethics Op. 2011-05 (June 17, 2011), but not to include a State Highway Patrol vehicle inspector’s acceptance of donuts and pizza from dealers who regularly had their vehicles inspected, State v. Livesay, 91 Ohio Misc. 2d 208, 214 (Com. Pl. 1998) ("If a person gets friendly service from the personnel of a public office with whom he works regularly and brings in a box of donuts one day, and the staff eats the donuts, has a crime been committed? Is this what the legislature intended when it prohibited illegal compensation? We think not.").
19. South Carolina

South Carolina’s approach is similar to Nevada’s in its term-of-years disqualification from office for any person convicted of a felony and its additional permanent disqualification for persons convicted of public corruption offenses. South Carolina disqualifies from holding office all persons convicted of a felony or an election crime for the duration of their sentence, including probation and parole, plus an additional fifteen years.415 A pardon would immediately lift the disqualification. Upon conviction of giving or receiving a bribe, or attempting either, an individual is permanently disqualified from holding office.416

20. South Dakota

Anyone sentenced to a term of imprisonment—even if that sentence is suspended—is disqualified from seeking or holding office until the sentence’s completion.417 A conviction of bribery of a public official—either the giver or receiver—will forfeit one’s office and forever disqualify them from holding office.418 South Carolina’s constitution bars from holding any office in the legislature persons who have been convicted of bribery, perjury, or “other infamous crime.”419 It is not clear what would constitute an “infamous crime” in South Dakota, though statutory provisions specific to legislators also permanently disqualify from holding office those convicted of certain offenses related to the operation of the legislature.420

21. Tennessee

A felony conviction in Tennessee renders one “infamous” and so disqualifies one from voting,421 a right returned upon meeting conditions more or less arduous depending on the date of conviction.422 Conviction of an infamous crime (a felony)423 immediately disqualifies one from seeking or holding office until that person regains their voting rights.424 For sitting officials who commit a felony in their official capacity or in a way involving their official duties, however, the disqualification from holding office is permanent—regardless of subsequent restoration of their citizenship rights—though the circumstances do not have any additional

415 S.C. CONST. art. VI, § 1.
418 S.D. CODIFIED LAWS § 22-12A-10; see also S.D. CONST. art. III, § 28.
420 S.D. CODIFIED LAWS § 2-4-13 (2015).
421 TENN. CODE ANN. § 40-20-112 (West 2015)
422 TENN. CODE ANN. § 40-29-105 (West 2015).
423 TENN. CODE ANN. § 40-20-112 (West 2015).
424 Id.
effect on their voting rights.\textsuperscript{425} Impeachment from a state office forever disqualifies one from holding office again.\textsuperscript{426}

22. \textit{Virginia}

One loses their right to vote upon conviction of a felony.\textsuperscript{427} In order to hold office, one must be eligible to vote.\textsuperscript{428} If a state official or candidate for public office receives any gift or promise in relation to their official function, they are guilty of a felony and forever disqualified from holding office.\textsuperscript{429} "Public servants" convicted of either giving or receiving a bribe are also so disqualified, which implicates local officials.\textsuperscript{430}

23. \textit{Washington*}

Washington takes the "just corrupt politicians, but also all felons" approach to candidate disenfranchisement, but—like Nevada—only sitting public officials are exposed to the disqualification upon conviction of any felony at all.

A person convicted of an "infamous crime" is ineligible to vote.\textsuperscript{431} In order to hold office, one must be a qualified elector.\textsuperscript{432} State and municipal officers convicted of "bribery or corrupt solicitation" are permanently barred from holding office.\textsuperscript{433} Public officials convicted of "any felony or malfeasance in office" forfeit their office and are disqualified from holding office in the future.\textsuperscript{434} Impeachment for malfeasance in office also effects permanent disqualification from office for state officials.\textsuperscript{435}

24. \textit{West Virginia}

West Virginia disqualifies any person who bribes or attempts to bribe an elected official from ever holding office as well as any official who receives or solicits as much.\textsuperscript{436} Another statute disqualifies from office persons convicted of "treason, felony, or bribery in any election," unless the conviction is reversed.\textsuperscript{437} An amendment to this statute proposed in

\textsuperscript{425} T\textsc{enn.} Code \textsc{ann.} § 40-20-114(b) (West 2015).
\textsuperscript{426} T\textsc{enn.} Const. art. V, § 4.
\textsuperscript{427} V\textsc{a.} Const. art. II, § 1.
\textsuperscript{428} V\textsc{a.} Const. art. II, § 5.
\textsuperscript{429} V\textsc{a.} Code \textsc{ann.} § 18.2-439 (West 2015).
\textsuperscript{430} V\textsc{a.} Code \textsc{ann.} §§ 18.2-447, 18.2-449 (West 2016).
\textsuperscript{431} W\textsc{ash.} Const. art. VI, § 3.
\textsuperscript{432} W\textsc{ash.} Const. art. III, § 25; W\textsc{ash.} Const. art. II, § 7; W\textsc{ash.} Rev. Code § 42.04.020 (2016).
\textsuperscript{433} W\textsc{ash.} Const. art. II, § 30; W\textsc{ash.} Rev. Code § 35A.42.050 (2016); W\textsc{ash.} Rev. Code \textsc{ann.} § 9A.68.010 (West 2016) (defining "bribery").
\textsuperscript{434} W\textsc{ash.} Rev. Code § 9.92.120 (2016) (emphasis added).
\textsuperscript{435} W\textsc{ash.} Const. art. V, § 2.
\textsuperscript{436} W. \textsc{va.} Code § 61-5-5 (2016).
\textsuperscript{437} W. \textsc{va.} Code § 6-5-5 (2016).
2015 would have added domestic violence and fraud to the list of offenses.\(^{438}\)

25. **Wyoming**

Persons convicted of felonies lose their right to vote.\(^{439}\) In order to be eligible for elected or appointed office, one must be a qualified elector.\(^{440}\) These provisions are combined in a statute.\(^{441}\) Wyoming’s state constitution provides for lifetime disqualification from office for any state officer found guilty of bribery or corrupt solicitation.\(^{442}\)

As for lay persons convicted of felonies who lose their right to vote and with it their right to hold office, only if they have their conviction reversed or annulled or receive a pardon or restoration of their civil rights from the governor will they regain the right to hold office.\(^{443}\) If one has their civil rights restored by way of petition to the state Board of Parole, they would not regain their eligibility to hold office.\(^{444}\) Impeachment also results in disqualification from holding office for state officials.\(^{445}\)

**C. States that Disenfranchise Candidates with Any Felony Conviction**

1. **Arkansas**

Arkansas had long disqualified from holding office persons convicted of “embezzlement of public money, bribery, forgery or other infamous crime” under its state constitution.\(^{446}\) An amendment passed in 2015 added a definition of “infamous crime” to that provision so that now all felonies are expressly incorporated under the disqualification provision.\(^{447}\)

2. **Indiana**

Indiana’s statute disqualifies both all felons from holding office in the state as well as any person who offers a bribe to procure election.\(^{448}\) The disqualification from holding office can only be lifted by pardon, reversal of the conviction, vacating the sentence, or expungement.\(^{449}\) A felony conviction while in office forfeits the office.\(^{450}\)

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\(^{439}\) WYo. CONST. art. VI, § 6.

\(^{440}\) WYo. CONST. art. VI, § 15.

\(^{441}\) WYo. STAT. ANN. § 6-10-106(a) (West 2016).

\(^{442}\) WYo. CONST. art. III, §§ 42, 44; WYo. CONST. art. IV § 10.

\(^{443}\) WYo. STAT. ANN. § 6-10-106 (West 2016).

\(^{444}\) Id.; WYo. STAT. ANN. §§ 7-13-105(b), (c) (West 2016).

\(^{445}\) WYo. CONST. art. III, § 18.

\(^{446}\) ARK. CONST. art. V, § 9.

\(^{447}\) 2015 Arkansas Laws Act 1027.

\(^{448}\) IND. CONST. art. II, § 6; IND. CODE § 3-8-1-5 (2016).

\(^{449}\) IND. CODE § 3-8-1-38 (2016).

\(^{450}\) IND. CODE § 3-8-1-38 (2016).
3. **Iowa**

Iowa does not expressly disqualify all felons from holding office, but in its provision of a felony conviction as grounds for challenging a person’s election, such persons are effectively so disqualified. One convicted of an “infamous crime” loses his or her right to vote absent a pardon by the governor or president.\(^{451}\) In order to be eligible to hold office, one must first be an eligible elector.\(^{452}\) But the Supreme Court of Iowa has held that the mention of “infamous crime” in article II, section 5 of the Iowa Constitution does not connote all felonies.\(^{453}\)

 Nonetheless, one ground for contesting an election in Iowa is the winning candidate’s previous conviction of a felony,\(^{454}\) which would seem to effectively screen out all felons from holding office, either after an election through a challenge or prior to running for fear of such a challenge.

4. **Kentucky**

Under the Kentucky Constitution, any felony conviction disqualifies one from holding office unless they receive a pardon from the governor.\(^{455}\)

5. **Louisiana**

In Louisiana, all felons are disqualified from holding office until their sentences are completed and, absent a pardon, an additional fifteen years have passed.\(^{456}\)

6. **Nebraska**

In order to hold office in Nebraska, one must first be a registered voter.\(^{457}\) Felons are disqualified from voting until two years after the completion of their sentence.\(^{458}\) Nebraska permanently disqualifies all felons from holding office unless they receive a pardon, in which case the privileges restored to them still may be limited.\(^{459}\)

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\(^{451}\) *Iowa Const.* art. II, § 5; *Iowa Const.* art. IV, § 16; *Iowa Code* §§ 914.1–914.3, 48A.6 (2016).


\(^{453}\) *Chiodo v. Section 43.24 Panel*, 846 N.W.2d 845, 853–54, 856 (Iowa 2014). While the *Chiodo* court acknowledged that the framers of the Iowa Constitution “clearly understood that an ‘infamous crime’ and a ‘felony’ had different meanings,” *id.* at 856, it stopped short of precisely defining the term, instead offering that “the crime must be classified as particularly serious, and it must be a crime that reveals that voters who commit the crime would tend to undermine the process of democratic governance through elections,” *id.* at 856.

\(^{454}\) *Iowa Code* § 57.1 (2016).

\(^{455}\) *Ky. Const.* § 150.


\(^{459}\) *Id.*
7. Oklahoma

If convicted of a felony while in office in Oklahoma, any state officer—including appellate judges—forfeits his or her office. All felons and anyone convicted of misdemeanors involving embezzlement are disqualified from running or holding office for a period of fifteen years following the completion of sentence. Disqualification is permanent for state legislators, though: Oklahoma’s Constitution provides that no person found guilty of a felony may be elected to the state’s legislature. Expulsion for corruption also bars a legislator from ever again holding a seat in that body.

8. Pennsylvania

Pennsylvania disqualifies all felons from holding office by way of a constitutional provision that states “[n]o person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.” The definition of “infamous crime” includes all felonies.

9. Wisconsin

Under Wisconsin’s Constitution, all felons convicted of a felony in any court are disqualified from holding office unless they receive a pardon. This limitation is also extended to misdemeanants whose offenses are related to the public trust.

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460 OKLA. CONST. art. VIII, § 1.
461 OKLA. STAT. tit. 26, § 5-105a (2016).
462 OKLA. CONST. art. V, § 18.
463 OKLA. CONST. art. V, § 19.
466 WIS. CONST. art. XIII, § 3.
467 Id.
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