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Opinion No. 06-095

Constitutionality of SB 3256

QUESTION

Does Senate Bill 3256 violate Article I, Section 23, of the Tennessee Constitution?

OPINION

No.

ANALYSIS

Senate Bill 3256, as proposed, would amend the Comprehensive Governmental Ethics Reform Act, 2006 Tenn. Pub. Act Ch. 1 (Ex. Sess.) (the "2006 Ethics Act"), to add a new subsection to Tenn. Code Ann. § 3-6-304, as follows:

> (o) A person, who is convicted of a felony after the effective date of this act, may not be a lobbyist unless his or her full rights of citizenship have been duly restored.

You have asked whether Senate Bill 3256 violates Article I, Section 23, of the Tennessee Constitution, which provides:

> [t]hat the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

The 2006 Ethics Act defines a "lobbyist" as "any person who engages in lobbying for compensation." New Tenn. Code Ann. § 3-6-301(17). Thus, Senate Bill 3256 would only prohibit a person convicted of a felony from engaging in lobbying *for compensation*, and only until such person has had his or her rights of citizenship restored. It would not, however, prohibit such person from exercising their individual rights under Article I, Section 23, "to instruct [his or her] representatives and to apply to those invested with the powers of government for redress of

grievances . . .." Accordingly, it is our opinion that Senate Bill 3256 would not violate Article I, Section 23, of the Tennessee Constitution.

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