

2021 Regular Session

HOUSE BILL NO. 378

BY REPRESENTATIVES JENKINS, BRASS, BRYANT, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, GLOVER, GREEN, HUGHES, JAMES, JEFFERSON, JONES, LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, AND SELDERS

1 AN ACT

2 To amend and reenact R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and
3 176(A)(1), (2), and (3)(b) and to enact R.S. 18:102(C), relative to registration and
4 voting; to provide relative to registration and voting by a person with a felony
5 conviction; to provide relative to the suspension of registration and voting rights of
6 such a person; to provide relative to reports to election officials concerning such
7 persons; to provide relative to the duties of registrars of voters and officials in the
8 Department of State and in the Department of Public Safety and Corrections relative
9 to such reports; to provide for the information required to be reported; and to provide
10 for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1),
13 (2), and (3)(b) are hereby amended and reenacted and R.S. 18:102(C) is hereby enacted to
14 read as follows:

15 §102. Ineligible persons

16 A. No person shall be permitted to register or vote who is:

17 (1)

18 * * *

19 (b) Except as provided in Subparagraph (c) of this Paragraph, a person who
20 is under an order of imprisonment for conviction of a felony and who has not been
21 incarcerated pursuant to the order within the last five years shall not be ineligible to
22 register or vote based on the order ~~if the person submits documentation to the~~

1 registrar of voters from the appropriate correction official showing that the person
2 has not been incarcerated pursuant to the order within the last five years.

3 * * *

4 C. For purposes of this Chapter, "incarcerated pursuant to the order" means
5 actual confinement in a correctional facility pursuant to the order of imprisonment,
6 including confinement after conviction but prior to sentencing for which the person
7 is given credit in the order and confinement following revocation of probation or
8 parole. "Incarcerated pursuant to the order" does not include confinement pursuant
9 to a violation of a condition of probation or parole that does not result in revocation.

10 * * *

11 §171. Report of convictions of felony

12 A. The clerk of a court having jurisdiction over a criminal proceeding shall
13 record in the minute book in his office each conviction of a felony for which there
14 is an order of imprisonment and for which the person is incarcerated pursuant to the
15 order and the name, aliases, date of birth, sex, and address of the person subject to
16 the conviction. This recordation shall be made immediately after the judgment is
17 signed.

18 B.(1) If requested, the sheriff and district attorney shall provide information
19 regarding a person convicted of a felony to a registrar of voters, if available,
20 including the convicted felon's date of birth, driver's license number, address, and
21 mother's maiden name, and the type of felony offense, and whether the conviction
22 resulted in an order of imprisonment pursuant to which the person is incarcerated.

23 (2) If requested, the secretary of the Department of Public Safety and
24 Corrections or his authorized representative shall provide information to a registrar
25 of voters regarding a person who is under an order of imprisonment for conviction
26 of a felony, including whether the person is under an order of imprisonment for
27 conviction of a felony offense of election fraud or any other election offense
28 pursuant to R.S. 18:1461.2 and whether the person has been incarcerated pursuant
29 to the order within the last five years.

1 C.(1) The secretary of the Department of Public Safety and Corrections shall
 2 send to the Department of State a report, certified as correct over his signature or the
 3 signature of his authorized representative, containing the name, date of birth, sex,
 4 and address as such information exists in the database of any person ~~who has a~~
 5 ~~felony conviction and who is~~ currently under the custody or supervision of the
 6 Department of Public Safety and Corrections: who meets either of the following:

7 (a) The person is under an order of imprisonment for conviction of a felony
 8 and has been incarcerated pursuant to the order within the last five years.

9 (b) The person is under an order of imprisonment for conviction of a felony
 10 offense of election fraud or any other election offense pursuant to R.S. 18:1461.2.

11 (2) The secretary of the Department of Public Safety and Corrections shall
 12 send to the Department of State supplemental reports, certified as correct over his
 13 signature or the signature of his authorized representative, containing the ~~name, date~~
 14 ~~of birth, sex, and address as such information exists in the database of any person~~
 15 ~~who has a felony conviction, who is currently under the custody or supervision of the~~
 16 ~~Department of Public Safety and Corrections, and whose name was not on~~ required
 17 information for persons described in Paragraph (1) of this Subsection who were not
 18 included in the report sent pursuant to Paragraph (1) of this Subsection or on in any
 19 subsequent supplemental report. The secretary shall also indicate in the
 20 supplemental reports each person who has a felony conviction and who has been
 21 released from the custody or supervision of the Department of Public Safety and
 22 Corrections and whether the individual has been granted or is eligible to be granted
 23 a first offender pardon. Such supplemental reports shall be sent to the Department
 24 of State on no less than a quarterly basis.

25 (3) Upon receipt of any ~~supplemental~~ report, the Department of State shall
 26 confirm that the information therein has been entered into the department's databases
 27 and provide for correction, if necessary.

28 ~~(3)~~(4) The Department of State shall send to the registrar of voters of each
 29 parish such information received from the Department of Public Safety and

1 Corrections regarding persons with a felony conviction on no less than a quarterly
2 basis.

3 * * *

4 §171.1. Conviction of felony in federal court; notification

5 A.(1) Each United States attorney shall give written notice to the secretary
6 of state of any felony conviction of a person in a district court of the United States
7 for which there is an order of imprisonment ~~in a district court of the United States~~
8 ~~to the secretary of state~~ and for which the person is incarcerated pursuant to the
9 order.

10 * * *

11 §176. Suspension and cancellation of registration and challenge of unlawful
12 registration on the basis of reports

13 A.(1) The registrar shall send a notice to each person listed on a report
14 received pursuant to R.S. 18:171 or 171.1 and to any person the registrar has reason
15 to believe ~~has been convicted of a felony and is under an order of imprisonment~~ is
16 ineligible to register or vote pursuant to R.S. 18:102(A)(1). The notice shall be
17 mailed first class, postage prepaid, to the address on file at the registrar's office.

18 (2) The notice shall state that the registrar has information that the registrant
19 ~~has been convicted of a felony and is under an order of imprisonment~~ for conviction
20 of a felony and that the conviction is for an election offense or the registrant has been
21 incarcerated pursuant to the order within the last five years. The notice ~~and~~ shall
22 inform the person that he must appear in person at the office of the registrar of voters
23 within twenty-one days after the date on which the notice was mailed to show cause
24 why his registration should not be suspended.

25 (3)

26 * * *

27 (b) If the registrant fails to appear within the required twenty-one days, the
28 registrar shall suspend the registration in the state voter registration computer system
29 and, if necessary, by drawing in red ink a line through the registrant's name on the
30 precinct register and the duplicate precinct register. Such line shall be initialed by

1 the registrar or employee of the registrar. The registrar shall note in the registrant's
 2 information on the state voter registration computer system and, if the original
 3 application is available in hard copy in the registrar's office, on the original
 4 application for registration that the registrar has been notified of an order of
 5 imprisonment for conviction of a felony for which there is an order of imprisonment
 6 which makes the registrant ineligible to register or vote pursuant to R.S.
 7 18:102(A)(1), and he shall note also the date of the suspension and the date of the
 8 report, when applicable. If the original application is available in hard copy in the
 9 registrar's office, the registrar shall remove the original application from his file of
 10 eligible voters and shall place it in his suspension file. In addition, each person
 11 whose registration is suspended under this Subsection shall immediately be notified
 12 of the suspension and the reason therefor.

* * *

14 Section 2. This Act shall become effective on February 1, 2022.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____