
DIGEST

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HB 846 Original

2022 Regular Session

Marcelle

Abstract: Repeals provisions of law providing relative to suspension of registration and voting rights based on conviction of a felony.

Present law (R.S. 18:102–La. Election Code) generally prohibits a person who is under an order of imprisonment for conviction of a felony from registering to vote. Present law (R.S. 18:2(8)) provides that this prohibition applies during a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.

Present law provides an exception to allow a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been incarcerated pursuant to the order within the last five years and the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years. However, provides that a person may not register or vote if he has been convicted of a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2) and is under an order of imprisonment.

Present law (R.S. 18:171 and 171.1) provides for recordation and reporting of felony convictions in state and federal courts for which there are orders of imprisonment. Reporting is ultimately to the registrar of voters in each parish.

Present law (R.S. 18:176) provides for suspension of the registration of a person listed on a report received pursuant to present law (R.S. 18:171 and 171.1) and anyone the registrar believes has been convicted of a felony and is under an order of imprisonment. Requires notice and an opportunity to appear before the registrar prior to suspension.

Present law (R.S. 18:177) provides for reinstatement of voter registration. Provides that when the registration of a person is suspended based on a felony conviction, the registration shall be reinstated when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that the person is no longer under an order of imprisonment.

Present law additionally provides that a person's registration shall be reinstated when the person provides documentation from the appropriate correction official showing that the person has not been incarcerated pursuant to an order of imprisonment for conviction of a felony within the last five years and he is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense pursuant to present law (R.S. 18:1461.2).

Present law (R.S. 18:177.1) requires the Dept. of Public Safety and Corrections to provide each person who completes all orders of imprisonment applicable to him for felony convictions with information apprising the person of the requirements and procedures for registering to vote and for reinstatement of registration and a state mail voter registration application.

Proposed law repeals present law.

Present law (R.S. 18:104(C)) provides that the voter application form shall inform the applicant of the penalty for violation of applicable laws relating to registration of voters. Further provides that such form shall contain an affidavit attesting that the applicant is a United States citizen; that the applicant is not currently under an order of imprisonment for conviction of a felony or, if the applicant is under such an order, that the applicant has not been incarcerated within the last five years and he is not under an order of imprisonment related to a felony conviction pursuant of an election offense; that the applicant is not currently under a judgment of full interdiction for mental incompetence, or a limited interdiction in which the right to register to vote has specifically been suspended; that the facts given by him on the application are true to the best of his knowledge and belief.

Proposed law retains present law but removes the provision relative to an order of imprisonment for conviction of a felony or incarceration.

Present law (R.S. 18:101(B)) provides that "resident" means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely. If a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides.

Proposed law retains present law but adds a provision relative to a person who is incarcerated pursuant to an order of imprisonment for conviction of a felony. Provides that the residence of such person shall be in this state and in the parish, municipality, if any, and precinct in which he is counted for redistricting purposes by the state.

Present law (R.S. 18:1303(G)) provides that a person incarcerated in an institution inside or outside the parish in which he is qualified to vote, who is not under an order of imprisonment for conviction of a felony, may only vote absentee by mail and only upon meeting the requirements of present law provisions relative to absentee by mail and early voting and certification to the appropriate registrar by the sheriff of the parish where the person is incarcerated that he is not a convicted felon.

Relative to the present law authorization for voting absentee by mail, proposed law repeals the limitation relative to persons under an order of imprisonment for conviction of a felony. Repeals requirement that sheriff certify that the person is not a convicted felon. Otherwise retains present law.

(Amends R.S. 18:101(B) and 1303(G); Repeals R.S. 18:2(8), 102(A)(1), (B), and (C), 104(C)(1)(b), 171, 171.1, 176(A), 177(A), and 177.1)