

2018 Regular Session

HOUSE BILL NO. 265

BY REPRESENTATIVE SMITH

VOTING/REGISTRATION: Provides relative to registration and voting by a person convicted of a felony

1 AN ACT

2 To amend and reenact R.S. 18:102(A)(1), 104(C), and 177(A)(1), relative to registration and
3 voting; to provide relative to registration and voting by a person convicted of a
4 felony; to provide relative to suspension of registration and voting rights of such a
5 person; to provide relative to procedures and requirements for voter registration and
6 voting; to provide relative to reinstatement of voter registration; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:102(A)(1), 104(C), and 177(A)(1) are hereby amended and
10 reenacted to read as follows:

11 §102. Ineligible persons

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

13 (1)(a) Under an order of imprisonment, as defined in R.S. 18:2(8), for
14 conviction of a felony; ~~or, except as provided in Subparagraph (b) of this Paragraph.~~

15 (b) A person who is under an order of imprisonment for conviction of a
16 felony and who has not been incarcerated pursuant to the order within the last five
17 years shall not be ineligible to register or vote based on the order if the person
18 submits documentation to the registrar of voters from the appropriate correction
19 official showing that the person has not been incarcerated pursuant to the order
20 within the last five years.

21 * * *

1 §104. Application for registration; form

2 * * *

3 C.(1) The form shall inform the applicant of the penalty for violation of
4 applicable laws relating to registration of voters and shall contain an affidavit to be
5 subscribed, through a handwritten signature, attesting to each of the following:

6 (a) that ~~That~~ the applicant is a United States citizen;

7 (b) That the applicant is not currently under an order of imprisonment for
8 conviction of a felony; or, if the applicant is under such an order, that the applicant
9 has not been incarcerated pursuant to the order within the last five years.

10 (c) That the applicant is not currently under a judgment of full interdiction
11 for mental incompetence, or a limited interdiction in which the right to register to
12 vote has specifically been suspended.

13 (d) and that ~~That~~ the facts given by him on the application are true to the best
14 of his knowledge and belief.

15 (2) When the registration application is completed at the office of motor
16 vehicles of the Department of Public Safety and Corrections or electronically on the
17 secretary of state's website, an electronically captured signature of the applicant shall
18 suffice as a handwritten signature of the applicant.

19 * * *

20 §177. Reinstatement of registration after suspension

21 A.(1) The registration of a person whose registration has been suspended by
22 the registrar of voters pursuant to R.S. ~~18:176 for conviction of a felony~~ 18:176(A)
23 shall be reinstated when the person appears in the office of the registrar and provides
24 documentation from the appropriate correction official showing that such person is
25 no longer under an order of imprisonment or, if the person is under such an order,
26 that the person has not been incarcerated pursuant to the order within the last five
27 years.

28 * * *

1 Section 2. Prior to the effective date of this Act, the secretary of state shall work
 2 with the Department of Public Safety and Corrections to develop a form or forms to allow
 3 a person who is or was under an order of imprisonment for conviction of a felony to meet
 4 the requirements of R.S. 18:102(A)(1) and 177(A) as amended by this Act.

5 Section 3. This Act shall become effective on March 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 265 Reengrossed

2018 Regular Session

Smith

Abstract: Allows a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been confined in a correctional facility pursuant to the order within the last five years.

Present constitution (Const. Art. I, §10) provides that every citizen of the state, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Present law (R.S. 18:102–La. Election Code) 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.

Proposed law retains present law and 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.

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. The information is ultimately provided 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 such person is no longer under an order of imprisonment. Provides that certain persons may provide the required documentation by mail.

Proposed law retains 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.

Proposed law requires the secretary of state to work with the Dept. of Public Safety and Corrections to develop a form or forms to allow a person who is or was under an order of imprisonment for conviction of a felony to meet the requirements of present law and proposed law provisions relative to voter registration and reinstatement of registration.

Effective March 1, 2019.

(Amends R.S. 18:102(A)(1), 104(C), and 177(A)(1))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add requirement that when registering to vote, a person who is under an order of imprisonment for conviction of a felony must submit 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.
2. Add provisions requiring the secretary of state to work with the Dept. of Public Safety and Corrections to develop a form or forms to allow a person who is or was under an order of imprisonment for conviction of a felony to meet the document requirements for voter registration and reinstatement of registration.
3. Make proposed law effective March 1, 2019.