

---

## 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 402 Original

2019 Regular Session

Smith

**Abstract:** Provides relative to registration and voting by a person convicted of a felony.

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.

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. 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.

Proposed law retains present law.

Present law additionally provides that in order to be eligible to register or 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.

Proposed law provides instead that such a person is eligible if such documentation has been provided to the registrar. Additionally provides that "incarcerated" means actual confinement in a prison or jail, including confinement pursuant to revocation of probation or parole and provides that "incarcerated" does not include confinement while awaiting sentencing or revocation, or confinement pursuant to a violation of a condition of probation or parole that does not result in revocation. Otherwise retains present law.

Present law (R.S. 18:171) requires the clerk of a court having jurisdiction over a criminal proceeding to record in the minute book in his office certain convictions of a felony and the name, aliases, date of birth, sex, and address of the person subject to the conviction. Requires this recordation to be

made immediately after the judgment is signed.

Proposed law retains present law.

Present law provides that the required information must be recorded for each conviction of a felony for which there is an order of imprisonment.

Proposed law provides that the required information must be recorded for each conviction of a felony for which there is an order of incarceration, instead of imprisonment. Additionally provides that the clerk may record the information in a digital facsimile of the minute book.

Present law requires the secretary of the Dept. of Public Safety and Corrections (DPSC) to send to the Dept. of State a report containing the name, date of birth, sex, and address for certain persons. Requires DPSC to supplement this report on no less than a quarterly basis. Requires the Dept. of State to confirm that the information has been entered into the department's databases and provide for correction if necessary.

Proposed law retains prior law.

Present law requires the reports from DPSC to contain the specified information for each person who has a felony conviction and who is under the custody or supervision of DPSC.

Proposed law adds the additional requirement that the person be ineligible to register or vote pursuant to present law (R.S. 18:102(A)(1)) in order to be included a the report.

Present law additionally requires the secretary of DPSC to indicate in the supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of DPSC and whether the individual has been granted or is eligible to be granted a first offender pardon.

Proposed law retains present law. Additionally requires the supplemental reports to indicate each person under the custody or supervision of DPSC who is eligible to register or vote pursuant to present law (R.S. 18:102(A)(1)(b)) and who is not ineligible pursuant to present law (R.S. 18:102(A)(1)(c)).

Present law (R.S. 18:171.1) provides for reporting concerning federal convictions. Requires each U.S. attorney to notify the secretary of state of certain felony convictions in a U.S. district court.

Proposed law retains present law.

Present law requires reporting for any felony conviction of a person for which there is an order of imprisonment.

Proposed law instead requires reporting for any felony conviction of a person for which there is an order of imprisonment and for which the person is incarcerated.

Present law (R.S. 18:176(A)) provides for suspension of voter registration based on a felony conviction. Requires the registrar to send a notice to certain persons. Provides that the notice shall inform the person that he must appear in person at the office of the registrar of voters within 21 days after the date on which the notice was mailed to show cause why his registration should not be suspended. Provides that if the registrant appears and shows cause within the 21 days, the registrar shall not suspend the registration.

Proposed law retains present law.

Present law requires the registrar to send a notice to each person listed on a report received pursuant to present law (R.S. 18:171 or 171.1) and to any person the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment.

Proposed law additionally requires that the registrar must believe the person is ineligible to register or vote pursuant to present law (R.S. 18:102(A)(1)) to send a notice.

Present law (R.S. 18:177) provides for reinstatement of registration after suspension. Provides that the registration of a person whose registration has been suspended by the registrar of voters pursuant to present law (R.S. 18:176(A)) shall be reinstated when the person appears and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment or, if the person is under such an order, that the person has not been incarcerated pursuant to the order within the last five years and the person 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). Provides that certain persons may instead provide the required documentation by mail.

Proposed law repeals the requirement that the person appear in the office of the registrar and provide the documentation. Instead provides that the registration is reinstated when the registrar receives the required documentation. Repeals provisions that allow certain persons to provide the required documentation by mail. Otherwise retains present law.

(Amends R.S. 18:102(A)(1)(b), 171(A) and (C)(1) and (2), 171.1(A)(1), 176(A)(1) and (2), and 177(A)(1); Repeals R.S. 18:177(A)(2))