

RÉSUMÉ DIGEST

ACT 127 (HB 378)

2021 Regular Session

Jenkins

Existing 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.

Existing 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. Existing 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.

Existing law (R.S. 18:102) 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 existing law (R.S. 18:1461.2) and is under an order of imprisonment.

Prior law required a person who could register and vote despite being under an order of imprisonment for conviction of a felony to submit documentation to the registrar of voters from the appropriate correction official showing that the person had not been incarcerated pursuant to the order within the last five years. New law removes this documentation requirement.

New law provides that "incarcerated pursuant to the order" means actual confinement in a correctional facility pursuant to the order of imprisonment, including confinement after conviction but prior to sentencing for which the person is given credit in the order and confinement following revocation of probation or parole. Provides that "incarcerated pursuant to the order" does not include confinement pursuant to a violation of a condition of probation or parole that does not result in revocation.

Existing 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 convictions of a felony for which there is an order of imprisonment and the name, aliases, date of birth, sex, and address of the person subject to the conviction. Requires the recordation to be made immediately after the judgment is signed. New law additionally stipulates that the recordation of information is required if the person is incarcerated pursuant to the order of imprisonment.

Existing law requires the sheriff and district attorney to provide specified information regarding persons convicted of a felony to a registrar of voters, if requested. New law adds that the information provided shall include the type of felony offense and whether the conviction resulted in incarceration pursuant to an order of imprisonment.

New law further provides that, if requested, the secretary of the Dept. of Public Safety and Corrections (DPSC) or his authorized representative shall provide information to a registrar of voters regarding a person who is under an order of imprisonment for conviction of a felony, including whether the person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense pursuant to existing law (R.S. 18:1461.2) and whether the person has been incarcerated pursuant to the order within the last five years.

Existing law requires the secretary of 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.

Prior law required the reports from DPSC to contain the specified information for each person with a felony conviction who was under the custody or supervision of DPSC.

New law requires such reports to include information regarding only those persons who are ineligible to register or vote pursuant to the provisions of existing law (R.S. 18:102(A)(1)).

Prior law additionally required the secretary of DPSC to indicate in the supplemental reports each person with a felony conviction who had been released from the custody or supervision of DPSC and whether the individual had been granted or was eligible to be granted a first offender pardon. New law removes prior law.

Existing 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.

Prior law required reporting for any felony conviction of a person for which there was an order of imprisonment. New law instead requires reporting for any felony conviction for which the person is incarcerated pursuant to an order of imprisonment.

Existing 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. Provides that if the registrant fails to appear, the registrar shall suspend the registration and note specified information regarding the suspension in the registrant's registration information.

Existing law requires the registrar to send a notice to each person listed on a report received pursuant to existing law (R.S. 18:171 or 171.1). Prior law additionally required the registrar to send a notice to any person who the registrar had reason to believe had been convicted of a felony and was under an order of imprisonment.

New law instead provides that the registrar send the notice to each such person the registrar has reason to believe is ineligible to register or vote pursuant to existing law (R.S. 18:102(A)(1)). New law further requires the registrar to include in the notice to the registrant the information pursuant to existing law that constitutes the reason the registrar believes the registrant ineligible. Existing law further requires the registrar to note such information in the registrant's registration information.

Existing 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 existing 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 existing law (R.S. 18:1461.2). Provides that certain specified persons may instead provide the required documentation by mail, facsimile, commercial carrier, or hand delivery.

Effective February 1, 2022.

(Amends R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1), (2), and (3)(b); Adds R.S. 18:102(C))