

2023 Regular Session

HOUSE BILL NO. 396

BY REPRESENTATIVES JENKINS AND WILFORD CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VOTING/REGISTRATION: Provides for the reinstatement of the voter registration of a person who is no longer under an order of imprisonment

1 AN ACT

2 To amend and reenact R.S. 18:177(A), relative to the reinstatement of voter registration; to
3 provide for reinstatement for a person who is no longer under an order of
4 imprisonment or has not been incarcerated pursuant to the order for five years; to
5 provide for a reinstatement application; to provide for the duties of the secretary of
6 state; to provide for notification to the registrar of voters; to provide for the duties
7 of the registrar; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:177(A) is hereby amended and reenacted to read as follows:

10 §177. Reinstatement of registration after suspension

11 A.(1) The registration of a person whose registration has been suspended by
12 the registrar of voters pursuant to R.S. 18:176(A) shall be reinstated by the registrar
13 upon both of the following:

14 (a) Receipt of a voter reinstatement application developed by the secretary
15 of state and approved by the attorney general. The application shall be filed by the
16 person seeking reinstatement with the registrar of voters in the parish where the
17 applicant is qualified to vote. Filing shall be made in person, by mail, or by

1 electronic submission if a method of electronic submission is approved by the
2 secretary of state.

3 (b) Any of the following:

4 (i) For a person whose registration is suspended for a state felony conviction
5 or for an out of state felony conviction when probation or parole has been transferred
6 to the state of Louisiana, the person is no longer identified on a report provided to
7 the registrar by the Department of State pursuant to R.S. 18:171(C).

8 (ii) The registrar receives notice that a judgment of conviction for which the
9 registration was suspended was overturned or vacated pursuant to R.S. 18:171(D) or
10 171.1(D).

11 (iii) The registrar receives ~~when the person appears in the office of the~~
12 ~~registrar and provides~~ documentation from the appropriate correction official
13 showing that ~~such~~ the person is no longer under an order of imprisonment or, if the
14 person is under such an order, that the person has not been incarcerated pursuant to
15 the order within the last five years and the person is not under an order of
16 imprisonment related to a felony conviction pursuant to election fraud or any other
17 election offense pursuant to R.S. 18:1461.2. Such documentation may be delivered
18 by mail, facsimile, commercial carrier, or hand delivery, or by electronic submission
19 in a method approved by the secretary of state.

20 ~~(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, such~~
21 ~~documentation may be provided by mail, facsimile, commercial carrier, or hand~~
22 ~~delivery for the following:~~

23 ~~(a) A person who has been approved by the parish board of election~~
24 ~~supervisors as being eligible to participate in the Special Program for Handicapped~~
25 ~~Voters as such program existed prior to January 1, 2010.~~

26 ~~(b) A person who has submitted to the registrar current proof of disability~~
27 ~~from a physician along with a certification from the physician indicating that by~~
28 ~~reason of the person's disability the person is unable to appear in person to vote~~
29 ~~either during early voting or at the polling place on election day. If the applicant for~~

1 reinstatement has used the wrong form or has not provided the required
2 documentation, the registrar of voters shall notify the applicant in writing, provide
3 the correct form if the wrong form was used, and inform the applicant that he has ten
4 days from the date on which the notice was mailed to submit the correct form and
5 provide the required documentation. If the applicant complies and the registrar
6 determines that he is eligible for reinstatement, the applicant shall be added to the
7 official list of voters and the registrar shall send notice of reinstatement to the
8 applicant. If the applicant does not respond to the registrar's request within ten days,
9 the reinstatement shall be rejected and the registrar shall so advise the applicant in
10 writing. If the registrar's request is returned by the United States Postal Service, the
11 reinstatement application shall be rejected and the registrar shall attempt to notify the
12 applicant of such action.

13 * * *

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 396 Reengrossed

2023 Regular Session

Jenkins

Abstract: Requires the registrar to reinstate the voter registration of a person whose registration was suspended following an order of imprisonment upon submission of a voter reinstatement application and if the person is no longer identified as subject to suspension on certain lists submitted to the registrar or if the registrar receives certain documentation showing the person is no longer subject to suspension.

Present constitution (La. Const. Art. I, §10) provides that the right to vote may be suspended for a person who is under an order of imprisonment for conviction of a felony.

Proposed law retains present constitution.

Present law (R.S. 18:102) provides that no person shall be permitted to register or vote who is either:

- (1) Under an order of imprisonment for conviction of a felony and has been incarcerated pursuant to the order within the last five years.
- (2) Convicted of a felony offense of election fraud or any other election offense and is under an order of imprisonment.

Proposed law retains present law.

Present law (R.S. 18:176) requires the registrar of voters to suspend the registration of a person who meets the above requirements.

Proposed law retains present law.

To facilitate the suspension process, present law (R.S. 18:171) requires the Dept. of Public Safety and Corrections to submit lists to the Dept. of State identifying individuals who meet the requirements for suspension. The Dept. of State is thereafter required to report the information received from the Dept. of Public Safety and Corrections to the registrar of voters of each parish on no less than a quarterly basis.

Proposed law retains present law.

Present law (R.S. 18:171) requires the clerk of court to give written notice of the vacation of a judgment of conviction to the appropriate registrar of voters.

Proposed law retains present law.

Present law (R.S. 18:171.1) requires each U.S. attorney to give written notice to the secretary of state of any felony conviction of a person for which there is an order of imprisonment and for which the person is incarcerated pursuant to the order and notice of the vacation of a judgment of conviction. The secretary of state is thereafter required to send to the registrar of voters of each parish such information regarding persons with a definitive felony conviction and the vacation of a judgment of conviction.

Proposed law retains present law.

Present law (R.S. 18:177) requires a person's registration to be reinstated only when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that he is no longer subject to suspension. Present law further provides that the required documentation may be provided by mail, facsimile, commercial carrier, or hand delivery only if the person is eligible to participate in the Special Program for Handicapped Voters or the person has submitted current proof of disability to the registrar and otherwise meets certain qualifications related to his disability.

Proposed law repeals present law and instead provides that a person's registration shall be reinstated by the registrar upon submission of a voter reinstatement application developed by the secretary of state and approved by the attorney general. Requires that the application be filed by the person seeking reinstatement with the registrar in the parish where the applicant is qualified to vote. Filing shall be made in person, by mail, or by electronic submission if a method of electronic submission is approved by the secretary of state.

Proposed law further requires that reinstatement be dependent upon any of the following:

- (1) For a person whose registration is suspended for a state felony conviction or for an out-of-state felony conviction when probation or parole has been transferred to La., the person is no longer identified on a report provided to the registrar by the Dept. of Public Safety and Corrections in accordance with present law.
- (2) The registrar receives notice that a judgment of conviction for which the registration was suspended was overturned or vacated in accordance with present law.
- (3) The registrar receives documentation from the appropriate correction official showing that the person is no longer subject to suspension. Further provides that such documentation may be delivered by mail, facsimile, commercial carrier, hand delivery, or by electronic submission in a method approved by the secretary of state.

Proposed law provides that if the applicant has used the wrong form or has not provided the required documentation, the registrar shall notify the applicant in writing, provide the correct form, and inform the applicant that he has 10 days to submit the correct form and provide the required documentation. If the applicant complies and the registrar determines that he is eligible for reinstatement, the applicant shall be added to the official list of voters and the registrar shall send notice of reinstatement to the applicant. If the applicant does not respond to the registrar's request within 10 days, the reinstatement shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's request is returned by the U.S. Postal Service, the reinstatement application shall be rejected and the registrar shall attempt to notify the applicant of such action.

(Amends R.S. 18:177(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add requirement for submission of a voter reinstatement application.
2. Provide that only for a registration suspended due to a state felony conviction or an out-of-state conviction when probation or parole has been transferred to La. shall registrars rely solely on lists submitted to the Dept. of State in order to reinstate registration.
3. Provide that the notification of a judgment of conviction that the registrar relies upon for reinstatement shall be for the same conviction for which registration was suspended.
4. Authorizes delivery of documentation that a person is no longer subject to suspension by electronic submission in a method approved by the secretary of state instead of by electronic mail.

The House Floor Amendments to the engrossed bill:

1. Require that the application be filed by the person seeking reinstatement in person, by mail, or by electronic submission if a method of electronic submission is approved by the secretary of state.
2. Add provisions relative to obligations of the registrar if the applicant uses the wrong form or lacks required documentation.