

2016 Regular Session

HOUSE BILL NO. 851

BY REPRESENTATIVE HUNTER

VOTERS/VOTING: Provides with respect to voter eligibility

1 AN ACT

2 To amend and reenact R.S. 18:1303(G) and to repeal R.S. 18:2(8), 102(A)(1) and (B),  
3 104(A)(5), 171, 171.1, 176(A), 177(A), and 177.1, relative to registration and voting;  
4 to repeal provisions of law providing relative to suspension of registration and voting  
5 rights based on conviction of a felony; to provide relative to procedures for voter  
6 registration and voting; to provide relative to reinstatement of voter registration; to  
7 provide relative to notice and reporting of felony convictions; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 1303(G) is hereby amended and reenacted to read as follows:

11 §1303. Persons entitled to vote in compliance with this Chapter

12 \* \* \*

13 G. Persons incarcerated. A person incarcerated in an institution inside or  
14 outside the parish in which he is qualified to vote, ~~who is not under an order of~~  
15 ~~imprisonment for conviction of a felony~~, may only vote absentee by mail and only  
16 upon meeting the requirements of this Chapter ~~and certification to the appropriate~~  
17 ~~registrar by the sheriff of the parish where the person is incarcerated that he is not~~  
18 ~~a convicted felon.~~

19 \* \* \*

1 Section 2. R.S. 18:2(8), 102(A)(1) and (B), 104(A)(5), 171, 171.1, 176(A), 177(A),  
2 and 177.1 are hereby repealed in their entirety.

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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)]

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HB 851 Original

2016 Regular Session

Hunter

**Abstract:** Repeals provisions of law providing relative to suspension of registration and voting rights based on conviction 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 (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 such person is no longer under an order of imprisonment.

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. 18:1303(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. 18:1303(G); Repeals R.S. 18:2(8), 102(A)(1) and (B), 104(A)(5), 171, 171.1, 176(A), 177(A), and 177.1)