

2018 Regular Session

HOUSE BILL NO. 417

BY REPRESENTATIVE IVEY

VOTERS/VOTING: 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) and to enact R.S.
3 18:18(A)(11), relative to registration and voting; to provide relative to registration
4 and voting by a person convicted of a felony; to provide relative to suspension of
5 registration and voting rights of such a person; to provide relative to procedures and
6 requirements for voter registration and voting; to provide relative to reinstatement
7 of voter registration; to provide relative to the duties of the secretary of state; to
8 provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:102(A)(1), 104(C), and 177(A)(1) are hereby amended and
11 reenacted and R.S. 18:18(A)(11) is hereby enacted to read as follows:

12 §18. Secretary of state; powers and duties

13 A. The secretary of state shall administer the laws relating to custody of
14 voting machines and voter registration, and for this purpose he shall:

15 * * *

16 (11) Work with the Department of Public Safety and Corrections to develop
17 a form to allow the appropriate correction official to verify that the conditions
18 specified in R.S. 18:177(A)(1) are met with regard to a person who is or was under
19 an order of imprisonment for conviction of a felony.

20 * * *

1 §102. Ineligible persons

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

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

5 (b) The person shall not be ineligible to register or vote based on the order
6 if each of the following conditions is met:

7 (i) The order is not for a felony that is a crime of violence as defined in R.S.
8 14:2.

9 (ii) The person has not been incarcerated pursuant to the order within the last
10 five years.

11 (iii) The person has performed at least forty hours of community service
12 since being sentenced for the conviction which service was not part of his sentence
13 or a condition of his probation or parole.

14 * * *

15 §104. Application for registration; form

16 * * *

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

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

21 (b) That the applicant is not currently under an order of imprisonment for
22 conviction of a felony or, if the applicant is under such an order, that each of the
23 following conditions is met:

24 (i) That the order is not for a felony that is a crime of violence as defined in
25 R.S. 14:2.

26 (ii) That the applicant has not been incarcerated pursuant to the order within
27 the last five years.

28 (iii) That the applicant has performed at least forty hours of community
29 service since being sentenced for the conviction which service was not part of his
30 sentence or a condition of his probation or parole.

1 Section 3. It is the intent of the legislature that both this Act and the Act which
2 originated as House Bill No. ____ of the 2018 Regular Session shall become effective on
3 February 1, 2019, but that neither Act shall become effective without the other. Therefore,
4 this Act shall only become effective if the Act which originated as House Bill No. ____ of
5 the 2018 Regular Session is enacted by the legislature and is signed by the governor;
6 becomes law without signature by the governor pursuant to Article III, Section 18 of the
7 Constitution of Louisiana; or is vetoed by the governor but subsequently approved by the
8 legislature.

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 417 Original

2018 Regular Session

Ivey

Abstract: Allows a person who is under an order of imprisonment for conviction of a felony to register and vote if the felony is not a crime of violence, the applicant has not been incarcerated pursuant to the order within the last five years, and the applicant has performed at least 40 hours of community service.

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 each of the following conditions is met:

- (1) The order is not for a felony that is a crime of violence as defined in present law (R.S. 14:2).
- (2) The person has not been incarcerated pursuant to the order within the last five years.
- (3) The person has performed at least 40 hours of community service since being sentenced for the conviction which service was not part of his sentence or a condition of his probation or parole.

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 made 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 each of the conditions of the proposed law exception has been met.

Present law provides for the powers and duties of the secretary of state. Proposed law retains present law and additionally requires the secretary of state to work with the Dept. of Public Safety and Corrections to develop a form to allow the appropriate correction official to verify that the conditions specified in present law and proposed law for reinstatement of voter registration are met with regard to a person who is or was under an order of imprisonment for conviction of a felony.

Effective Feb. 1, 2019, but only if HB ____ of this 2018 R.S. is enacted by the legislature and is signed by the governor, becomes law without signature by the governor, or is vetoed by the governor but subsequently approved by the legislature.

(Amends R.S. 18:102(A)(1), 104(C), and 177(A)(1); Adds R.S. 18:18(A)(11))